

Unapproved December 9, 2021
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TOWN OF CAMBRIA TOWN BOARD

December 9, 2021

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 9th day of December 2021 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor
Matthew P. Foe, Councilman
Jeffrey S. Hurtgam, Councilman
Randy M. Roberts, Councilman

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Jon MacSwan, Highway Superintendent
Robert Roberson, Attorney
Tim Walck, Wendel
David Godfrey, Legislator
5 Interested individuals

Delayed: 7:05 pm

Benjamin D. Musall, Councilman
Robert Roberson, Attorney

Following salute to the flag, Supervisor Ellis called the meeting to order. Board members took action upon the following matters:

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the minutes of the Town Board meetings of October 28, November 4, work and regular, November 18, 2021 meeting.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

APPROVAL OF VOUCHERS

Having been reviewed by the Town Board, the following claims were presented for payment:

December 9, 2021

FUND	CLAIM	AMOUNT
Drainage	9-11	\$23,655.66
General	506-548	\$93,428.18
Highway	189-203	\$16,516.95
Refuse	14-17	\$36,720.65
Sewer Operating	29-31	\$2,859.82
Trust & Agency	16-17	\$3,269.00
Water Operating	156-172	\$78,327.89

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated December 9, 2021 be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

RIDGE ROAD (ROUTE 104) CULVERT ISSUES

Tim Walck, Wendel, reported that the Rt. 104 Culvert pipe project is essentially complete. The water is flowing from South to North. The project came in under budget and no change orders. Highway Superintendent stabilized the area with straw/hay. The ditch will be cleaned next week and the pipe and catch basin will then be installed.

Jon MacSwan complimented Mr. Walck for the work he did with this project.

Supervisor Ellis reported that the total project cost is projected to be \$275,000.00. This includes total Engineering of \$50,000.00, including the additional authorization for construction services, \$12,000.00 cost of materials for the Town share of the work and a 10% contingency. It does not include the cost of Town labor which will be charged to the Drainage Fund.

The Drainage Fund has a balance of \$151,362.52 in Unassigned Fund Balance. This is money which has accumulated over the years when all of the annual appropriations are not spent. Supervisor Ellis recommends that the Town use \$75,000.00 of that Unassigned Fund Balance toward payment of the project costs and pay the balance of the project costs from the American Rescue Plan Act (ARPA) allocation of \$294,614.50 (2021) as authorized for stormwater infrastructure, with the necessary funds being transferred from the General Fund to the Drainage Fund.

WHEREAS, the projected cost of the Ridge Road Culvert Replacement Project undertaken by the Town of Cambria Drainage District is projected to be \$275,000, and

WHEREAS the Town of Cambria Drainage District has substantial funds in its Unassigned Fund Balance account. It is proposed that the Town Board authorize the Supervisor to withdraw the sum of \$75,000 from such Unassigned Fund Balance and apply the same toward the payment of the projected cost of the Ridge Road Culvert Replacement Project of \$275,000.

NOW, THEREFORE, BE IT RESOLVED that the Supervisor is hereby authorized to withdraw the sum of \$75,000 from the Cambria Drainage District – Unassigned Fund Balance – and apply the same toward the payment of the projected cost of the Ridge Road Culvert Replacement Project.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the resolution authorizing the Supervisor withdraw the sum of \$75,000.00 from the Cambria Drainage District Unassigned Fund Balance and apply the same toward the payment of the projected cost of the Ridge Road Culvert Replacement Project.

The question of the adoption of the forgoing Resolution was put to a roll call vote, which resulted as follows:

WRIGHT H. ELLIS voting AYE
MATTHEW P. FOE voting AYE
JEFFREY S. HURTGAM AYE
BENJAMIN D. MUSALL voting AYE
RANDY M. ROBERTS voting AYE

WHEREAS the American Rescue Plan Act (ARPA) has allocated the sum of \$294,614.58 to the Town of Cambria, and

WHEREAS by the Federal Registrar Vol. 86, No. 93 dated May 17, 2021 Rules and Regulations, paragraph D., Investments in Infrastructure – the improvement of storm-water infrastructure systems are identified as an eligible use of ARPA funds, and

WHEREAS the Town of Cambria determined that replacement of the Ridge Road Culvert was a matter of highest priority for the Town as it was not only a means of transporting storm water away from valuable homes and properties but it also because of the economic activities that existed and had existed on the affected properties for decades. These properties contained and supported valuable business and maintained the local economy by providing valuable employment for local residents. Without the Culvert Replacement Project the involved real properties were in constant jeopardy of being flooded again and again depending solely on the weather. The affected properties and business namely being Faery Landscaping,

Faery's Nursery and Hurtgam Farms, and George Jowdy had estimates of damages to properties and business totaling \$2,350,000.00.

NOW, THEREFORE, BE IT RESOLVED that the projected cost of the Ridge Road Culvert Replacement Project in the approximate amount of \$275,000 to be paid by the Town of Cambria and Cambria Drainage District by using \$75,000 from the Drainage District Unassigned Fund Balance and approximately \$200,000 from ARPA funds, and

BE IT FURTHER RESOLVED that the Supervisor is hereby authorized to pay the amounts due on the Ridge Road Culvert Replacement Project in the manner set forth in the total approximate sum of \$275,000.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to approve the resolution authorizing the Supervisor to pay the amounts due on the Ridge Road Culvert in the total approximate sum of \$275,000.00 from the ARPA Funds.

The question of the adoption of the forgoing Resolution was put to a roll call vote, which resulted as follows:

WRIGHT H. ELLIS voting AYE
MATTHEW P. FOE voting AYE
JEFFREY S. HURTGAM AYE
BENJAMIN D. MUSALL voting AYE
RANDY M. ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report November: Total Receipts: \$70,318.63
- Building Inspector Report November: Total fees collected: \$ 4,686.67
Estimated value of construction: \$ 1,235,174.00
- In receipt of a letter from Cambria Fire Company requesting to add members to their active roster: Krista Hogg, 5310 Shawnee Rd., Sanborn- The physical paperwork pending.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved to approve the addition of Krista Hogg, 5310 Shawnee Rd., Sanborn; the physical paperwork pending.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

Jon MacSwan, Highway Superintendent, reported as follows:

- Finished brush pick up as of now, but if there is a storm, brush will be picked up.
- The ditch will be cleaned next week on Ridge Rd.
- Salt supply is good.

WATER SEWER REPORTS

Jon MacSwan, Highway Superintendent, reported as follows:

- Leak on Ridge Rd.
- Winterizing hydrants.

ATTORNEY REPORTS

No Report.

Supervisor Ellis reported on the following:

BEAR RIDGE SOLAR PROJECT

- Cypress Creek submitted the 94C application. It is extensive and contains three volumes each approximately 1' thick. It is now in the review process.
- He is in receipt of a letter from the NYS Comptroller's office that after reviewing the supporting documentation and calculation of the local government tax levy limit as well as the proposed tax levy for 2022 they have no findings; all satisfactory.
- Recycling- in the fall when the Town approved the new contract with Modern, it included an option regarding recycling and adding an additional dollar per house hold and as the price of recycling increases the Town may get money back. As of October the price went up and the Town received a check for a little over one thousand dollars and will be receiving another one for November.

CONCERNS OF CITIZENS

Sharon Tazner-5693 Subbera Rd.

Ms. Tazner announced there will be an opposition group community meeting and is open to the public on December 15, 2021 at 6:30 pm at the Cambria Fire Hall.

Ms. Tazner's daughter lives on Lower Mountain Road and wants to know what the stakes are for.

There is a company placing stakes for National Fuel.

DAVID GODFREY-LEGISLATOR

Mr. Godfrey reported that the County held its public hearing on the 2022 budget Tuesday. The proposed value tax rate will decrease by \$.29-that is a 4.4% reduction. This rate has gone down for the last seven years. The budget itself is under the tax cap. The summary is for 2.66% with a tentative budget of \$371,500,000. For the county; sales tax increase is approximately at a 4% increase.

NEW BUSINESS

2023 ASSESSMENT ROLL UPDATE

Debra Littere, Assessor, was present to discuss updating the 2023 Assessment roll and annual maintenance of assessment equity. The Town's equalization rate has been declining since the revaluation. It will be going down to 71% for 2022. This reassessment will help to equalize things in the Town. Some property values will go up some down but this will insure that everyone will be paying their fair share. Homes in Cambria have been selling for more than the assessed values. Having an equalization rate of 100% will ensure lower tax rates, higher exemptions and the Town gets a better bond rating.

WHEREAS, the Town of Cambria Town Board supports the efforts of its Town Assessor, Debra Littere, in updating the Town's 2023 Assessment Roll and maintenance of such Assessment Roll at full market value; and

WHEREAS, the Town Board supports the allocation of sufficient resources for Town staff and services to complete the project,

NOW, THEREFORE, BE ITRESOLVED, that the Town of Cambria Town Board hereby expresses its support of its Town Assessor, Debra Littere, in updating the Town's 2023 Assessment Roll and maintenance of such Assessment Roll at full-market value, and annually maintains assessment equity and 100% full value assessment after 2023, and authorizes the allocation of sufficient resources for Town staff and services to

complete such project and the annual maintenance of assessment equity, and **BE IT FURTHER,**

RESOLVED, that the Town Board further requests that the New York State Office of Real Property Tax Services and the Niagara County Office of Real Property Services provides assistance that is typically afforded during such projects to the Town of Cambria Assessor.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the Resolution supporting the Town Assessor in updating the 2023 Assessment Roll.

The question of the adoption of the forgoing Resolution was put to a roll call vote, which resulted as follows:

WRIGHT H. ELLIS voting AYE
MATTHEW P. FOE voting AYE
JEFFREY S. HURTGAM AYE
BENJAMIN D. MUSALL voting AYE
RANDY M. ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

ZONING BOARD OF APPEALS APPOINTMENTS

Supervisor Ellis indicated that there were a couple open seats on the Zoning Board of Appeals. Help wanted ad ran in the newspaper and on the Town website. Interested individuals contacted the Supervisor and interviews were conducted.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall it was resolved to appoint Andrew Milleville, 4727 Lockport Road to a three year term on the Zoning Board of Appeals: term to expire 12/31/24; and to appoint Mark March, 4864 Lower Mountain Rd., to fill the alternate seat: term to expire 12/31/2022.

2021 YEAR END CLOSEOUT OF ACCOUNTS

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved to authorize the Supervisor to encumber funds, pay bills and make necessary line item transfers to close out the 2021 accounts.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PROCUREMENT POLICY PURCHASES

2022-01 General

Compact Track Loader/Construction and Snow Removal

Funding for this is in the 2022 Budget- trying to get the order in because it will take about three months.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the purchase from Bobcat of Buffalo-6830 S. Transit Rd., in the amount of \$65,207.04 - State Bid Contract for a T76 T4 Bobcat Compact Track Loader.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2021-17 General

Back Desk for the Highway Clerk

Prentice Office Environments-\$1,235.47 desk and labor

**2021-16 General
Reconfiguration of the Building Inspector Clerk's Office**

Prentice Office Environments-\$1,769.69 supplies and labor

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts it was resolved to approve the purchase for Highway Clerk from Prentice Office Environments-\$1,235.47 desk and labor and Reconfiguration of the Building Inspector Clerk's Office-Prentice Office Environments-\$1,769.69 supplies and labor.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

**2021-15 General
Town Clerk-update two desk chairs**

Prentice Office Equipment-\$1,159.56

**2021-18 Water
Water Clerk Workstation-to update and rearrange work stations**

Prentice Office Environments- \$4,930.03 material and labor

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the purchase for Town Clerk from Prentice Office Environments-\$1,159.56 two chairs and Reconfiguration Water Clerk's Office-Prentice Office Environments-\$4,930.13 supplies and labor.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

BUILDING INSPECTOR POSITION

Supervisor Ellis indicated that a Building Inspector position was created a couple months ago. Applications were received and interviews were conducted. The Town Board is able to appoint this position provisionally as there were only two names on the certified civil service list.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts it was resolved to appoint Matthew Cooper, 5838 Shawnee Rd., to the position of Building Inspector- provisionally. This is until he can take the Civil Service Exam. This position is effective January 1, 2022.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Councilman Foe wished everyone a Merry Christmas.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Roberts. Time: 7:35 pm

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk