

**TOWN OF CAMBRIA TOWN BOARD**

**January 11, 2024**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 11<sup>th</sup> day of January 2024 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

**BOARD MEMBERS PRESENT:**

Jon T. MacSwan, Supervisor  
Louise C. Brachmann, Councilwoman  
Jeffrey S. Hurtgam, Councilman  
Benjamin D. Musall, Councilman  
Randy M. Roberts, Councilman

**ALSO PRESENT:**

Tamara J. Cooper, Town Clerk  
David Haylett, Attorney  
Steven Kroening, Highway Superintendent  
10 Interested Individuals

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

Supervisor MacSwan welcomed Mrs. Brachmann and the audience to their first Town Board meeting.

**APPROVAL OF MINUTES**

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts it was resolved to approve the minutes of the Town Board meetings of 12/14/23 work and regular.

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**APPROVAL OF VOUCHERS**

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

<b>December 31, 2023</b>	<b>ACCOUNT</b>
<b>Drainage</b>	<b>\$ 12,538.67</b>
<b>General</b>	<b>\$ 76,342.69</b>
<b>Highway</b>	<b>\$ 13,838.53</b>
<b>Refuse</b>	<b>\$ 42,455.87</b>
<b>Sewer Construction</b>	<b>\$ 10,772.03</b>
<b>Sewer Operating</b>	<b>\$ 273.88</b>
<b>Water Operating</b>	<b>\$ 55,277.36</b>

<b>January 11, 2024</b>	<b>ACCOUNT</b>
<b>Drainage</b>	<b>\$ 442.50</b>
<b>Fire (special district)</b>	<b>\$ 2,654.84</b>
<b>General</b>	<b>\$ 4,401.33</b>

<b>Highway</b>	<b>\$ 9,256.75</b>
<b>Sewer Construction</b>	<b>\$ 1,734.90</b>
<b>Sewer Operating</b>	<b>\$ 1,911.35</b>
<b>Water Operating</b>	<b>\$ 9,822.70</b>

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the abstract of audited vouchers dated December 31, 2023 & January 11, 2024, be approved as read by the Town Clerk.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

**REORGANIZATION RESOLUTIONS**

The following re-organizational appointments, meeting schedules, salary schedules and various authorizations, numbered 1-34 were presented for the Board’s consideration:

**TOWN OF CAMBRIA RE-ORGANIZATIONAL MEETING**

**JANUARY 11, 2024**

1. **Town Board Meeting** 2nd Thursday of each month at 7 PM at the Town Hall;  
Work meeting as scheduled
2. **Planning Board Meeting** 3rd Monday of each month at 7 PM at the Town Hall; Exceptions due to conflicts relating to certain holidays: 1/22/24-6:00 PM; 2/26/24-6:00 PM; 5/20/24-6:00 PM and 12/16/24-6:00 PM
3. **Zoning Board Meeting** 4th Monday of each month at 7 PM at the Town Hall; Exceptions due to conflicts relating to certain holidays: 5/20/24-7:00 PM and 12/16/24-7:00 PM
4. **Newspaper Publications** Authorize advertising in Union Sun & Journal or Niagara Gazette, as needed
5. **Official Banks** KeyBank (Sanborn/Cambria) for Town Justices  
M & T Bank (Lockport) for all other departments  
Evans Bank, NA (Lockport)
6. **Authorize Supervisor to invest money in accordance with the Investment Policy as reviewed and approved.**
7. **Approve 2024 Fee Schedule including IRS mileage increase to .67 cents per mile.**
8. **Authorize Department Heads and Elected Officials and/or their designees to attend monthly and regional association meetings / training schools as scheduled.**

**9. APPOINTMENTS:**

<b>Assessment Review Board Member</b>	Sharon Tasner, term ending 9/30/2028
<b>Buildings-Grounds Maintenance Manager</b>	Steven M. Kroening, one-year term
<b>Cemetery Superintendent</b>	Steven M. Kroening, one-year term

<b>Cemetery Supt. Assistant</b>	Patrick McCoy, one-year term
<b>Drainage Committee</b>	Benjamin Musall, one-year term Jeffrey S. Hurtgam, one-year term Steven M. Kroening, one-year term Patrick McCoy, one-year term
<b>Board of Ethics</b>	Louann Murawski Three-year term expiring 12/31/2026
<b>Highway Foreman</b>	Patrick McCoy, one-year term
<b>Justice Court Clerks</b>	Joy W. Caldwell, one-year term M. Sandra Jowdy, one-year term
<b>Planning Board Chairman</b>	William J. Amacher, one-year term
<b>Planning Board Alternate</b>	Chad Brachmann, one year term
<b>Water-Sewer Department Manager</b>	Steven M. Kroening, one-year term
<b>Water-Sewer Department Foreman</b>	Daniel S. Shoop, one-year term
<b>Zoning Board of Appeals Chairman</b>	Peter A. Smith, one-year term
<b>Zoning Board Alternate</b>	Mark March, one-year term

**10. Approve the 2024 Town of Cambria Volunteer Firemen’s Service Award point system for Cambria and Pekin Fire Companies.**

**11. Authorize Supervisor to sign and pay contracts/agreements as follows:**

Dale Association	5,000.00
Friendship Club	1,000.00
Inter-Community Services	250.00
Niagara Community Action Program	2,500.00
Niagara Military Affairs Council (NIMAC)	1,500.00
Ransomville Library	4,800.00
S P C A of Niagara County	10,224.00
Sanborn-Pekin Library	42,000.00
Sanbornites	4,000.00
Union Cemetery of Northeast Cambria	1,000.00

**12. Authorize Supervisor to pay all utilities, refuse, medical insurance, authorized payroll deductions, charge account invoices and postage as billed.**

**13. Designation of C. W. Baker Insurance Agency, Inc. as agent for town insurance.**

**14. Authorize Supervisor to hire engineer, attorneys, electrician as needed.**

**15. Authorize rate of pay (annual) for Town Employees - Officers as follows:**

Assessor	64,175.00	Registrar Vital Stats	2,815.00
Budget Officer	3,632.00	Registrar Vital Stats - Deputy	706.00
Building Inspector	39,875.00	Sewer Manager	750.00
Building Inspector - Deputy	61,360.00	Sewer Foreman	745.72
Building/Grounds Manager	3,372.00	Supervisor - Deputy	2,080.00
Cemetery Superintendent - Assistant	2,288.00	Tax Collector - Deputy	1,798.00
Highway Foreman	1,639.98	Town Clerk - Deputy I	50,975.00
Historian	4,250.00	Town Park Director	5,200.00
Historian - Deputy	1,695.00	Water Manager	1,508.00
Records Management Officer	2,260.00	Water Foreman	3,729.56

**16. Authorize pay rates for Town Employees as follows:**

Department	Position	Full Time per hour	Seasonal per hour
Highway	Laborer	-----	15.50
	Mechanic	30.56 / 31.56	-----
	Truck Driver	-----	15.50
	Motor Equipment Operator	28.38	-----
Water - Sewer	Laborer	19.71	15.50
	Maintenance - Sewer	25.38/26.38	-----
	Maintenance -Water	28.38	-----

- 17. Elections - Voting Machine Inspectors 40.00 per machine/per occasion
- 18. Assessment Review Board - Member 150.00 first day
- Secretary 100.00 additional day(s)
- 16.80 per hour
- 19. Planning Board - Chairman 150.00 meeting
- Member 100.00 meeting
- Alternate 50.00 meeting
- 20. Zoning Board - Chairman 150.00 meeting
- Member 100.00 meeting
- \_Alternate 50.00 meeting
- 21. Senior Account Clerk 23.00 per hour
- 22. Confidential Secretary 23.00 per hour
- 23. Groundsperson I 19.50 per hour
- 24. Groundsperson II 15.55 per hour
- 25. Highway Clerk 18.64 per hour
- 26. Justice Clerk (s) 23.10 per hour
- 27. Justice Court Officers 41.60 per hour
- 28. Laborer - Town Park 17.50 per hour
- 29. Assessor Clerk 20.50 per hour
- 30. Town Clerk - Deputy II 18.50 per hour
- 31. Water Clerk 21.17 per hour
- 32. Building Inspector Clerk 20.00 Per hour

**33. Payroll Schedule:**

- *General, Highway, Water, Sewer, Drainage and Summer Recreation are paid bi-weekly.*
- *Monthly positions are processed with the last bi-weekly pay of the month.*

34. Terms specified for one year will expire 12/31/2024.

**Upon a motion duly made by Councilwoman Brachmann and seconded by Councilman Hurtgam, it was resolved to approve the January 11, 2024, re-organizational appointments, meeting schedules, salary schedules and various authorizations numbered 1-34.**

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

**JON T. MACSWAN voting AYE**  
**LOUISE C. BRACHMANN voting AYE**  
**JEFFREY S. HURTGAM voting AYE**  
**BENJAMIN D. MUSALL voting AYE**  
**RANDY ROBERTS voting AYE**

The Resolution was thereupon declared duly adopted.

#### **SUPERVISOR APPOINTMENTS**

**Supervisor MacSwan made the following appointments:**

Randy Roberts as Deputy Supervisor and Zoning Board of Appeals Liaison  
Ben Musall as Highway/Water/Sewer Liaison  
Jeff Hurtgam as Recreation Liaison  
Louise Brachmann as Planning Board Liaison

#### **ANNUAL FINANCIAL REPORT SUBMITTAL**

Supervisor MacSwan asked the Town Board for authorization as required to permit the submittal to the Town Clerk of the Annual Report which is provided to the State Comptroller by March 31<sup>st</sup>.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to authorize the Town Supervisor to submit to the Town Clerk a copy of the annual financial report for 2023 within the time frame, including any extensions allowed by the State Comptroller, as set forth in the Town Law and the General Municipal Law.**

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

**JON T. MACSWAN voting AYE**  
**LOUISE C. BRACHMANN voting AYE**  
**JEFFREY S. HURTGAM voting AYE**  
**BENJAMIN D. MUSALL voting AYE**  
**RANDY ROBERTS voting AYE**

The Resolution was thereupon declared duly adopted.

#### **2024 OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

Supervisor MacSwan briefly explained the Official Undertaking of Municipal Officers. This is a requirement for the Town; it carries insurance to protect itself in case of improper behavior by a Town Official that would cost the Town money and it will be covered so that it would not suffer a loss.

#### **OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

**WHEREAS**, various sections of New York State Town Law and Public Officers Law require that certain officials execute an Official Undertaking; and

**WHEREAS**, the Town Board of the Town of Cambria hereby requires the Supervisor, Deputy Supervisor, Senior Account Clerk, Confidential Secretary, Town Justice and Highway Superintendent to execute said Official Undertaking as required by said law;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Cambria approve the document entitled "Town of Cambria Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the insurance;

**BE IT FURTHER RESOLVED**, that each Town official, as above-identified, shall individually sign the official undertaking in the time period provided by law (30 days after commencement of term of office); and

**BE IT FURTHER RESOLVED**, that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

**Upon a motion duly made by Councilwoman Brachmann and seconded by Councilman Hurtgam, it was resolved to approve the Official Undertaking of municipal officers as set forth in the resolution read by the Town Clerk.**

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

**JON T. MACSWAN voting AYE**  
**LOUISE C. BRACHMANN voting AYE**  
**JEFFREY S. HURTGAM voting AYE**  
**BENJAMIN D. MUSALL voting AYE**  
**RANDY ROBERTS voting AYE**

The Resolution was thereupon declared duly adopted.

## **OLD BUSINESS**

Tim Walck, Engineer reported on the following matters:

### **BRIDGE NY CULVERT REPLACEMENT PROJECT**

The contract for the Bridge NY has been sent into the state and design will start soon and they are currently in project planning.

### **LOCKPORT ROAD SEWER EXTENSION**

The survey for the Lockport Road Sewer Extension Project will be starting shortly; next week, weather permitting.

### **CAMBRIA ROAD CULVERT**

The survey for the Cambria Rd. culvert project will be tomorrow; weather permitting.

### **FAIR VILLAGE SEWER REPLACEMENT**

The sewer is in and operational and the only thing left to do is restoration in the spring. The town is in receipt of Pay Request #2 in the amount of \$10,772.03. The Town is in receipt of the two-year maintenance bond from NFP & Sons.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve Pay Request #2 from NFP and Sons for Fair Village Sewer Project in the amount of \$10,772.03.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**TOWN PARK PROPERTY-AGRICULTURAL LEASE**

Supervisor MacSwan reported that the Town received a couple inquiries from parties interested in leasing the property at the Town Park.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilwoman Brachmann, it was resolved to accept the proposal for approx. 30 acres of Town Park property for agricultural use from Loho Farms LLC in the amount of \$68.00 per acre for a total of \$2,040.00 for a one-year lease.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**REPORTS**

**Supervisor MacSwan reported on the following:**

- **BEAR RIDGE SOLAR:**  
No changes and nothing new to report.
- **ATTORNEY**  
Supervisor MacSwan would like to extend Robert Roberson, Attorney-Brandt, Roberson & Brandt, in order for him to finish a couple items he is currently working on.

**Upon a motion duly made by Councilman Roberts and seconded by Councilwoman Brachmann, it was resolved to approve to extend Robert Roberson, Brandt, Roberson & Brandt as Attorney for the projects he is currently working to close.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**Town Clerk reported receipt of the following:**

- |  |                       |    |           |
|--|-----------------------|----|-----------|
| • Town Clerk Report December:                            | Total Receipts:       | \$ | 13,502.14 |
| • Building Inspector Report December:                    | Total fees collected: | \$ | 450.00    |
| Estimated value of construction:                         |                       | \$ | 500.00    |
| • Mt. View Cemetery 2023 report:<br>Burials / Interments | Total Receipts:       | \$ | 13,900.00 |

**HIGHWAY SUPERINTENDENT REPORTS**

Stephen Kroening, Highway Superintendent, reported as follows:

**HIGHWAY:**

- Snow & ice removal in progress.
- Repairing and servicing equipment.
- Painting completed in office and lunchroom-  
Thanked Peggy Mayer for picking out the colors.

**CEMETERY:**

- Burial Saturday 1/26/24.

**WATER/SEWER**

- A couple water services have yet to be installed.
- Repairing and servicing equipment.
- Still in search of a Water Foreman.

Supervisor MacSwan asked Mr. Kroening if he was going to readvertise; he said yes, he is.

**BUILDING AND GROUNDS**

- Community Room Rentals-renters to bring their own cleaning supplies & garbage bags- must be addressed.
- Windows are currently being installed at the Historical Society Building on the north end.

**ATTORNEY REPORTS**

Supervisor MacSwan introduced new Town Attorney-David Haylett, Seaman Norris LLP.

**CONCERNS OF CITIZENS**

**Sharon Tasner-Industrial Solar**

Ms. Tasner thanked Supervisor MacSwan for including Bear Road Solar project on the agenda. Ms. Tasner invited everyone to the Opposition to Solar meeting Wednesday, January 31, 2024, at 6:30 pm at the Cambria Fire Hall.

**NEW BUSINESS**

**PROCUREMENT POLICY PURCHASES**

General 2024-01-1620.04

Town Hall Bathrooms automated faucets and flushers

*Benedict's Contracting Inc.- Newfane, NY* \$5,275.00

The Plumber Heating & Cooling- Lockport, NY \$6,774.82

Roy's Plumbing Heating & Cooling-Tonawanda, NY \$7,181.59

**Upon a motion duly made by Councilwoman Brachmann and seconded by Councilman Hurtgam, it was resolved to accept the proposal for the purchase of automated faucets and flushers in the Town Hall from Benedict's Contracting Inc. Newfane in the amount of \$5,275.00.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

General 2024-02-7140.04

Town Park Bathrooms automated faucets and flushers

*Benedict's Contracting Inc.- Newfane, NY* \$8,925.00

The Plumber Heating & Cooling- Lockport, NY \$ 16,105.70

Roy's Plumbing Heating & Cooling-Tonawanda, NY \$14,965.76

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to accept the proposal for the purchase of automated faucets and flushers in the Town Park from Benedict's Contracting Inc. Newfane in the amount of \$8,925.00.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**



General 2024-03-7140.04  
Generator for the Town Park

<i>MH Thilk Electric LLC Wilson, NY</i>	<i>\$10,276.00</i>
GEN-TECH Power Systems Buffalo, NY	\$10,131.19
Buzyniski Electric Inc. Appleton, NY	\$10,937.74

**Upon a motion duly made by Councilman Roberts and seconded by Councilwoman Brachmann, it was resolved to accept the proposal for the purchase of a Generator from M.H Thilk, Electric, Wilson in the amount of \$10,276.00.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts** **-Motion Carried-**

Highway 2024-04-5130.04  
**EMERGENCY PURCHASE**  
Fuel Injection pump for Road Widener  
Sole Source

<i>Five Star Equipment, Dunmore, PA</i>	<i>\$1,490.76</i>
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**Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall, it was resolved to accept the emergency purchase proposal for a fuel injection pump for the Road Widener in the amount of \$1,490.76 from Five Star Equipment. This is a sole source purchase.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts** **-Motion Carried-**

Highway 2024-05-5130.02  
Hydraulic Hose Crimping Machine  
Sole Source

<i>Ferry, Inc. Depew, NY</i>	<i>\$4,820.75</i>
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**Upon a motion duly made by Councilwoman Brachmann and seconded by Councilman Hurtgam, it was resolved to accept the proposal for a Hydraulic Hose Crimping Maching in the amount of \$4,820.75 from Ferry Inc. Depew, NY. This is a sole source purchase.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts** **-Motion Carried-**

## **2024 GIS SERVICES AND MS4 SPEDES PERMIT ASSISTANCE PROPOSAL**

**Tim Walck, Wendel reported the following:**

**GIS SERVICES**-this has three parts. Part 1: Annual GIS Web Map Application Hosting in the lump sum of \$5,000.00. Part 2: Annual Esri ArcGIS online subscription in the lump sum of \$831.00. Part 3: ArcGIS Online Administer and GIS/GPS Support Services in the time and expense amount of \$5,169.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the proposal from Wendel for the 2024 GIS SERVICE- Part 1: Annual GIS Web Map Application Hosting in the lump sum of \$5,000.00. Part 2: Annual Esri ArcGIS online subscription in the lump sum of \$831.00. Part 3: ArcGIS Online Administer and GIS/GPS Support Services in the time and expense amount of \$5,169.00-total amount \$11,000.00 (NTE).**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts** **-Motion Carried-**

**MS4 SPDES PERMIT**-this is to assist the Town with the draft annual storm water report and implementation of the General Permit when advice is needed. This is a time and expense basis with a budget of \$6,000.00.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved to approve the proposal from Wendel for the 2024 MS4 SPDES PERMIT ASSISTANCE in the amount of \$6,000.00, time and expense (NTE).**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

#### **2024 FIRE COMPANY ROSTERS**

Nothing to report.

#### **ADDITIONAL MATTERS**

#### **PROCLAMATION – LAURENCE PUDE**

#### **PROCLAMATION 50 YEARS OF SERVICE**

**WHEREAS**, Laurence Pude joined the Cambria Volunteer Fire Company on June 14, 1973; and

**WHEREAS**, during the 50 years Laurence has been a contributing member of the Cambria Volunteer Fire Company, he willingly served as First Lieutenant for four years; also served as Fire Police Captain for 10 years; and

**WHEREAS**, Laurence Pude, maintains his service to the Cambria Volunteer Fire Company, continuing to volunteer his time and through his exemplary life of dedication and service, has earned the respect of members of his community and fellow firefighters,

Now, therefore, be it

**RESOLVED**, the Town of Cambria is proud of your distinguished record of 50 years of service to our community and honors you this day by Resolution of the Town Board on January 11, 2024.

#### **TOWN OF CAMBRIA TOWN BOARD**

**Upon a motion duly made by Councilman Roberts and seconded by Councilwoman Brachmann it was resolved to approve the resolution recognizing Laurence Pude for 50 years with the Cambria Volunteer Fire Company.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

#### **DAVID GODFREY-LEGISLATOR**

Mr. Godfrey was in attendance and updated the Town Board on a few issues including: Arpa Funds, Broadband, Industrial Park, Dredging, Ambulance Services, Job Core and the Purple Heart Monument.

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Hurtgam. Time: 7:45 pm.

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

Respectfully submitted,

Tamara J. Cooper, Town Clerk