

Approved July 8, 2021

TOWN OF CAMBRIA TOWN BOARD

June 10, 2021

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 10th day of June 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
Benjamin D. Musall, Councilman
Randy M. Roberts, Councilman

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Robert Roberson, Attorney
Tim Walck, Wendel
David Godfrey, Legislator

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

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the minutes of the Town Board meetings of May 13, 2021 regular meeting and May 13, 2021 Work Meeting.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

APPROVAL OF VOUCHERS

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

June 10, 2021

| FUND | CLAIM | AMOUNT |
|-----------------|--------------|---------------|
| Cemetery | 5 | \$30.99 |
| Drainage | 3 | \$2,072.50 |
| General | 215-261 | \$66,606.33 |
| Highway | 66-89 | \$154,721.64 |
| Refuse | 5-6 | \$34,420.93 |
| Sewer Operating | 16-18 | \$1,883.18 |
| Water Operating | 72-82 | \$11,495.60 |

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved that the abstract of audited vouchers dated June 10, 2021 be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2020 FINANCIAL STATEMENT PRESENTATION/ACCEPTANCE

Supervisor Ellis indicated that the 2020 financial audit results for the Town have been received. He introduced John Schiavone and Sara Dayton, Lumsden & McCormick, to summarize the findings.

Mr. Schiavone and Ms. Dayton gave a brief explanation of their findings, indicating that the Town continues to be in a strong financial position and the Town has sound financial operations. The Town is in receipt of the Independent Accountants' Report as it pertains to Town Board, Town Justices and Management; Management Letter and the Communication with those Charged with Governance and all of these reports were considered clean reports. The Town continues to be in very solid financial condition.

OLD BUSINESS

COMPREHENSIVE PLAN UPDATE

Supervisor Ellis reported that the Niagara County Planning Board did not take action on the Town of Cambria's Comprehensive Plan Update so action will be tabled until the July meeting.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report May: Total Receipts: \$138,352.44
- Building Inspector Report May: Total fees collected: \$ 2,094.00
- In receipt of a request from Cambria Fire Company to add to their active roster the following:

Dylan J. Schreader, 4400 Green Road-restricted membership
Cameron Wollaber, 4501 Ridge Rd.
Victor Kons, 2970 Upper Mountain Rd.-physical received.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the following list of names to be added the active roster of the Cambria Vol. Fire Co.

*Dylan J. Schreader, 4400 Green Road-restricted membership
Cameron Wollaber, 4501 Ridge Rd.
Victor Kons, 2970 Upper Mountain Rd.-physical received.*

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Brush grinding is complete
- Brush pick up will resume next week.
- Tyler Rd., Shenk Rd., and Joanne Dr. are paved.
- Next week Meahl and Comstock Rd.'s will be striped.
- DWC Mechanical will be bringing in portable air conditioners for offices until the parts come in next week.
- Emergency roof repair for the Community Room until budget season for 2022.
- Next week he will go through the Town Hall and collect and store the plexiglass used during the pandemic.

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved that the wood chips be declared surplus and be available to Town residents and authorize the disposal by Highway Superintendent.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

WATER SEWER REPORTS

No reports.

ATTORNEY REPORTS

No reports.

Supervisor Ellis reported on the following:

BEAR RIDGE SOLAR PROJECT

- The Town is in contact with Cypress Creek to determine where they stand with the application.
- Cypress Creek is working on a boundary survey.
- Public Presentation – informal public meeting was to happen early June and two formal presentations were to be held June to early July. Nothing has been scheduled yet.
- They are also still working on a new layout with regard to removing a 143 acre parcel on Meahl Rd. This was to be done in one week; it has been three.
- The Town is working on a battery storage law.

CONCERNS OF CITIZENS

Susan Fischer- Carriage Lane

Ms. Fischer asked the Board what is the issue with Cypress Creek and their lack of communication and timeliness.

Supervisor Ellis indicated he does not know and that perhaps their focus on transportation and decommissioning may be more of a problem than anticipated.

- **David Godfrey, Legislator-**
Next Tuesday at 5:30 pm in the Legislature Chambers they will have two public hearings; A Local Law Establishing Solar Panel Recycling Regulations and A Local Law Adopting a Pilot Youth Deer Hunting Program

NEW BUSINESS

EXCESS SURPLUS EQUIPMENT

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to declare a surplus of various items as listed by the Town Clerk dated June 10, 2021, and authorize the disposal by the Supervisor.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

ACCEPTANCE OF 2020 AUDIT AND FINANCIAL STATEMENT

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to acknowledge the receipt and filing of the audit of the Town of Cambria financial statements for the period ending 12/31/2020 as prepared by Lumsden & McCormick, LLP certified public accountants. The audit included the examination of the Justice Court records and dockets, a summary was provided with the report.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

**HR PROPOSAL- RE: THIRD PARTY ADMINISTRATOR/BROKER
STORMWATER MANAGEMENT PLAN; MS4 ANNUAL REPORT**

Supervisor Ellis reported he is in receipt of a proposal from a third party administrator. The Town decided to bring in a third party to help manage some of the Town's human resource functions regarding health insurance. The Town wants to bring in a third party to administer the supplemental payments and also to retain Sheridan Benefits as a consulting company to work on brokering our arrangements with Blue Cross & Blue Shield.

Upon a motion duly made by Councilman Musall and seconded by Councilman Foe it was resolved to approve the Sheridan Benefits Business Associates agreement dated June 10,2021, and to authorize the Supervisor to sign the same.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved to approve the medical expense services agreement with Pro-Flex Administrators LLC., and to authorize the Supervisor to sign the same.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PERSONNEL

Supervisor Ellis indicated that his Administrative Assistant, Lynn Schlemmer, will be retiring as of June 30, 2021 and read her letter to the Town Board.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to accept the resignation of Lynn J. Schlemmer, Administrative Assistant, with regret and profound appreciation of her work over the past 22 years. This will be effective June 30, 2021 and further to contract for her services at an hourly rate comparable to her present salary.

The question of the resolution was put to a vote on roll call which resulted as follows:

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

The resolution was thereupon declared duly adopted.

Randy Roberts, Councilman, thanked Lynn for all the help she has given to him personally since he has been elected. It is so appreciated. No one can explain what it has meant having her help; it is overwhelming at times. "Thank you so much".

Jon MacSwan, Highway Superintendent, joked that he has gone astray many times and Lynn was terrific. She became a good friend. Both are animal lovers and had a lot in common. She will be missed and it is nice to hear she may be back from time to time just to keep him straight alone. "Thank you".

Robert Roberson, Town Attorney, has worked very closely with Lynn. She has always been the greatest help and she is always available and knows what she is doing and gives good advice. Lynn has been a delight.

ASSET MANAGEMENT PLAN-2021 UPDATE PROPOSAL

Tim Walck, Wendel has a proposal to update the Town's Asset Management Plan. Wendel completed Phase 2 of the Town's Asset Management Plan in 2017. The plan identified a list of specific water and sewer projects to be

considered by the Town in order avoid issues within the water and sanitary sewer systems. The Town is now anticipating receipt of money from the Federal government related to COVID-19 relief which is supposed to be spent on improvements to water, sewer or broadband. The Town needs to decide the most appropriate way to spend that money to benefit the Town.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the Asset Management Plan 2021 update as proposed by Wendel dated June 2, 2021 in the lump sum of \$16,500.00.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

ORES LITIGATION PROPOSAL

Supervisor Ellis reported that the Town has decided to join Cambria Saves, as a signatory and not a formal sponsor. The reason for this is that the Town has an active project.

BE IT RESOLVED that the Cambria Town Board hereby approves the retainer agreement and waiver agreement prepared by the Zoghlin Group, 300 State Street, Suite 502, Rochester NY 14614, further to authorize the Town of Cambria to pay \$1,000.00 to the Zoghlin Group, and to authorize the Supervisor to sign each agreement and send a Town check in the amount of \$1,000.00 to the Zoghlin Group.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts it was resolved to authorize the Town of Cambria to pay \$1,000.00 to the Zoghlin Group and further authorize the Supervisor to sign the agreement.

The question of the resolution was put to a vote on roll call which resulted as follows:

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

The resolution was thereupon declared duly adopted.

TOWN HALL ACCESS

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall, it was resolved to rescind the action of the Town Board from April 8, 2021, which ordered a partial closure of the Town Hall to the public in response to a rapid increase in covid-19 infections in the Town of Cambria and throughout Niagara County. The Town Hall is now open Monday through Friday from 8:00 am to 4:00 pm.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Hurtgam. Time: 7:40 pm

Respectfully submitted,

Tamara J. Cooper, Town Clerk