

TOWN OF CAMBRIA TOWN BOARD

June 13, 2024

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 13th day of June 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
Randy M. Roberts, Councilman
Benjamin D. Musall, Councilman

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Steven Kroening, Highway Superintendent
Tim Walck, Engineer
David Haylett, Attorney

Also present: Matthew Foe, Commissioner of Special Projects

Following salute to the flag, Supervisor MacSwan called the 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 June 13, 2024, 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 June 13, 2024:

June 13, 2024

ACCOUNT	AMOUNT
Cemetery	\$ 430.00
Drainage	\$ 1,783.92
Fire	\$ 685.00
General	\$ 113,500.00
Highway	\$ 149,396.47
Refuse	\$ 36,500.91
Sewer Construction	\$ 560.43
Sewer Operating	\$ 4,536.49
Water Operating	\$ 8,032.79

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to approve the abstract of audited vouchers dated June 13, 2024, be approved as read by the Town Clerk.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

OLD BUSINESS

Project Updates Wendel Engineers:

- Baer Road Culvert project- proceeding- survey, environmental work and borings have been completed and working on hydraulics.
- Cambria Road Culvert is proceeding; need rock and water elevation.
- Fair Village – final pay request received by the Town.

REPORTS

SUPERVISOR

Jon MacSwan, Supervisor, reported as follows:

**Unicorn Drive Land Sale:
Negative SEQR**

WHEREAS, the Town is currently the owner of an 8.9 acre vacant parcel of land in the Town of Cambria, County of Niagara, and State of New York, SBL # 120.17-2-1.5, situated on the west side of Unicorn Drive; and

WHEREAS, the Town is also currently the owner of a 4 acre vacant parcel of land in the Town of Cambria, County of Niagara, and State of New York, SBL # 120.17-2-1.12, situated on the south and east side of Unicorn Drive; and

WHEREAS, the Town is empowered to dispose of said properties, in accordance with the laws of the State of New York, for fair and reasonable consideration; and

WHEREAS, the sale of the properties is an Unlisted Action under the State Environmental Review Act (“SEQRA”); and

WHEREAS, the Town Board has received and reviewed the short Environmental Assessment Form (“EAF”) from the Town Supervisor and has considered the potential environmental impacts of the sale of the properties pursuant to the requirements of SEQRA and found that the proposed action will not result in any significant adverse environmental impacts; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cambria hereby adopts a Negative Declaration for the sale of the properties in the attached short EAF and determines that no Environmental Impact Statement is required; and be it further

RESOLVED, that the Town Supervisor of the Town of Cambria shall file a Negative Declaration along with this resolution with the Town Clerk.

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to approve the resolution adopting a Negative Declaration for the sale of the properties located on the west side of Unicorn Drive SBL # 120.17-2-1.5 and south and east side of Unicorn Drive SBL # 120.17-2-1.12 in the attached short EAF and determines that no Environmental Impact Statement is required.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

**Unicorn Drive Land Sale:
Sale of Property**

WHEREAS, the Town is currently the owner of an 8.9 acre vacant parcel of land in the Town of Cambria, County of Niagara, and State of New York, SBL # 120.17-2-1.5, situated on the west side of Unicorn Drive; and

WHEREAS, the Town is also currently the owner of a 4 acre vacant parcel of land in the Town of Cambria, County of Niagara, and State of New York, SBL # 120.17-2-1.12, situated on the south and east side of Unicorn Drive; and

WHEREAS, the Town is empowered to dispose of said properties, in accordance with the laws of the State of New York, for fair and reasonable consideration; and

WHEREAS, the Town, by resolution dated May 9th, 2024, retained Hunt Commercial Real Estate to list the properties for sale to obtain the best sale price; and

WHEREAS, the Town has one written offer for the purchase of the properties in the amount of Four Hundred Fifty and 00/100 (\$450,000.00) Dollars; and

WHEREAS, as a condition to the conveyance of the Property, the purchaser shall be liable for any future environmental remediation costs or expenses associated with environmental contamination; and

WHEREAS, the Town desires to sell the properties.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cambria does hereby declare that the properties list above are surplus and may, therefore, be sold in accordance with New York State Law; and be it further

RESOLVED, that the Town Board finds that \$450,000.00 to be fair and reasonable consideration for the properties; and be it further

RESOLVED, that the Town Board approves the sale of the properties to SJI Properties for a purchase price of \$450,000.00, upon the condition that the Purchaser assume all liability and expense for environmental remediation, if any and hold the Town of Cambria harmless from any future liability with the Property; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute any and all documents related to this sale; and be it further

RESOLVED, that the sale of the said Property is subject to a permissive referendum which will be published in the local newspaper after its adoption.

This resolution shall take effect thirty (30) days after its adoption.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilwoman Brachmann, it was resolved to approve the sale of the properties located on the west side of Unicorn Drive SBL # 120.17-2-1.5 and south and east side of Unicorn Drive SBL # 120.17-2-1.12 to SJI Properties in the amount of \$450,000.00 upon the conditions listed in the above resolution and to authorize the Supervisor to execute all documents.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

- Town Attorney feels optimistic after the hearing for the proposed Solar Project, waiting for result.
- Employee training will be held on the 17th of June at the Town Hall.
- Reported that there wasn't enough money in the reserves to cover two employees retiring this year- requesting authorization to transfer funds to cover those costs.

Upon a motion duly made by Councilman Musall and seconded by Councilman Roberts, it was resolved to authorize the transfer of funds from Employee Reserve Accrued Liability Fund (867): \$5,399.00 to the Water Fund (8340.01) and \$15,503.25 to the Highway Fund (5110.01) for a total amount of \$20,802.55.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

- Zachary Lester has moved over to the Highway Department from a laborer position to fill a vacancy. He will now be an MEO. Approved prior with no official resolution.

Upon a motion duly made by Councilman Roberts and seconded by Councilwoman Brachmann, it was resolved to approve Zachary Lester to move from a laborer position into the vacant MEO position in the Highway Department.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

Town Clerk reported receipt of the following:

Tamara Cooper, Town Clerk, reported as follows:

• Town Clerk Report May:	Total Receipts:	\$	180,192.01
• Building Inspector Report May:	Total fees collected:	\$	3,366.55
• Estimated value of construction:		\$	793,327.00

HIGHWAY SUPERINTENDENT REPORTS

Steven Kroening, Highway Superintendent, reported as follows:

HIGHWAY:

- Fairview Subdivision and Hoover Road paving is complete.
- Mowing roadsides.
- Helping other towns with paving.
- Budd Road tentatively set to be paved July 8 and 9th from intersection of Shunpike Rd. to Lower Mt. Rd.

In house moving Zachary Lester from Highway Laborer to MEO Position that will be vacant soon.

CEMETERY:

- Weed whacking and mowing.

WATER/SEWER

- Changing out meters.
- Hydrants are weed whacked and sprayed.
- Took possession of the new 2024 pick-up truck.

PARK

- Paving of the last loop is complete.
- Mowing.
- Bike path and parking lot to be sealed.
- Fox fence to be sole provider.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilwoman Brachmann, it was resolved to establish Fox Fence 2637 Lockport Rd, Niagara Falls, NY, as a sole provider for the Town Park and Town grounds (installation and repair).

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

BUILDING AND GROUNDS

- Mowing.

ATTORNEY REPORTS

David Haylett, Town Attorney, reported as follows:

Resolution – Juneteenth Paid Holiday

Upon a motion duly made by Councilman Roberts and seconded by Councilwoman Hurtgam, it was resolved to approve and establish Juneteenth -June 19th as a paid holiday for all employees effective immediately. This will be an added holiday to the Personnel Policy.

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

JULY 5, 2024

Upon a motion duly made by Councilman Roberts and seconded by Councilwoman Hurtgam, it was resolved to approve the Town Hall Closing for Friday, July 5, 2024. (this year only)

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

CONCERNS OF CITIZENS

Sharon Tasner-Subbera Road

Ms. Tasner announced that the Save Cambria group will be raffling off a couple buckets of 'summer drinks' -beer, liquor, wine, etc. This will take place at the Town's 1st Annual Car Show at the Town Park. Tickets are \$10.00 each or 3 for \$20.00. Ms. Tasner will be making a flyer.

NEW BUSINESS

PROCUREMENTS

GENERAL 2024 16 - 7140.04 Town Park-Seal Parking Lot

<i>Buffalo Road Marking, Inc. 9670 Martin Rd., Clarence Center, NY 14032</i>	\$8,200.00
Monroe Sealers, 1776 Coomer Rd., Burt, NY 14028	\$8,850.00
G.D. May Services, Inc. 7827 Mill Rd., Gasport, NY 14067	\$9,153.00

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the purchase from Buffalo Road Marking, Clarence Center to protect, weatherize and seal the parking lot at the Town Park in the amount of \$8,200.00.

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

WATER 2024 15 - 8340-02 New Truck for Water Department (approved for the 2024 budget)

<i>Joe Basil Chevrolet, Inc. 5111 Transit Road, Depew, NY 14043</i>	\$50,975.00
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Upon a motion duly made by Councilman Roberts and seconded by Councilwoman Brachmann, it was resolved to approve the purchase of a 2024 Chevrolet Silverado Pick-Up truck.

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

PERSONNEL

Supervisor MacSwan is recommending that the Building Inspector, Matthew Cooper be moved from a provisional position to a Permanent Full Time Position.

Upon a motion duly made by Councilwoman Brachmann and seconded by Councilman Musall, it was resolved to authorize Matthew Cooper, Building Inspector be moved from Provisional to Permanent Full Time Position.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

SOLAR ARRAY-UNICORN DRIVE

The Town Board received a letter of intent from Richard Ries/Good Carbon to add a Tier 2 Solar Project located at 5835 Unicorn Drive. This is for both ground-mounted and rooftop panels.

This request must be referred to the Planning Board for review and recommendation.

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to refer the matter of Tier 2 Solar Project on 5835 Unicorn Drive by Richard Ries/Good Carbon to the Planning Board for their review and recommendation.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

30 DAY WAIVER LIQUOR LICENSE - SUNFLOWERS OF SANBORN

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the 30 Day Waiver for Liquor License for the Sunflowers of Sanborn pending receipt of updated application from the owners attorney.

Ayes: MacSwan, Hurtgam, Musall, Roberts

-Motion Carried-

Abstain: Brachmann

STANDARD WORKDAY

Upon a motion duly made by Councilwoman Brachmann and seconded by Councilman Hurtgam, it was resolved to establish a 6 hour workday for the position of Deputy Supervisor.

Ayes: MacSwan, Brachman, Hurtgam, Musall

-Motion Carried-

Abstain: Roberts

AED PREMIER TRAINING AGREEMENT

Supervisor MacSwan requested approval of an agreement from Premier Training-5310 Shawnee Rd., Sanborn, NY, from June 2024-May 31, 2025, for the inspection of the 4 AED Units 8 times a year in the amount of \$400.00.

Upon a motion duly made by Councilwoman Brachmann and seconded by Councilman Roberts, it was resolved to approve an agreement with Premier Training-5310 Shawnee Rd., Sanborn, NY, from June 2024-May 31, 2025, for the inspection of the 4 AED Units 8 times a year

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

EAGLE SCOUT PROCLAMTION

Benjamin Wichhart

Councilwoman Brachmann read the following Eagle Scout Proclamation:

PROCLAMATION

Whereas, the Boy Scouts of America was founded on February 8, 1910, in the United States of America; and

Whereas, in 2011, Benjamin Wichhart joined Niagara Falls Cub Scout Pack 816; and

Whereas, Benjamin earned his Arrow of Light in April 2016, and crossed over to Cambria Boy Scout Troop 8; and

Whereas, Benjamin has earned 39 merit badges, served his Troop as Senior Patrol Leader, and Patrol Leader; and

Whereas, Benjamin has exemplified leadership qualities, organizational skills and strength of character while completing his Eagle Scout Project; repairing walkways on the nature trail in the Cambria Town Park that were damaged by fallen trees; and

Whereas, as a member of Troop 8, Benjamin, through his hard work and personal commitment, attained the rank of Eagle Scout on December 18, 2023, the highest and most prestigious rank offered by the Boy Scout Program; and

Whereas, Scouts believe it is their duty to love their country, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies; and

Whereas, character, participation and leadership are the basis of good citizenship; therefore, be it

Resolved, the Town of Cambria is proud of your achievement, advancement to the rank of Eagle Scout, and shares with you in one of the greatest occasions, not merely of your career as a Scout, but of your whole life, and honors you this day by resolution of the Town Board on June 13, 2024.

TOWN OF CAMBRIA TOWN BOARD

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to approve the Eagle Scout Proclamation for Benjamin Wichhart dated: June 13, 2024.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

VISION AND DENTAL COVERAGE

The Town Board is offering the Town Employees Vision and Dental Coverage and will be paying a portion of the cost. Town's Cost for 2024 Dental: \$1,598.16 Vision: \$636.84.

Upon a motion duly made by Councilman Roberts and seconded by Councilwoman Brachmann, it was resolved to approve Vision and Dental Coverage for Town Employees and the Town will be paying a portion of the cost. Town's Cost for 2024 Dental: \$1,598.16 Vision: \$636.84.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Musall and seconded by Councilman Roberts. Time: 7:32 pm.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk