

**TOWN OF CAMBRIA TOWN BOARD**  
**June 11, 2020**

The regular meeting of the Town of Cambria Town Board was held pursuant to Governor Cuomo's Executive Order 202.1, temporarily modifying the Open Meetings Law due to the COVID-19 pandemic and in the interest of public safety. Town Board members met via teleconference at 7:00 pm on the 11<sup>th</sup> day of June 2020.

Supervisor Ellis welcomed everyone to the June meeting of the Town of Cambria Town Board.

This meeting of the Town of Cambria Town Board is being held via teleconference pursuant to Governor Cuomo's Executive Order 202.1 of March 12, 2020, which temporarily modified the Open Meetings Law due to the COVID-19 pandemic and is in the interest of public safety. Board members please identify yourselves when speaking. All votes will be taken by Roll Call.

Town Clerk indicated that everyone was present:

**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  
4 interested parties

Supervisor Ellis reported that a State of Emergency Declaration, which was declared originally on March 18, 2020, and has been extended to June 17, 2020, will expire on June 17<sup>th</sup> and will not be extended. Executive Order 202.39 was received the other day and essentially says that once we go through phase II we may bring back our non-essential employees and go to full hours for everyone. That would be June 16<sup>th</sup> and normal working hours for all employees will commence on that day. We are tentatively planning to open the Town Hall to the public the week of June 22<sup>nd</sup> with the necessary restrictions and within the current State and Federal Guidelines. This includes facemasks, tracing registration, sanitizers and some increased work by the cleaning service. The biggest additional cost would be the additional cleaning service.

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 Musall, it was resolved to approve the minutes of the regular Town Board meeting of May 14, 2020.**

The question of the approval of the May 14, 2020 Town Board minutes was duly 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 motion was thereupon declared duly adopted.

**APPROVAL OF VOUCHERS**

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

**June 11, 2020**

Drainage	9	\$1,450.00
General	216-252	\$43,119.80
Highway	70-78	\$30,404.08
Refuse	9	\$30,752.19
Sewer Operating	21-22	\$1,790.51
Trust & Agency	6 & 7	\$30,271.82
Water Construction	7	\$12,168.26
Water Operating	98-106	\$7,166.99

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated June 11, 2020, be approved as read by the Town Clerk.**

The question of the approval of the June 11, 2020, abstract of audited vouchers was duly 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 motion was thereupon declared duly adopted.

**SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT**

Tim Walck-Wendel reported the following:

The Saunders Settlement Road Waterline Replacement is proceeding. They worked last Saturday to make up some time and are planning on working this Saturday as well. They are into some rock and it slowed them down a bit. Construction is past the Sunflowers of Sanborn although they have to clean up the crossing of the field and push the topsoil back and that is planned for this Saturday.

Supervisor Ellis indicated that as far as financing, he is prepared to take out a bond anticipation notice /BAN in the amount \$1,000,000.00. The public hearing authorized was issuance of serial bonds up to \$1,450,000.00. The accepted bid came in approximately \$460,000.00 lower than the estimate of map plan and report. The interest rates are low. Supervisor Ellis looked into a five year BAN and a 10 year bond. If the Town goes with the BAN it will save the Town approximately \$50,000.00 in interest cost and issuance payments.

**TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Town Clerk Report May : Total Receipts: \$153,520.45

June 11, 2020

- Building Inspector Report May: Total fees collected: \$ 2,505.00  
Total estimated value of construction: \$81,150.00

- In receipt of a request from Nina's Hillside Tavern, 3997 Lower Mountain Road, Lockport, to waive the 30 day waiting period to apply for a liquor license from NYS.

Supervisor Ellis indicated that there was some question with the application and asked the Attorney, Mr. Roberson, to discuss the matter. Mr. Roberson reported that he talked to the other attorney this afternoon and he is amenable to submitting a letter stipulating that the owner will not engage in any outdoor music unless she receives an event permit from the Town of Cambria. The attorney is aware that we need something in writing and the Town Board can approve the request subject to the receipt of suitable documents making the stipulation.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved to conditionally approve the request from Nina's Hillside Tavern to waive the 30 day waiting period to apply for a NYS Liquor License pending receipt of the proper documentation.**

The question of the conditional approval of the 30 day waiver for Nina's Hillside Tavern to apply for a NYS Liquor License was duly 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 motion was thereupon declared duly adopted.

- In receipt of a request from Dave Edbauer, 4715 Plank Rd., Lockport with the following five questions for the Town Board:
  1. Can you tell us if there is a current shortfall in sales tax revenue compared to budget and what items are under discussion to close the budget gap if one exists?
  2. How much did the cancelling of the summer rec/baseball programs and concert series contribute to the rebalancing?
  3. Do you anticipate any reduction in headcount for the town workforce for the rest of the year?
  4. Have you considered dropping the healthcare coverage for part-time elected officials?
  5. The executive order requires that meetings that do not allow the public to attend, that the public be provided the ability to view or listen to such proceedings and that such meetings are recorded and later transcribed. The last planning board meeting did not abide by this executive order and have you made plans for future planning and zoning board meetings so residents can witness these meetings?

Supervisor Ellis addressed the budget matters as follows:

It is true that the sales tax receipts are slightly below what they were last year at the present and the Town of Cambria is about 1.64% below last year at this time, through April. It may go down lower and it is still not as low as it was several times for several months during 2019. What the Town does have is very strong reserves in all funds and historically the Town Board has made very conservative revenue projections. Over a period of years we have been able to build up a reserve in all funds and that is the wisdom of having a rainy day fund and certainly, Covid-19 is a rainy day. So at this time, we see no need to making adjustments to the budget, we are not going to cut any staff or anything like that. We have been maintaining and will continue to maintain appropriate and essential services to the citizens of the Town. Supervisor Ellis is comfortable of where the Town is right not. It is not a good situation but it is certainly not as dire as it might be because of the very strong reserves that the Town has in all funds.

Supervisor Ellis also reported he has had communication from Lieutenant Governor Hochul and it looks like they are going to have guidance coming out from the State on garage and yard sales. People who want to have garage sales this weekend should be okay any time moving forward. There will be some restrictions in terms of spacing,

June 11, 2020

facemasks and provision of adequate hand sanitizer. If anyone needs any amplification on that, go to the Town website.

### **HIGHWAY SUPERINTENDENT REPORTS**

Councilman Foe reported the following on behalf of Mr. MacSwan:

- Andrews Road paving is done. Driveway aprons have been completed and all that needs to be done is along the road and it looks nice.
- In light of where we are, we are in good shape as far as our CHIPS money.
- On June 22<sup>nd</sup> paving will start on Marjorie Drive.
- Mr. MacSwan has indicated that people have been very busy in their yard and that brush pick up will continue through the month of June.

### **WATER SEWER REPORTS**

No reports.

#### **ATTORNEY:**

No reports.

Supervisor Ellis reported as follows:

### **BEAR RIDGE SOLAR PROJECT**

Supervisor Ellis attending a meeting with the leadership group for the citizens organized against the industrial solar project. It was very informative. The only new information from Cypress Creek is that they intend to have a draft filing of their application by the 31<sup>st</sup> of December 2020. They are going to structure it in accordance with Article 10. So it would fit under the Article 10 or Article 94C. There is a lot of work and discussion going on in Albany on how to implement the new proposal and they will have to make a decision on whether or not they will continue under Article 10 or whether they will go to Article 94c.

### **BAER ROAD ACCESS LETTER**

Councilman Foe:

In 2018, the Town wanted to clean out a ditch along a portion of Baer Rd. and the Town cleared some of the brush and there was a discrepancy about ownership and permission to do that. Consequently, the Town backed away from that.

Robert Roberson, Attorney:

After the property owner started litigation, the work still needed to be done. The landowner would not give permission. Pursuant to Section 147(1) of the NYS Highway Law, there is a procedure whereby the Highway Superintendent may obtain a letter of direction from the County Highway Superintendent authorizing him to enter the property without permission of the landowner subject to an authorizing resolution passed by the Town Board. Mr. Roberson has prepared and given a proposed resolution addressing this situation to the Supervisor. He recommends that the Town Board adopt the resolution so that the Highway Superintendent can enter the premises for the purpose of cleaning up drainage problems for the houses that front on Baer Rd. and Lower Mt. Rd. This is a drainage way of some importance. It has been some time since the Town forces have been able to be on the premises to clean up the ditching situation to facilitate water runoff.

Supervisor Ellis:

June 11, 2020

Because of the drainage situation, homes along Baer Rd. along Lower Mt. Rd. east of Baer Rd. and up Baer Rd. have experienced severe flooding because the water has nowhere to go and that is essentially water that comes down from the escarpment. It needs to be cleaned out so that it will bring it across and eventually put it into the highway ditch on Lower Mt. Rd.

**RESOLUTION AUTHORIZING ENTRY UPON PREMISES**

BE IT RESOLVED that the Town of Cambria Town Board hereby authorizes the Town of Cambria Superintendent of Highways Jon MacSwan to access and enter upon premises situate at 3408 Lower Mountain Road reputed owner, Cathie E. Gough, for the purposes of opening, cleaning, clearing and maintenance of the existing drainage-way situate behind the houses located along the east side of Baer Road and the houses located along the south side of Lower Mountain Road to facilitate the free passage of water for the drainage of said roadways (Baer Road, Lower Mountain Road) pursuant to the Letter of Authorization provided by the Niagara County Commissioner of Public Works as the Niagara County Superintendent of Highways, all as provided by § 147(1) of the Highway Law. By granting this authorization to enter the said premises the Town of Cambria acknowledges its responsibilities for damages as provided by Highway Law §148.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the resolution to authorize the Town of Cambria Superintendent of Highways to access and enter upon premises to 3408 Lower Mt. Rd. for the purposes of opening, cleaning, clearing and maintenance of the existing drainage way pursuant to Section 147(1) of the NYS Highway Law.**

The question of the approval of the resolution to authorize the Town of Cambria Superintendent of Highways to access and enter upon premises to 3408 Lower Mt. Rd. for the purposes of opening, cleaning, clearing and maintenance of the existing drainage way pursuant to Section 147(1) of the NYS Highway Law was duly 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 motion was thereupon declared duly adopted.

**PERSONNEL MATTERS**

Supervisor Ellis is in receipt of a letter of resignation from Melinda S. Olick as the Real Property Appraisal Aide. He read portion of her letter. Her last day of employment with the Town will be Wednesday, June 24, 2020. She has been offered a position as a coordinator for the Lewiston’s Senior Center.

Supervisor Ellis asked for a motion to except the letter of resignation with regret.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to accept with regret, the resignation of Melinda S. Olick, from the position of Real Property Appraisal Aide effective June 24, 2020.**

The question of the resignation of Melinda S. Olick was duly 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 motion was thereupon declared duly adopted.

June 11, 2020

Supervisor Ellis has spoken to the Assessor and they have agreed to spend some time to consider different options moving forward to staff the Assessor's office. He requested that the Town Board authorize the Supervisor and the Assessor work together to determine the level of adequate clerical support for the Assessor's office and further authorization to create and advertise as necessary to fill the needed position.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to authorize the Supervisor and the Assessor work together to determine the level of adequate clerical support for the Assessor's office and further authorization to create and advertise as necessary to fill the needed position.**

The question of the authorization allowing the Supervisor and the Assessor work together to determine the level of adequate clerical support for the Assessor's office and further authorization to create and advertise as necessary to fill the needed position, was duly 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 motion was thereupon declared duly adopted.

#### **PROCUREMENT POLICY PURCHASES**

Councilman Foe reported:

#### **2020-11 HIGHWAY**

Pat Forsha Truck and Auto Collision, Inc.-\$2,315.00 for materials and labor.  
Repair of tail gate

Supervisor Ellis reported that one of the Highway trucks was in for repairs and the original verbalized quote was around \$1,800.00. The materials and labor were under the lower limits for the procurement policy however the contractor ran into issues with gate mounted dump box size and the bill exceeded the procurement policy by about \$350.00.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Musall, it was resolved to approve for the procurement proposal from for Pat Forsha Truck and Auto Collision, Inc.-in the amount of \$2,315.00 for materials and labor to repair the truck tail gate.**

The question of the approval for the procurement proposal from for Pat Forsha Truck and Auto Collision, Inc.- \$2,315.00 for materials and labor for the repair of truck tail gate was duly 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 motion was thereupon declared duly adopted.

The motion was thereupon declared duly adopted.

**ADDITIONAL MATTERS  
CEMETERY LOT SALE**

Supervisor Ellis indicated that the Town knew there was a problem at the time they took over the (Mt. View Cemetery) cemetery from the private enterprise that ran it. The private owners were not as careful as they should have been when they identified the area for grave sites. There have already been a couple issues with that, particularly in the old section. This is a section where we set aside a grave site indicating that it could not be sold because the monuments and gravesites were out of line, and at some point may have to move something. There is a current situation where a woman wants to buy that particular lot which is located next to her deceased husband and that would ensure there would be no difficulty when we go to open the gravesite to place in her cremains and this solves the problem for the Town as well as helping out the woman. The Supervisor stated the normal price would be \$600.00 for a resident and he is requesting permission from the Town Board to sell her Section B lot 9 grave 4 for a cost of \$300.00.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the sale of cemetery lot Section B lot 9 grave 4 for a cost of \$300.00 to Yvonne Kay Black.**

**The question of the approval of the sale of cemetery lot Section B lot 9 grave 4 for a cost of \$300.00 to Yvonne Kay Black was duly 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**

**ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Musall.  
Time: 7:30 pm

The question of the approval to adjourn was duly 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 motion was thereupon declared duly adopted.

Respectfully submitted,

Tamara J. Cooper, Town Clerk