

Approved

TOWN OF CAMBRIA TOWN BOARD

October 28, 2021

The special meeting of the Town of Cambria Town Board was held at 7:00 pm on the 28th day of October 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
Jon MacSwan, Highway Superintendent
Robert Roberson, Attorney
Tim Walck, Wendel
1 Interested individual

Following salute to the flag, Supervisor Ellis opened the public hearing on the Town of Cambria Drainage District.

The Town Clerk read the following notice:

TOWN OF CAMBRIA DRAINAGE DISTRICT Notice of Public Hearing

Replacement in kind maintenance of existing culvert and collapsed storm-sewer being approximately 350 LF of emergency sewer line replacement of the collapsed storm-sewer; includes 120 LF bore within NYS DOT ROW Route 104

PLEASE TAKE NOTICE that the Town Board of Cambria, Niagara County, New York held a Special Meeting at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York on the 28th day of October, 2021 at 7:00 PM for the purpose of conducting a public hearing on a certain Map, Plan and Report and estimate of costs relating to the replacement in kind maintenance of existing culvert and collapsed storm-sewer; being approximately 350 LF of emergency sewer line replacement of the collapsed storm-sewer; includes 120 LF bore within NYS DOT ROW Route 104, as shown on the Map, Plan, and Report proposed by Wendel (Engineers and Architects) for the Town of Cambria Drainage District of said Town at an estimated maximum cost of \$275,000.00 and environmental considerations in connection therewith under SEQRA, at which time and place the town board will hear all persons interested. A copy of said Map, Plan and Report and estimate of cost is on file in the office of the Town Clerk where the same may be examined by interested persons during regular business hours.

By Order of the Town Board

Supervisor Ellis opened the comment portion of the Public Hearing.

George Jowdy of 3246 Ridge Rd. indicated that there is no visible water flow under the road, a new sink hole is forming and pumps are being run every day. He feels the work on the culvert really needs to be done.

Tim Walck agreed that pumping the water is not a viable solution long term. He also indicated that one of the contractors submitting a quote requested that the deadline be extended. Mr. Walck extended the deadline from Monday, November 1, 3 pm to Tuesday, November 2, 11 am. Out of the three boring contractors who were invited to bid on this project, one cannot put it on their schedule. Mr. Walck expects to have two quotes in and reviewed and a recommendation ready for the meeting to be held on November 4, 2021.

As there were no further comments, the Supervisor closed the Public Hearing. 7:10 pm

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

Emergency Replacement of Collapsed Storm Sewer

**RESOLUTION ADDRESSING STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
STATUS FOR PROPOSED REPLACEMENT OF THE EXISTING DRAINAGE CULVERT UNDER RIDGE
ROAD IN THE TOWN OF CAMBRIA**

WHEREAS, there is an existing stone culvert under Ridge Road (near 3216 Ridge Rd.) that has apparently collapsed;
and

WHEREAS, the stone culvert is no longer functioning and is no longer providing necessary drainage for several
affected properties south of Ridge Road; and

WHEREAS, the proposed project consists of replacement of a facility, in kind, on the same site, consistent with 6
NYSRR Part 617.5(c)(2) of the State Environmental Quality Review Act (SEQR)

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CAMBRIA THAT

1. The proposed capital project to replace the Ridge Road culvert is declared to be a Type 2 action for State Environmental Quality Review Act purposes, and no further action will be required.
2. This Resolution shall take effect immediately.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to
approve the resolution addressing state environmental quality review (SEQR) status for proposed replacement
of the existing drainage culvert under Ridge Road in the Town of Cambria.**

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 - Recused
BENJAMIN D. MUSALL voting AYE
RANDY ROBERTS voting AYE

The resolution was thereupon declared duly adopted.

**BOND RESOLUTION
BOND RESOLUTION DATED OCTOBER 28, 2021**

**A RESOLUTION AUTHORIZING THE REPLACEMENT IN KIND MAINTENANCE OF EXISTING
CULVERT AND COLLAPSED STORM-SEWER BEING APPROXIMATELY 350 LF OF EMERGENCY
SEWER LINE REPLACEMENT OF THE COLLAPSED STORM-SEWER; INCLUDES 120 LF BORE
WITHIN NYS DOT ROW ROUTE 104 AS SHOWN ON THE MAP, PLAN AND REPORT PROPOSED BY
WENDEL (ENGINEERS AND ARCHITECTS) FOR THE TOWN OF CAMBRIA DRAINAGE DISTRICT
OF SAID TOWN AT AN ESTIMATED MAXIMUM COST OF \$275,000.00 AND AUTHORIZING THE
ISSUANCE OF \$275,000.00 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.**

WHEREAS, pursuant to proceedings hereto had and taken in accordance with the provisions of Section
202-b of the Town Law, the Town Board of the Town of Cambria, Niagara County, New York, has determined it to
be in the public interest to increase and improve facilities of the Cambria Drainage District in said Town, and

Whereas, it is now desired to authorize the installation of the replacement in kind maintenance of existing
culvert and collapsed storm-sewer being approximately 350 lf of emergency sewer line replacement of the collapsed
storm-sewer; includes 120 LF bore within NYS DOT ROW Route 104 as shown on the Map, Plan and Report

proposed by Wendel (Engineers and Architects) for the Town of Cambria Drainage District of said Town at an estimated maximum cost of \$275,000.00 and authorizing the issuance of \$275,000.00 serial bonds, of said town to pay the cost thereof in accordance with the aforesaid order.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Cambria, Niagara County, New York, as follows:

Section 1. The replacement in kind maintenance of existing culvert and collapsed storm-sewer being approximately 350 lf of emergency sewer line replacement of the collapsed storm-sewer; includes 120 LF bore within NYS DOT ROW Route 104 as shown on the Map, Plan and Report proposed by Wendel (Engineers and Architects) for the Town of Cambria Drainage District of said Town at an estimated maximum cost of \$275,000.00 and authorizing the issuance of \$275,000.00 serial bonds in and for the Cambria Drainage District of the Town of Cambria, Niagara County, New York, as more fully described in the aforesaid proceedings, is hereby authorized.

Section 2. The maximum estimated cost of such specific object or purpose is \$275,000.00 and the plan for the financing thereof is \$275,000.00 by the issuance of the serial bonds of said Town hereby authorized to be issued pursuant to the provisions of the Local Finance Law. Further details pertaining to the said bonds will be prescribed in a further resolution or resolutions of this Town Board.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Cambria, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within said Town of Cambria Drainage District which the Town shall determine and specify to be especially benefitted by the improvement, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are not authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same shall be published in full in the Union Sun & Journal, the official newspaper, together with a notice of the Town Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

Supervisor Ellis indicated that this is the authorization to take out serial bonds, but the Board may not necessarily have to go that route. The Board is looking for grant opportunity; they are petitioning the state for funding. There is some money in Drainage Reserve or there is ARPA funding.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved to approve the resolution authorizing the replacement in kind maintenance of existing culvert and collapsed storm-sewer being approximately 350 lf of emergency sewer line replacement of the collapsed storm-sewer; includes 120 lf bore within NYS DOT ROW Route 104 as shown on the map, plan and report proposed by Wendel (Engineers and Architects and) for the Town of Cambria Drainage District of said Town at an estimated maximum cost of \$275,000.00 and authorizing the issuance of \$275,000.00 serial bonds of said Town to pay the cost thereof.

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 - *Recused*
BENJAMIN D. MUSALL voting AYE
RANDY ROBERTS voting AYE

The resolution was thereupon declared duly adopted.

ORES Litigation and Change of Representation

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved to authorize the transfer of the ORES litigation to the Law Office of Gary Abraham and Wisniewski Law PLLC and terminate representation by the Zoghlin Group.

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.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Roberts. Time: 7:15 pm

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk