

TOWN OF CAMBRIA TOWN BOARD

September 13, 2018

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 13th day of September 2018 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
Randy M. Roberts, Councilman
Joseph Ohol, Councilman

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Jon MacSwan, Highway Superintendent
Robert Roberson, Attorney
Sally Marotta-Reed, Summer Rec./Park Director
20 interested individuals

Following salute to the flag, Supervisor Ellis called the meeting to order. The Town Board took action on the following matters:

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to approve the minutes of the Town Board meetings of August 9, 2018-regular and August 14, 2018-special meeting.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

APPROVAL OF VOUCHERS

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

Cemetery	Claim	8	\$ 87.84
Drainage Fund	Claim	10	\$ 1,985.00
General Fund	Claims	375-423	\$ 49,978.01
Highway Fund	Claims	141-153	\$ 99,693.66
Recreation Fund	Claims	49-56	\$ 7,564.62
Refuse Fund	Claims	13	\$ 29,154.49
Sewer Operating Fund	Claim	24-27	\$ 139.02
Trust & Agency Fund	Claim	17	\$ 25,609.77
Water Construction Fund	Claims	3-5	\$ 28,274.83
Water Operating Fund	Claims	134-149	\$ 6,704.09

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved that the abstract of audited vouchers dated September 13, 2018, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

NIMAC- Niagara Military Affairs Council

Supervisor Ellis indicated that the Town of Cambria supports the Niagara Falls Air Reserve Station with an annual budgetary contribution. He then introduced John Cooper, NIMAC (*Niagara Military Affairs Council*) Chairman to the Board of Directors, to give a brief presentation on the status of the Air Base.

Mr. Cooper thanked the Town Board for their continued support and provided each member with a folder containing information about NIMAC. The Niagara Military Affairs Council (NIMAC) has three main functions; they **Advocate**- the best defense is a good offense and they continue to work at various levels of the Air Force and US Military at Capitol Hill and the Pentagon.

They **strategize** on behalf of the base. There are two new missions and they have brought in \$250,000,000.00 of upgrades to the base. In addition to the \$250,000,000.00 of economic impact each year. NIMAC continues to look for additional missions for the base.

As a **liaison** ó they work with the towns to make sure there is no encroachment to the air field. The largest thing they have done for the air base this year is the air show- it was a great success.

NIMAC offers a Commanders Program. They take civic leaders and build their appreciation of the military and the NFARS. It is a program similar to Leadership Niagara.

The Air Base is an important part of our community and is the largest employer in the county. There are 3,000 jobs with an economic impact of \$250,000,000.00 and they have close to a \$90,000,000.00 payroll.

SAUNDERS STTMT. ROAD WATERLINE REPLACEMENT

Supervisor Ellis indicated that the application to the Environmental Facilities Corporation of NYS has been submitted for funding assistance with the Saunders Sttmt. Rd. Waterline Replacement project. This project will increase the flow of water along Saunders Sttmt. Rd., specifically to service NCCC, BOCES and the two subdivisions in addition to the other residents that are located in that area.

TOWN JUSTICE SECURITY

Supervisor Ellis reported that the Justice Court security improvements are underway. One item that has been completed is the automatic door paddles for handicap accessibility.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report August: Total Receipts: \$54,404.70
- Building Inspector Report August: Total fees collected: \$ 3,673.95
Total estimated value of construction: \$963,937.00
- In receipt of a request from Pekin Fire Company to add Brian O'Connor, 2999 Upper Mountain Road to the active roster; remove Zenon Zuiko, 3128 Shenk Rd., Apt. D, from the active roster.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved approve the request from Pekin Fire Company to add Brian O'Connor-2999 Upper Mountain Road to the active roster –pending receipt of physical paperwork; and to approve the removal of Zenon Zuiko, 3128 Shenk Rd., Apt. D, from the active roster.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts -Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Chip sealing on Baer Rd. is complete; may be a bit dusty and is scheduled to be swept and striped.
- Tire Drop Off and Electronic Recycling will be held October 20th from 8:00 am to 12:00 noon.

WATER/SEWER DEPARTMENTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- One push was done on Cambria Rd.
- One service line for a business was installed on Cambria/Lockport Rd.

ATTORNEY REPORTS

Mr. Roberson, Town Attorney, reported as follows:

- Requesting the Town Board to adopt a Public Interest Order with regard to the permanent financing of the Saunders Sttmt. Rd. waterline replacement project. The project is of substantial cost and it may or may not go to permanent financing at a future date; this depends on the contribution of NCCC as well as any grants the Town may receive. The final cost of this project is undetermined at this point.

Public Interest Order

In the Matter of the Increase and Improvement of the Facilities of Town of Cambria Water District in the Town of Cambria, Niagara County, New York

PUBLIC INTEREST ORDER

WHEREAS, the Town Board of the Town of Cambria, Niagara County, New York, has under consideration the increase and improvement of the facilities of Town of Cambria Water District, Niagara County, New York, consisting of the replacement of approximately 5200 linear feet of the existing 8 inch PVC water line along the north side of Saunders Settlement Road with approximately 5200 linear feet of 12 inch PVC water line installed adjacent to the existing 8 inch water line, together with the installation of ten (10) new fire hydrants and the transfer of existing water services for approximately 40 homes, two educational centers and two subdivision service lines as shown on the map, and plan proposed by Wendel at an estimated maximum cost of \$1,450,000.00, and

WHEREAS, at a meeting of said Town Board duly called and held on July 12, 2018, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would hold a Public Hearing to consider the increase and improvement of the facilities of the Town of Cambria Water District in said Town at a maximum estimated cost of \$1,450,000.00 and to hear all persons interested in the subject thereof concerning the same at the Cambria Town Hall, 4160 Upper Mountain Road, Sanborn, New York, in said Town, on August 9, 2018, at 7:00 oæclock P.M., and

WHEREAS, said Order, certified by the Town Clerk, was duly published and posted as required by law; and

WHEREAS, a Public Hearing was duly held at that time and place set forth in said notice, at which all persons desiring to be heard were duly heard;

NOWTHEREFOREBE IT ORDERED, by the Town Board of The Town of Cambria, Niagara County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of the Town of Cambria Water District in the Town of Cambria, Niagara County, New York, consisting of the replacement of approximately 5200 linear feet of the existing 8 inch PVC water line along the north side of Saunders Settlement Road with approximately 5200 linear feet of 12 inch PVC water line installed adjacent to the existing 8 inch water line, together with the installation often (10) new fire hydrants and the transfer of existing water services for approximately 40 homes, two educational centers and two subdivision service lines as shown on the map, and plan proposed by Wendel at an estimated maximum cost of \$1,450,000.00 and to adopt a BOND RESOLUTION to provide for financing the same.

Section 2. This **ORDER** shall take effect immediately.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to adopt the Public Interest Order for the Saunders Sttmt. Waterline Replacement Project.

The Question of the adoption of the foregoing Order was duly put to a vote on roll, which resulted as follows:

Wright H. Ellis Voting Aye
Joseph Ohol Voting Aye
Randy Roberts Voting Aye
Matthew Foe Voting Aye
Jeffrey Hurtgam Voting Aye

The Order was thereupon declared duly adopted this 13th day of September, 2018

- Reported that the Building Inspector/Code Enforcement Officer initiated two Zoning Ordinance Enforcement Actions:

Dated: September 11, 2018
To: John Ohol, Owner and Operator
Re: Allowing Uses of Premises in Violation of Town of Cambria Zoning Ordinance
Premises: Commonly known as 5274 Lockport Junction Road, Lockport, NY in the Town of Cambria.

Dated: September 11, 2018
To: Deep Roots Realty, LLC ó Owner
Chad Brachmann and Louise Brachmann ó Operators
Re: Operating business in violation of Town of Cambria Zoning Ordinance
Premises: 5432 & 5354 Baer Road, Town of Cambria, NY

CONCERNS OF CITIZENS

Susan Fischer-5108 Carriage Lane

Ms. Fischer was in attendance with several neighbors from Carriage Lane and Escarpment Drive to discuss with the Board the report of the Town selling the parcel known as 5069 Escarpment Drive-3.4 acres of greenspace land.

Along with Ms. Fisher the following residents spoke to the Board about not selling the greenspace so their children can have a safe place to play.

James Lortz-5078 Carriage Lane
Aaron Shakelford-5057 Escarpment Drive
James Kelly-5033 Escarpment Drive
David LaRock-5103 Carriage Lane
Edward Horvath- 5051 Escarpment Drive

The neighborhood has approximately 25 children including 3 with special needs, they feel it is more beneficial for their families to use the park/baseball diamond area located at 5069 Escarpment Drive than to use the Town Park. Also, the park does not currently have the amenities needed for special needs children.

The Town Park location was selected because it is centrally located within the Town and it is accessible to all residents.

Sally Marotta Reed, Recreation Director, indicated that she is working on making the park more accessible for people with special needs. She also reported that approximately 20 years ago she and Lynne Rogers, Recreation Committee Chairman at the time, applied and received a grant to build a playground on the greenspace area. When it was presented to the neighbors, they vigorously opposed it and the grant money had to be returned to the state.

Mr. Roberson, Town Attorney, suggested that the neighbors form a Home Owners Association and contract to the Town to purchase the land.

Supervisor Ellis indicated that the property is not/ has not been advertised. He has been approached by a private party interested in purchasing the land. They presented the Town with a figure amount, it was not agreed upon and the Town is not actively trying to sell the property. No decisions have been made and nothing is happening on that property right now.

Ed Horvath and Aaron Shakelford stated there is a drainage issue at the end of the road, there is currently no grate which poses a hazard and there is a sinkhole. Jon MacSwan, Highway Superintendent will address this issue.

Shirley Urtel-4443 N. Ridge Road

Ms. Urtel asked the Town Board if there was an update on the solar farm issue. Supervisor Ellis indicated that Cypress Creek is planning a Public Information Meeting on October 3 & 4. One will be held at the Cambria Fire Hall and the other at NCCC. The times are yet to be announced. This is not a done deal. However, there is a landowner who has land committed for analysis. There are no long term leases. Siting Board in Albany will have the final say, Cambria voters will not. This is a commercial solar plan, not a community one so the town will not be able to tap into it.

Scott Olick-5067 Meahl Road

Mr. Olick appreciated the Escarpment Drive and Carriage Lane neighbors speaking out about the greenspace in their area. He would like them to use the same passion and come to the Public Information Meetings about the solar farm. It will affect a lot of people. He stated there is no benefit from the solar farm. It will affect the Town borders and it will destroy wildlife and agriculture.

2019 BUDGET PROCESS

Supervisor Ellis reported the budget process has started. The Town Board met with the Sanborn Fire Company on 9/12/2018. They will meet with Pekin and Cambria Fire Companies on 9/20/2018. The Board will continue to work on the budget through September and October.

PROCUREMENT POLICIES

GENERAL-3 proposals received

Sealing Town Hall Parking Lot

Royal seal coating: \$2,700.00 - \$2,400.00 plus \$300.00 striping
Baughman Magic Seal: \$3,200.00-\$2,700.00 plus \$500.00 for striping
BRM: \$3,983.00- \$3,433.00 plus \$500.00 for striping

GENERAL-3 proposals received

Sealing of Cambria Town Park Walking Path

Buffalo Road Marking-\$3,300.50 ó crack filling \$900.00 extra
Baughman Magic Seal- \$3,200.00
Royal Seal Coating-\$2,200.00

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to accept the proposals Royal Seal Coating, Lewiston, NY, for the paving the Town Hall Parking lot in the amount of \$2,700.00 and for the paving of the walking path in the Town Park in the amount of \$2,200.00.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

SEWER-3 proposals received

Trench Box for work safety

American Shoring-\$12,045.00
Ferguson Ent. Pollardwater-\$11,368.48
USA Bluebook-\$11,653.86

Recommend accepting the American Shoring Trench box. Wilson has one from the same company and it is well built; more versatile than the others; the panels are 2øhigh and can be added or removed for different jobs; it is four sided.

SEWER-3 proposals received

Gas Detectors to replace obsolete detectors

Dival Safety and Supply-\$5,388.65

Ferguson Ent. Pollardwater-\$6,092.25

USA Bluebook-\$5,451.45

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to accept the proposals from American Shoring, Newburgh, NY, in the amount of \$12,045.00 for 4 sided safety trench; and Dival Safety in the amount of \$5,388.65 to replace obsolete gas detectors.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

ADDITIONAL MATTERS:

Supervisor Ellis reported that the Town Board is in receipt of a letter today dated September 9, 2018, from Chad and Louise Brachmann (Deep Roots Realty) of Baer Rd. The letter is requesting re-zoning from R-1 to AR for 80.55 acres, located on the corner of Baer Rd. and Rt. 31.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to refer the request for re-zoning of 80.55 acres, located on the corner of Baer Rd. and Rt. 31, to the Building Inspector in accordance with the Town of Cambria Zoning Ordinance.

Roll Call Vote:

Ayes: Ellis, Foe, Hurtgam, Roberts

Abstain: Ohol

-Motion Carried-

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Hurtgam.
Time: 8:20 pm

Respectfully submitted,

Tamara J. Cooper, Town Clerk