

Approved

TOWN OF CAMBRIA TOWN BOARD

September 9, 2021

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 9th day of September 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:

Paula N. Jones, Deputy Town Clerk
Jon MacSwan, Highway Superintendent
Robert Roberson, Attorney
Tim Walck, Wendel
8 Interested individuals

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 Foe, it was resolved to approve the minutes of the Town Board meetings of August 12, 2021 regular meeting, August 12, 2021 Work Meeting and Special Town Board Meeting August 24, 2021.

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:

September 9, 2021

FUND	CLAIM	AMOUNT
Cemetery	12	\$51.21
Drainage	5	\$9,500.00
General	367-409	\$45,823.23
Highway	132-144	\$53,078.61
Refuse	10-11	\$35,016.98
Sewer Operating	24-25	\$1,817.89
Water Operating	114-125	\$11,664.88

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe it was resolved that the abstract of audited vouchers dated September 9, 2021 be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

NIMAC PRESENTATION

Supervisor Ellis introduced John Cooper, Chairman, from the Niagara Military Affairs Council. Mr. Cooper thanked the Town Board for their longtime support of the program. Mr. Cooper explained the funding contributes toward the lobbying for the Niagara Falls Air Force Base, advocating for the base at the federal level as well as other various programs that help to benefit the families that work at the base.

OLD BUSINESS

RIDGE ROAD (ROUTE104) CULVERT ISSUES

Tim Walck, Wendel, reported a design proposal has been presented to the Town Board for Ridge Road Culvert. Soil borings, geotech evaluation, a topographic survey and easement description from NYS for approval and hopefully participation with the installation. The first step is to get the design plans started and meet with contractors; this would be done as an emergency project, quotations would need to be obtained instead of a formal bid process, as it would take too long. It is a time and expense proposal, we will get through it as quickly and efficiently as possible.

Supervisor Ellis stated there were people directly impacted by this, normally the Concerns of the Citizens is for new Business; tonight the Town Board will entertain any comments on this proposal at this time.

Dave Faery, Faery Landscaping on Route 104, addressed the Town Board stating his two properties were affected by the water damage, he had a third party come in to assess the damage and it was valued at \$1.2 million. He will be out of business if nothing happens; this will cause a loss of jobs and sales tax for the Town. Mr. Faery stated he is not looking to recoup the \$1.2 million; he's looking for \$42,000 so we can take the next step and find out who wants to pay for it, this problem is not going to go away unless it's fixed. He pays his taxes every year.

Supervisor Ellis replied the primary purpose of the engineering work is to know exactly how much this will cost, how much is required and to prepare the bid document. Then at that time the Town will proceed if funding can be identified. The State Senator and State Assemblyman are working on it; Supervisor Ellis has called in to the Commissioner of Ag. & Markets who was out to visit the site. Supervisor Ellis will ask Ag & Markets to provide some money for this project because the Commissioner realizes the impact on agriculture.

Melissa Skorik, Faery's Nursery stated she sustained \$600,000 in damage from the flooding.

Jack Faery addressed the Board with his concerns; how can they rebuild if nothing is done to fix the problem? The State has known about this problem for a long time.

Supervisor Ellis indicated the \$42,000 is not the cost to replace, the estimated actual cost of the project ranges from \$250,000 to \$430,000 to do it. A lot of that depends on what comes out of this engineering study, the more they have to bore, the more it will cost.

Mr. Dave Faery stated this is not something that can be put off, he realizes it only directly affects 9 residents, but it needs to be done.

Supervisor Ellis stated because of the special district for Drainage the entire Town is covered in it, so on that basis the Town is legally able to do work like this.

George Jowdy owns property between Mr. Hurtgam and Mr. Spina and has \$125,000 in losses from the storm, is a lifelong resident of Cambria, the State needs to do something about the culvert, he pays his taxes every year as well.

Councilman Foe stated the whole issue is troubling because the Town of Cambria has very little control over NYS jurisdiction and this is a State highway. The Town has already moved forward and spent \$10,000 on a preliminary study to try to get the State and Senator Ort and Assemblyman Morinello to be able to come and work it then. Mr. Foe fully sympathizes with the residents affected by this. This is an extremely difficult, multi-jurisdictional and ultimately the Town of Cambria and its residents may be potentially holding the bag on this entire project. As a councilman he has a tremendous responsibility to the entire Town recognizing that this is extremely important to the Town. The Town has already moved on this, many discussions have taken place on where we are going with this,

where we may move with it and how to justify it to the other 2,000 residents of the community that we will be spending and borrowing this money if we don't get shared funding. This is a huge money deal and a big money decision to make.

Mr. Faery stated he understands, everybody knows they pay taxes and doesn't know where every dime goes, he appreciates the percentage there, he knows the Town people have put in extreme effort toward pushing this forward.

Councilman Roberts stated this has really put the Town Board between a rock and a hard place, wanting to do what is best for them and trying to keep an eye on the financial situation here. Mr. Roberts is struggling with what to do with this, fully aware that they have long term businesses in the Town, it's not just about business it's also about family and livelihood. Mr. Roberts went out and talked to members of the Town to see how they felt about all of this, gave them the details and every single one of them said you have to help these people. Taking that into consideration Mr. Roberts is going to support it but would like no more engineer fees.

Councilman Musall stated everyone has seen the damage whether up close and personal or familiar with the area. This is a lot of money to spend on a road that the Town does not have the right of way of or any onus on; it will be an uphill battle to get funding besides the Town's contribution.

Legislator David Godfrey stated the County has not received any update on receiving emergency funding for this.

Councilman Foe encouraged anyone that has a stake in this to contact Senator Ortt and Assemblyman Morinello to put pressure on them to get involved, the problem is because we are dealing with the state; we don't the right of way or easement and then hopefully to find the funding for the big portion of the project.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the proposal from Wendel in the amount of \$42,000 on time and expense basis to complete a culvert design for the Ridge Road drainage issues and advertise for emergency construction bids and the identification of the required funding.

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.

PEKIN FIRE COMPANY 2021 FIRE CONTRACT

Supervisor Ellis reported the contract has been signed by the Company.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the 2021 contract with the Pekin Fire Company.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PEKIN FIRE COMPANY 2021 ROSTER

Supervisor Ellis stated we have not been provided with the updated Pekin Fire Company roster for 2021 as discussed at our meeting with that Company on Tuesday, August 24, 2021. Errors in the 2021 roster were identified and the Company agreed to provide an update for approval.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report August: Total Receipts: \$73,500.56
- Building Inspector Report August: Total fees collected: \$ 5,276.75
Estimated value of construction: \$ 270,000.00
- In receipt of 2 letters from Pekin Fire Company requesting to add members to their active roster: Larry Kensinger, 496 23rd Street, Niagara Falls, NY 14303 - we are in receipt of his physical paperwork AND Christine Kensinger, 496 23rd Street, Niagara Falls, NY 14303 - pending receipt of her physical paperwork.
- In receipt of a letter from Cambria Volunteer Fire Company requesting to add AmyLynn Manning, 5208 Upper Mt Rd, Lockport, NY 14094 to their active roster - we are in receipt of her paperwork AND to reinstate to active membership Victor Aiken, 4079 Ridge Rd, Lockport, NY 14094 - we are in receipt of his paperwork.

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to approve the request from Pekin Fire Company to add Larry Kensinger, 496 23rd Street, Niagara Falls, NY 14303 – paperwork has been received, Christine Kensinger, 496 23rd Street, Niagara Falls, NY 14303 - pending receipt of her physical paperwork and the request from Cambria Volunteer Fire Company to add AmyLynn Manning, 5208 Upper Mt Rd, Lockport, NY 14094 – paperwork has been received and to reinstate Victor Aiken, 4079 Ridge Rd, Lockport, NY 14094 – paperwork has been received to their active rosters.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Behind on some work because of the storm, shoulders needed to be rebuilt.
- Picking up brush until November 1st.
- There are some culverts and paving to do as well.

WATER SEWER REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Three service installations – one on Campbell Blvd., one on Lockport Rd. and one on Comstock Rd. – no leaks.
- An update to the software was installed today and it worked well on the road.

ATTORNEY REPORTS

No reports.

BEAR RIDGE SOLAR PROJECT

Supervisor Ellis stated there is not much to report, the Town has not heard back from them about the Visual Impact Study, the Town will not support a virtual meeting, and we want an in person meeting and are waiting to hear back from them.

Supervisor Ellis reported on the following:

- The budget process has begun, department heads are turning in their budget requests, and the staff is working on it to be completed by September 30.
- In receipt of a notification from the NYS Department of State reporting the population of the Town has declined on the 2020 census; we went from 5,839 in 2010 to 5,743 in 2020, a loss of 96 people. The entire County went down, there only Town that increased was Pendleton

CONCERNS OF CITIZENS

- Gale Palmer, Subbera Rd. announced the Cambria Solar group will be having a garage sale at Dennis Scovazzo's house on Cambria Road tomorrow and Saturday from 8am-4pm to raise funds for the group; they will also be having a donut and cider fundraiser at Wagner's in October.
- Dave Godrey, Legislator John Schultz is working on a new model for response times to help first responders; line of duty deaths has increased and fire companies are losing members due to stress. Supervisor Ellis said it is encouraging to have 2 new members added to each fire company tonight.

NEW BUSINESS

FUNDS TRANSFER TO RESERVE

Supervisor Ellis reported the Town has built up some revenue in some funds and would like to transfer this money to the reserve funds for capital projects. Unfortunately, the figures you will hear tonight are not in the Drainage Fund, it is a very small fund that would handle things like a culvert repair for a highway depending on where it was. Supervisor Ellis would like to transfer the following:

From Water Operating to Water Construction Reserve - \$600,000.00
From Highway Fund to Highway Equipment Capital Reserve - \$150,000.00
From General Fund to Capital Reserve of the General Fund - \$400,000.00
From General Fund to Capital Reserve for the Town Park - \$100,000.00

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to authorize the fund transfers as stated above.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PROCUREMENT POLICY PURCHASE

2021-14 GENERAL

Paint the inside of the Highway Garage

3 proposals:

Dream Team Construction: \$28,000.00
Niagara Construction: \$28,680.00
DiNeri Construction: \$28,500.00

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to accept the proposal from Dream Team Construction in the amount of \$28,000.00 to paint the inside of the garage, to include labor and materials.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

UNION NEGOTIATIONS

Supervisor Ellis reported union negotiations with our employees will begin shortly. Councilman Foe and Councilman Hurtgam along with Tom Brandt as legal counsel will be involved with the union negotiations.

ADDITIONAL MATTERS

None.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Roberts. Time: 7:55 pm

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Respectfully submitted,

Paula N. Jones, Deputy Town Clerk, RMC