

TOWN OF CAMBRIA TOWN BOARD
September 10, 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 10th day of September 2020.

Prior to the start of the meeting, Supervisor Ellis acknowledged that tomorrow is the 19th anniversary of the September 11, 2001 terrorist attack on the United States soil. On that day there were 2,996 fatalities, including the 19 terrorists. The fatalities, of course, were primarily in New York City at the World Trade Center, where the twin towers collapsed, in Washington DC at the Pentagon, and in a field near Shanksville, Pennsylvania, where a plane went down that was initially targeted for the White House. In total, it was a series of four coordinated attacks. 243 firefighters and 72 law enforcement officers were killed, along with substantial long term health consequences for no known number of victims. Additionally, there were 25,000 injuries. It was a terrible day. It took a while for the United States to recover from that, both economically, and from a mental standpoint. It's very important that we remember it and we should never forget.

The following board members were 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 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 regular Town Board meeting of August 13, 2020.

The question of the approval of the August 13, 2020 Town Board minutes 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 motion was thereupon declared duly adopted.

APPROVAL OF VOUCHERS

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

September 10, 2020

General	351-392	\$56,023.68
Highway	117-135	\$57,373.08
Refuse	14-15	\$31,058.29
Sewer Operating	29-30	\$1,765.25
Trust & Agency	12	\$89.72
Water Construction	14	\$120,132.25
Water Operating	137-157	\$20,204.52

Supervisor Ellis asked for a motion for approval of the audited vouchers as read by the Town Clerk, with the exception of Water Construction, Claim #14 from 4th Generation Construction –Payment #3 in the amount of \$120,132.25.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated September 10, 2020, with the exception of Water Construction, Claim #14 from 4th Generation Construction, be approved as read by the Town Clerk.

The question of the approval of the September 10, 2020, abstract of audited vouchers 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 motion was thereupon declared duly adopted.

SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT

Tim Walck-Wendel reported the following:

The Saunders Settlement Road Waterline Replacement is completely operational. The contractor will be doing restoration throughout next week. They plan to do the hydro-seeding when the weather is wetter.

Wendel is in receipt of pay request #3 from 4th Generation in the amount of \$120,132.25. After review of the documentation, they are recommending approval.

Upon a motion duly made by Councilman Musall and seconded by Councilman Foe it was resolved to approve the 3rd payment request from 4th Generation Construction in the amount of \$120,132.25. (Water Construction-Claim #14)

The question of the approval of payment to 4th Generation 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 motion was thereupon declared duly adopted.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report August: Total Receipts: \$57,136.32
- Building Inspector Report August: Total fees collected: \$2,369.60
Total estimated value of construction: \$547,387.00

CORRESPONDENCE:

The Town Clerk is in receipt of approximately 9 emails with regard to the Forsyth Tavern and the requested rezoning. All have been forwarded to the Town Board, Building Inspector, Planning Board and Zoning Board of Appeals.

HIGHWAY SUPERINTENDENT REPORTS

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

- All paving scheduled for 2020 has been completed with striping.
- Brush pick up will continue until the snow falls.

WATER SEWER REPORTS

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

- Two small water leaks that have been repaired.
- One new service connection.

ATTORNEY:

Mr. Roberson reported the following:

Mr. Roberson indicated that the Forsyth Tavern rezoning application according the Zoning Ordinance, should be referred to the Planning Board for review and recommendation. This should be done at the next Planning Board meeting. In the meantime, the Town Board will take no other action. Review of the documents submitted, show that the application is not in accordance with the zoning requirements and the expectation is that the Planning Board will advise the applicant.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to acknowledge receipt of application rezone from Tyler Booth, for property at 5182 Ridge Road, and forward same to the Planning Board for review and recommendation.

The question of the acknowledgement of the rezoning application from Tyler Booth, Forsyth Tavern, 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 motion was thereupon declared duly adopted.

Supervisor Ellis reported as follows:

2021 BUDGET

The Town Board is working on the 2021 Tentative Budget this month and will be meeting with various department heads. There is a meeting scheduled with the Cambria, Pekin and Sanborn Fire Companies Wednesday evening to discuss their request for funding and the Fire Protection District Fund.

LANDFILL

The Towns' of Wilson and Cambria have historically operated a municipal landfill. Various garbage and waste was disposed on a 62.46 acre parcel located at 4828 Chester Road, within the boundaries of the Town of Wilson. This was also shared by the Town of Newfane and in the 1980's it was closed and the Town of Newfane bought out their agreement. Today, Cambria continues to have 18.5% ownership and shares expenses with the Town of Wilson for landscaping, monitoring, etc. The Town of Wilson came up with the idea that if the Town of Cambria takes care of mowing the grass for one year, they would do it for the next four years. A written agreement has been created and signed to ensure continuity as Supervisors and Highway Superintendents change.

BEAR RIDGE SOLAR PROJECT

A teleconference scheduled for next Thursday, September 17th.

NEW BUSINESS

SOLAR LAW UPDATE PROPOSAL

Tim Walck reported the following:

The Town Board in receipt of a proposal from Wendel on changes that are anticipated in relation to the new Legislation, 94 C, and a new process that is going to lead to approving large-scale solar projects. It appears that the new process is going to stress the importance of the Town's Comprehensive Plan, and their local law regulating solar facilities. It's being recommended that communities have an up to date, comprehensive plan that addresses green energy solar and that municipalities have solar laws that reflect the Comprehensive Plan and the Town's vision. This proposal is to assist the Town with some revisions to the Comprehensive Plan to address those issues and related revisions to the Town's solar law. There are some other zoning codes that the Town may be interested in our input on at the same time. The proposal lays out a scope of work with several steps for working with the Town and the town committees that are formed on this matter, in addition to assisting the Town with SEQR and adoption when it gets to that point.

It will be done on time and expense basis, and a budget of \$13,000 for that work has been established. Drew Riley from Wendel will be on point for this work. He has been working with Town on the solar issues all along.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall it was resolved to approve the proposal from Wendel, dated 9/9/2020, for updates to the Comprehensive Plan, Solar Law, and Zoning Ordinance as needed to address new technology and NYS Law on a time and expense basis not to exceed \$13,000.00. To further authorize the Supervisor and Deputy Supervisor to appoint a committee to work with Wendel on this project.

The question of the approval of the proposal from Wendel to update the Comprehensive Plan, Solar Law, and Zoning Ordinance as needed, 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 motion was thereupon declared duly adopted.

LOCKPORT/CAMBRIA WATERLINE CONTRACT

Supervisor Ellis indicated that there is a water line running along Campbell Blvd. and Junction Rd., which is on the east side, down the Lockport side of the road. That has been a joint line since the beginning and the Town of Cambria gets water from that for the people that live on the west side. There are approximately 30 taps into it with possibly more in the future. The Town of Lockport has put in a 10 inch line to replace the eight inch line and the Town of Cambria has agreed to pay a share of the cost of that project. A new contract has been drawn up between the Town of Lockport and the Town of Cambria. Essentially, it gives Cambria 50% ownership of the line and will help as we see growth along that side of the road.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to approve contract between the Town of Lockport and the Town of Cambria dated 9/10/2020, and authorize the Supervisor to sign.

The question of the approval of the contract between the Town of Lockport and the Town of Cambria, 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 motion was thereupon declared duly adopted.

Supervisor Ellis also indicated that the Town needs to have a public hearing on the matter of approving the map, plan and report for the project, and authorize bonding of the cost of that.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts it was resolved to approve a public hearing for Thursday, October 8, 2020, at 7:00 PM, for replacement of the 8 inch waterline with a 10 inch PVC with necessary accoutrements situate on the east side of Junction Rd. from the intersection of Lockport Rd. the intersection of Upper Mountain Rd.

The question of the approval of the public hearing for the bonding and map, plan and report for the waterline project, 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 motion was thereupon declared duly adopted.

NOISE POLLUTION CONTROL LAW

Supervisor Ellis discussed the Noise Pollution law and indicated that it is one the Board has talked about on and off for the last three years or so. Noise is not an area that is a major problem in the Town, but when it comes up, it does need to have some authority behind it. This would be Local Law Number 1-2020 Noise Pollution Control Law of the Town of Cambria. It is replacing Local Law Number 1 of 1980. The Town has included an exemption for various noises associated with best approved agricultural practices. This comes in with harvesting primarily, or tractors having to work through the night to prepare ground in the spring, things of that nature.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall it was resolved to approve Public Hearing to be scheduled on Thursday, October 8, 2020, at 7:00 PM, for Local Law Number 1-2020 Noise Pollution Control Law of the Town of Cambria.

The question of the approval of the public hearing for Local Law Number 1-2020 Noise Pollution Control Law, 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 motion was thereupon declared duly adopted.

PERSONNEL MATTERS

Supervisor Ellis reported that two Town employees wish to take advantage of their New York State retirement. One has been a longtime employee here for 20 years and the other one has also worked in the public school system along with working here at the Town. They both want to start withdrawing their retirement funds, but also, continue to work with the Town for a while. There must be a motion from the Town Board which, on the one hand accepts their resignation and then reappoints them to the position a day or two later.

Zelda H. Hillman-accept the resignation as Recreation Director, effective August 28, 2020 and reappoint her to the same position effective September 2, 2020. This will be retroactive.

Lynn J. Schlemmer-accept the resignation as Administrative Assistant to the Town Supervisor, effective September 29, 2020 and reappoint her to the same position effective October 1, 2020.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the resignations of Zelda H. Hillman, as Recreation Director effective August 28, 2020, and Lynn J. Schlemmer, as Administrative Assistant effective September 29, 2020. In addition, to reappoint Z. Hillman as the Recreation Director, effective September 2, 2020 (retroactive) and L. Schlemmer as Administrative Assistant, effective October 1, 2020.

The question of the approval of the resignations and reappointments for Zelda Hillman and Lynn Schlemmer, 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 motion was thereupon declared duly adopted.

ASSESSOR

The Town Board is in receipt of a request from the Assessor to appoint Linda Hardt, 3863 Ridge Rd. Lockport, to a 20 hour per week, part-time clerical position in the Assessor's Office. Her starting rate will be \$13.50 an hour with a 90 day probation period at the end of which she will receive a \$.50 raise, and her start date will be dependent upon pre-employment testing. She was selected out of three applicants.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved to appoint Linda Hardt, 3863 Ridge Rd. Lockport, to a 20 hour per week, part-time clerical position in the Assessor's Office. Starting rate will be \$13.50 an hour with a 90 day probation period at the end of which she will receive a \$0.50 raise, and her start date will be dependent upon pre-employment testing, and she was selected out of three applicants.

The question of the approval of the appointment of Linda Hardt to part time clerical in the Assessor's Office, was put to a vote on roll call, which resulted as follows:

WRIGHT H. ELLIS voting AYE
MATTHEW P. FOE voting AYE

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JEFFREY S. HURTGAM voting AYE
BENJAMIN D. MUSALL voting AYE
RANDY ROBERTS voting AYE

The motion was thereupon declared duly adopted.

NOVEMBER 5, 2020 TOWN BOARD MEETING

Supervisor Ellis asked that the Town Board approve to reschedule the November Town Board meeting to November 5, 2020, at 7:00 PM. This will be to comply with Town Law section 108 regarding the public hearing on the budget. This law requires that the public hearing on a town budget be conducted no later than the Thursday following Election Day.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to reschedule the November Town Board meeting to November 5, 2020, at 7:00 PM, to comply with Town Law section 108 regarding the public hearing on the budget.

The question of the approval of the rescheduling of the November Town Board meeting 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 motion was thereupon declared duly adopted.

FLAIL MOWER PURCHASE

Councilman Foe reported:

There was a procurement form Water/Sewer #2020-06 that the Town Board had previously approved for purchase of 40 inch flail mower from Clark Equipment Company. The quotation was in the amount of \$7,342.25. Due to an August 6, 2020 change in New York State contract price, the unit price was increased by \$219.76 which was passed on to the Town of Cambria by the vendor. The total revised cost is now \$7,562.01. The mower has to be set up by a local shop, Bobcat of Buffalo, to fulfill warranty requirement.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to approve the purchase of 40 inch flail mower at the revised price of \$7,562.01, to accommodate an increase of \$219.76 in the New York State contract bid price since the original quote. The purchase was approved by the Town Board on March 12, 2020.

The question of the approval the purchase of 40 inch flail mower at the revised price of \$7,562.01, 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 motion was thereupon declared duly adopted.

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Hurtgam.

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Time: 7:34 pm

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

Respectfully submitted,

Tamara J. Cooper, Town Clerk