

**TOWN OF CAMBRIA TOWN BOARD  
December 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 10<sup>th</sup> day of December 2020.

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  
5 interested parties

Supervisor Ellis asked for a moment of silence for three active members of our Town of Cambria community who recently passed away. Ronald Wendt, who served for many years on the Town of Cambria Planning Board; Clifford Burch who served as the Town Building Inspector and Code Enforcement Officer; and Michael Bechtel, who served as an alternate for the Zoning Board of Appeals and was a member of the Board of Assessment Review. We remember their service to their fellow citizens.

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 Musall and seconded by Councilman Roberts, it was resolved to approve the minutes of the regular Town Board meeting of November 5, 2020.**

The question of the approval of the November 5, 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:

**December 10, 2020**

Drainage	14	\$92.50
General	467-524	\$152,449.24

**APPROVED JANUARY 14, 2021**

Highway	168-185	\$57,385.88
Refuse	19-23	\$152,696.27
Sewer Operating	35-39	\$17,503.59
Trust & Agency	24-30	\$64,921.25
Water Construction	18-22	\$9,900.85
Water Operating	192-203	\$21,240.47

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated December 10, 2020, be approved as read by the Town Clerk.**

The question of the approval of the December 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.

**REZONING APPLICATION, 5182 RIDGE ROAD**

Supervisor Ellis reported that there is an application for rezoning of the premises of 5182 Ridge Road from AR to B2. The Town Board is in receipt of a letter from the Chairman of the Planning Board. The Planning Board, conducted their review of the Rezoning application, and made a recommendation to the Town Board in accordance with the Zoning Ordinance.

It is the duty of the Town Board to conduct a public hearing. Supervisor Ellis is requesting a public hearing on the re-zoning application for the premises at 5182 Ridge Road to change zoning from AR to B2 to be held Thursday, January 14, 2021 at 7:00 PM.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved to schedule a Public Hearing on the Re-Zoning application for 5182 Ridge Rd. to change zoning from AR to B2 to be held Thursday, January 14, 2021 at 7:00 PM**

The question of the scheduling of the public hearing 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.

**PEKIN FIRE COMPANY CONTRACT**

Supervisor Ellis indicated that the Town Board has received the proposed contract with the Pekin Volunteer Fire Company for 2021. The contract is for the amount of \$213,146.00 for Fire Protection and additionally \$40,458.00 to offset a portion of its Emergency Medical Service incurred on behalf of their activities in that regard.

**APPROVED JANUARY 14, 2021**

**Upon a motion duly made by Councilman Musall and seconded by Councilman Foe it was resolved to approve the Pekin Vol. Fire Company 2021 contract in the amount of \$213,146.00 for Fire Protection and additionally \$40,458.00 to offset a portion of its Emergency Medical Service.**

The question of the Pekin Fire Company 2021 contract 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 on the following:

The Saunders Settlement waterline replacement is complete, all the punch list items are done. Wendel is just waiting on Fourth Generation to get the final paperwork together and hopes to have that by the next Town Board meeting so they can present the final pay request..

#### **NYS ASSOCIATION OF TOWNS ANNUAL MEETING AND TRAINING SCHOOL**

Supervisor Ellis indicated that due to the Covid-19, instead of meeting in New York City the annual meeting and training school be held virtually from February 14 through 17, 2021. The normal procedure is to authorize all town officials to participate.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to authorize our town officials to participate in New York State Associate of Towns Annual Meeting and training school, February 14-17, 2021.**

The question of authorizing for NYS Association of Towns Annual Training 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.

#### **PUBLIC INTEREST ORDER REGARDING REFUSE CART BOND**

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

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PUBLIC INTEREST ORDER

**APPROVED JANUARY 14, 2021**

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 Refuse District, Niagara County, New York, consisting the purchase of 2500 refuse carts by the Cambria Refuse District necessary to comply with the 2021-2026 Refuse and Recycling Collection Contract estimated maximum costs of \$116,000.00, and

WHEREAS, at a meeting of said Town Board duly called and held on October 8, 2020, 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 Refuse District in said Town at a maximum estimated cost of \$116,000.00 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 November 5, 2020, at 7:00 o'clock 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;

NOW THEREFORE BE 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 Refuse District in the Town of Cambria, Niagara County, New York, by the purchase of 2500 refuse carts by the Cambria Refuse District necessary to comply with the 2021-2026 Refuse and Recycling Collection Contract an estimated maximum cost of \$116,000.00 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 Roberts and seconded by Councilman Hurtgam it was resolved to approve the Public Interest Order requirement for bonding for the purchase of refuse carts.**

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**  
**MATTHEW P. FOE voting A YE**  
**RANDY ROBERTS voting AYE**  
**JEFFREY S. HURTGAM voting AYE**  
**BENJAMIN MUSALL voting AYE**

The motion was thereupon declared duly adopted.

**TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Town Clerk Report November: Total Receipts: \$58,782.80
- Building Inspector Report November: Total fees collected: \$1,447.25  
Total estimated value of construction: \$327,150.00

**APPROVED JANUARY 14, 2021**

## **HIGHWAY SUPERINTENDENT REPORTS**

Councilman Foe reported for the Highway Superintendent as follows:

- Trucks are ready for the winter
- Creating a list for supplemental plow drivers for the winter season
- Received the flail mower

## **WATER SEWER REPORTS**

no reports

## **ATTORNEY:**

no reports

## **BEAR RIDGE SOLAR PROJECT**

Supervisor Ellis reported that the Town of Cambria has joined 28 other Town Supervisors across New York State from Niagara County down to Suffolk County, Long Island, and around the Albany District in petitioning the Office of Renewable Energy siting on the 94C draft regulations. We submitted public comments on three areas, specifically on the issue of real property, like acquiring land, takings of private property. Secondly, local laws and ordinances and whether those will be protected under home rule or be set aside by the Office of Renewable Energy Siting. And, thirdly, the participation in various hearings. They have been very quick to schedule some of these meetings virtually and they don't have quite the same impact as having a face-to-face meeting. With a total of 29 towns, and a couple other elected officials going together in this, we hope that it will send a message to Albany that we need to re-examine some aspects of these regulations because they go far beyond the issue of renewable energy when they threaten the very operation of town, governments, and other municipalities.

## **NEW BUSINESS**

### **2020 YEAR END CLOSEOUT OF ACCOUNTS**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to authorize the Supervisor to encumber funds, pay bills and make necessary line item transfers to close out the 2020 accounts.**

The question of the line item transfers was duly put to a vote on roll, which resulted as follows:

**WRIGHT H. ELLIS voting AYE**

**MATTHEW P. FOE voting A YE**

**RANDY ROBERTS voting AYE**

**JEFFREY S. HURTGAM voting AYE**

**BENJAMIN MUSALL voting AYE**

The motion was thereupon declared duly adopted.

## **RECORDS MANAGEMENT RETENTION SCHEDULE**

NYS has consolidated the retention schedules for all types of local governments. The new LGS-1 replaces the current MU-1 and requires the Town Board to pass a resolution to adopt it as its new retention schedule.

### **Town of Cambria**

**Resolution for the Retention and Disposition Schedule  
for New York Local Government Records**

**APPROVED JANUARY 14, 2021**

RESOLVED, By the Town Board of the Town of Cambria that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall it was resolved to adopt the New York State retention schedule LGS-12 that replaces the MU-1 schedule.**

The question of the line item transfers was duly put to a vote on roll, which resulted as follows:

**WRIGHT H. ELLIS voting AYE**

**MATTHEW P. FOE voting A YE**

**RANDY ROBERTS voting AYE**

**JEFFREY S. HURTGAM voting AYE**

**BENJAMIN MUSALL voting AYE**

The motion was thereupon declared duly adopted.

#### **NYS RETIREMENT REPORTING RESOLUTION**

Supervisor Ellis indicated that the Town is required by the Office of NYS Comptroller to establish standard workdays and reporting procedures with elected and appointed personnel who are part of the NYS Retirement System.

#### **2020**

##### **Elected Official**

*Councilman Benjamin Musall-3.12 hours*

##### **Appointed Official**

*Deputy Historian Brooke Morse-1.56*

**BE IT RESOLVED**, that the Town of Cambria, hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body.

The resolution in its entirety will be posted on the bulletin board outside the office of the Town Clerk for a period of 30 days.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved approve the NYS Retirement System Resolution and the entire resolution will be posted on the bulletin board outside the office of the Town Clerk for a period of 30 days.**

The question of the NYS Retirement Resolution was duly put to a vote on roll, which resulted as follows:

**APPROVED JANUARY 14, 2021**

**WRIGHT H. ELLIS voting AYE**  
**MATTHEW P. FOE voting A YE**  
**RANDY ROBERTS voting AYE**  
**JEFFREY S. HURTGAM voting AYE**  
**BENJAMIN MUSALL voting AYE**

The motion was thereupon declared duly adopted.

#### **PERSONNEL**

Supervisor Ellis requesting authorization to petition Niagara County Civil Service in order to canvas the current Account Clerical I list to see if any candidates are interested in the position in the Supervisor's Office and to authorize the Town Clerk to advertise for a Confidential Secretary for the Town Supervisor's Office. Additionally for the Supervisor to petition Niagara County Civil Service to create a new position of Building Inspector.

**Upon a motion duly made by Councilman Musall and seconded by Councilman Foe it was resolved to authorize the Supervisor to petition Niagara County Civil Service in order to canvas the current Account Clerical I list, to authorize the Town Clerk to advertise for a Confidential Secretary for the Town Supervisor's Office and for the Supervisor to petition Niagara County Civil Service to create a new position of Building Inspector**

The question of the personnel matters was duly put to a vote on roll, which resulted as follows:

**WRIGHT H. ELLIS voting AYE**  
**MATTHEW P. FOE voting A YE**  
**RANDY ROBERTS voting AYE**  
**JEFFREY S. HURTGAM voting AYE**  
**BENJAMIN MUSALL voting AYE**

The motion was thereupon declared duly adopted.

#### **ADDITIONAL MATTERS**

Supervisor Ellis indicated that there has been a significant increase in positive Covid-19 tests over a two week period. The increase is throughout Niagara County and specifically in the Town of Cambria. He has talked to the Town Board members and is introducing a resolution to close the Town Hall to the public beginning Monday, December 14, 2020.

Mr. Roberson, Attorney, suggested to the Town Board there be a potential end date to the closure.

#### **30 DAY CLOSURE OF THE CAMBRIA TOWN HALL MONDAY, DECEMBER 14, 2020 FOR 30 DAYS**

Town of Cambria Town Hall will be closed to the public effective at 12:01 am on December 14, 2020 until January 13, 2021. (30 days)

If business cannot be conducted via telephone, e-mail, USPS or utilizing the drop box at the front entrance of the Town Hall, appointments may be made in the appropriate department- Monday to Friday 9:00 am to 1:00 pm in accordance with Covid-19 guidelines.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved approve a resolution to close the Town Hall for 30 days from December 14, 2020 to January 13, 2021.**

The question of the Town Hall closure was duly put to a vote on roll, which resulted as follows:

**APPROVED JANUARY 14, 2021**

**WRIGHT H. ELLIS voting AYE**  
**MATTHEW P. FOE voting A YE**  
**RANDY ROBERTS voting AYE**  
**JEFFREY S. HURTGAM voting AYE**  
**BENJAMIN MUSALL voting AYE**

The motion was thereupon declared duly adopted.

Supervisor Ellis also reported that the Highway, Water and Sewer employees will begin to work alternate shifts. This is a precaution so that if someone contracted covid-19 it might very easily spread throughout the garage area. If that happened, the garage would have to close down and there would be no one around to plow the roads or plow out fire hydrants etc. We don't quite have that concern in the town hall and will remain fully staffed.

Supervisor Ellis wished everyone a Merry Christmas, Happy New Year, and certainly a safe holiday period, not only are we all concerned about traffic issues but even more importantly safety through this possible increase exposure to covid-19.

#### **ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Foe.  
Time: 7:31 pm

The question of adjournment was duly put to a vote on roll, which resulted as follows:

**WRIGHT H. ELLIS voting AYE**  
**MATTHEW P. FOE voting A YE**  
**RANDY ROBERTS voting AYE**  
**JEFFREY S. HURTGAM voting AYE**  
**BENJAMIN MUSALL voting AYE**

The motion was thereupon declared duly adopted.

Respectfully submitted,