

TOWN OF CAMBRIA TOWN BOARD

February 11, 2021

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 11<sup>th</sup> day of February 2021.

**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  
6 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 Town Board meeting of January 14, 2021 regular meeting with correction.**

*\*correction to December 31, 2020 General Fund: -claim 525-568*

The question of the approval January 14, 2021 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:

**February 11, 2021**

FUND	CLAIM	AMOUNT
Cemetery	2	\$20.04
Drainage	1	\$1,800.00
General	29-71	\$93,493.04
Highway	5-15	\$61,397.59
Sewer Operating	2-6	\$257,767.43
Water Construction	3-5	\$520,966.46
Water Operating	9-31	\$16,596.17

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved that the abstract of audited vouchers dated February 11, 2021 be approved as read by the Town Clerk.**

The question of the approval 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.

### **EMERGENCY CLOSURE**

Supervisor Ellis reported that the emergency closure of the Town Hall has had two 30 day extensions and the latest one will expire the 15th of February. He has been in contact with the County Health Department. Even though things have calmed down a bit and covid-19 numbers are going down in Niagara County as well as the Western New York Region, the Health Department recommends caution as far as opening the Town Hall. The Health Department pointed out several factors for the caution, which are the rapid mutation of the virus, children are back at school and spring break is approaching. Supervisor Ellis indicated that the Town Board feels that it is best to continue with the Town Hall closure with the exception of appointments. It seems to be working out quite well and each office has been able to accommodate residents. Everything else can be taken care of through the drop-box, telephone calls, e-mails, or regular mail.

#### ***Town Hall Closing Resolution:***

***Due to continuing uncertainty about future impacts of the covered 19 pandemic, both short term and long term, the Town Hall will remain closed except for appointments until further notice. For the business which cannot be conducted by telephone, e-mail, USPS or utilizing the drop-box at the front entrance of Town Hall appointments may be made with the appropriate department Monday through Friday, in accordance with covid 19 guidelines.***

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved that the resolution to keep the Town Hall closed be approved.**

The question of the closure 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 motion was thereupon declared duly adopted.

### **TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Town Clerk Report January: Total Receipts: \$23,058.99
- Building Inspector Report January: Total fees collected: \$ 1,630.00  
Total estimated value of construction: \$41,052.00

- In receipt of a request from Pekin Fire Company to add Aries McGrath-3134 Upper Mountain Road and Shayne Larson-3134 Upper Mountain Road to their active roster. No physical paperwork has been received.

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved to approve the request from the Pekin Fire Company to add Aries McGrath-3134 Upper Mountain Road and Shayne Larson-3134 Upper Mountain Road to the active roster; pending receipt of physical paperwork.**

The question of the addition to the Pekin Fire Co. active roster 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.

### **HIGHWAY SUPERINTENDENT REPORTS**

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

- Beginning March 1<sup>st</sup> the Highway Department will go back to working day shift instead of the split shift. The split shift has worked very well to keep the covid-19 risk low.

Councilman Foe thanked the Highway staff for their understanding and for going out of their way to help the Town during this time.

- There is enough salt for the foreseeable future.
- The Town's post pounder, used for installing street signs, is very old and needs to be replaced.

### **WATER SEWER REPORTS**

No reports.

### **ATTORNEY REPORTS**

Mr. Roberson reported that Paul Reed is going to pursue an attempt to file an appeal to the court, to the Appellate Division. It's on a motion for March 11th and he will take care of it when he returns.

Supervisor Ellis reported on the following:

### **BEAR RIDGE SOLAR PROJECT**

- He is in receipt of two letters from Young Sommer, LLC, attorneys representing Cypress Creek Renewables. One letter indicates that the Bear Ridge Solar project is withdrawing their application under the Article 10 proceedings, and the other states that they intend to transfer all of their energy to the Section 94C process. So it is official. He indicated that this changes the way in which the process will be moving forward. It's waiting now on the final approval of the regulations which have been under development for the better part of the year. That needs to be completed and approved by the state legislature no later than April 1<sup>st</sup>. He anticipates that the Bear Ridge Solar application will follow soon after that.
- The Town filed their annual report with OSHA, a summary of work related injuries and illnesses. He is pleased to say that the Town had no lost work due to injuries. He extended congratulations to the people at the Town Hall and the Municipal Garage for working another year without injury.

- The annual audit by Lumsden & McCormick will commence next week Tuesday through Friday.
- The Annual Report was filed for New York State Electronic Waste Collection sites and over the course of the year we accepted 27,652 pounds. It is a little over 13.5 tons of electronic waste. It cost the Town just under \$1,900.00. We usually budget about \$3,000.00 every year for that, sometimes more, sometimes less.

## **NEW BUSINESS**

### **FIRE COMPANY 2020 ROSTERS**

No action will be taken.

### **SERVICE AWARD PROGRAM with COVID-19 AMENDMENT**

Supervisor Ellis is in receipt of the census reports from the Pekin Fire Company and the Cambria Fire Company. This is for members who have earned in excess of 50 points during the past year for their various participation in fire and ambulance activities. The State passed a law in early summer, late spring regarding covid-19 and its potential impact to the ability of firefighters to respond to calls. If a fireman who has a good record and who is an active participant in fire company activities is unable to perform his or her duties during a particular month due to covid-19 restrictions, there is a provision to allow programs sponsored through the municipalities to provide additional points for that time when the firemen could not actively participate. The Town had only one request for this from Cambria and no request from Pekin.

*The Town of Cambria hereby adopts for 2020, The New York State legislation as set forth in Senate Bill S 8251 B, which authorizes program sponsors to adjust Service Award Point Systems to ensure that volunteer firefighters are not prohibited from earning participation in departmental responses points due to covid-19 restrictions.*

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to approve the resolution adopting Senate Bill S 8251 B with regard to Fire Company Service Award Point System.**

The question of adopting Senate Bill S 8251 B with regard to Fire Company Service Award Point System 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.

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved to approve the Firemen Service Award Program 2020 Census for Pekin Fire Company with 15 eligible members and Cambria Vol. Fire Company with 27 eligible members for a total of 42 in the Town program.**

The question of approving the Service Award 2020 Census 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.

## **SPECIAL MEETING**

Supervisor Ellis indicated that there is a committee that has been working on updating the Town's Comprehensive Plan and the Solar Law. The Comprehensive Plan is pretty well set to go, but there's still work to do on the Solar Law.

The Town Board cannot schedule the public hearing tonight because it does not have the written document in hand. In order to stay on our schedule which would be to add the public hearing in March, the Town Board will need to have a special meeting of the Board to call that public hearing. It will probably be last week of February in order to have enough time to publish the notice. The Supervisor will give the 72 hour notice that is required by law so that action can be taken care of.

## **PERSONNEL**

Supervisor Ellis reported that he has found a new confidential Secretary and would like a motion to appoint Karen Strawblow, 3284 Ridge Road Cambria to the full-time position of Confidential Secretary to the Supervisor. Starting pay will be \$18.50 per hour with a 90 day probation period at the end of which she will receive a \$.50 per hour raise.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to appoint Karen Strawblow, 3284 Ridge Road Cambria to the full-time position of Confidential Secretary to the Supervisor. Starting pay will be \$18.50 per hour with a 90 day probation period at the end of which she will receive a \$.50 per hour raise.**

The question of appointing Confidential Secretary to Supervisor 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.

## **ADDITIONAL MATTERS**

### **PROCUREMENT POLICY PURCHASE**

#### **2021-01 GENERAL**

Supervisor Ellis reported that since the Town is splitting the Administrative Assistant position into two people, he needed to get some different office furniture and reconfigure what is currently there. Supervisor Ellis would like the Town Board to approve the purchase for office furniture based on the proposal from Prentice Office Environments, 472 Franklin St. Buffalo. The quote is for \$2,867.08 for a couple of pieces of new furniture and \$1,430.00 for installation; total price is \$4,297.08. Prentice Office Furniture has the New York State contract pricing so the Town does not need any comparable quotes.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the proposal from Prentice Office Environments, 472 Franklin St. Buffalo for office equipment and installation. \$2,867.08 for a new furniture and \$1,430.00 for installation; total price is \$4,297.08.**

The question of office furniture purchase 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**

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**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 Musall.  
Time: 7:24 pm

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall, it was resolved to adjourn the meeting.**

The question of adjournment 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