

**TOWN OF CAMBRIA TOWN BOARD**

**January 13, 2022**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 13<sup>th</sup> day of January 2022 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:**

Tamara J. Cooper, Town Clerk  
Jon MacSwan, Highway Superintendent  
Robert Roberson, Attorney  
Tim Walck, Wendel  
6 Interested individuals

Following salute to the flag, Supervisor Ellis called the 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 Hurtgam, it was resolved to approve the minutes of the Town Board meetings of December 9, 2022 work; December 9, 2022 regular.

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:

<b>December 31, 2021</b>		
<b>FUND</b>	<b>CLAIM NUMBERS</b>	<b>AMOUNT</b>
<b>Cemetery</b>	<b>15</b>	<b>\$2,875.00</b>
<b>Drainage</b>	<b>12-15</b>	<b>\$202,174.82</b>
<b>General</b>	<b>549-605</b>	<b>\$105,543.11</b>
<b>Highway</b>	<b>204-218</b>	<b>\$53,468.01</b>
<b>Refuse</b>	<b>18-20</b>	<b>\$34,279.82</b>
<b>Sewer Op</b>	<b>32-37</b>	<b>\$65,158.36</b>
<b>Water Operating</b>	<b>173-184</b>	<b>\$23,466.79</b>

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated December 31, 2021 be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

**-Motion Carried-**

<b>January 13, 2022</b>		
<b>General</b>	<b>1-36</b>	<b>\$57,271.11</b>
<b>Highway</b>	<b>1 &amp; 2</b>	<b>\$17,545.35</b>
<b>Sewer Operating</b>	<b>1</b>	<b>\$3,625.62</b>
<b>Trust &amp; Agency</b>	<b>1</b>	<b>\$1,000.00</b>
<b>Water Operating</b>	<b>1-8</b>	<b>\$46,200.91</b>

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved that the abstract of audited vouchers dated January 13, 2022 be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

**REORGANIZATION RESOLUTIONS**

Supervisor Ellis indicated that he is in receipt of a resignation letter dated January 4, 2022, from Zelda Hillman, as Director for Recreation. She has been with the Town for 19 years, and is resigning because of family obligations.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to accept the resignation of Zelda Hillman from the Recreation Director position, with regret effective January 4, 2022. The Board thanked her for her years of service.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

The following re-organizational appointments, meeting schedules, salary schedules and various authorizations, numbered 1-33 were presented for the Board’s consideration:

**TOWN OF CAMBRIA RE-ORGANIZATIONAL MEETING**

**JANUARY 13, 2022**

1. **Town Board Meeting**                    2nd Thursday of each month at 7 PM at the Town Hall;  
Work meeting as scheduled
2. **Planning Board Meeting**            3rd Monday of each month at 7 PM at the Town Hall; Exceptions due to  
conflicts relating to certain holidays:
3. **Zoning Board Meeting**                4th Monday of each month at 7 PM at the Town Hall: Exceptions due to  
conflicts relating to certain holidays:
4. **Newspaper Publications**            Authorize advertising in Union Sun & Journal or Niagara Gazette, as needed
5. **Official Banks**                            KeyBank (Sanborn/Cambria) for Town Justices  
M & T Bank (Lockport) for all other departments  
Evans Bank, NA (Lockport)
6. **Authorize Supervisor to invest money in accordance with the Investment Policy as reviewed  
and approved.**
7. **Approve 2022 Fee Schedule including IRS mileage increase to .585 cents per mile.**

**8. Authorize Department Heads and Elected Officials and/or their designees to attend monthly and regional association meetings / training schools as scheduled.**

**9. APPOINTMENTS:**

<b>Assessment Review Board</b>	Rae Ann Amacher, term ending 9/30/26
<b>Buildings-Grounds Maintenance Manager</b>	Jon T. MacSwan, one-year term
<b>Cemetery Superintendent</b>	Jon T. MacSwan, one-year term
<b>Cemetery Supt. Assistant</b>	Steven M. Kroening, one-year term
<b>Computer Tech. Committee</b>	Matthew P. Foe, one-year term
<b>Drainage Committee</b>	Matthew P. Foe, one-year term Jeffrey S. Hurtgam, one-year term Steven M. Kroening, one-year term Jon T. MacSwan, one-year term
<b>Board of Ethics</b>	Tamara J. Cooper Three-year term expiring 12/31/2025
<b>Highway Foreman</b>	Steven M. Kroening, one-year term
Justice Court Clerks	<b>Joy W. Caldwell, one-year term</b> <b>M. Sandra Jowdy, one-year term</b>
Planning Board Chairman	<b>William J. Amacher, one-year term</b>
<b>Planning Board Member</b>	William J. Amacher, Five-year term expiring 12/31/2026
<b>Planning Board Alternate</b>	David Carter, one year term
<b>Records Management Officer</b>	Tamara J. Cooper, four-year term
<b>Water-Sewer Department Manager</b>	Jon T. MacSwan, one-year term
<b>Water-Sewer Department Foreman</b>	Daniel S. Shoop, one-year term
<b>Zoning Board of Appeals Chairman</b>	Peter A. Smith, one-year term
<b>Zoning Board of Appeals Member</b>	Thomas Andrews, Five-year term expiring, 12/31/2026
<b>Zoning Board Alternate</b>	Mark March, one-year term

**10. Approve the 2022 Town of Cambria Volunteer Firemen’s Service Award point system for Cambria and Pekin Fire Companies.**

**11. Authorize Supervisor to sign and pay contracts/agreements as follows:**

Dale Association	5,000.00
Friendship Club	1,000.00
Inter-Community Services	250.00
Niagara Community Action Program	2,500.00
Niagara Military Affairs Council (NIMAC)	1,500.00
Ransomville Library	4,229.00
S P C A of Niagara County	10,224.00
Sanborn-Pekin Library	35,700.00
Sanbornites	4,000.00
Union Cemetery of Northeast Cambria	1,000.00

**12. Authorize Supervisor to pay all utilities, refuse, medical insurance, authorized payroll deductions, charge account invoices and postage as billed.**

**13. Designation of C. W. Baker Insurance Agency, Inc. as Agent for Town Insurance.**

**14. Authorize Supervisor to hire Engineer and Attorney as needed.**

15. Authorize rate of pay (annual) for Town Employees-Officers as follows:

Assessor	55,141.00	Historian - Deputy	1,565.00
Budget Office	3,356.00	Park Director	3,000.00
Building Inspector	34,335.00	Records Management Officer	2,087.00
Building Inspector- Deputy	55,000.00		
Building/Grounds Manager	3,116.00	Registrar Vital Stats	2,601.00
Cemetery Superintendent-Assistant	2,115.00	Registrar Vital Stats - Deputy	651.00
Foreman- Highway	1,549.72	Sewer Manager	700.00
Foreman - Water	3,515.45	Tax Collector - Deputy	1,660.00
Foreman - Sewer	702.91	Town Clerk - Deputy I	45,000.00
Historian	3,912.00	Water Manager	1,395.00

**16. Authorize pay rates for Town Employees as follows:**

Department	Position	Full Time per hour	Seasonal per hour
<b>Highway</b>	Laborer	-----	13.50
	Mechanic	26.75	-----
	Truck Driver	-----	15.00
	Motor Equipment Operator	26.75	-----
<b>Water - Sewer</b>	Laborer	18.58	13.50
	Maintenance - Sewer	26.75	-----
	Maintenance -Water	26.75	-----

- 17 Elections - Voting Machine Inspectors 25.00 per machine/per occasion
- 18. Assessment Review Board - Member 125.00 first day
- 95.00 additional day(s)
- Secretary 17.00 per hour

## Approved

19.	Planning Board - Chairman	135.00	meeting
	- Member	82.00	meeting
	- Alternate	35.00	meeting
20.	Zoning Board - Chairman	135.00	meeting
	- Member	82.00	meeting
	- Alternate	35.00	Meeting
21.	Account Clerk	19.38	per hour
22.	Confidential Secretary	19.38	per hour
23.	Groundsperson I	17.50	per hour
24.	Highway Clerk	17.65	per hour
25.	Justice Clerk	20.29	per hour
26.	Justice Court Officers	22.32	per hour
27.	Laborer - Town Park	14.00	per hour
28.	Assessor Clerk	17.00	per hour
29.	Town Clerk - Deputy II	16.00	per hour
30.	Water Clerk	18.43	per hour
31.	Building Inspector Clerk	17.00	Per hour

### 32. Payroll Schedule:

- *General, Highway, Water, Sewer, Drainage and Summer Recreation are paid bi-weekly.*
- *Monthly positions are processed with the last bi-weekly pay of the month.*

33. Terms specified for one year will expire 12/31/2022.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to approve the January 13, 2022, re-organizational appointments, meeting schedules, salary schedules and various authorizations numbered 1-33.**

**Ayes: Ellis, Foe, Hurtgam, Musall, Roberts**

**-Motion Carried-**

### SUPERVISOR/TOWN CLERK/ APPOINTMENTS

Supervisor Ellis announced the following appointments:

On behalf of the Tax Collector Debra Littere, Linda Hardt has been appointed as the Deputy Tax Collector for 2022.

Town Board Liaison Appointments: *remain the same*

- Councilman Matthew Foe, Highway, Water and Sewer Departments
- Councilman Jeffrey S. Hurtgam, Youth Programs & Town Park
- Councilman Benjamin D. Musall, Planning Board
- Councilman Randy Roberts, Zoning Board of Appeals

Town Clerk announced the following appointments:

Paula N. Jones, Deputy Clerk I  
Rae Ann Amacher, Deputy Clerk II

### 2022 PERSONNEL POLICY

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve 2022 Personnel Policy to include changes discussed at the earlier work session.**

**Ayes: Ellis, Foe, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**ANNUAL FINANCIAL REPORT SUBMITTAL**

Supervisor Ellis indicated Town Board authorization is required to permit the submittal to the Town Clerk of the Annual Report which is provided to the State Comptroller by March 31<sup>st</sup>.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to authorize the Town Supervisor to submit to the Town Clerk a copy of the annual financial report for 2021 within the time frame, including any extensions allowed by the State Comptroller, as set forth in the Town Law and the General Municipal Law.**

**Ayes: Ellis, Foe, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

Supervisor Ellis indicated the Official Undertaking of Municipal Officers is a requirement for the Town. It carries insurance to protect the Town in case of improper behavior by a Town Official that would cost the Town money. The Town would be covered so that it would not suffer a loss.

**TOWN OF CAMBRIA  
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

WHEREAS, Debra A. Littere, of the Town of Cambria, County of Niagara, New York, has been elected as Tax Collector of the Town of Cambria; and

WHEREAS, Tamara J. Cooper, of the Town of Cambria, County of Niagara, New York, has been elected as Town Clerk of the Town of Cambria; and

NOW, THEREFORE, the respective officers above, do hereby undertake with the Town of Cambria that they will faithfully perform and discharge the duties of their office and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Tax Collector; and

This undertaking of the Town Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk; and

The Town does and shall maintain insurance coverage, presently with C.W. Baker Insurance, in the sum as determined for the Tax Collector, Supervisor and Town Clerk to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to approve the Official Undertaking of municipal officers as set forth in the resolution.**

**Ayes: Ellis, Foe, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**RIDGE ROAD (ROUTE 104) CULVERT ISSUES**

Tim Walck, Wendel, reported that the 104 Culvert project is complete other than some items that the Town will take care of in the spring; landscaping etc.

**2023 ASSESSMENT ROLL UPDATE**



**Approved**

Mr. Roberson is requesting the Town Board adopt a resolution authorizing him to assert a counter-claim on behalf of the Town of Cambria against the Petitioner, requesting the court to grant a permanent injunction in favor of the Town against the Petitioner.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe it was resolved to adopt a resolution authorizing Mr. Roberson, Attorney, to assert a counter-claim on behalf of the Town of Cambria against the Petitioner, requesting the court to grant a permanent injunction in favor of the Town against the Petitioner.**

**Ayes: Ellis, Foe, Hurtgam, Musall, Roberts**

**-Motion Carried-**

Mr. Roberson also is recommending that the Town Board call a public hearing for February 10, 2022, at 7:00 pm to address proposed changes to paragraph 13.4 of the Zoning Ordinance. All references to imprisonment and criminality. All civil penalties will be collected by the Building Department.

Amend Zoning Ordinance § 13.4 Penalties to read:

In addition to or as an alternative to any other penalty provided herein or bylaw, any person who violates the provisions of this ordinance shall be pay a civil penalty not exceeding Three Hundred Fifty Dollars (\$350.00) for the first civil penalty; for conviction of a second violation both of which were committed within a period of five (5) years, shall pay a civil penalty not less than Three Hundred Fifty Dollars (\$350.00), nor more than Seven Hundred Dollars (\$700.00); and upon a third or subsequent violation all of which were committed within a period of five (5) years, shall pay a civil penalty not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00). Each week's continued violation shall constitute a separate violation.

Any zoning application or Building Permit application received from an applicant having an unresolved civil penalty shall be deferred acceptance until the issues relating to the civil penalty are resolved.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to call a Public Hearing for February 10, 2022, at 7:00 pm to address proposed changes to paragraph 13.4 of the Zoning Ordinance. (see above)**

**Ayes: Ellis, Foe, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**Unapproved January 13, 2022**  
**Minutes are subject to change prior to approval tjc**

Supervisor Ellis reported on the following:

- There is a new schedule for refuse and recycling. Still having pick up issues throughout the Town. The Town now has a new contact person at Modern in hopes of resolving those issues.
- The Tax Warrant has been received by the Tax Collector.

**BEAR RIDGE SOLAR PROJECT**

- There is a ruling awarding intervenor funds:  
Cambria will receive \$51,000.00 - 85% of what they requested.  
Pendleton will receive \$34,000.00 – 85% of what they requested.  
COIS – no information yet; more information needed on the application.

**CONCERNS OF CITIZENS**

**John Soto-Baer Rd.**

Mr. Soto asked the Board if there is anything the group can do to help. (with the proposed solar issue)

Supervisor Ellis indicated that the group/community can get articles in the newspapers about how this will impact the surrounding homes; how close they will be to property lines, etc. The biggest hurdle in terms of impact on the public is that the Siting Boards have declared those items are not relevant and not part of the process. It is important that the word gets out. They can take the lead on the visual impact portion of the process. The Town is working on the application. They have to have a determination by the end of January as to whether or not it is a complete application or not.

Mr. Soto asked about starting the lawsuit concerning the process being unconstitutional based on Article 14.4 Home Rule regulations.

Supervisor Ellis is aware of this and the Town is engaged in the formation of a lawsuit on ORES itself. The appeal process is not moving fast enough. Last he heard they said they had six months to work with.

Mr. Soto asked if there is an avenue to approach other Town's/Town Supervisors.

Supervisor Ellis reported that they tried to do this a year or so ago. At that time it was not a concern to most towns across the state. Now that other towns are experiencing this and fighting some of the same, it may be the time to address it again.

**Sharon Tazner-Subbera Rd.**

Ms. Tazner asked the Supervisor if the informational letter has been prepared/sent out to the residents.

Supervisor Ellis is in the process of writing it and has two pages done.

**NEW BUSINESS**

**FIRE COMPANY 2022 ROSTERS**

Supervisor Ellis reported the Board is in receipt of the 2022 Fire Company Rosters for Cambria Fire Company and Pekin Fire Company. The Pekin roster includes five members 'unable to perform/respond'. The Town knows specifically that three of those people submitted letters of resignation with Pekin Fire Company; one joined Cambria Fire Company.

Supervisor Ellis is recommending approval of the Cambria Roster and approval of Pekin's limiting to the first 21 names on the Roster.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Musall, it was resolved to approve the 2022 Cambria Fire Company Roster and the 2022 Pekin Fire Company Roster-limited to the first 21 members on the roster submitted.**

**Ayes: Ellis, Foe, Hurtgam, Musall, Roberts**

**-Motion Carried-**

Tim Walck- Wendel reported on the following:

- MS4 SPDES PERMIT-this is to assist the Town with the draft annual storm water report and implementation of the General Permit when advice is needed. This is a time and expense basis with a budget of \$5,000.00.

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved to approve the proposal for the 2022 MS4 SPDES PERMIT ASSISTANCE dated January 6, 2022, in the amount of \$5,000.00, time and expense.**

**Ayes: Ellis, Foe, Hurtgam, Musall, Roberts**

**-Motion Carried-**

- 2022 GIS SERVICES-this has three parts. Part 1: Annual GIS Web Map Application Hosting in the lump sum of \$4,750.00. Part 2: Annual Esri ArcGIS online subscription in the lump sum of \$831.00. Part 3: ArcGIS Online Administer and GIS/GPS Support Services in the time and expense amount of \$5,000.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the proposal for the 2022 GIS SERVICE- Part 1: Annual GIS Web Map Application Hosting in the lump sum of \$4,750.00. Part 2: Annual Esri ArcGIS online subscription in the lump sum of \$831.00. Part 3: ArcGIS Online Administer and GIS/GPS Support Services in the time and expense amount of \$5,000.**

**Ayes: Ellis, Foe, Hurtgam, Musall, Roberts**

**-Motion Carried-**

## **PROCUREMENT POLICY PURCHASES**

### **2022-02 General**

#### **Compact Track Loader/Construction and Snow Removal**

Funding for this is in the 2022 Budget- increased cost

Because of inflation, the cost of this piece of equipment increased to \$68,066.38.

Highway Superintendent is requesting the Town Board modify the approval from the December 2021 meeting to include the increase.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved to modify the approval from December and approve the increased purchase price from Bobcat of Buffalo-6830 S. Transit Rd., in the amount of \$68,066.38 - State Bid Contract for a T76 T4 Bobcat Compact Track Loader.**

**Ayes: Ellis, Foe, Hurtgam, Musall, Roberts**

**-Motion Carried-**

## **UNION CONTRACT**

Supervisor Ellis indicated that the Town has been in negotiations with the NYS Teamsters Local Union No. 264 Affiliated with the International Brotherhood of Teamsters for a couple months. They reached an agreement at the end of December and has a tentative agreement dated January 11, 2022. This is a four year contract.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the four year contract (1/1/22-12/31/2025) between the Town of Cambria and Local Teamsters No. 264 and authorize the Supervisor to sign.**

**Ayes: Ellis, Foe, Hurtgam, Musall, Roberts**

**-Motion Carried-**

Supervisor Ellis thanked Councilman Foe and Councilman Hurtgam for negotiating the contract and for their time and good work.

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Musall. Time: 7:40 pm

**Ayes: Ellis, Foe, Hurtgam, Musall, Roberts**

**-Motion Carried-**

Respectfully submitted,

Tamara J. Cooper, Town Clerk