

TOWN OF CAMBRIA TOWN BOARD

January 14, 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 14<sup>th</sup> day of January 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  
Tim Walck, Wendel  
16 interested parties

Supervisor Ellis opened the public hearing on the Rezoning of Booth premises at 5182 Ridge Road from A-R to B-2.

The following public hearing notice was read by the Town Clerk:

**Request to re-zone premises commonly known as the Forsyth-Warren Tavern  
Living History Farm and Museum, Warrens' Corners,  
situate at 5182 Ridge Road from an AR to a B-2 zone.**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Cambria, Niagara County, New York will meet at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York, 14132, on the 14<sup>th</sup> day of January, 2021, at 7:00 p.m. for the purpose of conducting a public hearing in regard to the request by Tyler J. Booth, owner of the subject premises situate at 5182 Ridge Road, to re-zone premises from AR (Agricultural-Residential) to B-2 (General Business) at which time and place the own Board will hear all persons interested.

[In the event the public hearing is held by teleconference, any member of the public may offer their opinion prior to the meeting date by sending an e-mail to the Office of the Town Clerk (townclerk@townofcambria.com) or by calling the conference number listed on the Town Board Sign or as published by the Town Clerk.]

Supervisor Ellis is in receipt of a letter from the Town of Cambria Planning Board regarding the application for Re-zoning of the Booth premises at 5182 Ridge Road from A-R to B-2. This application was referred to the Planning Board from the Town Board. Supervisor Ellis read the letter:

*RE: Application for rezoning of Booth premises at 5182 Ridge Road from A-r to B-2.*

*Please be advised that the Town of Cambria Planning Board unanimously moved at its November 16, 2020 meeting to recommend that the Town of Cambria Town Board deny the above referenced rezoning request. Several reasons for the denial were given by various Board members, including the issue of who will own premises, Mr. Booth versus a possible future transfer to a not-for-profit corporation; the issue of use of premises by special permit versus use of premises if zoned B-2; issues concerning the driveway and the reconfiguration of the intersection in a few years; the issue of a portion of the premises being used for a cemetery; and possible issues involving handicapped accessibility. If there are any questions, or if you require anything further, do not hesitate to contact me at your convenience.*

Supervisor Ellis asked if Mr. Booth was on the line and if he would like to comment.

Mr. Booth addressed each issue from the Planning Board's recommendation. He began by stating that the letter from the Planning Board did not say anything about the use of the property and it is not to say that what he wants to rezone it for is not appropriate. What he is doing is okay, they don't like that he is the owner, and not a not for profit.

The intersection is being reconfigured in 2022 and will be done in the fall. He is not in control of that project and it will not affect his property.

The property is handicap accessible. It has some ADA things that are covered under the Historic Residence. They will improve capability as they move forward. The property is as accessible as needed at the current time.

The cemetery was abandoned and he took ownership when he purchased the property. Mr. Booth is not sure why a not for profit taking care of the cemetery is a problem. It is a private cemetery and he has contact with the family of those buried there.

He has offered to meet with the Town Board. If there are any issues that are not Planning or Zoning related, it can be discussed at another time.

The property zoned as residential makes it difficult to get grants. Most grants are geared toward commercial and the same with bank financing. It will take a lot to get the property back to the authentic 1808 period. It would be a lot easier to transfer it to a not for profit if it was zoned B-2.

Supervisor Ellis indicated that three emails were received and distributed to the Town Board for its consideration and asked the Town Clerk to read them.

***Sally Kolkmeier -home address 4915 Townline Rd Sanborn NY 14132 and Wolf Ridge Guest House 4981 Ridge***  
*This is my support for allowing the rezoning the property that is known as Forsyth Tavern. This town is known for rural and farming. This living museum will not harm the quality of our town but will enhance it and keep it the rural land that it always was. People need to learn the history of our area especially being the first town in Niagara County. We need to embrace this living museum. This is one decision that can help the town. We have minimal businesses but many are farming including the Wineries. This will intertwine these businesses bringing specific people looking for simple historical entertainment. With the near completion of the restoration of the Lockport Locks in Lockport and With Lewiston finally updating the Frontier House, there may be a future trail visiting these once lodges and taverns along the way and Cambria is at the heart of it all. Please help Tyler Booth by rezoning this property so he can get the grants this house deserves.*

**Mary Brenzel-4548 Thrall Road**

*To All Town of Cambria Board Members:*

*The Forsyth-Warren Tavern is a treasure, a treasure that the Town should not ignore. It was an important place on the frontier and served as a stopping point for travelers heading west. This stopping point was also the home of a family and a stop on the Underground Railroad. Now it needs to serve a new purpose, one to bring people together to learn about our past and build camaraderie with our neighbors.*

*This cannot be accomplished without the change from Agricultural-Residential to Business zoning. This re-zoning will allow the owners to carry on with their vision for this treasure.*

*We must embrace our past and learn from it. Without it, our future will not be as fulfilling.*

*Thank you for your time.*

**Marolyn Corriere**

**Reference: The Forsyth-Warren Tavern Rezoning**

*Congratulations to the Board of Cambria for understanding that the general public would like to have a voice in asking that The Forsyth-Warren Tavern be re-zoned from AR to B-2.*

*It has been my pleasure to know Tyler Booth and his partner Johnathon Newman. These 2 fine gentlemen have worked diligently for 3 years to follow all Board requests in order to open their property for business to the public. Their dedication holds fast and they will continue on this path to provide education and a place for families to enjoy this property.*

*This is a perfect opportunity for the Cambria Board to set an example for the rest of the world to see this historic site and to understand and appreciate the cultural differences of our forefathers.*

*Their goal is to enrich the residents of Cambria and beyond - with not only a Farm Teaching Museum but also a unique destination that takes us back to pioneer times and a life where the civil war battles were fought. Our life is not so different today.*

*Unfortunately, the battle is still ongoing – not one with swords but one with words. The Forsyth-Warren Tavern plans have not been embraced and encouraged by the Board, and the negativity is unjustified.*

*With a new year, my hope is that the Board of Cambria says to Tyler Booth, owner of The Forsyth -Warren Tavern – “Welcome, thank you for your interest in making Cambria a unique destination, let’s talk with respect and work together to proudly open your business with B-2 zoning”.*

*Thank you for letting my thoughts be known. During these covid times, we need to embrace what’s good and hopefully look forward to the time when we can say –*

*Yes, Cambria Board, well done!*

There were two letters received after the deadline and the Clerk was asked to read those as well:

**Nancy Siegmann**

*I went on your site to find the conference phone #. It wasn't listed. I did read thru you write up of the history of the town. I find it ironic that you boast about your history and yet when you have an historic land mark that has been fighting for rezoning so that it can fulfill its full potential; you throw up new walls at every turn. The tavern went from a rundown eye sore to a truly amazing piece of history. Your history. So why not rezone. What is the legal grounds you are claiming to constantly stonewall this amazing project?*

**David P. Flynn**

*I am unsure of the current covid protocols and whether or not the public hearing for the above-referenced matter will be in-person or virtually. I ask that this letter be considered by the Town Board and that it be included in the administrative record for this matter.*

*I strongly support the application to rezone 5182 Ridge Road from AR to B-2. Given the parcel size and location, rezoning would be appropriate and not out of character for the immediately surrounding community. This is not a business, but rather a historic building (with support structures) that is in the National Register. It will not become a gas station or convenience store. Rather the rezoning will allow this historic building to operate as a living history museum, become (through grants and otherwise) economically sustainable, and provide the resources necessary to preserve and maintain this important part of western New York and the Town's history.*

*I am unaware of any meaningful community opposition to this rezoning request. In fact, the only basis upon which the Planning Board decided to recommend denial of the application was the “need” to know who would own the property. It was explained to the Planning Board that the Charter from the State Board of Regents was, at that time, just being approved. The lengthy IRS process for creating the formal not-for-profit that will own the property was (and is) underway. Rest assured that the ownership will be with the not-for-profit that now has its charter from the State of New York and is awaiting its IRS determination.*

*It is clear that the rezoning will not change the character of the community nor add any appreciable impacts to typical rezoning concerns such as traffic, public safety, infrastructure, etc. There is no legal basis to deny a rezoning based upon who the owner is, and a decision based thereon would be arbitrary and capricious. In short the only impact of the rezoning will be a positive one-preserving this important piece of our history. Please approve the rezoning of 5182 Ridge Road from AR to B-2. Thank you.*

Supervisor Ellis opened the hearing for public comment. He asked all callers to identify themselves with name and address in the town of Cambria and that comments be limited to two minutes.

**Dave Edbauer 4715 Plank Road-**

Mr. Edbauer spoke in favor of the rezoning. He feels it is in line with the Town's Comprehensive Plan. The Town has other corner lots designated as B-2 surrounded by A-R Zoning. One example is the corner of Bear Rd. and Route 31. He also asked the Board to consider that the institution on the property has an educational charter and encouraged the Town Board members to take the time to visit the Tavern and understand what they are trying to accomplish. Finally, he would like to hear the Town Board debate the motion later in the meeting so the residents know the reasons why they are either for or against this rezoning.

**Christopher Parada- Executive Director Palace Theatre**

Mr. Parada indicated that you have to start somewhere. He has been with the theater for 16 years. They are currently in a four year, four million dollar renovation campaign. Preserving that building- whether it's bathrooms, ADA or anything else, comes from grant money. If you don't have the 501 C status or a property is not zoned commercially, you're just not going to get grants. Mr. Parada also talked about community togetherness and the reason that communities get along to boost tourism is because they work together. If he were to have his business on Main Street and not talk to any other local businesses, it wouldn't work. Tourism is booming in the world right now and the Town has an amazing project right in front of them that would put Cambria on the map. The final thing that Mr. Parada discussed is the only way that a project works is if you have passion. The Town has a group of people that are so passionate about this project. That's why it's working and why they're fighting for it because they believe in it. So he would like the Town Board to take that into consideration along with all the different things that he said.

Supervisor Ellis reported that for the record, allegations on Facebook and in e-mails suggests that the Town is not supportive of the product of the project and sets up roadblocks and creates unreasonable requirements. Members of the Planning Board, Zoning Board of Appeals, and the Town Board are generally in support of the idea for the project. This is evidenced by several special permits which have been issued by the Zoning Board of Appeals in response to Mr. Booth's requests as they were presented to the board. The conditions which aren't necessarily part of these special permits are driven by the requirements of the New York State Building Code, New York State Department of Transportation, the Niagara County Health Department, as well as health and safety issues. Rezoning of this property would constitute spot rezoning which fails to address the needs of the whole community. Spot rezoning refers to the rezoning of a parcel of land to a use category different from the surrounding area, usually to benefit a single owner or a single development interest. There is no need to rezone to accomplish the objectives of the owners since the special permits are already there in response to Mr. Booth's requests.

Supervisor Ellis closed the public hearing at 7:25 pm and called the regular meeting to order. Board members took action upon the following matters:

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the minutes of the Town Board meeting of December 12, 2020, regular meeting.**

The question of the approval December 12, 2020 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 31, 2020**

**\* correction**

General	*525-568	\$41,109.70
Highway	186-196	\$8,182.73
Refuse	24-26	\$146,214.01
Trust Agency	31-35	\$62,937.40
Water Operating	204-215	\$4,528.68

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Cemetery	1	\$1,000.00
General	1-28	\$75,292.02
Highway	2-4	\$17,510.72
Sewer Operating	1	\$3,483.68
Trust Agency	1-3	\$278,689.12
Water Construction	1-2	\$65,138.03
Water Operating	1-8	\$44,878.09

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall it was resolved that the abstract of audited vouchers dated December 31, 2020 & January 14, 2021, with the exception of Claim #1 in Water Construction 4<sup>th</sup> Generation Construction voucher in the amount of \$57,770.93, 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.

**REORGANIZATION RESOLUTIONS**

Supervisor Ellis indicated that he is in receipt of a resignation letter dated December 31, 2020, from Douglas Mawhiney. He served on the planning board for 13 years, and he is resigning his position due to his workload. He would like the Town Board to accept the resignation with regret and include it in the reorganizational resolution.

The following re-organizational appointments, meeting schedules, salary schedules and various authorizations, numbered 1-31 were presented for the Board's consideration:

**TOWN OF CAMBRIA RE-ORGANIZATIONAL MEETING  
JANUARY 14, 2021**

- 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 2021 Fee Schedule including IRS mileage decrease to 56 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>	Maureen A Walck, term ending 9/30/25
<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 Lynn J. Schlemmer, 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>	Lou Ann Murawski Three-year term expiring 12/31/2023
<b>Highway Foreman</b>	Steven M. Kroening, one-year term
<b>Justice Court Clerks</b>	Joy W. Caldwell, one-year term M. Sandra Jowdy, one-year term
<b>Planning Board Chairman</b>	William J. Amacher, one-year term
<b>Planning Board Member</b>	Michael D. Sieczkowski Four-year term expiring 12/31/2024  Garret Meal Five-year term expiring 12/31/2025
<b>Planning Board Alternate</b>	, one year term
<b>Records Management Officer</b>	Tamara J. Cooper, one-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

**Zoning Board of Appeals Member**

Peter A. Smith  
 Five-year term expiring, 12/31/2025

**Zoning Board Alternate**

Cheryl L. Shoop, one-year term

**10. Approve the 2021 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
Sanborn Post 969 - American Legion	500.00
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:**

Administrative Assistant	63,210.00	Historian	3,725.00
Assessor	54,060.00	Historian – Deputy	1,490.00
Budget Officer	3,290.00	Records Management Officer	2,046.00
Building Inspector	33,660.00	Registrar Vital Stats	2,550.00
Building/Grounds Manager	3,055.00	Registrar Vital Stats - Deputy	638.00
Cemetery Superintendent - Assistant	2,071.00	Sewer-Water Manager	2,053.00
Foreman – Highway	1,504.58	Tax Collector – Deputy	1,627.00
Foreman - Sewer – Water	4,095.51	Town Clerk - Deputy I	39,312.00

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

Department	Position	Full Time per hour	Seasonal per hour
<b>Highway</b>	Laborer		12.50
	Mechanic	25.97	-----
	Truck Driver	N/A	15.00
	Motor Equipment Operator	25.97	-----
<b>Water - Sewer</b>	Laborer	17.04	12.50
	Maintenance - Sewer	25.97	-----
	Maintenance -Water	25.97	-----

**17** Elections - Voting Machine Inspectors 25.00 per machine/per occasion

18.	Assessment Review Board - Member	105.00	first day
		85.00	additional day(s)
	- Secretary	14.12	per hour
19.	Planning Board – Chairman	110.00	Meeting
	- Member	72.00	Meeting
	- Alternate	30.00	Meeting
20.	Zoning Board - Chairman	110.00	Meeting
	- Member	72.00	Meeting
	- Alternate	30.00	Meeting
21.	Executive Secretary	19.99	per hour
22.	Groundsperson I	16.50	per hour
23.	Highway Clerk	15.81	per hour
24.	Justice Clerk	19.89	per hour
25.	Justice Court Officers	21.88	per hour
26.	Laborer - Town Park	12.50	per hour
27.	Assessor Clerk	14.28	per hour
28.	Town Clerk - Deputy II	15.91	per hour
29.	Water Clerk	16.58	per hour

**30. 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.*

31. Terms specified for one year will expire *12/31/2021*.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Musall, it was resolved to approve the January 14, 2021, re-organizational appointments, meeting schedules, salary schedules and various authorizations numbered 1-31 and to also accept, with regret, the resignation of Douglas Mawhiney from the Planning Board.**

The question of the approval of the re-organizational appointments, meeting schedules, salary schedules and various authorizations numbered 1-31 along with Douglas Mawhiney's resignation, 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.

**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 Roberts and seconded by Councilman Hurtgam, it was resolved to authorize the Town Supervisor to submit to the Town Clerk a copy of the annual financial report for 2020 within the time frame, including any extensions allowed by the State Comptroller, as set forth in the Town Law and the General Municipal Law.**

The question of the resolution to authorize the Supervisor to submit annual financial report for 2020 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.

#### **OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

Supervisor Ellis indicated that the Official Undertaking is required by Town Law and Public Officers Law for elected officials to execute an official undertaking especially those who handle various sums of money and this recognizes that they are authorized to handle monies and also ties in with insurance coverage.

**WHEREAS**, various sections of New York State Town Law and Public Officers Law require that certain officials execute an Official Undertaking; and

**WHEREAS**, the Town Board of the Town of Cambria hereby requires the Town Justice to execute said Official Undertaking as required by said law;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Cambria approve the document entitled "Town of Cambria Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the insurance;

**BE IT FURTHER RESOLVED**, that each Town official, as above-identified, shall individually sign the official undertaking in the time period provided by law (30 days after commencement of term of office); and

**BE IT FURTHER RESOLVED**, that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

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

The question to approve the Official Undertaking of municipal officers 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 APPLCIATION, 5182 RIDGE ROAD**

Supervisor Ellis addressed the Town Board and asked what their decision is with regard to the Rezoning Application for 5182 Ridge Road. They have had time to assess the comments, as well as the background information and the recommendation of the Planning Board.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to accept the recommendation of the Planning Board as set forth in the letter dated December 2, 2020, and deny the request to re-zone 5182 Ridge Road property from AR to B2.**

The question of the re-zoning 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 Engineers, reported on the following:

All the closeout paperwork from 4<sup>th</sup> Generation has been submitted for the Saunders Settlement Road Waterline Replacement Project. The construction is complete. Wendel is just waiting for maintenance bond releases of liens, final change order being signed and then the final pay request. They would recommend that the Town Board approve the final pay request but hold issuing payment until final release of liens is received.

#### **CHANGE ORDER:**

The change order is a net decrease in the awarded contract value. There were a couple of minor, out of scope work items that the contractor asked for some additional payment and Wendel felt the items were warranted. The project was also put together with assumed quantities. Sometimes those quantities go over, sometimes they go under and at the end of the project there is a true up of the quantities it ends up to be a net decrease of a little over \$4,000.00 in the total contract amount.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve Change Order #1 from 4<sup>th</sup> Generation Construction for the Saunders Settlement Waterline Replacement with a net decrease of \$4,960.45- final contract price will be \$684,749.55.**

The question of change order #1 from 4<sup>th</sup> 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.

#### **FINAL PAYMENT:**

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall, it was resolved to approve final payment to 4<sup>th</sup> Generation in the amount of \$57,770.93 to be withheld pending receipt and a release of lien from a landscaping contractor.**

The question of final payment to 4<sup>th</sup> 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.

Mr. Walck mentioned that there is a little settlement around a few of the water curb boxes for house services and we will have 4<sup>th</sup> Generation take care of that under the maintenance bond in the spring.

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

Supervisor Ellis reported that The New York State Association of Towns Annual Meeting and Training School is to be held virtually from February 14<sup>th</sup> to 17<sup>th</sup>. Part of this session is devoted to the Annual Meeting which also will be held virtually. The Town must appoint a delegate to vote on behalf of the Town on various resolutions brought forth. Supervisor Ellis is recommending the appointment of Matthew Foe as Town of Cambria delegate to the 2021 New York State Association of Towns virtual meeting and training.

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to appoint Matthew Foe as delegate to vote on behalf of the Town of Cambria during the 2021 Association of Towns Annual Meeting.**

The question of approving the delegate appointment 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 December: Total Receipts: \$27,585.43
- Building Inspector Report December: Total fees collected: \$ 1,640.00  
Total estimated value of construction: \$47,363.00
- Mount View Cemetery YE 2020 Total Receipts: \$10,100.00

#### **HIGHWAY SUPERINTENDENT REPORTS**

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

- This coming spring / summer, there will be four roads that are going to be worked on (milling and black topping) Burch, Meahl, Shenk, and Tyler.

Councilman Foe indicated that a Komatsu Payloader was an approved purchase for Highway in the 2021 budget. Because of the amount of time that passed between the budget season and ordering the equipment, the dollar value has gone up by \$3,956. 61. The approved purchase price was \$220,441.39-the new purchase price is: \$224,398.00. He is recommending the Town Board authorize Highway Superintendent, Jon MacSwan, to make the purchase.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to authorize Highway Superintendent, Jon MacSwan, to make the purchase order for the Komatsu Payloader for the amount of \$224,398.00.**

The question of purchase of Komatsu Payloader 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.

### **WATER SEWER REPORTS**

No reports.

### **ATTORNEY REPORTS**

Mr. Roberson reported that the Town has accepted the bid on the Lockport Cambria waterline and will be closing on the BAN next week.

### **BEAR RIDGE SOLAR PROJECT**

Supervisor Ellis reported things are pretty quiet. The developer is looking into shifting from the Article 10 to the Article 94C procedure.

### **NEW BUSINESS**

#### **FIRE COMPANY 2020 ROSTERS**

Supervisor Ellis reported the Board is in receipt of the 2021 Fire Company Roster for Cambria Fire Company and they have 43 active members. Pekin Fire Company Roster raised several questions which are being addressed by the company, so their roster will not be approved tonight.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the 2021 Cambria Fire Company Roster received by the Town Clerk on January 13, 2021.**

The question of approving the Cambria Volunteer Fire Company 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.

#### **LOCAL LAW NO. 1 OF 2020- NOISE POLLUTION CONTROL LAW**

In filing the Local Law No. 1 of 2020 The Noise Pollution Control Law of the Town of Cambria it was noted that this should have in fact been Local Law No. 2 and the correction to the numbering will be made.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to correct the numbering of the Noise Pollution Control Local Law to be Local Law No. 2 of 2020.**

The question of correcting the numbering of the Noise Pollution Local Law to No.2 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.

#### **AGREEMENT TO EXPEND TOWN HIGHWAY FUNDS**

Supervisor Ellis reported the annual agreement to expend Town Highway funds needs to be approved; the sum of \$530,400.00 may be expended for general repairs of 36.6 miles of Town roads and highways. The primary use of that money will be dedicated to Burch Road for milling and repaving.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the agreement to spend Town Highway funds.**

The question of agreement to spend Highway Funds 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.

#### **MS4 SPEDES PERMIT ASSISTANCE PROPOSAL AND 2021 GIS SERVICES**

Tim Walck, Wendel reported on the following proposals:

The first proposal is for Wendel to assist with the MS4 Town's Stormwater requirements so it meets the DEC State requirements. There is an annual report that has to be submitted and at certain times during the year the Town Building Inspector or the Town Highway Superintendent may have some questions for Wendel to assist in dealing with the erosion and sediment control on sites or things of that nature. This is a time and expense proposal to cover those services is for \$5,000.00.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve time and expense proposal to cover services dealing with MS4 and Town of Cambria's Stormwater requirements in the amount of \$5,000.00.**

The question of the proposal from Wendel for MS4/Stormwater requirements 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.

The second proposal is for the Town's annual GIS. This proposal is made up of three parts for a total of \$10,637.95.

First portion is lump sum in the amount of \$4,750.00 for annual hosting fee.  
Second portion is lump sum in the amount of \$887.95 for online subscription. This amount includes taxes which will be removed once the company receives the Town's tax exempt information.  
Third portion is time and expense with a budget allowance of \$5,000.00 to assist the Town with the GIS System and training as necessary.,

**Upon a motion duly made by Councilman Foe and seconded by Councilman Musall, it was resolved to approve the proposal from Wendel for 2021 GIS Services for a total of \$10,637.95, with the understanding that half is time and expense and another portion includes taxes, which will be removed.**

The question of the proposal from Wendel for 2021 GIS Services 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**

Supervisor Ellis reported that he has been informed by Civil Service that the request to create a second building inspector has been approved. He is asking for authorization for the Town Clerk to advertise for that position.

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to authorize the Town Clerk to advertise for a second building inspector position.**

The question of advertising for second building inspector position 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**

Supervisor Ellis discussed the closure of the Town Hall, due to the cover 19 surge that in Niagara County and in the Cambria. It expired yesterday and he would recommend that it be extended to the February 15, 2021. The Town Hall will continue to be open for appointments for items that cannot be handled by e-mail, telephone, drop-box or regular mail. The Town will be making accommodations for the collection of taxes, which is this month on Monday, Wednesday, and Friday mornings.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to extend the closure of the Town Hall, except for appointments to the 15th of February, 2021.**

The question of extending Town Hall closure 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 Hurtgam and seconded by Councilman Foe.  
Time: 8:01 pm

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

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

Town of Cambria Town Board  
January 14, 2021

**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