

TOWN OF CAMBRIA TOWN BOARD
July 9, 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 9th day of July 2020.

Supervisor Ellis indicated that the Town Board has been looking into how they might be able to allow the public back into the meeting room for a board meeting. Unfortunately, the seating is limited by the COVID 19 requirements to maintain six feet of separation and denying entrance to those making an effort to attend is not a viable option. For the foreseeable future the Town Board will have meetings in this format.

Town Clerk indicated that 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
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 Foe and seconded by Councilman Musall, it was resolved to approve the minutes of the regular Town Board meeting of June 11, 2020.

The question of the approval of the June 11, 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:

July 9, 2020

Cemetery	3 & 4	\$282.60
General	253-296	\$77,051.46
Highway	79-93	\$117,202.86
Refuse	10	\$30,752.19
Sewer Operating	23-25	\$1,873.19
Trust & Agency	8-10	\$1,317.21
Water Construction	8-10	\$267,696.21
Water Operating	107-119	\$70,839.81

Supervisor Ellis asked for a motion for approval of the audited vouchers as read by the Town Clerk, with the exception of Water Construction, Claim #8 from 4th Generation Construction which will be addressed under old business.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated July 9, 2020, with the exception of Water Construction, Claim #8 from 4th Generation Construction, be approved as read by the Town Clerk.

The question of the approval of the July 9, 2020, abstract of audited vouchers was put to a vote on roll call, which resulted as follows:

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

The motion was thereupon declared duly adopted.

SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT

Tim Walck-Wendel reported the following:

The Saunders Settlement Road Waterline Replacement is proceeding ahead of schedule. The contractor hopes to have the main line in either tomorrow or early next week. Testing will follow. Once the testing is done and everything passes the interconnections can be made and then they can start transferring services. 4th Generation has submitted their 1st payment request in the amount of \$244,039.80. Wendel has reviewed the payment request and is recommending approval.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved to approve the 1st payment request from 4th Generation Construction in the amount of \$244,039.80. (Water Construction-Claim #8)

The question of the approval of payment to 4th Generation was put to a vote on roll call, which resulted as follows:

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

The motion was thereupon declared duly adopted.

Supervisor Ellis indicated that the Town has received the first BAN in the amount of \$500,000.00 and has been deposited in the Water Construction Fund.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- | | |
|-----------------------------------|--|
| • Town Clerk Report June : | Total Receipts: \$7,362.13 |
| • Building Inspector Report June: | Total fees collected: \$1,484.00 |
| | Total estimated value of construction: \$81,500.00 |

CORRESPONDENCE:

The Town Clerk is in receipt of correspondence from Tyler Booth, Lower Mountain Road dated: 7/8/2020. It included two documents. The first is a letter to his attorney (Phillips Lytle LLP) from James McCann, Building Inspector re: property on 5182 Ridge Rd. The second document is a letter addressed to the Town Board from Mr. Booth re: his inability to contact Town officials and his discontent with the way his requests are being handled by the Town.

Supervisor Ellis indicated that Mr. Booth's correspondence has been received and has been forwarded to the Town Attorney for his review.

In receipt of correspondence from Dave Edbauer, Plank Road, dated: 7/9/2020. He is inquiring about the current state of sales tax revenue short fall and if the Town has enough money in reserves.

Supervisor Ellis stated that he addressed this issue at the June meeting and nothing has changed. Yes, the situation is a little more difficult than it was. That is why the Town budgets its revenue conservatively and over the years has been able to build up reserves in all funds. He does not expect to cut services, fire people or anything of that nature.

****Please note- 'Concerns of the Citizens' section of the meeting is paused during COVID-19. All correspondences received will be acknowledged, reported and forwarded to the proper party.***

- Yard Sale will be the weekend of July 17th 9:00 am to 3:00 pm- all participants must follow NYS Guidelines with regard to COVID-19.

HIGHWAY SUPERINTENDENT REPORTS

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

- Marjorie Drive has been paved including driveway aprons.
- Tentative date of July 22nd to pave Subbera Road-dependending on weather.
- Brush throughout the Town has been picked up.
- Roadside mowing and culvert jobs are in progress.
- Drainage issue on Baer Road – meeting with Tim Walck next Wednesday.

WATER SEWER REPORTS

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

- Work being done on Rt. 31- waterline- a cut was made across Baer Rd. and that has been taken care of.

July 9, 2020

- New hydrant installed on the south side of Baer Rd.
- Two services installed-one on Blackman Rd. and one on Rt. 31.
- The water tank is due for inspection. It needs to be inspected by video every five years. Atlantic Underwater Services is sole provider.
- Construction update: there were two water leaks. Construction company hit them... they fixed one, the Town fixed the other. A sewer line got nicked as well, they repaired that.
- Town Park and grounds- two new signs were put up. People walking have the right of way over bicycles and a sign reminding people of social distancing.
- Town Hall block work will start July 20th and the Highway block work has started.
- Lights in the Town Hall board room have been changed for energy savings.
- The old highway garage on Lower Mountain Rd. now has power and a meter.
- Plexiglass has been installed at the Town Hall and Justice Offices.

ATTORNEY:

No reports.

Supervisor Ellis reported as follows:

BEAR RIDGE SOLAR PROJECT

No updates.

CORRESPONDENCE

Supervisor Ellis is in receipt of a letter from the Cornell Cooperative Extension regarding recertification of the Niagara County Agricultural District and an Agricultural and Farmland Protection Board meeting that will take place on July 28, 2020, at 5:30 pm. Information will be posted on the website.

REFUSE AND RECYLING COLLECTION

The contract is expiring at the end of year and the current contractor is not interested in exercising its renewal option. The Niagara County Solid Waste Consortium has gone out with a bid for services, on behalf of the four towns and villages that make up the consortium and will be processed. There will be processing that true, up until the third of August then we'll have an opportunity to make an award as we see fit.

NEW BUSINESS

REZONING APPLICATION

The Town Board is in receipt of an application from AES Distributed Energy Inc., and by Gary D. Heppner for a Planned Development Zone for the tax map lot parcel number 120.00-2-1. The procedure is the application goes to the Town Board, they refer it to the Planning Board for consultation and review and then they send a recommendation to the Town Board for them to take action. The Town Board is in receipt of the application and is familiar with it.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to refer the application dated June 11, 2020, from AES Distributed Energy Inc., and by Gary D. Heppner for a Planned Development Zone for the tax map lot parcel number 120.00-2-1 to the Planning board for their review and recommendation.

July 9, 2020

Chris Matthews, AES Distributed Energy Inc.- requesting rezoning from Ag Residential to Planned Development to use portion of the land for a 3.0 megawatt AC solar facility consisting of approximately 17.62 acres of facilities on that 36 acre parcel. They are aware that the Town has opted out of the Real Property Tax Law 47 and they understand they will be paying the Real Property Taxes on the same bases as any other property.

The question of the approval 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 adopted.

PROCUREMENT POLICY PURCHASES

2020-12

GENERAL-TOWN PARK-7410.04

Supplement playground equipment at the Town Park

Supervisor Ellis indicated that the improvement in playground equipment has been in the budget for two years. The update in equipment at the Town Hall is to support the Summer Recreation Program which was cancelled this summer along with many other things.

Miracle Recreation Equipment Co.-sole source provider

Quote No. R0004200089 (equipment) \$25,999.00

Quote No. 215413 (rubber mulch to match existing) \$1,852.00

Total amount: \$27,841.00

Jon MacSwan, Highway Superintendent, has agreed to prepare the site for installation (as done in the past) to save the Town some money.

Vendor is sole source in order to match and/or be compatible with our existing equipment.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve for the procurement proposal purchase from sole source vendor Miracle Recreation Equipment Co. 878 E US Highway 60, Momett, MO: Quote No. R0004200089 (equipment) \$25,999.00 Quote No. 215413 (rubber mulch to match existing) \$1,852.00 Total amount: \$27,841.00. (ages 2-12)

The question of the approval for the procurement proposal from for Miracle Recreation Equipment Co. for playground equipment at the Town Park 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 adopted.

July 9, 2020

2020-13

GENERAL

Update/Replace/Remove existing equipment Town Hall playground

Supervisor Ellis indicated that is necessary to remove, replace and/or update the existing equipment at the Town Hall playground due to safety concerns.

Miracle Recreation Equipment Co.-sole source provider

Quote No. R0004200091 \$40,735.11

Supervisor Ellis indicated that there is still 17,159.00 left in the Town Park Budget but the Town Board needs to make an adjustment to cover the purchase.

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall, it was resolved to approve the line item transfer of \$2,500.00 from 7301.01 to 7310.04.

The question of the approval of a line item transfer 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 adopted.

ADDITIONAL MATTERS-

TOWN PARK COMFORT STATION

Supervisor Ellis reported that the Town would like to open the comfort station at the Town Park. Even though the park is not open for all activities, there is quite a bit of activity (walking etc.) and he has had inquiries about it. Under COVID the Town has to meet certain standards through the state. The Supervisor had the Town's cleaning service look at cleaning and sanitizing daily and they came back with a proposal of \$40.00 every time they clean. There is money in the budget because of the cancelled summer activities.

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to approve the proposal from Platinum Pro Clean to clean the Town Park bathrooms, Monday through Friday for \$40.00 per cleaning.

The question of the approval of cleaning at town park bathrooms 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 adopted.

It's Our Town Coalition

Supervisor Ellis reported that he has presented to the Town Board with a document entitled-'It's Our Town'-a prospectus of forming a coalition giving towns and municipalities a voice to speak up and speak out to protect home rule. The latest action of the state with Article 94c makes it more difficult, if not almost impossible to exercise any Home Rule. The Supervisor has been talking to the supervisor's from Yates and Somerset as well as legal counsel

July 9, 2020

to get some ideas. The group has a prospectus that lays out a plan for how we would proceed with the formation of this organization. Hopefully more towns will join once they find out the impact of home rule.

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall, it was resolved to approve the Prospectus and join with the towns of Somerset and Yates forming the 'It's Our Town Coalition'.

The question of the approval of the Prospectus 'It's Our Town' coalition was duly 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.

There was a brief discussion on the playground equipment purchase for the Town Hall. The line item transfer was approved but no vote on the actual purchase of the equipment.

(2020-13 GENERAL)

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the procurement proposal purchase from sole source vendor Miracle Recreation Equipment Co. 878 E US Highway 60, Momett, MO: Quote No. R0004200091 in the amount of \$40,735.00 (ages 2-12)

The question of the approval for the procurement proposal from for Miracle Recreation Equipment Co. for playground equipment at the Town Hall 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 adopted.

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Musall.
Time: 7:38 pm

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

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

The motion was thereupon declared duly adopted.

Respectfully submitted,

Tamara J. Cooper, Town Clerk