TOWN OF CAMBRIA TOWN BOARD November 5, 2020

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 5th day of November 2020 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

The following board members were present:

BOARD MEMBERS PRESENT:

ALSO PRESENT:

Wright H. Ellis, Supervisor Matthew P. Foe, Councilman Jeffrey S. Hurtgam, Councilman Benjamin D. Musall, Councilman Randy M. Roberts, Councilman Tamara J. Cooper, Town Clerk Robert Roberson, Attorney Tim Walck, Wendel 4 interested parties

Following salute to the flag, Supervisor Ellis opened the public hearing on the 2020 Preliminary Budget.

Supervisor Ellis indicated that he would like to continue with in person meetings. There is some concern about the latest information on the increases in Covid-19 in WNY. For tonight's meeting, everyone is encouraged to wear a mask but when seated they may be removed.

PUBLIC HEARING – 2021 PRELIMINARY BUDGET

Notice of Public Hearing

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria will conduct public hearings on the matters referred to herein at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, NY on the 5th day of November 2020 at 7:00 PM. Said public hearings shall be as follows:

1. Any objections to the 2020 Assessment Roll for the following Districts:

Amount to be Raised by Taxes:

Cambria Water District	\$553,418.00
Cambria Fire District	\$556,874.00
Cambria Refuse & Garbage District	\$460,822.00
Cambria Sewer District No. 1	\$337,193.00
Cambria Drainage District	\$ 41,650.00

All persons interested shall be heard at the public hearing to be held by the Town Board as aforesaid relative to assessments and amounts to be raised in said districts.

2. Fire Contracts: The Town Board of the Town of Cambria will consider allocations as follows and authorization to enter into contracts with fire companies protecting areas of said Town for fire protection. The fire companies and amounts to be allocated for the year 2021 are as follows:

Cambria Volunteer Fire Company	\$213,141.00
Cambria Volunteer Fire Company Ambulance Service	\$ 52,033.00
Pekin Fire Company	\$213,141.00
Pekin EMS Contract	\$ 40,458.00
Sanborn Fire Company	\$ 10,501.00

With an additional allocation of \$40,800.00 for the Service Award Program.

3. The Town Board will conduct a public hearing on the 2021 Preliminary Budget. A copy of the 2021 Preliminary budget is available at the office of the Town Clerk, 4160 Upper Mountain Road, Town of Cambria, NY, where it may be inspected by any interested person during regular office hours. The proposed salaries of the elected officials are hereby specified:

Councilman	\$7,030.00 each
Justice	\$21,536.00 each
Highway Superintendent	\$66,336.00
Supervisor	\$26,605.00
Town Clerk	\$46,957.00
Tax Collector	\$6,898.00

Further Notice is hereby given that pursuant to Real Property Tax Law Section 495, the Exemption Report that shows total assessed values on the final assessment roll that was used in the budgetary process that is exempt from taxation is on file with the 2021 Preliminary Budget.

All parties in interest and citizens will be heard at the public hearings to be held as aforesaid.

TOWN OF CAMBRIA TOWN BOARD

Supervisor Ellis indicated that the 2021 Budget is \$5,959,221.00 in appropriations. The tax levy is \$2,000,776.07. It is up \$35,022 over 2020. It is an increase of 1.54% and is still under the tax cap by \$24,851.00. The number is confusing because a large part of that is Refuse Tax and that has increased with the transition over to the new cart system. Technically the Refuse Tax does not figure in the calculation for the tax cap because it is a single fee. The tax rate increase is .\$0.055 per thousand / 1.42% on a \$185,000.00 (average) home will be an increase of \$10.26 in Town Tax. The Town was able to hold down the increase in the tax levy was because more was taken out of Reserve from various funds. The Town is taking a total of \$725,983.00 out of the reserve. The Town was able to weather through Covid-19 in good shape because it had reserves,

Supervisor Ellis opened the hearing for public comment.

As there were no comments, the public hearing was closed at 7:10 pm.

PUBLIC HEARING- REFUSE DISTRICT PURCHASE OF CARTS

Notice of Public Hearing

Purchase of 2500 refuse carts by the Refuse District necessary to comply with provisions of the 2021-2026 Refuse and Recycling Collection Contract

PLEASE TAKE NOTICE that the Town Board of Cambria, Niagara County, New York will meet at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York on the 5th day of November, 2020 at 7:00 PM for the purpose of conducting a public hearing on the question of the Refuse District of said Town purchasing 2,500 refuse carts to comply with the requirements of the 2021-2026 Refuse and Recycling Collection Contract at an estimated maximum cost of \$116,000.00 the same to be financed by the issuance of bonds at which time and place the Town Board will hear all persons interested. A copy of said Contract and estimate of cost is on file in the office of the Town Clerk where the same may be examined by interested persons during regular business hours.

Supervisor Ellis reported that all local refuse haulers are moving toward automatic handling of refuse as well as recycling. This requires the Town to purchase the carts and they will be property of the Town. Distribution is expected to be between November 19 and November 21.

Supervisor Ellis opened the hearing for public comment.

Sharon Tasner-Subbera Road asked the Supervisor if residents will be able to purchase an additional cart or will the Town supply an additional cart.

Supervisor Ellis indicated that everyone will start out with one 95 gallon cart. The Town will wait until the 1st of March to see if there is need for additional carts. People may not think the one cart will be enough, but after a couple months, they realize it is sufficient. If after a few months one feels they need an additional cart, they will be available through the Town for a one-time charge of \$55.00 for the cart which is payable to the Town. Modern will have an additional charge of \$25.00 (for the remainder of the six year contract) on the refuse tax for pickup and handling of the second cart.

As there were no comments, the public hearing was closed at 7:12 pm.

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 Roberts, it was resolved to approve the minutes of the regular Town Board meeting of October 8, 2020 and October 22, 2020.

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:

November 5, 2020

General	424-466	\$58,156.10
Highway	149-167	\$16,789.39
Refuse	17 & 18	\$31,034.93
Sewer Operating	33 & 34	\$1,915.38
Trust & Agency	18-23	\$62,483.43
Water Construction	17	\$23,947.00
Water Operating	171-191	\$11,157.59

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved that the abstract of audited vouchers dated November 5, 2020, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts -Motion Carried-

RESOLUTIONS 2021 BUDGET

APPROVAL OF 2020 ASSESSMENT ROLL/SPECIAL DISTRICTS

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the 2020 Assessment Roll and the amounts to be raised by taxes for the Special Districts as set forth in the notice of public hearing.

The question of the adoption of the forgoing Resolution was put to a roll call vote, 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 M. ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

APPROVAL OF FIRE PROTECTION/AMBULANCE SERVICE CONTRACTS (Cambria & Sanborn)

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the Fire and Ambulance contracts for Cambria Fire Company and the Fire contract for the Sanborn Fire Company as set forth in the Notice of Public Hearing.

The question of the adoption of the forgoing Resolution was put to a roll call vote, 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 M. ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

APPROVAL OF AMOUNTS FOR FIRE PROTECTION/AMBULANCE SERVICE CONTRACTS (Pekin)

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved to approve the Fire Contract amount of \$213, 141.00 and the EMS contract amount of \$40,458.00 for 2021 and further authorize the Supervisor and Town Attorney to prepare a contract with Pekin for the December Town Board meeting.

The question of the adoption of the forgoing Resolution was put to a roll call vote, 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 M. ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

2021 BUDGET

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to adopt the 2021 Preliminary Budget with total appropriations of \$5,959,221.00.

The question of the adoption of the forgoing Resolution was put to a roll call vote, 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 M. ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

(A copy of the 2021 Adopted Budget is included and made a part of these Minutes).

MODERN CORPORATION- REFUSE / RECYCLING CONTRACT

Supervisor Ellis read the agreement with Modern as follows:

THIS AGREEMENT made this 5th day of November, 2020, by and between the TOWN OF CAMBRIA, hereinafter called "Owner" and MODERN DISPOSAL SERVICES, INC., 4746 Model City Road, P O Box 209, Model City, New York, 14107-0209, hereinafter called "Contractor".

WITNESSETH: Pursuant to the Bid Proposal submitted by Contractor on July 28, 2020 and in consideration of the payments and agreements hereinafter set forth:

- 1. The "Contractor" will commence the work as set out in the Bid Documents as mentioned.
- 2. The "Contractor" will furnish all of the equipment, labor and other services necessary for refuse, waste collection and disposal of recyclables collection and marketing as described therein.
- 3. The "Contractor" agrees to perform all the duties as described in the Bid Documents, which are incorporated by reference and made a part here of, and comply with the terms therein for the consideration quoted in said Proposal.
- 4. The term "Bid Documents" shall include Information to Bidders, Refuse and Garbage Collection and Disposal Specifications, Bidder's Proposal, and all portions of the Bid Documents which are referenced therein.
- 5. The "Owner" will pay to the Contractor in the manner and at such times as set forth in the Specification, such amounts as required by the Bid Documents.
- 6. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns.
- 7. Town of Cambria elects Option No 1 –additional rate at \$25.15 per unit for extra carts, and Option No. 3, rate of \$4.31 per month for recycling collection.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals, the day and year first above written.

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved to approve the six year contract (running through 2026) between the Town of Cambria and Modern Disposal Services, Model City NY.

The question of the adoption of the forgoing Resolution was put to a roll call vote, 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 M. ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

BOND RESOLUTION DATED NOVEMBER 5, 2020

A RESOLUTION AUTHORIZING THE PURCHASE OF 2500 REFUSE CARTS BY THE CAMBRIA REFUSE DISTRICT IN THE TOWN OF CAMBRIA NECESSARY TO COMPLY WITH PROVISIONS OF THE 2021-2026 REFUSE AND RECYCLING COLLECTION CONTRACT AT AN ESTIMATED MAXIMUM COST OF \$116,00000 WITH THE SAME TO BE FINANCED BY THE ISSUANCE OF BONDS.

WHEREAS, pursuant to proceedings hereto had and taken in accordance with the provisions of Section 202-b of the Town Law, the Town Board of the Town of Cambria, Niagara County, New York, has determined it to be in the public interest to increase and improve facilities of the Cambria Refuse District in the Town of Cambria, and

WHEREAS, it is now desired to authorize the purchase of 2500 refuse carts by the Cambria Refuse District necessary to comply with the 2021-20126 Refuse and Recycling Collection Contract an estimated maximum costs of \$116,000.00 and the financing of the same by the issuance of bonds.

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Cambria, Niagara County, New York, as follows:

<u>Section 1.</u> The purchase of 2500 refuse carts by the Cambria Refuse District an estimated maximum cost of \$116,000.00 to the Town of Cambria is hereby authorized and the issuance of \$116,000.00 serial bonds in and for the Cambria Refuse District of the Town of Cambria, Niagara County, New York as more fully described in the aforesaid proceedings, is hereby authorized.

Section 2. The maximum estimated cost of such specific object or purpose is \$116,000.00 and the plan for the financing thereof is \$116,000.00 by the issuance of the serial bonds of the Town of Cambria hereby authorized to be issued pursuant to the provisions of the Local Finance Law. Further details pertaining to the said bonds will be prescribed in a further resolution or resolutions of this Town Board.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of Town of Cambria, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within the Town of Cambria Refuse District which the Town shall determine and specify to be especially benefitted by the improvement, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in the Town of Cambria shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

<u>Section</u> <u>6</u>. The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which the Town of Cambria is not authorized to expend money, or

- 2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3. Such obligations are not authorized in violation of the provisions of the Constitution.

<u>Section 7.</u> Upon this resolution taking effect, the same shall be published in full in the Union Sun & Journal, the official newspaper, together with a notice of the Town Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to authorize the purchase of 2500 refuse carts by the Cambria Refuse District in the Town of Cambria necessary to comply with provisions of the 2021-2026 refuse and recycling collection contract at an estimated maximum cost of \$116,00000 with the same to be financed by the issuance of bonds.

The question of the adoption of the forgoing Resolution was put to a roll call vote, 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 M. ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT

Tim Walck-Wendel reported the following:

The Saunders Settlement Road Waterline Replacement project is complete. There is one hydrant that needs to be checked to determine if it needs to be raised where a culvert has been installed. The contractor will be asked to fix the top soil where the culvert was installed.

It is expected that Wendel will receive paperwork for final pay request for the December Town Board meeting.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

Town Clerk Report October: Total Receipts: \$42,237.52
 Building Inspector Report October: Total fees collected: \$2,751.95

Total estimated value of construction: \$788,386.00

The Town Clerk is in receipt of three requests from Cambria Fire Company to add new members to their active roster:

Nicholas Johnson-4662 Cambria Wilson Rd.to their active roster. Physical paperwork was received: 10/9/2020.

Paul Shepard-3671 Human Rd. and Kayla Hogg-5310 Shawnee Rd.; the Town has not received paperwork.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the requests from Cambria Fire Company to add Nicholas Johnson-4662 Cambria Wilson Rd.to their active roster. Additionally to approve the request to add Paul Shepard-3671 Human Rd. and Kayla Hogg-5310 Shawnee Rd. pending receipt of their physical paperwork.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts -Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Brush pick up continues
- Tire drop off and electronic recycling went well
- Still cutting grass

WATER SEWER REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Mowing of right of way
- Winterizing 600 fire hydrants
- Water services on Green Rd. and Cambria Wilson Rd. and several new build installations

ATTORNEY:

PUBLIC INTEREST ORDER

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

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 Water District, Niagara County, New York, consisting of the replacement of approximately 14,000 linear feet of the existing 8 inch waterline along the east side of Junction Road starting at the intersection of Lockport Road and Campbell Blvd. running northward to the intersection of Upper Mountain Road with a 10 inch PVC waterline together with necessary accountrements, as shown on the map, plan and report prepared by Wendel (engineers and architects) in and for the Town of Lockport and Cambria Water District of the Town of Cambria at an estimated maximum cost of \$515,000.00, 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 Water District in said Town at a maximum estimated cost of \$515,000.00 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 October 8, 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 Water District in the Town of Cambria, Niagara County, New York, consisting of the replacement of the existing 8 inch waterline starting at the intersection of Lockport Road and Campbell Blvd. running north on the east side of Junction Road to the intersection of Upper Mountain Road with a 10 inch PVC waterline together with necessary accounterments, as shown on the Map, Plan and Report prepared by Wendel (Engineers and Architects) for the Town of Lockport and Cambria Water District of the Town of Cambria at an estimated maximum cost of \$515,000.00 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 Foe, it was resolved to approve Public Interest Order relating to the Junction Rd. waterline improvement replacing 8 inch waterline with 10 inch pvc waterline.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts -Motion Carried-

Supervisor Ellis reported as follows:

BEAR RIDGE SOLAR PROJECT

The developer is planning on submitting an application under Article 94c mid-2021. The regulations for Article 94c have been drafted and are open for public comment and they will hold public hearings, one of which will be in Buffalo on November 17th. The Town is taking issue with some of the items in the regulations and will be addressing those at the public hearing. Items of concern are land use and the issue of local control over land use something that was founded in the New York State Constitution. This would jeopardize the ability of local officials to set up and enforce zoning. Another item is the environmental impact of the process.

Sharon Tasner spoke on behalf of the Citizens against the Solar Project. The group is continuing to oppose the project. They make their presence and their needs known. The group is working to save and to keep the integrity of the community. They are not against renewable energy, they are against the State forcing a project on a town that doesn't want it.

CONCERNS OF THE CITIZENS

No one present to be heard.

NEW BUSINESS

SCHEDULE PUBLIC HEARING ON P-D REZONING APPLICATION

Supervisor Ellis reported that the Town Board received a letter from the Planning Board Chairman indicating they unanimously moved at its September 21, 2020 meeting to recommend that the Town Board deny the application for P-D rezoning for Heppner Premises at 5399 Cambria Road as it is against the Town's Zoning Laws and contrary to the Town's Comprehensive Plan.

This requires the Town Board to conduct a public hearing before taking any action on the recommendation of the Planning Board.

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved to schedule a Public Hearing on the application for Planned Development rezoning for the Heppner Premises at 5399 Cambria Road for December 10, 2020, at 7:00 pm.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts -Motion Carried-

NYS Association of Towns Annual Meeting and Training School

The Town Board will wait until December to take action on annual training.

DRIVEWAY AND/OR LAWN CULVERT PERMIT

Jon MacSwan, Highway Superintendent, reported that he would like to propose changes to the Town Board to the Driveway and/or Lawn Culvert Permit. The fee is approximately 15 years old and costs have changed over the years.

Permit fee changes: \$250 to \$350 for 20' length of pipe.

\$150 for the next 20' length of pipe.

\$100 for every additional 20' length of pipe

The homeowner is responsible for the purchase of the pipe. The Town is paid a fee for installation. This is to ensure that it meets all the grade requirements for flow of the water to the highway ditch. The Town charges for materials used for installation.

Councilman Foe briefly explained the process involved and the manpower needed to complete them.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe it was resolved to increase the fees for a driveway or a lawn culvert permit to \$350 for the driveway culvert permit fee and then \$150 lawn culvert permit fee for one 20' length of pipe and \$100 for each additional length of pipe.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts -Motion Carried-

PERSONNEL

Supervisor Ellis requesting authorization for him to submit requests to Niagara County Civil Service to create positions of Confidential Secretary and Account Clerk I in the Supervisor's Office.

The Administrative Assistants job has grown significantly over the years and, since she will be retiring, the Supervisor indicated it has become a lot more than one person is expected to handle.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved to authorize the Supervisor to submit requests to Niagara County Civil Service to create positions of Confidential Secretary and Account Clerk I in the Supervisor's Office.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts -Motion Carried-

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Musall and seconded by Councilman Hurtgam. Time: 7:43 pm

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts -Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk