

**TOWN OF CAMBRIA TOWN BOARD**

**July 11, 2024**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 11<sup>th</sup> day of July 2024 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

**BOARD MEMBERS PRESENT:**

Jon T. MacSwan, Supervisor  
Louise C. Brachmann, Councilwoman  
Jeffrey S. Hurtgam, Councilman  
Randy M. Roberts, Councilman  
Benjamin D. Musall, Councilman

**ALSO PRESENT:**

Tamara J. Cooper, Town Clerk  
Steven Kroening, Highway Superintendent  
Tim Walck, Engineer  
David Haylett, Attorney  
30 interested individuals

Also present: Matthew Foe, Commissioner of Special Projects

Following salute to the flag, Supervisor MacSwan 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 Councilwoman Brachmann it was resolved to approve the minutes of the Town Board meetings of June 13, 2024, work and regular.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**APPROVAL OF VOUCHERS**

Having been reviewed by the Town Board, the following claims were presented for payment July 11, 2024:

**July 11, 2024**

<b>ACCOUNT</b>	<b>AMOUNT</b>
<b>Cemetery</b>	<b>\$ 54.42</b>
<b>Drainage</b>	<b>\$ 315.00</b>
<b>Fire</b>	<b>\$ 27,687.58</b>
<b>General</b>	<b>\$ 111,263.73</b>
<b>Highway</b>	<b>\$ 25,803.58</b>
<b>Refuse</b>	<b>\$ 39,813.15</b>
<b>Sewer Construction</b>	<b>\$ 4,560.00</b>
<b>Sewer Operating</b>	<b>\$ 2,973.24</b>
<b>Water Operating</b>	<b>\$ 60,725.20</b>

**Upon a motion duly made by Councilman Musall and seconded by Councilman Roberts it was resolved to approve the abstract of audited vouchers dated July 11, 2024, be approved as read by the Town Clerk.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**OLD BUSINESS**

Project Updates Wendel Engineers:

- Working on Baer Road Culvert and Cambria Road Culvert.
- Working on updating the Stormwater Management Plan to meet the new general permit that the DEC just issued.

**REPORTS**

**SUPERVISOR**

Jon MacSwan, Supervisor, reported as follows:

- **Bear Ridge Solar-** Supervisor MacSwan introduced Alex Vacco, Attorney from Lippes Mathias, LLP, to give a brief update on the proposed project.

Mr. Vacco indicated that he represents the Town in the 94-c proceedings regarding the Bear Ridge Solar Project. The Town appealed to ORES ruling on the party status to address issues that were raised in that proceeding. That appeal has recently been denied. The Town is now considering filing a motion to appeal to the court of appeals.

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to authorize the Lippes Mathias LLC to file a leave for motion to appeal on the Bear Ridge Solar Project.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

- **Forsythe Tavern-** Supervisor MacSwan indicated that the Town Attorney has drafted a Memorandum of Understanding and Mr. Booth will be receiving a copy of that in order to proceed.
- **COUNTY**

Supervisor MacSwan thanked David Godfrey, Legislator, and the County for the donation toward Cambria’s Car Show. The money went to offset the cost of portable toilets and trophies.

- **PERSONNEL**

Supervisor MacSwan announced that Danyel Cates, Confidential Secretary, passed her Civil Service test receiving the highest grade. She will now move from Provisional to Permanent Senior Account Clerk.

**Town Clerk reported receipt of the following:**

Tamara Cooper, Town Clerk, reported as follows:

- |                                   |                       |    |              |
|-----------------------------------|-----------------------|----|--------------|
| • Town Clerk Report June:         | Total Receipts:       | \$ | 13,218.02    |
| • Building Inspector Report June: | Total fees collected: | \$ | 4,841.31     |
| Estimated value of construction:  |                       | \$ | 1,017,274.00 |

**HIGHWAY SUPERINTENDENT REPORTS**

Steven Kroening, Highway Superintendent, reported as follows:

**HIGHWAY:**

- Mowing roadsides.
- Helping other towns with paving.

- Budd Road tentatively set to be paved July 15<sup>th</sup> and 16<sup>th</sup> from intersection of Shunpike Rd. to Lower Mt. Rd.

In house moving Zachary Lester from Highway Laborer to MEO Position that will be vacant soon.

**CEMETERY:**

- Weed whacking and mowing.

**WATER/SEWER**

- Changing out meters.
- Landscaping water leaks and house services.

**PARK**

- Mowing.
- Bike path and parking lot are sealed and striped.
- Prepping for the Car Show on Saturday.

**BUILDING AND GROUNDS**

- Recreation Program started 7/8/2024.
- Town Hall roof is leaking.

**ATTORNEY REPORTS**

David Haylett, Town Attorney, no report.

**COMMISSIONER**

Matthew Foe, Commissioner, reported as follows:

Mr. Foe reported that he is working on the lead pipe project as well as cybersecurity for the Town's water system. The rifle hunting legislation is sitting on the Governor's desk waiting for a signature.

**CONCERNS OF CITIZENS**

Several people were in attendance and voiced their concerns over the demolition of the North Ridge Cemetery Church. They are concerned that the building had historical value and asked the Town Board if they knew it was slated for destruction. Supervisor MacSwan indicated that the building was not registered as a historical site and that this decision had nothing to do with the Town. It has to do with a private organization that owns that cemetery. That organization made the decision, did their due diligence and went to the Cemetery Association. The Building Office requires certain items to be completed before a demolition permit is issued and according to the Building Inspector, they met all the criteria for approval. None of the Town Board members knew about this until after the fact.

Supervisor MacSwan and Councilman Roberts suggested that the Historical Society make a list of sites they feel fall into the historical category so something can be done to preserve them. It was suggested that for true protection of these sites would be to pass a Town Ordinance/Local Law along with a Board to designate sites. A brief discussion ensued regarding implementing this.

Mr. Haylett, Town Attorney indicated that people could reach out to the NYS Division of Cemeteries as they oversee the cemeteries in NYS; it is a subdivision of the Department of State. It is his understanding that they gave approval to the Association for the demolition of the cemetery building. He also believes that the Attorney General has some oversight on this as well. Documents relating to this issue are FOILable.

A new building is supposed to be built replacing the old church but at this time the Town has no information on said building.

**NEW BUSINESS**

**PROCUREMENTS**

**HIGHWAY 2024 17 – 5130.04**

Parts to fix Kenworth Truck #55  
Sole Source

*Kenworth Northeast, 100 Commerce Drive, Buffalo \$6,277.89*

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to approve the purchase from Kenworth Northeast, 100 Commerce Drive, Buffalo \$6,277.89 for truck repairs. (#55)**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**GENERAL 2024 18 – 7142.02**

Fence around pickle ball court  
Sole Source

*Fox Fence Inc., Lockport Road, Niagara Falls \$10,969.86*

**Upon a motion duly made by Councilman Roberts and seconded by Councilwoman Brachmann, it was resolved to approve the installation of fence around the pickle ball court at the Town Park in the amount of \$10,969.86.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**HIGHWAY 2024-19**

Emergency -New Cylinder for Truck #6

*Regional Heavy Equipment & Truck Dysinger Road, Lockport \$5,611.73*

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall, it was resolved to approve the emergency purchase from Regional Heavy Equipment & Truck, Lockport for a new cylinder for truck #6 in the amount of \$5,611.73.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**HIGHWAY 2024-20**

Diagnostic Scan Tool  
To clear codes on all equipment  
Suggested to go with local vendor- ease of software updates & service

*Grainger, McKesson Parkway, Buffalo \$13,642.39*  
*Diesel Laptops, Randol Mill Rd., Alington TX \$11,575.00*  
*Snap-on Tools, Kenosha, WI \$15,360.00*

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilwoman Brachmann, it was resolved to approve the purchase of a diagnostic scan tool to clear codes on all equipment from Granger, Buffalo in the amount of \$13,642.39.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**SEWER 2024-21**

New generator for Northway/Southway Pump Station  
Replacement-paid for by the County through a grant.  
Sole Source

*M.H. Thilk Electric, Wilson        \$12,734.00 includes installation.  
One Briggs & Stratton 20KW 120/240V*

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilwoman Brachmann, it was resolved to approve the purchase of a generator for Northway/Southway Pump Station in the amount of \$12,734.00 installed by the Town Electrician-MH Thilk Electric. (paid for by the Niagara County Sewer District)**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**PHONES-PRECOM**

Councilman Roberts reported that the Town Board is in receipt of a proposal from PremCom to replace the phone system throughout the Town Hall. This includes 24 new phones, training and set up. This savings will be \$1,800.00 per year.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the proposal from PremCom for a new Town Hall phone system in the amount of \$540.00 per month-\$6,480.00 per year pending review from the Town Attorney.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

**STANDARD WORKDAY**

BE IT RESOLVED, that the Town of Cambria, hereby establishes standard workdays for these titles and will report the officials to the NYS and Local Retirement System based on time keeping system records or their record of activities.

**ELECTED OFFICIALS:**

Councilwoman – Louise C. Brachmann TERM:1/1/2024-12/31/2027  
Councilman- Benjamin D. Musall TERM: 1/1/2024-12/31/2027  
Councilman-Randy M. Roberts TERM:1/1/2022-12/31/2025

**APPOINTED OFFICIALS:**

Deputy Supervisor- Randy M. Roberts 1/1/2024-12/31/2027

The resolution in its entirety will be posted on the bulletin board outside the office of the Town Clerk for a period of 30 days.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved approve the NYS Retirement System Resolution and the entire resolution will be posted on the bulletin board outside the office of the Town Clerk for a period of 30 days.**

**Ayes: MacSwan, Brachman, Hurtgam, Musall, Roberts**

**-Motion Carried-**

Supervisor MacSwan thanked Cambria Asphalt for their generous donation toward sealing the pickle ball courts at the Town Park.

Supervisor MacSwan also announced the Town's 1<sup>st</sup> Annual Car Show over at the Town Park on Saturday, July 13th, along with a concert by 90 West.

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Roberts and seconded by Councilwoman Brachman. Time: 7:59 pm.

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts**

**-Motion Carried-**

Respectfully submitted,

Tamara J. Cooper, Town Clerk