

**TOWN OF CAMBRIA TOWN BOARD**

**October 10, 2024**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 10<sup>th</sup> day of October 2024 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

**BOARD MEMBERS PRESENT:**

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

**ALSO PRESENT:**

Tamara J. Cooper, Town Clerk  
Steven Kroening, Highway Superintendent.  
Abe Platt, Attorney  
Tim Walck, Engineer

Following salute to the flag, Supervisor Ellis opened the public hearing on Local Law #1-2024 Town Constables.

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

**NOTICE OF PUBLIC HEARING  
TOWN OF CAMBRIA Local Law #1-2024 Town Constables.**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cambria on the 10<sup>th</sup> day of October 2024 at 7:00 p.m., at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York on the adoption of a proposed Local Law entitled, "Local Law No.1-2024, Town Constables" an abstract of which is as follows:

Said Local Law adds creates the position of Town Constable within the Town of Cambria. Town Constables within the Town of Cambria will have powers and duties as set forth in New York State Town Law and Criminal Procedure Law. Said Local Law also specifies the qualifications for Town Constables within the Town of Cambria and training requirements.

The complete text of said Law is on file at the Office of the Town Clerk and is available for review by any interested person during business hours.

At such public hearing, all persons interested, who wish to be heard will be heard.

Abe Platt, Town Attorney, gave a brief background on the proposed local law.

Public Hearing on Local Law #1-2024 Town Constables was called to order at 7:00 pm by Supervisor MacSwan.

No one was present to speak in favor of the Town of Cambria Local Law #1- Town Constable.

The following people spoke against the Town of Cambria Local Law #1- Town Constable:

Robert Winslow  
Geraldine Daul  
Judy Perrillo  
Linda Smith  
Thomas Gibbons  
Mary Brenzel

Concerns were as follows:

Adopting the Constable Local Law will create another layer of government and government overreach.  
A law like this should be put up for a vote in the Town.  
Cost of maintaining constables: including training, certification and equipment.  
Constables will be able to arrest anyone without a warrant and take guns.  
Constables are being hired for one duty or responsibility and then it transforms into something else.  
Concerns over the Town Board not reading the laws that are referred to in the Local Law #1-2024 Town Constables.  
Liability on the Town.  
Are there other options for armed security?

*Residents are supportive of armed court security but looking for alternatives to the proposed Local Law which seems to be overreaching.*

All persons desiring to be heard, have been heard and the Hearing was closed at 8:05 pm

Supervisor MacSwan called the regular meeting to order. Board members took action upon the following matters:

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilwoman Brachmann it was resolved to approve the minutes of the Town Board meetings of September 12, 2024, work and regular and Budget Presentation October 2, 2024.**

**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 October 10, 2024:

**October 10, 2024**

<b>ACCOUNT</b>	<b>AMOUNT</b>
<b>Drainage</b>	<b>\$ 725.91</b>
<b>General</b>	<b>\$ 77,978.07</b>
<b>Highway</b>	<b>\$ 55,266.43</b>
<b>Refuse</b>	<b>\$ 74,395.98</b>
<b>Sewer Operating</b>	<b>\$ 22,382.57</b>
<b>Water Operating</b>	<b>\$ 73,449.26</b>

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the abstract of audited vouchers dated October 10, 2024, be approved as read by the Town Clerk.**

**Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts** **-Motion Carried-**

**OLD BUSINESS**

Tim Walck, Wendel Engineers, reported on the following items:

**BAER ROAD CULVERT**

- The culvert will be significantly upsized. The Town was able to secure a 100% grant from the state to replace it. The design is proceeding. The preliminary plans have been put together. It is at the DOT for review.

**CAMBRIA ROAD CULVERT**

- The plans for this project are about 80-85 % complete. The Supervisor and Highway Superintendent have plans to review. Because the culvert is going into a creek that is regulated by the Core, a joint application for permit needs to be filed with the Corp. and the DEC.

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved to approve the Short Environmental Assessment Form for the Cambria Road culvert replacement project; Negative Declaration for the project under SEQR.**

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

**-Motion Carried-**

**REPORTS**

**SUPERVISOR**

Jon MacSwan, Supervisor, reported as follows:

**Upon a motion duly made by Councilman Roberts and seconded by Councilwoman Brachmann it was resolved to table action on Local Law #1-2024 Town Constables until the Town Board can gather more information.**

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

**-Motion Carried-**

- **Bear Ridge Solar**- no update
- **Town Board meeting** for November will be moved to November 7, 2024, because of the election. There will be a Public Hearing on the 2025 Preliminary Budget at 7:00 pm.
- There will be a Budget work session & action on delinquent water/sewer/refuse charges on 10/18/2024 at 6:00 pm.
- Issue with the mailing company and last quarter's water bills. Some bills were not received by the residents, and they received late notices. The late fees were reversed.

**TOWN CLERK REPORTS**

Tamara J. Cooper, Town Clerk, reported as follows:

- Town Clerk Report September: Total Receipts: \$ 43,036.32
- Building Inspector Report September: Total fees collected: \$ 1,710.00  
Estimated value of construction: \$ 246,628.95
- In receipt of a request from the Assessor to reappoint Lois Lendway, 4117 North Ridge, Lockport, to the Board of Assessment Review for a five year term to expire 9/30/2029.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to reappoint Lois Lendway, 4117 North Ridge, Lockport, to the Board of Assessment Review for a five-year term to expire 9/30/2029.**

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

**-Motion Carried-**

## **HIGHWAY SUPERINTENDENT REPORTS**

Superintendent Kroening reported as follows:

### **HIGHWAY:**

- Mowing roadsides and backslopes-final cut before winter.
- On road ditching.
- Picking up brush until November 1<sup>st</sup>. (brush pick up on state and county roads is dangerous)
- Servicing equipment for winter.
- Road striping on various roads.

### **CEMETERY:**

- Mowing.

### **WATER/SEWER**

- Changing out meters.
- Prepping hydrants for the winter.

### **PARK**

- Mowing.
- Upgrades and repairs on Baseball field #2 have been completed.

### **BUILDING AND GROUNDS**

- Mowing lawns.
- Trying to get someone to fix roof leaks at the Town Hall and Municipal Garage. (special rubber roof)

### **COMMISSIONER**

Commissioner Foe reported as follows:

- Mr. Foe indicated that the rifle law was an addition to a law that already exists, and Niagara County was just added to it. Rifle hunting is now allowed in Niagara County. All the DEC Guidelines must be followed.
- Lead pipes and Cyber Security plans are still being worked on within the Town.
- Proposed Bear Ridge Solar Project- Mr. Foe was very disappointed with the turnout for the online Public Hearing with the NYS Power Authority in front of the Administrative Law Judge. He and Sharon Tasner were the only town residents that spoke on behalf of the Town against the project.
- Last week the state supreme court justice in Syracuse ruled against NYS on moving the election to even years. It said it was unconstitutional and went against home rule. Solar should fit into the same category with regard to home rule.

Brief discussion regarding the remote solar meeting; how the Town was not notified, and the attorney's representation of the Town and Residents.

## **CONCERNS OF CITIZENS**

### **Mary Brenzel, Thrall Road**

Ms. Brenzel asked how open positions on the various Boards are made public.

Supervisor MacSwan said they are posted online and in the newspaper when there is an opening.

Mr. Foe explained that sometimes the Alternates to certain boards are brought up with the recommendation of the Chairman.

Councilman Musall suggested a resume be submitted and they are held on file and they are gone through when an opening is available.

**Ed Daul, Church Rd.**

Mr. Daul stated that he received a late notice for their water bill and paid it, will he get that fee back?

Supervisor MacSwan said yes, and a credit will be noted on the next bill.

Councilman Roberts thanked everyone for coming and supplying input with regard to the local law.

Supervisor MacSwan indicated that he will come back with information on the proposed Local Law for the next meeting.

Councilman Musall informed the residents that they do not have to hold in their frustration between meetings. He did not receive one phone call about the Local Law #1. He appreciates everyone showing up for the Public Hearing. He will gladly take phone calls regarding any concerns that come about.

Brief discussion on another way to advertise hearings, etc. that is more accessible to the public.

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Musall and seconded by Councilman Hurtgam. Time: 8:35 pm.

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

**-Motion Carried-**

Respectfully submitted,

Tamara J. Cooper, Town Clerk