

TOWN OF CAMBRIA TOWN BOARD

November 7, 2024

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 7th day of November 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 MacSwan opened the public hearing on the Town of Cambria 2025 Budget

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

Town of Cambria

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 7TH day of November 2024 at 7:00 PM. Said public hearings shall be as follows:

- 1. Any objections to the 2024 Assessment Roll for the following Districts:

Amount to be Raised by Taxes:

Cambria Water District.....	\$614,944.00
Cambria Fire District.....	\$617,153.00
Cambria Refuse & Garbage District.....	\$491,920.00
Cambria Sewer District No. 1.....	\$367,605.00
Cambria Drainage District	\$ 46,431.00

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 2025 are as follows:

Cambria Volunteer Fire Company	\$261,673.00
Cambria Volunteer Fire Company Ambulance Service	\$ 61,442.00
Pekin Fire Company	\$248,405.00
Pekin EMS Contract	\$ 43,356.00
Sanborn Fire Company	\$ 20,001.00

With an additional allocation of \$44,231.00 for the Service Award Program.

- The Town Board will conduct a public hearing on the 2025 Preliminary Budget. A copy of the 2025 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:

Supervisor	\$29,355.00	
Councilman	\$8,671.00	each
Justice	\$25,000.00	each
Town Clerk	\$64,700.00	
Tax Collector	\$8,000.00	
Highway Superintendent	\$75,000.00	

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 2025 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

7:05 pm Supervisor MacSwan opened the Public Hearing.

7:05 pm As there was no one present to be heard, Supervisor MacSwan closed the Public Hearing.

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 Roberts and seconded by Councilwoman Brachmann it was resolved to approve the minutes of the Town Board meetings of October 10, 2024, work and regular and Budget October 21, 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 November 7, 2024:

November 7, 2024

ACCOUNT	AMOUNT
Drainage	\$ 1,887.20
Fire	\$ 1,160.00
General	\$ 79,578.90
Highway	\$ 28,723.44
Refuse	\$ 37,047.05
Water Construction	\$ 49,246.82
Water Operating	\$ 4,917.78

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved to approve the abstract of audited vouchers dated November 7, 2024, be approved as read by the Town Clerk.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

OLD BUSINESS

LOCAL LAW No. 1-2024 TOWN CONSTABLES

Supervisor MacSwan indicated that he has contacted the Town's insurance company, has a letter from the Sheriff's Department, and he has notified other towns regarding the concerns brought up at the last meeting. He has the information if anyone wants to look at it.

LOCAL LAW NO. 1 OF THE YEAR 2024 TOWN OF CAMBRIA COUNTY OF NIAGARA, STATE OF NEW YORK

A local Law Enacting the Town Constable Law Be it enacted by the Town Board of the Town of Cambria as follows:

Section 1. Title

This local law shall be known as and may be cited as "Local Law No.1-2024, Town Constables."

Section 2. Purpose, Intent and Authority

The purpose of this Local Law is to promote the health, safety, and welfare in the Town of Cambria. The Local Law will allow the Town of Cambria to establish the position of Town Constable, which will enable the Town to employ Town Constables to perform duties as authorized by Section 2.10 Subdivision 1 of the New York State Criminal Procedure Law and Section 20, Subdivision 1(b) of the New York State Town Law.

Section 3. Persons Designated as Town Constables

Notwithstanding the provisions of any general, special, and/or local law or charter to the contrary, the following persons shall have the power of, and shall be Town Constables:

- A. The Town Constable shall be a Peace Officer as defined by Section 2.20 of the CPL, and shall be appointed by the Town Board.
- B. The Town Constable need not be a Town of Cambria resident, but must reside in the County of Niagara.
- C. Upon appointment of a Constable, the Town of Cambria must provide name, date of birth, rank of title, official station and whether or not said Constable is employed full-time or part-time, to the New York State Division of Criminal Justice Services, Albany, New York.

Section 4. Powers and Duties

Powers and duties of the Town Constable in the Town of Cambria are as follows:

- A. To act pursuant to the powers and duties of a Town Constable/Peace Officer as set forth in Town Law, Section 20 and 39, and Criminal Procedure Law, Section 2.20 of the State of New York.
- B. To provide security and maintain order at all Town Board meetings, Planning Board meetings, Zoning Board of Appeals meetings, Town Court sessions, and at additional Town functions and meetings, if deemed necessary by the Town Supervisor.
- C. To provide crowd control and traffic direction at any Town gathering or event, if deemed necessary by the Town Supervisor.
- D. To provide security for all Town Officials as needed.
- E. Town Constables may exercise such powers and duties as herein set forth, only while on duty.

- F. The Town Board may, at any time, expand or limit the powers, duties and special duties and powers of the Constable as outlined herein, by resolution, when it deems such action is necessary for the health, safety, and welfare of the Town.

Section 5. Qualifications

The minimum requirements for the position of Town Constable shall be a high school diploma and shall be the age of 21 years or older. The Town Constables shall have a valid New York State Driver's License and pistol permit, and shall also have completed DCJS certified basic New York State Police Officer, or Peace Officer courses.

Section 6. Training

Town Constables shall be trained in accordance with Section 2.30 of the New York State Criminal Procedure Law, and in accordance with any other requirements set forth by the Town Board.

Section 7. Employment Status

The Town Constables serve at the pleasure of the Town Board, and can be discharged without cause, and the Town Board can impose any reasonable discipline following the notification for the cause of such discipline, and will allow a reasonable opportunity for the Town Constable(s) to be heard before the Town Board, prior to any discipline being imposed.

Section 8. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of the State of New York.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilwoman Brachmann it was resolved to approve the Local Law No. 1-2024 Town Constables to have armed officers at the court only.

Councilman Roberts requested the motion include that the officers can be used at other town meetings and at the discretion of the Town Supervisor in case of an emergency. Supervisor MacSwan added that to the motion.

There were some concerns from some residents and a brief discussion followed. Mr. Platt, Attorney, indicated that a resolution can be created after the law is passed in order to limit the duties of the constable and will work on that.

Councilman Musall asked what the wording for the motion is.

A roll call vote was taken by the Clerk on the original motion.

Ayes: MacSwan, Hurtgam, Roberts

No: Brachmann, Musall

-Motion Carried-

REPORTS

SUPERVISOR

Jon MacSwan, Supervisor, reported as follows:

- **Bear Ridge Solar-** no update
- Veterans Day Ceremony will be held at the Town Hall on 11/11/2024- All are welcome.

TOWN CLERK REPORTS

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

- Town Clerk Report October: Total Receipts: \$ 19,367.06
- Building Inspector Report October: Total fees collected: \$ 4,710.95
- Estimated value of construction: \$ 805,058.00

- In receipt of a request from the Cambria Fire Co to add William Schmitt-4373 Cambria Wilson Road to the active roster. No physical paperwork has been received by the town.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved to approve William Schmitt-4373 Cambria Wilson Road to the Cambria Fire Co.'s active roster.
*PENDING RECEIPT OF PHYSICAL BY THE TOWN.***

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

Superintendent Kroening reported as follows:

HIGHWAY:

After an extensive interviewing process Mr. Kroening would like Town Board approval to hire Pierre Boutin as MEO at the current union rate of pay with a potential start date of 11/18/2024.

Upon a motion duly made by Councilman Roberts and seconded by Councilwoman Brachmann it was resolved hire Pierre Boutin as MEO at the current union rate of pay with a potential start date of 11/18/2024.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

- On road ditching.
- Completed servicing equipment for winter, installing plows and salting equipment.

CEMETERY:

- Fixing headstones and fall clean up.

WATER/SEWER

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

PARK

- Prepping for winter.

BUILDING AND GROUNDS

- Historical Bld. Elevator fixed.
- Municipal heater serviced and fixed.
- Making decision on cleaning service next month.

COMMISSIONER

Commissioner Foe reported as follows:

- Mr. Foe indicated that the water meters in town are going into failure mode and not communicating with the reader. This explains the current water bill discrepancies for *some* people with readings that are back to 2023 or early 2024. The town will be meeting with the meter company and water workers will start changing out the old meters.

WENDEL REPORTS

Tim Walck, Wendel Engineers reported as follows:

- The culvert projects are proceeding and no other reports.

ATTORNEY:

No reports.

CONCERNS OF CITIZENS

Jennifer Miller-Lockport Rd.

Ms. Miller asked the Board if they passed the Local Law. Supervisor Macswan said yes. She asked if the Town Board was going to be discussing the limitation on that law in December. Councilman Musall indicated that he will be in contact with the Attorney and discuss a resolution to limit the power of the constables to only court security. There are no guarantees that it will pass, but he will be working on that.

Robert Moore- Ridge Rd.

Mr. Moore indicated that he has been talking to Councilman Roberts, and in the past Wright Ellis and is concerned about the Town subsidizing residents who are routinely late or do not pay water bills to the tune of roughly \$40,000. All the accounts get turned over to the county and they reimburse the town but not until the next year. Mr. Moore feels as though the \$100.00 fee is not deterring anyone from not paying their bill. He would like the town to look in to resolving this problem because it isn't fair to the residents who pay their water bills.

Supervisor MacSwan believes you cannot shut off utilities after speaking to the previous Water Superintendent. A discussion of disconnect fees, etc. The Town attorney is working on something to remedy this situation.

RESOLUTIONS 2025 BUDGET

APPROVAL OF 2024 ASSESSMENT ROLL/SPECIAL DISTRICTS

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the 2024 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:

Jon MacSwan voting AYE
Louise Brachmann voting AYE
Jeffrey Hurtgam voting AYE
Benjamin Musall voting AYE
Randy Roberts voting AYE

The Resolution was thereupon declared duly adopted.

APPROVAL OF FIRE PROTECTION/AMBULANCE SERVICE CONTRACTS

Upon a motion duly made by Councilwoman Brachmann and seconded by Councilman Roberts it was resolved to approve the Fire and Ambulance contracts and allocation of funds for the Service Award Program 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:

Jon MacSwan voting AYE
Louise Brachmann voting AYE
Jeffrey Hurtgam voting AYE
Benjamin Musall voting AYE
Randy Roberts voting AYE

The Resolution was thereupon declared duly adopted.

2025 BUDGET

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to adopt the 2025 Preliminary Budget with total appropriations of \$7,278,919.00.

The question of the adoption of the forgoing Resolution was put to a roll call vote, which resulted as follows:

Jon MacSwan voting AYE
Louise Brachmann voting AYE
Jeffrey Hurtgam voting AYE
Randy Roberts voting AYE

Benjamin Musall voting NO

The Resolution was thereupon declared duly adopted.
(A copy of the 2025 Adopted Budget is included and made a part of these Minutes).

RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT

WHEREAS, the New York State Department of Transportation proposes the capital project of Intersection Improvements NY Route 104 Ridge Road at NY Route 93 Lockport Townline Road Towns of Cambria and Lockport, Niagara County, PIN 5045.27, D265162; and

WHEREAS, the State will include as part of the above-mentioned project the installation of new water vault, adjustment of existing waterline, relocation of the existing water line assembly into new water vault, and removal of existing vault pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner; and

WHEREAS, the service life of the adjusted facilities will not be extended; and

WHEREAS, the State will provide for the adjustment of the above-mentioned work, as shown as the contract plans relating to the above-mentioned project.

NOW, THEREFORE,

BE IT RESOLVED, That the Town of Cambria approves of the installation of new water vault, adjustment of existing waterline, relocation of the existing water line assembly into new water vault, and removal of existing vault as show on the contract plans.

BE IT RESOLVED, the Town of Cambria will maintain or cause to be maintained the adjusted facilities as shown on the contract plans.

BE IT FURTHER RESOLVED, that the Town Supervisor has the authority to sign, with the concurrence of the Town of Cambria Town Board, any and all documentation that may become necessary as a result of this project as it relates to the Town of Cambria; and

BE IT FURTHER RESOLVED, that the Clerk of the Town of Cambria is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Upon a motion duly made by Councilman Musall and seconded by Councilman Roberts, it was resolved to approve the installation of new water vault, adjustment of existing waterline, relocation of the existing water line assembly into new water vault, and removal of existing vault as show on the contract plans.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Roberts. Time: 7:55 pm.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk