

TOWN OF CAMBRIA TOWN BOARD

April 11, 2019

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 11th day of April 2019 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor
Matthew P. Foe, Councilman
Jeffrey S. Hurtgam, Councilman
Randy M. Roberts, Councilman
Joseph Ohol, Councilman

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Jon MacSwan, Highway Superintendent
Thomas Brandt, Attorney
Approximately 50 interested individuals

Following salute to the flag, 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 Ohol and seconded by Councilman Roberts, it was resolved to approve the minutes of the Town Board meeting of March 14, 2019.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

APPROVAL OF VOUCHERS

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

April 11, 2019

General	132-172	\$47,529.32
Highway	46-66	\$31,184.35
Recreation	1-3	\$472.76
Refuse	4	\$30,149.21
Sewer Operating	13-16	\$3,833.57
Trust & Agency	6-10	\$2,481.57
Water Operating	46-66	\$53,122.64

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts it was resolved that the abstract of audited vouchers dated April 11, 2019, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

ZONING ORDINANCE AMENDMENTS

Supervisor Ellis indicated that new amendments to the Zoning Ordinance were passed in March and during the discussion several references were made to items that needed adjustments/corrections. The Clerk read the following resolution:

Whereas, a public hearing was held on March 14, 2019, to consider proposed amendments to the Zoning Ordinance; and

Whereas, during the public hearing numerous comments were received concerning proposed changes to the proposed amendments; and

Whereas, a resolution was passed after the close of the Public Hearing to approve the amendments to the Zoning Ordinance, with changes based on the public comments, as set through in paragraph 1 through 8 of the approving resolution; and

Whereas, as a matter of housekeeping, the amendments to the Zoning Ordinance have now been written up to include the changes identified in paragraph 1 through 8 of the approving resolution;

Now, therefore, it is hereby Resolved that the amendments to the Zoning Ordinance shall be as reflected in the attached description.

Councilman Ohol indicated that the changes to the amendments are to exercise relief from the restraints put into the original amendments-less restrictive.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to approve the aforesaid resolution regarding the Zoning Ordinance Amendments, as a matter of housekeeping, as read by the Town Clerk.

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

MATTHEW P. FOE voting AYE
RANDY ROBERTS voting AYE
JEFFREY S. HURTGAM voting AYE
WRIGHT H. ELLIS voting AYE
JOSEPH OHOL voting AYE

The Resolution was thereupon declared duly adopted.

SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT

Mr. Tim Walck, Wendel Engineer, indicated that the work permit from the DOT has been received and the survey of the Saunders Settlement should start soon. There is a contract in place to have a wetlands delineation done for the portion of the waterline crossing the wetlands.

MOBILE MARKETING (SENTEXT)

Supervisor Ellis indicated that a formal service proposal has been received from Sentext Solutions.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to accept the service proposal from Sentext Solutions of WNY dated 3/19/2019 in the amount of \$1,460.00, and to further authorize the Supervisor to sign it.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

TOWN HALL HEATING SYSTEM

Highway Superintendent, Jon MacSwan, indicated that two bids were received on April 8th for the Town Hall heating system replacement. He is recommending tabling action until May in order for Wendel Engineers to look over the bids.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report March: Total Receipts: \$10,015.90
- Building Inspector Report March: Total fees collected: \$ 1,385.30
Total estimated value of construction: \$478,000.00
- In receipt of a request from Pekin Fire Company to add Joseph Marshall, 2999 Upper Mt. Rd. Apt. West, Sanborn, to their active roster; pending physical.
- In receipt of a request from Cambria Fire Company to add Edward Dysard, 4259, N Ridge Rd., Lockport, to the active roster list; certificate of physical received.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the addition of Joseph Marshall, 2999 Upper Mt. Rd. Apt. West, Sanborn, to Pekin Fire Company's active roster; pending physical and the addition of Edward Dysard, 4259, N Ridge Rd., Lockport, to the Cambria Fire Company's active roster list; certificate of physical received.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

- In receipt of the 2018 Annual Financial Report from the Supervisor. It is available in the Clerk's office for any interested party to view.
- Community Bible Church is hosting a prayer service in recognition of the National Day of Prayer. It will be held Thursday, May 2nd at 7:00 pm.

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Scheduled milling of Comstock Rd. week of 4/22/2019 and paving the next day.
- Brush pickup has been delayed due to weather and will start next week.
- The new flagpole has been installed.
- Getting quotes to seal the brick at the Town Hall.

WATER SEWER REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

The water department has been approached by a person who is building a home and would like to see a waterline extension on Shawnee Rd. Hill. Wendel Engineers will look into pressure issues with regard to this project and report back to Mr. MacSwan.

ATTORNEY REPORTS

No Reports.

CONCERNS OF CITIZENS

John Soto-Subbera Rd.

Mr. Soto is very concerned about the Bear Ridge Solar Project. He has been going door to door to make residents aware of this project. Most of the people he spoke to did not know about the project and all those he spoke to are opposed to it. Mr. Soto would like to carry a petition door to door to inform residents of the solar project and whether they are for or against it and if they are in favor of the Town hiring legal counsel to help with the Article 10 process.

Supervisor Ellis indicated that the Town does have legal representation and is also receiving assistance from the Town Engineer. The Town has not made its final decision as to whether it is in favor or opposed to the solar project because it is still gathering information. Two meetings are scheduled next week with Supervisor Ellis, Cypress Creek, who will be in from California, the attorney and the engineers. Perhaps afterward the Town will have a better idea of what direction they are going.

Supervisor Ellis indicated there are people within the Town who are concerned about the impact on home value and taxes. Cypress Creek told the Town there would be a \$200,000.00 PILOT but did not tell them it will be divided up four ways. (Town of Cambria, Town of Pendleton, Niagara County and Starpoint School District).

Mr. Brandt, Attorney, indicated that circulating a petition is a time honored tradition. He suggested that Mr. Soto make it clear that it is a petition by Town residents and not the Town. Remove the town logo so people do not mistake this as a Town petition.

Alice Wendt-Upper Mountain Rd.

Ms. Wendt read the newsletter and saw the scope of the solar project. She asked if there has been an environmental impact statement. Supervisor Ellis indicated that there hasn't been one yet; they are only on step 2- preliminary scoping statement in the process. Ms. Wendt indicated she moved back here from Buffalo and is concerned with what the environmental impact will be on 900 acres of farmland.

Gina Merlo-Green Rd.

Ms. Merlo is concerned that the average solar array will be over 12' tall. Cypress Creek claims they will be planting trees etc. and chain link fences, but those trees will take a long time to mature and everyone will be looking at the panels. She is concerned about the occurrence of a fire and informed the Town Board that the average firefighter runs a high risk of being electrocuted. Cypress Creek will be leasing an area that they will never own but will own the things on that land. The homeowner(s) will not own the solar arrays but will never be able to farm the land and no one will want to live on it. Her research has shown that solar panels are old technology and the Town will be stuck with them after 10-15 years. Another concern is water and where it will come from to cool the panels and where the runoff will be.

Tim Mcinnis-Baer Rd.

Mr. Mcinnis asked the Town Board if the cease and desist order is still in place for music being played on the weekends at A Gust of Sun Winery. Supervisor Ellis indicated that it was. Mr. Mcinnis indicated that there were three occasions after the cease and desist that music was played. The Building Inspector was notified, however, how is this issue going to be taken care of outside of Building Inspector hours? The Town has a noise pollution law. Mr. Mcinnis read briefly from it and how it affects his home. How will these things be policed?

John Newman-Lower Mt. Rd.

Mr. Newman asked if the Town Board could possibly propose a scaled down version of the solar project to Cypress Creek. That way the town can see what the impact is before expanding to the entire 900 acres. Supervisor Ellis indicated that it can be investigated further.

Shane Gustafson-Baer Rd.

Ms. Gustafson encouraged the Town Board to follow their Right to Farm Law with regard to grievances.

David Edbauer- Plank Road

Mr. Edbauer asked if the Supervisor would give detail of the changes in the amendments. Supervisor Ellis indicated that they are listed in the March minutes.

ASSESSOR APPOINTMENT

Supervisor Ellis is in receipt of a formal request for Debra A. Littere, Town of Cambria Assessor, to be reappointed for a time period as designated by the state for six years. Effective October, 1, 2019 to September 30, 2025.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to reappoint Debra A. Littere, to Town of Cambria Assessor effective October, 1, 2019 to September 30, 2025 and she will continue to serve the balance of her current term.

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

LED LIGHTING PROPOSAL

Mr. MacSwan indicated he is waiting for a proposal on the LED Lighting and will have it for the next meeting.

LEAK DETECTION STUDY

Mr. Walck, Wendel, indicated that the Town is paying the Niagara County Water District for significant unaccounted water usage; however not receiving any revenue from it. The Town Board is in receipt of a proposal for a Town wide water leak detection study to determine where the loss is originating. This project is on hold for further information from the first quarter water billing.

STORMWATER ANNUAL REPORT (SAP) SCHEDULE PUBLIC INFORMATION SESSION

The MSF Annual Report will be ready for next month's Town Board meeting. At that time Wendel will present the report to the public for public comment. They are asking for the Town Board to set up a Public Information Meeting for May 9, 2019, 7:00 pm to review any changes that have been made from last year.

Supervisor Ellis indicated that he has a proposal from Wendel for the 2019 MS4 SPDES Permit Assistance. This includes the annual report for the NYSDEC, to facilitate a public information session and to assist the Town with the implementation of the MS4 SPDES General Permit. This item is budgeted in the 2019 Budget and is not to exceed \$5,000.00.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to accept the MS4 SPDES Permit Assistance Proposal from Wendel in the amount not to exceed \$5,000.00.

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

**STANDARD WORKDAY RESOLUTION
NYS RETIREMENT SYSTEM RESOLUTION**

Supervisor Ellis indicated that the Town is required by the Office of NYS Comptroller to establish standard workdays and reporting procedures with elected and appointed personnel who are part of the NYS Retirement System.

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

**2019
Elected Official
Debra A. Littere, Tax Collector – 5.62 hours**

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 Hurtgam and seconded by Councilman Roberts, 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: Ellis, Foe, Hurtgam, Ohol, Roberts -Motion Carried-

2019 PEKIN FIRE COMPANY RECREATION CONTRACT

Agreement dated April 1, 2019 to September 30, 2019 in the amount of \$1,600.00 for use of baseball diamonds, etc.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the 2019 Pekin Fire Co. Recreation Agreement with the Town of Cambria for use of baseball diamonds in the amount of \$1,600.00. Contract dates: April 1, 2019 to September 30, 2019.

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

PROCUREMENT POLICIES

WATER-8340.02

Hydraulic Breaker with Nail Point

Bobcat-sole provider-state bid- \$5,104.16-NB160 Nitrogen Breaker with nail point, x-change mounting cap-HB880/HB980 and PCF64 plate compactor and hose kit-E32/E35/E42/E45 long arm.

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to approve the proposal from Bobcat in the amount of \$5,104.16 for a NB160 Nitrogen Breaker with nail point, x-change mounting cap-HB880/HB980 and PCF64 plate compactor and hose kit-E32/E35/E42/E45 long arm.

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

HIGHWAY-5130.04

Hyster Hoses

Hoses for Hyster Tow Motor Forklift

Lifetech- \$2,934.20- Hyster hoses to remove failing master cylinder and to install new master cylinder, bleed complete brake system and install new hoses and fittings, bleed hydraulic system and clean residual fluids.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the purchase replacement of Hyster hoses and to remove failing master cylinder and to install new master cylinder, bleed complete brake system and install new hoses and fittings, bleed hydraulic system and clean residual fluids.

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

HIGHWAY-5130.02

2019 Chevrolet Silverado 1500 LD (CK15753) 4 WD Double Cab

State Bid

Joe Basil Chevrolet: \$27,077.25

GENERAL

TOWN PARK-7140.02

2019 Chevrolet Silverado 1500 LD (CK15753) 4 WD Double Cab

State Bid

Joe Basil Chevrolet: \$27,077.25

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to accept the proposal from Joe Basil Chevrolet state bid in the amount of \$27,077.25 for a 2019 Chevrolet Silverado 1500 LD (CK15753) 4 WD Double Cab for the Highway Department (5130.02) and \$27,077.25 for a 2019 Chevrolet Silverado 1500 LD (CK15753) 4 WD Double Cab for the General-Town Park (7140.02).

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

HIGHWAY-5130.04

Roller Rental for Town Park, Cemeteries, and the Town Hall Grounds

Anderson Equipment in the amount of \$1,695.00 per month for rental.

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to approve the rental of a roller from Anderson Equipment in the amount \$1,695.00 per month for rolling of the Town Park, Cemeteries, and the Town Hall Grounds.

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

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Roberts.
Time: 7:45 pm

Respectfully submitted,

Tamara J. Cooper, Town Clerk