

TOWN OF CAMBRIA TOWN BOARD

August 8, 2019

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 8th day of August 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-absent

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 Roberts and seconded by Councilman Hurtgam, it was resolved to approve the minutes of the regular Town Board meeting of July 11, 2019.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

APPROVAL OF VOUCHERS

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

August 8, 2019

Cemetery	7	\$10.90
General	343-404	\$46,917.51
Highway	138-149	\$46,094.72
Refuse	10-11	\$30,595.89
Sewer Operating	28	\$1,666.96
Water Construction	7	\$12,287.72
Water Operating	110-127	\$13,243.36

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated August 8, 2019, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

18U GIRLS' SOFTBALL TEAM

Supervisor Ellis welcomed and acknowledged the Cambria Gatorø 18U Softball team for their winning the 2019 championship. Six (6) players have been together for the past 4-6 years, starting on the 14U Cambria Hurricanes. Their team always makes their opponents feel welcomed and are respected on and off the field. They are losing seven of their players because they are aging out of the program.

Supervisor Ellis presented the team and coaches with t-shirts commemorating their winning season.

SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT

RESOLUTION AUTHORIZE SUBMISSION OF 2019 DRINKING WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT APPLICATION TOWN OF CAMBRIA

WHEREAS, grant funds and assistance are available through the NYS Clean Water Infrastructure Act through the NYS Environmental Facilities Corporation, including the Water Infrastructure Improvement ACT (WIIA) and the Drinking Water State Revolving Fund (DWSRF) and

WHEREAS, the Town of Cambria wishes to apply for said funds for the Saunders Settlement Road Waterline Replacement project,

NOW THEREFORE BE IT RESOLVED that this Board authorizes Supervisor Wright H. Ellis to sign and submit the grant application form and any other documents required by the grant application.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to approve the Resolution Authorizing the submission of the 2019 WIIA Grant Application for the Saunders Settlement Road Waterline Replacement.

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-absent

The Resolution was thereupon declared duly adopted.

WATERLINE EXTENSION SHAWNEE ROAD

Wendel has completed the survey for the Shawnee Road waterline extension and they are waiting approval from NYS Agriculture and Markets.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report July: Total Receipts: \$38,824.86
- Building Inspector Report July: Total fees collected: \$ 5435.15
Total estimated value of construction: \$1,079,500.00

In receipt of a request from Cambria Fire Company to add Larry Kensinger- 496 23rd St.- Niagara Falls to the active roster. *Physical paperwork was received on July 16, 2019.*

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the request from Cambria Fire Company to add Larry Kensinger- 496 23rd St.- Niagara Falls to the active roster. *Physical paperwork was received on July 16, 2019.*

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Brush pick-up will resume September 1st
- Drainage Ditching meeting will be held next week to discuss requests

WATER/SEWER

The Highway Superintendent, Jon MacSwan, reported as follows:

- South side of Lower Mt. Rd. water break- National Fuel was boring and hit the line

RECREATION DIRECTOR

No reports.

ATTORNEY REPORTS

No report.

BEAR RIDGE SOLAR PROJECT

Supervisor Ellis introduced Anne Waling from Cypress Creek.

Ms. Waling reported the following:

- Kevin is going through a list of action items and attempting to engage with the quarry as requested.
- Cypress Creek is busy moving into office space located on Campbell Blvd. (Pendleton) in the Brown Electric building across from Dollar General. They expect to be open next Tuesday or Friday.
- Some geotechnical and behind the scenes environmental surveying has been done; no results.

Supervisor Ellis reported that a meeting with Cypress Creek was held on July 23rd regarding zoning and the Community Benefits Agreement. He mentioned an article in the Union Sun and Journal quoting Kevin as saying that he thought the meeting was very constructive. Supervisor Ellis does not share that view. In his opinion, nothing that was produced at the time would cause the town to change its position on the resolutions taken on the concerns about zoning, residential concerns, property value and impact on town tax base, etc. Some of the things Kevin was quoted as saying were optimistic or rosy.

Ms. Waling agreed with the Supervisor, and feels that nothing was solved at the July 23rd meeting.

Supervisor Ellis reported on the following:

- Office of the State Comptroller is bringing back aid to municipal funding that was previously eliminated. Local representative reacted to the cut and it will be restored at the 2018 level. However, it will be taken out of the county share of sales tax.
- The town is receiving more money for the CHIPS funding in the amount of \$12,936.00 to support the Extreme Winter Recovery Program.

CONCERNS OF CITIZENS

- Why is Cypress Creek proceeding when it is apparent that the town and its residents do not want to move forward?

Ms. Waling said they are addressing concerns and asking what they can do differently. There is no firm layout because the studies aren't done. Until the ground work is done there are questions that cannot be answered. Cypress Creek is still pursuing a path to permitting that is legal and acceptable. There is still a portion of the town

law that allows utility solar in the industrial zone. Cypress Creek is doing studies in the industrial zone; but also in other zones.

- Who has to file the application to change the zoning?

Supervisor Ellis indicated that the landowner is the one who asks for the change and files the application; Cypress Creek possibly will do this on behalf of the landowner.

- It was suggested that the Town Board immediately take action to modify the Local Law #2 of 2017 Large Scale and Utility Solar Systems. It states that they shall not be permitted in agricultural zones. So how can the application be accepted if it will have to be denied.

Supervisor Ellis indicated that the Zoning Board may allow a variance but it is the Town Board that approves the changes in Zoning and they have no intention of changing that. It is under review by the attorney as to whether or not Cypress Creek/Landowners can apply to the Zoning Board for a use variance.

- It was also suggested that because the landowner is entering into a lease with Cypress Creek but still owns the land- amending the law allows the Town Board to limit size in the industrial zones. As of now there is no upward limit or restriction on size.
- Let the decommissioning of the solar panels be on the landowner. Even if Cypress Creek leaves, it will put the onus on the owner and the town and its citizens will be protected.

Ms. Waling indicated that the Article 10 process does require Cypress Creek to hold a decommissioning bond.

- Still don't know who the bond is protecting, the town or the landowner.
- Resident is selling house and had four offers of \$185,000.00. He had to accept an offer of \$220,000.00, \$7,000 under the assessment. The proposed solar project isn't even here yet and it is affecting home value. Last year the home was valued at \$300,000.00
- There are only two landfills in the country who accept decommissioned solar panels; Michigan and Alabama. It will cost more to ship those panels and that does not include the labor involved.
- Request for stipulations and money for a full time inspection on the anchoring system and electrical inspectors.
- Cypress Creek made a sponsorship in an amount under \$2,000.00 to the Niagara Falls Air Base.
- Concern about traffic control near the location of this proposed project and whether DOT, NYS Police and Sheriff's Department will be involved. Where will the tractor trailers park, where will they set up sanitation facilities for the upward of 500 installers, support vehicles, dust control, run off, noise pollution, panel height, cable management, do they have an evacuation plan for thousands of people in a five mile radius.

Ms. Waling stated that these concerns will be addressed once there is a construction plan, but the process is not at that stage yet. Until the application, the project and layout of the project is fluid and could possible change. Anyone with any questions can come by the new office on Campbell Blvd. Questions may not be answered instantaneously. Hours are unknown at this time. *(Hours could possibly be three half days per week).*

- In a 2016 Article in the US & J, local assessors may assess penalties to farmers who convert their land to non-agricultural use. This would put burden on farmers and tax them on the land with solar equipment.

Ms. Waling stated there will be an agreement with the landowner for Cypress Cress to pay any additional taxes that they may incur.

- Resident asked NYS Legislator Godfrey what the County Legislature will do now to protect the people and their farmland, with regard to the proposed solar project.

Mr. Godfrey indicated that they are up against Albany and the governor wants green energy. The town's best hope is to fight it at the local level and continue to work with the Town Board. The Legislature will stand with the town and for the town.

- Setback for private property should be at least 1,000 not 100
- Someone must monitor the project to be sure the anchors are being installed properly since in NYS there is a 48" frost line. There should be an inspection on each and every one.
- OYH is another solar company contacting area landowners who have more than 20 acres of land. Requesting that the town and the county forward the passed resolutions to this company in order to express their opposition to large scale projects.
- A letter was read- it stated that in the past, town residents came together and fought against a proposed prison being established in Cambria. They were successful and the town residents must do the same now to show the government that they do not want these solar panels in our town.
- Appreciation for the people who are showing up. This is just the tip of the iceberg as far as representation of the anti-solar community. They are not going away, the fight is just starting.
- Parents, PTA's and schools need to be educated on this proposed project.

The anti-solar group is planning on attending the next Starpoint School Board meeting.

- Another resident indicated his house value has declined by \$63,000.00.

David Godfrey, Legislator reported as follows:

- Attended a public hearing held by Empire State Development Corporation and they are installing fiber optics which is a major piece of technology. It is not for public use and it will be owned and operated by the NFTA. It will benefit the Air Base, Commercial Airlines the Airport in the industrial corridor.
- Broadband- several vendors have come forth. The governor took the funding away, however, there are more options for federal funding from the USDA and other sources.
- Lake level is going down a bit. Even though Cambria many not be directly affected, it will pay for the loss of sales tax revenue. The IJC is maintaining maximum outflow. If they continue this to the end of the year, it may not be as low as last year. Be prepared to have higher levels come spring.
- Albany is cutting services. 97% of the county budget is unfunded mandates.
- Resolution was passed to sue Albany over the Greenlight Law allowing illegal people to obtain drivers licenses. By allowing this, the governor is piling up votes and the Board of Elections cannot challenge it.

NEW BUSINESS

INSURANCE CLAIM-OLD HIGHWAY GARAGE

Highway Superintendent MacSwan reported that an Arctic Ice Truck drove through the old highway garage. He has the paperwork to file the insurance claim. This includes several items. The truck was overweight, brake problems, etc. It is approximately \$80,000.00 estimated damage.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to accept the damage estimate for the Old Highway Garage in the amount of approx. \$80,000.00 and forward it to CW Baker, the Insurance Agency.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

NATIONAL GRID

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to authorize Highway Superintendent, Jon MacSwan to sign a contract with National Grid so the power can be restored to the building.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

CAMBRIA VOLUNTEER FIRE COMPANY RESTRICTED MEMBER PROGRAM

Supervisor Ellis indicated that the Cambria Volunteer Fire Company is starting a program for high school aged kids-16-18 years old. The fire co. is hoping this will lead to an increase in membership. The Town will provide the physicals and they will be covered by workers compensation.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to approve the Restricted Member Program category for membership in the Cambria Vol. Fire Company.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

EAGLE SCOUT PROCLAMATION

Supervisor Ellis read briefly from the following proclamation for Eagle Scout Jake Wilsey. His ceremony will be held Saturday, August 10th.

PROCLAMATION

Whereas, the Boy Scouts of America was founded on February 8, 1910, in the United States of America; and

Whereas, in 2009, Jake Wilsey joined Cambria Cub Scout Pack 8; and

Whereas, Jake earned his Arrow of Light April 17, 2012, and crossed over to Cambria Boy Scout Troop 8; and

Whereas, Jake has earned 32 merit badges and served his Troop as Assistant Patrol Leader, Patrol Leader, Senior Patrol Leader, Quartermaster and Assistant Senior Patrol Leader; and

Whereas, Jake has exemplified leadership qualities, organizational skills and strength of character while completing his Eagle Scout Project by managing the cutting of a new trail at Bond Lake for the Niagara County Parks Department; and

Whereas, as a member of Troop 8, Jake, through his hard work and personal commitment, attained the rank of Eagle Scout on August 10, 2019, the highest and most prestigious rank offered by the Boy Scout Program; and

Whereas, Scouts believe it is their duty to love their country, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies; and

Whereas, character, participation and leadership are the basis of good citizenship; therefore, be it

Resolved, the Town of Cambria is proud of your achievement, advancement to the rank of Eagle Scout, and shares with you in one of the greatest occasions, not merely of your career as a Scout, but of your whole life, and honors you this day by resolution of the Town Board on August 8, 2019.

TOWN OF CAMBRIA TOWN BOARD

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August 8, 2019

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the Eagle Scout proclamation for Jake Wilsey.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Roberts.
Time: 8:25 pm

Respectfully submitted,

Tamara J. Cooper, Town Clerk