

**TOWN OF CAMBRIA TOWN BOARD**

**June 13, 2019**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 13<sup>th</sup> day of June 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  
Joseph Ohol, Councilman  
Randy M. Roberts, Councilman

**ALSO PRESENT:**

Tamara J. Cooper, Town Clerk  
Robert Roberson, Attorney  
Jon MacSwan, Highway Superintendent  
Approximately 55 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 Roberts and seconded by Councilman Foe, it was resolved to approve the minutes of the regular Town Board meeting and work session meeting of May 9, 2019.**

**Ayes: Ellis, Foe, Hurtgam, Roberts**  
**Abstain: Ohol**

**-Motion Carried-**

**APPROVAL OF VOUCHERS**

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

**June 13, 2019**

Cemetery	4	\$88.80
Drainage	3	\$961.25
General	222-272	\$59,986.07
Highway	87-111	\$259,034.40
Recreation	6-13	\$2,024.25
Refuse	7-8	\$60,806.65
Sewer Operating	19-24	\$1,963.93
Trust & Agency	13	\$1,477.00
Water Construction	5	\$7,081.39
Water Operating	80-94	\$7,956.08

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Ohol it was resolved that the abstract of audited vouchers dated June 13, 2019, be approved as read by the Town Clerk.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT**

Supervisor Ellis reported that the Saunders Settlement Road Waterline Replacement is a 1.45 million dollar project to increase water flow and pressure between Baer Road and NCCC. The town is applying to the New York State Department of Health for a grant under the Water Quality Improvement Act. It requires not only a full SEQR but also it be conducted as a review. The grant will reimburse up to 60% of the cost of the project.

RESOLUTION  
LEAD AGENCY DESIGNATION  
SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT  
TOWN OF CAMBRIA

**Whereas**, the Town of Cambria seeks to install a new 12-inch waterline, including 10 new fire hydrants, along Saunders Settlement Road; and

**Whereas**, the existing 8-inch waterline is in deteriorated condition and there is the risk that it will not provide adequate fire flow; and

**Whereas**, the proposed project has been determined to be an Unlisted Action under the New York State Environmental Quality Review ACT (SEQR), and a Full Environmental Assessment Form (FEAF) Part I has been completed for the project; and

**Whereas**, the Town of Cambria desires to serve as the Lead Agency for the proposed project; and

**Now, Therefore, Be It Resolved**, that the Cambria Town Board, in accordance with the State Environmental Quality Review Act (SEQR), and acting as the Lead Agency, hereby initiates a Coordinated Review for the proposed project and authorizes the Town Engineer to prepare mailings to the identified Involved and Interested Agencies in order receive comment on the Lead Agency Designation and the proposed project.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol it was resolved to approve the Resolution for Lead Agency Designation 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 voting AYE**

The Resolution was thereupon declared duly adopted.

**WATERLINE EXTENSION SHAWNEE ROAD**

Supervisor Ellis indicated there is a person interested in building a new home on Shawnee Road. The water comes in from Lower Mountain Road and because the elevation increases the town had Wendel Engineers test to project what the water pressure would be at the house location. This would be a 600' extension. After the testing it was determined that the flow meets the standard flow. Wendel will prepare a proposal for the extension for the July meeting.

**TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Town Clerk Report May: Total Receipts: \$148,870.38

- Building Inspector Report May: Total fees collected: \$ 901.50  
Total estimated value of construction: \$13,9230.00

## **HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent, Jon MacSwan, reported as follows:

- Comstock Road is paved and striped. Randolph and Heffren Dr. has been paved.
- Town is behind in mowing because of the weather.
- Brush pick up is continuing.

## **WATER/SEWER**

The Highway Superintendent, Jon MacSwan, reported as follows:

- 1 service on Green Road and 1 pressure test on Shawnee Rd.

## **RECREATION DIRECTOR**

Sally Marotta-Reed reported as follows:

- Recreation Day program registration is wrapping up.
- Women soccer team has games on Mondays.
- Getting the Town Park ready for the summer season.
- First aid kits were purchased/updated for Recreation, Park and Highway.
- There is new Town Park signage.

## **ATTORNEY REPORTS**

No Reports.

Supervisor Ellis reported as follows:

- Recycling rate in the town is 18.7%. This is a little under where it has been the last couple months.
- The Town Wide Yard sale will be July 19th, 20th and 21st from 9:00 am to 3:00 pm.
- Cambria Volunteer Fire Company is hosting WNY Fireman's Convention July 25th, July 26th and July 27th with a parade Saturday night.
- Tractor Pull at the Cambria Fire Hall August 23rd 24th.

## **CONCERNS OF CITIZENS**

- Several concerned residents have formed a community action group opposing the industrial solar project.
- The committee requested a meeting with the attorney handling the industrial solar project and the Article 10. Supervisor Ellis will talk to the attorney about a meeting.
- There were some complaints that the agenda was unavailable in a timely manner. Supervisor Ellis indicated there were issues with agenda topics this month.
- Request for funds to be allocated for a direct mailing to go to the approximately 350 homes impacted by the solar project.
- Request for the Town Board to have a community meeting at the Fire Company to provide information. Supervisor Ellis indicated that he is not against having a meeting however, he has very limited information to pass on and wouldn't want any disappointment.

- A resident asked the Town Board how they individually feel about the industrial solar project. Supervisor Ellis reported that the Town Board approved a resolution at the May Town Board meeting opposing the entire project.
- A resident asked about the status of the environmental impact study. Supervisor Ellis indicated that it is covered in the PSS-Preliminary Scoping Statement. It is a document that covers 42 exhibits. Not all 42 apply to this particular project.
- One resident has a son who works for National Grid. In the case of a fire at a solar panel location they are told to let it burn and because of the electricity it is extremely dangerous for firemen. Supervisor Ellis has addressed this issue with Cypress Creek. The fire companies have not been trained in these matters. Legislator Godfrey has asked the Fire Coordinator and the Hazmat Team to look at this issue at state level.
- A resident discussed a Cypress Creek project in Montana on the I90 on 16 acres. The company has allowed the solar panels to fall into disrepair and remain unmaintained and implored the stakeholders to take a good look into Cypress Creek before they do business with them.
- Subbera Road residents indicated their concern about the speed with which the cars drive down the road. There are several children in the area playing, riding bikes, etc. Jon MacSwan, Highway Superintendent will place a “Slow Down We Love Our Children” sign along with a speed limit sign. If a speed reduction is desired, the neighbors will be required to circulate a petition in order for it to be submitted to the County and NYS DOT to do a traffic study. A resident of Baer Road wished them luck, as it is very difficult to get a reduced speed limit approved.

Legislator Godfrey reports the following:

- Was in attendance at the community action group meeting and reported he learned a lot. The information that was supplied to he and Legislator Nemi is extremely valuable. They will continue to work with them on this issue. He is sponsoring a resolution modeling after the resolution passed by the Town Board. It has unanimous support.
- Also sponsoring a resolution requesting President Trump to take immediate action on Plan 24T. The IJC (International Joint Commission-made up of three Americans and three Canadians controlling all the international waters between US and Canada) will be calling an emergency meeting to address the lake level issues. They will request to increase the maximum outflow at a sustained rate and will call for a vote of the IJC to suspend Plan 24T.

## **NEW BUSINESS**

Supervisor Ellis is in receipt of a request from the Cambria Volunteer Fire Company to borrow the town’s portable 60 kw generator for approximately one week beginning July 22nd for their convention. They are also seeking a small sponsorship to help offset the cost of the event. This donation will go toward medallion and ribbons. The total cost is \$2,588.74, the Town will be donating \$1,294.37.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe it was resolved to approve the Cambria Fire Company’s request to borrow the town’s portable 60 kw generator for approximately one week beginning July 22nd for their convention and also authorize payment of \$1,294.37 to pay half the cost of commemorative ribbons and medallions with the provision that the Town of Cambria logo be on the reverse side.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

## **ADDITIONAL MATTERS**

Supervisor Ellis gave an update on the Cypress Creek Bear Ridge Industrial Solar Project:

On 4/17/19 the town had a meeting with a representative from Cypress Creek and the topic was zoning. The town has restricted the utility grade and large size solar arrays to the Industrial Zone; very little if any of this project is in the Industrial Zone. The town indicated they will not rezone the 750 acres to industrial for this project. Supervisor Ellis indicated that there was approximately 400 acres left in the Industrial Area which is no different than what they are looking at now. Cypress Creek declined.

On 5/16/19 there was a phone discussion with the Cypress Creek representative (from California) and they wanted to discuss zoning issues. Supervisor Ellis told them it will not be done over the phone. It needs to be an in person meeting with both sides in attendance along with the attorney and engineer, etc.

Cypress Creek then brought up the matter of the electrical rate discount for community solar. Supervisor Ellis again indicated that this will not be discussed over the phone. The community needs to have input and if there is any way this can accommodate or mitigate the impact on real estate values.

Cypress Creek then wanted to discuss making some compensation to the Cambria Volunteer Fire Company. Supervisor Ellis informed them that there are three companies in the town and if there was some catastrophe at the proposed solar panel site, all three would be called out and that they would need to compensate all three.

With regard to the Town Park Cypress Creek asked if there was anything that was needed or that would satisfy the town and that they can provide the funding for. The Supervisor informed them that he cannot make that decision on his own and that more people need to be involved in that and it needed to benefit the entire town.

They ended the conversation with Cypress Creek looking into potential dates to set up a meeting. They haven't contacted Supervisor Ellis since.

Supervisor Ellis looked into the matter of the PIP-Preliminary Information Pamphlet that was published in August of 2018. This was information on items that Cypress Creek is going to do. One item was to establish a community outreach office with regular business hours by October 2018. This year the date was moved to June and now there is no indication that this is happening.

The town is in the stipulation phase of the process where the comments were made on the PSS-Preliminary Scoping Statement. This is a negotiation phase and primarily taken care of through attorneys and administrative law judges and the information is confidential.

The Siting Board has not yet met and there is no time frame for the first meeting.

## **ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Foe.  
Time: 8:00 pm

Respectfully submitted,

Tamara J. Cooper, Town Clerk