

**TOWN OF CAMBRIA TOWN BOARD**

**May 9, 2019**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 9<sup>th</sup> day of May 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

Absent: Joseph Ohol, Councilman

**ALSO PRESENT:**

Paula N. Jones, Deputy Town Clerk  
Robert Roberson, Attorney  
Approximately 30 interested individuals

Following salute to the flag, Supervisor Ellis opened the Public Information Meeting for the Stormwater Annual Report.

**PUBLIC INFORMATION MEETING  
MS4 DRAFT ANNUAL REPORT/STORMWATER MANAGEMENT PLAN**

Rob Klavoon, Wendel, gave a brief presentation with regard to the Stormwater Management Program. The Town Engineer works with the Building Department and Highway Department to covers six factors affecting Stormwater Management: public education and outreach, public participation and involvement; illicit detection/discharge; construction control measures; post-construction control measures and stormwater pollution prevention good housekeeping. The Town is in compliance for 2018-2019 reporting time. The report is available for review on the Town of Cambria website and in the Town Clerk's office.

As there were no questions or comments from the public, Supervisor Ellis closed the informational meeting and called the regular meeting to order. Board members took action upon the following matters:

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the minutes of the Town Board meeting of April 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:

**May 9, 2019**

Cemetery	2-3	\$98.85
Drainage	2	\$1,815.00
General	173-221	\$78,917.92
Highway	67-86	\$35,660.35
Recreation	4-5	\$100.00
Refuse	5-6	\$30,404.06
Sewer Operating	17-18	\$2,296.02
Trust & Agency	11-12	\$22,236.41

Water Construction	4	\$4,312.64
Water Operating	67-79	\$7,745.08

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts it was resolved that the abstract of audited vouchers dated May 9, 2019, be approved as read by the Town Clerk.**

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

**-Motion Carried-**

#### **2018 FINANCIAL STATEMENT PRESENTATION/ACCEPTANCE**

Supervisor Ellis indicated that the 2018 financial audit results for the Town have been received. He introduced John Schiavone, Lumsden & McCormick, to summarize the findings.

Mr. Schiavone gave a brief explanation of their findings, indicating that the Town continues to be in a strong financial position and the Town has sound financial operations. The Town is in receipt of the Independent Accountants Report as it pertains to Town Board, Town Justices and Management; Management Letter and the Communication with those Charged with Governance and all of these reports were considered clean reports. Mr. Schiavone explained there were changes to accounting principles; post employment benefit had the most significant impact. Even with the impact of these new accounting standards, the Town continues to be in very solid financial condition.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to acknowledge the receipt and filing of the audit of the Town of Cambria financial statements for the period ending 12/31/2018 as prepared by Lumsden & McCormick, LLP certified public accountants. The audit included the examination of the Justice Court records and dockets.**

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

**-Motion Carried-**

#### **STORMWATER MANAGEMENT PLAN FOR 2019; MS4 ANNUAL REPORT**

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the MS4 Draft Annual Report for 2018 to authorize Supervisor Ellis to sign the document and forward it to the DEC.**

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

**-Motion Carried-**

#### **SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT**

Mr. Rob Klavoon, Wendel Engineer, reported they will be upsizing the waterline from Baer Road to Shenk Road on Saunders Settlement Road; the goal is to have the design plans completed by August 1, 2019 and be in better position to re-apply for grants.

#### **TOWN HALL HEATING SYSTEM**

Supervisor Ellis reported two bids were received for the Town Hall heating and air conditioning unit. The bids have been reviewed by the engineer over the past month.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to accept the bid from DWC Inc. 100 John Glenn Drive, Amherst, NY in the amount of \$48,400 for the replacement and installation of one 2019 AH/Split HVAC unit at the Town of Cambria Town Hall. The bids were reviewed by the Engineer for the Town.**

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

**-Motion Carried-**

#### **LED LIGHTING PROPOSAL**

Supervisor Ellis reported the Municipal Garage will be converting to LED lighting and completely retro-fit to LED with all new electronic ballast; National Grid will fund 60% of the cost and the Town will save an average of \$4,479.45 annually.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to accept the bid from Lime Energy Services, Buffalo, NY to replace 79 existing fluorescent T5 and T8 fixtures in the Municipal Garage total cost \$4,654.15 lump sum.**

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

**-Motion Carried-**

### **LEAK DETECTION STUDY**

Rob Klavoon, Wendel reported an Asset Management Plan was completed in 2018 and one of the recommendations was to conduct Town wide leak detection. The study would be completed in late October or early November; Wendel is requesting authorization for cost not to exceed \$23,000.00 for the engineering and the field work related to the leak detection.

Supervisor Ellis stated the current loss is around 24 % - 25%, the Town still has to pay for this water.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to accept the proposal from Wendel dated 4/3/2019 to conduct the Town wide leak detection; cost not to exceed \$23,000.00 including time and expense.**

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

**-Motion Carried-**

### **TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Town Clerk Report April: Total Receipts: \$38,553.81
- Building Inspector Report April: Total fees collected: \$ 7,077.50  
Total estimated value of construction: \$434,442.00

### **HIGHWAY SUPERINTENDENT REPORTS**

Councilman Foe reported on behalf of the Highway Superintendent:

- There have been two paving jobs, Comstock Road and near Subbera Road and Upper Mountain Road; striping will come soon.
- Brush pickup is continuing.

### **RECREATION DIRECTOR**

Sally Marotta-Reed reported the following:

- Baseball is starting; weather is an issue because of all the rain.
- Recreation Day program registration is now open; parents have the opportunity to pay ahead for field trips.
- Attended the yearly recreation training with the Niagara County Health Department.
- Getting the Town Park ready for the summer season.

### **ATTORNEY REPORTS**

No Reports.

### CONCERNS OF CITIZENS

- Several residents voiced their concerns regarding the Bear Ridge Solar Project and their opposition to it.
- A resident requested additional signage for the Town Park, when driving down the road it's not easy to see the sign that is setback. Supervisor Ellis referred the matter to the Recreation Director.
- Supervisor Ellis recognized the students in attendance from Starpoint.

Supervisor Ellis is in receipt of a letter of resignation from Tammy Higner; she has been with the Town for 7 years and thanked her for her fine work.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to accept with regret the resignation of Tammy Higner dated May 7, 2019.**

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

**-Motion Carried-**

The Town Justices are requesting approval to attend the NYS Magistrates Association Annual meeting in Lake Placid, NY September 14-18, 2019.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to approve the request from the Town Justices are requesting approval to attend the NYS Magistrates Association Annual meeting in Lake Placid, NY September 14-18, 2019.**

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

**-Motion Carried-**

Supervisor Ellis reported Eastern Niagara Hospital will be reducing some of its services due to cutbacks.

Supervisor Ellis announced the American Diabetes Tour de Cure will be coming through the Town of Cambria on Saturday, June 1, 2019.

Supervisor Ellis indicated the Western New York Volunteer Fireman's Association 120<sup>th</sup> convention will be hosted by the Cambria Volunteer Fire Company, the Town will be taking a ½ page ad. Fire Chief Jon Pressley invited the public to come out and enjoy the activities in July.

Supervisor Ellis reported the Town put in for a grant to help with the cost of purchasing the recycle carts in 2014, the Town has not received the money yet, hopefully in a few months we will receive the funds.

### WATERLINE EXTENSION SHAWNEE ROAD

Rob Klavoon, Wendel reported a resident has approached the Board about building a new house on Shawnee Road between Upper Mountain Road and Lower Mountain Road and currently there is no waterline on that section of Shawnee Road. They would like to conduct a quick study to determine which end to tap into.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to accept the proposal dated May 6, 2019 from Wendel on the Shawnee Road Waterline evaluation, scope of work to be on a time and expense basis not to exceed \$2,500.00.**

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

**-Motion Carried-**

### ADDITIONAL MATTERS

Supervisor Ellis addressed the audience regarding the remarks concerning the Bear Ridge Solar Project and read the following resolution:

**WHEREAS**, New York State has replaced the local home rule review and approval process for the siting of electrical generation projects greater than 25MW, and

**WHEREAS**, Cypress Creek Renewables is proposing to construct Bear Ridge Solar, a 100 MW solar energy generation facility in the Town of Cambria, and

**WHEREAS**, the Bear Ridge Solar project represents one of the largest utility-scale solar power plants in New York State, and

**WHEREAS**, the proposed Bear Ridge Solar project is expected to be sited on approximately 750 acres of farmland in the Town of Cambria, and

**WHEREAS**, the New York State Department of Agriculture and Markets considers utility-scale solar projects to be permanent conversion of agricultural lands, and

**WHEREAS**, the Town of Cambria is concerned about the impact Bear Ridge Solar will have on local agriculture, and

**WHEREAS**, New York State Public Service Law § 168(3)(e) requires that the facility is designed to operate in compliance with applicable state and local laws and regulations issued thereunder concerning, among other matters, the environment, public health and safety, all of which shall be binding upon the applicant, and

**WHEREAS**, the Town of Cambria's local zoning laws allow for large-scale and utility-scale solar energy systems in the Industrial Zoning District, and

**WHEREAS**, almost all of the Bear Ridge Solar project is currently proposed to be located outside of the Town of Cambria's Industrial Zoning District, and

**WHEREAS**, Cypress Creek Renewables is currently proposing to locate portions of the Bear Ridge Solar project in the Town of Cambria's New York State Shovel Ready Certified Site, a site prepared and designated to produce full-time, well paying, technical jobs, and

**WHEREAS**, Cypress Creek Renewables is aware that Bear Ridge Solar does not comply with Cambria's local laws, and

**WHEREAS**, Cypress Creek Renewables has refused to discuss the Town of Cambria's local zoning laws with members of the Town Board, and

**WHEREAS**, Cypress Creek Renewables has failed to specify what benefits the Bear Ridge Solar project will bring to the Town of Cambria, now therefore it is hereby

**RESOLVED**, that the Town of Cambria is opposed to the Bear Ridge Solar project because it does not comply with the Town's local zoning laws and comprehensive plan, and it is further

**RESOLVED**, that the Town of Cambria calls upon the Article 10 Siting Board, Governor Andrew Cuomo, and the Department of Public Service to require that the Bear Ridge Solar project comply with the Town of Cambria's local zoning laws and comprehensive plan, and it is further

**RESOLVED**, that a copy of this resolution shall be transmitted to the Governor, Lt. Governor, members of the Article 10 Siting Board, and members of the Western New York Senate and Assembly delegation.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts it was resolved to adopt the foregoing resolution.**

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

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**

Town of Cambria Town Board  
May 9, 2019

**JEFFREY S. HURTGAM voting AYE**  
**WRIGHT H. ELLIS voting AYE**

The Resolution was thereupon declared duly adopted.

**ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Foe.  
Time: 8:15 pm

Respectfully submitted,

Paula N. Jones, Deputy Town Clerk