

TOWN OF CAMBRIA TOWN BOARD

August 10, 2017

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 10th day of August 2017 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Jon MacSwan, Highway Superintendent
Robert Roberson, Attorney
Jamie Johnson, Wendel
3 interested persons

Following salute to the flag, Supervisor Ellis called the meeting to order. The Town Board took action on the following matters:

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to approve the Minutes of the Town Board meeting and work meeting of July 13, 2017.

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:

Cemetery Fund	Claim	5 & 6	\$	22.03
Drainage Fund	Claims	13	\$	192.47
General Fund	Claims	350-414	\$	63,639.51
Highway Fund	Claims	131-139	\$	12,190.68
Recreation Fund	Claims	20-32	\$	3,013.00
Refuse Fund	Claims	10-12	\$	57,473.36
Sewer Operating Fund	Claims	28-30	\$	92.11
Trust and Agency Fund	Claims	16-19	\$	10,970.17
Water Operating Fund	Claims	107-124	\$	67,030.91

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved that the abstract of audited vouchers dated August 10, 2017, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

Jamie Johnson, Wendel reported on the following:

WATER TANK IMPROVEMENTS

Wendel is in receipt of three written quotes for the power washing and cleaning of the Town's concrete water storage tank located at the Highway Garage. DN Tanks, 11 Teal Road, Wakefield, Massachusetts had the low quote of \$13,700.00. The other quotes were Amstar of WNY -\$18,500.00 and Principal Industrial Services - \$46,500.00. Wendel is recommending the Town Board award the contract to DN Tanks.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to accept the proposal of DN Tanks, 11 Teal Road, Wakefield, Massachusetts for the power washing and cleaning of the Town's concrete water storage tank in the amount not to exceed \$13,700.00.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

TOWN PARK COMFORT STATION

The timing mechanism for the doors on the Town Park Comfort Station has been repaired. This was the last item remaining in the original contract with Kirst. Any issue that comes up between now and June of 2019 will be considered a maintenance item and covered under the two year maintenance fund with Kirst.

There was a drainage issue due to poor performance in relation to the grading between the comfort station and the septic system that was installed. The initial concern was because of an apparent odor in the standing water. The Niagara County Health Department came on site to do a water sampling and confirmed water quality was satisfactory. The odor was related to the sitting water and algae growth. The septic system is performing as per standards. To address the drainage issue, the Engineer, Health Department and Jon MacSwan, Highway Superintendent, came up with a plan which included going away from a ditch design to an enclosed system with perforated pipe. That work has been completed by the Highway Department and the Town will be seeking reduction in the contract price from the contractor. There is 5% remaining in their contract for site work that will be withheld until a deduct change order is submitted in September.

WATER STORAGE TANK FALL PROTECTION SYSTEM

DN Tanks will be performing the installation of the fall protection system as they are the original manufacturer of the water storage tank. They will be mobilizing for another project in this area and will complete this work at the same time they do the cleaning of the tank sometime in September.

REAL PROPERTY TAX EXEMPTION RE: SOLAR/WIND ENERGY SYSTEMS

Supervisor Ellis reported that the draft on the proposed changes to the Solar Energy Local Law is complete.

SOLAR ENERGY SYSTEMS CODE REVISIONS TOWN OF CAMBRIA RESOLUTION

WHEREAS, The Town of Cambria has previously adopted its Zoning Ordinance which provides for allowable uses in the various zoning districts of the Town of Cambria as well as regulating structures within the Town of Cambria; and

WHEREAS, The Town of Cambria amended its Zoning Ordinance relating to solar energy systems by adopting Local Law # 1 of 2015; and

WHEREAS, the Town of Cambria, since that time, has observed problems related to solar energy system installations and have noted that the existing regulations do not properly address all forms of solar energy systems; and

WHEREAS, the Town Board of the Town of Cambria instituted a Moratorium on solar energy systems so that the Town could promulgate amendments to the Zoning ordinance; and

WHEREAS, the Town has completed the proposed revisions to Local law #1 of 2015 regulating solar energy systems; and

WHEREAS, the Town has introduced the following proposed "Local Law No. 2 of the Year 2017", entitled "Amendment to the Town of Cambria Zoning Ordinance revising regulations for Solar Energy Systems" and presented a copy to each member of the Board which reads as follows:

A Local Law known as Local Law No. 2 of the Year 2017 entitled "Amendment to the Town of Cambria Zoning Ordinance revising regulations for Solar Energy Systems".

Be enacted by the Town Board of the Town of Cambria the zoning revisions as shown on the attached document.

NOW, THEREFORE, BE IT RESOLVED THAT;

A hearing before the Town Board of the Town of Cambria, in the County of Niagara shall be held at the Town Hall, 4160 Upper Mountain Road, Cambria, New York at 7:00 p.m. on the 14th day of September, 2017, for the purpose of hearing all persons interested in the proposed Local Law No. 2 of the Year 2017; and

BE, IT FURTHER RESOLVED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Union Sun & Journal, designated as the official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and (c) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and

BE, IT FURTHER RESOLVED, that the Town Board, in accordance with the New York State Environmental Quality Review Act (SEQRA), wishes to establish itself as SEQRA Lead Agency by authorizing a coordinated review process; and in accordance the NYS Town Law, authorizes the referral of these proposed zoning revisions to the Niagara County Planning Board; and

BE, IT FINALLY RESOLVED, that the Town Clerk is to make copies of the proposed Local Law No. 2 of the Year 2017, entitled Amendment to the Town of Cambria Zoning Ordinance revising regulations for Solar Energy Systems, available at her office for inspection and distribution to any interested person during business hours.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the resolution directing the Town Clerk to publish a Notice of Public Hearing to be held on September 14, 2017, at 7:00 pm, on the Amendments to the Solar Energy System Local Law.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

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

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

The Resolution was thereupon declared duly adopted.

NYS COMPTROLLER AUDIT

Supervisor Ellis indicated that the Town is waiting for the report from the NYS Comptroller with regard to the Towns Audit.

TOWN CLERK REPORTS

The Town Clerk, reported receipt of the following:

- Town Clerk Report July: Total Receipts: \$37,073.11
- Building Inspector Report July: Total fees collected: \$2,824.40
Total estimated value of construction: \$542,103.00
- In February 2017, the Town Board directed me to send a petition and letter from residents near the intersection of 104, Route 93 and Plank Road in order to initiate a traffic study. I am in receipt of a letter from the DOT indicating that a study has been completed and that the indicators for installing traffic control signals, all way stop signs, reduced speed limit and guide rails all fall below the threshold values. However, intersection control beacons may be used at intersections where traffic or physical conditions do not justify conventional traffic control signals but crash rates indicate the possibility of a special need. Therefore, the DOT is proposing the installation of a Flashing Beacon at this location and will initiate a project installation in the near future.
- In receipt of a request from David Harms of Upper Mountain Road to sell 2 Mount View cemetery plots back to the Town. According to the provisions of the law any owner desiring to sell a lot must first offer it back to the Cemetery for the price which was paid and interest at four percent annually. This amount would be \$974.00.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to pay Mr. David Harms \$974.00 representing principle and 4% simple interest per annum for grave sites #1 & 2 in Section B Lot 73 at the Mount View Cemetery.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- The parking lot will be paved August 14-16th
- Some milling and striping left to do
- Old Pekin Hill Rd. will be paved as soon as a paver is available
- Electronic recycling will be changed from every day to only on Mondays beginning September 1st

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the proposal by the Highway Superintendent for redoing the Town Hall parking lot estimates in accordance to the memo dated June 23, 2017.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

ATTORNEY REPORTS

No reports.

CONCERNS OF CITIZENS

Robert Kalota- Shawnee Road

Mr. Kalota indicated that his application for an accessory building has been denied two times by the Zoning Board of Appeals. After the first time he was asked to downsize his request, he did so and in addition he had letters from his neighbors indicating their consent to his request. The application was denied for the second time. He came before the Town Board to ask for guidance in this matter.

After a brief discussion, Mr. Roberson, Town Attorney, indicated he will contact Mr. Kalota's attorney to further discuss the matter.

PLANNING BOARD

Supervisor Ellis is in receipt of a letter of resignation from John W. Phillips. He will be relocating to the Town of Lockport and therefore resigning from his positions on the Planning Board and the Town Park Committee.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to accept, with regret and appreciation of a job well done, the resignation of John W. Phillips from his positions on the Planning Board and the Town Park Committee effective July 22, 2017.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

APPOINTMENT

Supervisor Ellis is recommending Garret Meal, 5704 Campbell Blvd., Lockport, presently serving as alternate on the Planning Board, to complete Mr. Phillips term expiring 12/31/2020.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to appoint Garret Meal, 5704 Campbell Blvd., Lockport, to the Planning Board to complete the term of Mr. Phillips, to expire 12/31/2020.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

2018 TOWN BUDGET

Supervisor Ellis stated that he handed out 2018 budget sheets to department heads the first week in August. They are due 9/5/2017, and then he will work on the tentative budget. Budget meetings with the fire companies will be scheduled soon.

PEDDLER, VENDOR, SOLICITOR, AND MOBILE FOOD VEHICLE LOCAL LAW

Supervisor Ellis indicated that the Peddler, Vendor, Solicitor and Mobile Food Vehicle Local Law is going to be done as an ordinance and the Town Clerk will work on for next season.

NYS MAGISTRATES ASSOCIATION ANNUAL MEETING

A request from Justice Amel S. Jowdy III to attend the NYS Magistrates Association annual meeting October 14-18, 2017 in Verona, NY.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve Justice Amel S. Jowdy III., attendance at the NYS Magistrates Association annual meeting October 14-18, 2017 in Verona, NY.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Roberts.
Time: 7:40 pm

Respectfully submitted,

Tamara J. Cooper
Town Clerk