

**TOWN OF CAMBRIA TOWN BOARD**

**FEBRUARY 14, 2013**

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 14<sup>th</sup> day of February 2013 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York

**BOARD MEMBERS PRESENT:**

Wright H. Ellis, Supervisor  
Robert E. Blackman, Councilman  
Matthew P. Foe, Councilman  
Joseph Ohol, Councilman  
Randy M. Roberts, Councilman

**ALSO PRESENT:**

Jon T. MacSwan, Highway Superintendent  
Lou Ann Murawski, Town Clerk  
Robert Roberson, Attorney  
Robert Klavoon, Wendel  
David Godfrey, Niagara County Legislator  
Three interested individuals

Following salute to the flag, Supervisor Ellis requested those present to remain standing to observe a moment of silence in memory of Clark Johns, former member and Chairman of the Zoning Board of Appeals. It was noted that Clark also served as former President of the Starpoint Board of Education and former President of the Niagara-Orleans BOCES, as well as Postmaster at the Lockport Post Office.

**PUBLIC HEARING – LOCAL LAW NO. 1, 2013, A LOCAL LAW REGULATING SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF CAMBRIA**

The Clerk read the following Notice of Public Hearing:

**PLEASE TAKE NOTICE** that the Town Board of the Town of Cambria will conduct a Public Hearing at the Cambria Town Hall, 4160 Upper Mountain Road, Sanborn, New York, 14132, on the 14<sup>th</sup> day of February, 2013 at 8:00 p.m. to hear and consider the adoption of a proposed local law entitled -

Town of Cambria Local Law No. 1 - 2013 A Local Law Regulating Solar Energy Systems within the Town of Cambria.

A description of the Local law contents:

Section I - Large-Scale and Utility Scale Solar Energy

1. Purpose
2. Applicability
3. Permits and Approvals Required
4. Applications for Solar Energy Systems
5. General Provisions
6. Abandonment or Decommissioning
7. Transfer of Special Use Permits

Section II

1. Interpretation
2. Intent
3. Small-Scale Energy Systems
4. More Restrictive Provisions to Prevail

A copy of proposed Local law No. 1 - 2013 is on file in the office of the Town Clerk at the above address where it is available for inspection/copying during regular office hours. All interested parties will be heard.



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**CROWN CASTLE LEASE AGREEMENT**

Attorney Roberson indicated he has had discussions with Attorney John Pestle relative to evaluating the buyout and lease extension offers presented by Crown Caste and Unison. Their initial consultation fee would range from \$1,000 - \$2,000. He recommends that the Town Board authorize the Supervisor to engage the services of John W. Pestle, law firm of Varnum, Attorneys at Law, Grand Rapids, Michigan.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to engage the services of John W. Pestle from the law firm of Varnum, Attorneys at Law, Grand Rapids, Michigan for their initial consultation relative to the Crown Castle lease at a cost not to exceed \$2,000.00 as outlined in their letter dated January 24, 2013.**

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

**-Motion Carried-**

**TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- ◆ 2012 Annual Water/Wastewater Report
- ◆ 2012 Annual Report of Town Historian
- ◆ Town Clerk Monthly Report, January 2013 – Total Receipts: \$42,394.76
- ◆ Building Inspector Report, January 2013 – Total Receipts: \$940.00; Total Valuation of Construction: \$10,000
- ◆ Letter from Niagara County Health Department regarding rabies clinic to be held at the Cambria Municipal Building on April 13<sup>th</sup> from 2:00 – 4:00 pm

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to authorize the use of the Town of Cambria Municipal Building by the Niagara County Health Department for a rabies clinic to be held on April 13, 2013 between 2:00 pm and 4:00 pm.**

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

**-Motion Carried-**

**HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent reported as follows:

- ◆ CSX Railroad Crossings and signs – He will be meeting with a representative from CSX within the next few weeks in a joint effort to resolve issues relating to railroad crossings. Councilman Ohol suggested they also look at the condition of the railroad bridge crossing on Baer Road.
- ◆ They have an ample amount of salt supply for this year.
- ◆ It was necessary to have the computer on the 1997 truck replaced. The rest of the equipment is in good shape.

**TOWN POLICY AND PROCEDURES REVIEW COMMITTEE**

Councilman Foe reported that his Committee met this morning and has begun review of the Zoning Ordinance. Discussions were held relative to the agricultural housing and definitions, to ensure that the definitions set forth in the Zoning Ordinance are in alignment with those set forth in the New York State Building Code.

**ATTORNEY REPORTS**

Attorney Roberson indicated he had nothing to report; although, he took exception to Mr. Brown's comment regarding not being notified when the windmill was erected near his property and he briefly described the proceeding and notifications which took place prior to the construction of the windmill.

**CONCERNS OF CITIZENS**

County Legislator, David Godfrey, reported as follows:

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- ◆ **Niagara Falls Air Base** – The report that the Governor did is complete; although, they understand the simulator for the Base has been eliminated. A meeting is scheduled in Washington next week with the various federal representatives regarding the base and its future. They need to know, on a federal level, as to the status of the Air Base.
- ◆ **Rural Broadband** - A meeting was held with Senator Maziarz and Assemblywoman Corwin and the regional director from Time Warner Cable to discuss what they are going to do to bring the service that is needed. The meeting went well and there are plans to meet with other carriers, as well.
- ◆ **NYS SAFE ACT** – There are five proposed resolutions which have been referred to the Community Safety/Security Committee for review. A resolution will be drafted for the upcoming meeting.

Regarding the same subject, Jon MacSwan requested the Town Board to support a resolution upholding our 2<sup>nd</sup> Amendment rights and to support the County's efforts in this matter.

**ASSET MANAGEMENT PROPOSAL – WENDEL**

Supervisor Ellis indicated a proposal was received from Wendel to prepare an Asset Management Plan. The matter was discussed by the Board and it will be tabled until next month's meeting.

**PHASE II STORMWATER REGULATIONS**

A proposal was submitted by Wendel to perform engineering services related to our Stormwater Program at a cost, on a time and expense basis, with an estimated fee of \$5,500.00.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to accept the proposal for engineering services related to the Stormwater Program as outlined in letter from Wendel Engineers at a cost not to exceed \$5,500.00.**

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

**-Motion Carried-**

**TRACTOR WITH MOWING IMPLEMENTS**

Supervisor Ellis indicated the Board has chosen to rent the tractor with the intention to purchase.

Jon MacSwan indicated he would review the submitted proposal and obtain additional quotes.

**WATER/SEWER DEPARTMENT BUILDING – ADVERTISE FOR BIDS**

Jon MacSwan indicated specifications have been prepared for a 48' x 72' x 16' Pole Building to be used for storage of water line material, grinder pumps, generators, valves, hydrants and other related materials generated by the Water and Sewer Departments.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to authorize the Town Clerk to advertise for bids for a 48' x 72' x 16' Pole building with bid opening to be on March 11, 2013 at 10 am.**

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

**-Motion Carried-**

**AGREEMENT TO SPEND TOWN HIGHWAY FUNDS**

The Highway Superintendent presented the following Agreement to Spend Town Highway Funds for the Board's approval, which provides for the expenditure of \$427,985.00 with improvements to the following roads:

- ◆ Joanne Drive (Rte. 31) to the end of the road, a distance of .39 miles (micropave)
- ◆ Northway Drive (Rte. 31), leading to Southway Drive, a distance of .27 miles (micropave)
- ◆ Southway Drive (Northway Drive) and leading to Northway Drive (subdivision), a distance of .27 miles (micropave)

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**Upon a motion duly made by Councilman Blackman and seconded by Councilman Roberts, it was resolved to approve the Agreement to Spend Town Highway Funds, as presented by the Highway Superintendent.**

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

**-Motion Carried-**

**BASEBALL TOURNAMENT REGISTRATION FEES/PARK USAGE FEES POLICY**

Supervisor Ellis indicated the subject of waiving Baseball Diamond Usage fees in exchange for Tournament entry fees was discussed at last month's work meeting. Following discussions with the Town Attorney and Accountant, it was suggested that the fees be handled separately. The following policy was proposed:

**Town Park usage fees should be collected and deposited in the Park Charges line of the General Fund (A1000.2001) for eventual transfer to the Town Park Reserve Fund. Tournament Entry fees are budgeted and should be paid from the Recreation (Baseball) line items in the General Fund.**

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved that the Baseball Diamond Usage fees and Tournament entry fees be handled separately and the policy as proposed be approved.**

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

**-Motion Carried-**

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Ohol. Time: 8:40 pm.

Respectfully submitted,

Lou Ann Murawski  
Town Clerk