

TOWN OF CAMBRIA TOWN BOARD

November 10, 2016

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 10<sup>th</sup> day of November 2016 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

**ALSO PRESENT:**

Tamara J. Cooper, Town Clerk  
Robert Roberson, Attorney  
Jamie Johnson, Wendel  
David Godfrey, Legislator  
Sally Marotta Reed, Recreation Director  
3 interested individuals

Following salute to the flag, Supervisor Ellis opened the public hearing on the Amendment to the Zoning Ordinance.

**PUBLIC HEARING – AMENDMENT TO THE ZONING ORDINANCE**

The Clerk read the following public hearing notice:

**TOWN OF CAMBRIA  
NOTICE OF PUBLIC HEARING  
Amendment to Zoning Ordinance**

**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 10<sup>th</sup> day of November, 2016 at 7:00 p.m. to hear and consider amending Town of Cambria Zoning Ordinance.

Summary of Amendments to Zoning Ordinance

1. Various additions or revisions of definitions.
2. Sections 300(4) and 400(2) ó Amendments permit up to 2 accessory use structures including garages, each of which shall not exceed 1000 square feet, with all structures on premises not to exceed 35% of the total lot size.
3. Section 300(5) ó Amendment provides that farm worker housing shall be regulated by the NYS Agriculture and Markets Law.
4. Sections 300(6) and 400(4) - Amendments permit storage of certain vehicles provided they are located at least 40 feet from the road and parked in the driveway.
5. Section 300(12) ó Amendment provides that buildings for wineries, distilleries, and microbreweries shall be located at least 70 from the road, with sufficient off-road parking to be provided.
6. Section 300(16) - Amendment provides that Agricultural Tourism is a permitted use, subject to Site Plan Review.
7. Sections 301(2), 401(7) and 501(1)(n) ó Amendments clarify that Mining, Quarry, Sand pits and Topsoil Stripping are prohibited uses in the AR, R-1, B-1, B-2 Zoning Districts.
8. Section 303 ó Amendments reduce minimum setback for detached garages and accessory buildings from 15 feet to 10 feet.
9. Section 600(15) ó Amendment provides that outside storage of boats, recreational vehicles, trailers, etc. is a permitted use in B-2 Zoning District, subject to Site Plan Approval, and provided that area used for outside storage is suitably fenced.
10. Section 1100(1)(a)(20) - Amendment clarifies that recreational pond is permitted by Special Permit.
11. Section 1100(1)(a)(24) ó Amendment permits In-Law Apartments by Special Permit.
12. Section 1100(3)(a)(3), 1100(4)(a)(2) and 1100(5)(a)(2) ó Amendments permit flashing signs and signs that change images by Special Permit in B-1, B-2 and I-1 Zoning Districts.
13. Section 1105(1)(d) ó Amendment clarifies that mobile signs including temporary signs are not permitted in any use district, except by Permit issued pursuant to Section 1106.

14. Section 1105 (1)(e) ó Amendment clarifies that flashing signs and signs that change images are not permitted in any use district, except by Special Permit issued pursuant to Section 1100.
15. Section 1105(1)(f) ó Amendment clarifies that Building Inspector may issue temporary permits for mobile signs.
16. Section 1203(8) ó Amendment removes references to procedures that may be used by persons claiming to be aggrieved by Zoning Board decisions under Article 78 under the CPLR.
17. Other ó A few typographical errors contained in the prior Zoning Ordinance have been corrected.

Copies of the proposed Amendments are on file in the Office of the Town Clerk and may be examined or copied during regular business hours.

These Amendments will be effective upon adoption by the Town Board.

All persons in interest shall be heard at the public hearing to be held as aforesaid.

BY ORDER OF THE TOWN BOARD,  
TOWN OF CAMBRIA

Supervisor Ellis gave a brief summary of the Zoning Ordinance amendments. All paperwork has been submitted to each agency involved with the amendment process. The Town is waiting on a response from NYS Agriculture and Markets and the 30 day waiting period ends on November 21, 2016.

Action on this matter will be tabled until December 8, 2016, meeting.

Supervisor Ellis opened the hearing for public comment.

Councilman Ohol noted that some of the new amendments are not more restrictive, but more lenient.

As there were no further comments from the public, the public hearing was closed.

Supervisor Ellis opened the public hearing on the 2017 Preliminary Budget.

**PUBLIC HEARING – 2017 PRELIMINARY BUDGET**

The following public hearing notice was read by the Town Clerk:

**Town of Cambria**

**Notice of Public Hearing**

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria will conduct public hearings on the matters referred to herein at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, NY on the 10<sup>th</sup> day of November 2016 at 7:05 PM. Said public hearings shall be as follows:

1. Any objections to the 2016 Assessment Roll for the following Districts:

Amount to be Raised by Taxes:

Cambria Water District	í í í í í í í í í ..	\$498,268.00
Cambria Fire District	í í í í í í í í í í ..	\$508,950.00
Cambria Refuse & Garbage District	í í í í í	\$349,005.00
Cambria Sewer District No. 1	í í í í í í í ..	\$318,380.00
Cambria Drainage District	í í í í í í í í í	\$ 37,504.00

All persons interested shall be heard at the public hearing to be held by the Town Board as aforesaid relative to assessments and amounts to be raised in said districts.

2. Fire Contracts: The Town Board of the Town of Cambria will consider allocations as follows and authorization to enter into contracts with fire companies protecting areas of said Town for fire protection. The fire companies and amounts to be allocated for the year 2016 are as follows:

Cambria Volunteer Fire Company	\$178,705.00
Cambria Volunteer Fire Company Ambulance Service	\$ 43,384.00
Pekin Fire Company	\$178,705.00
Pekin EMS Contract	\$ 34,285.00
Sanborn Fire Company	\$ 1.00

With an additional allocation of \$44,000.00 for the Service Award Program.

3. The Town Board will conduct a public hearing on the 2017 Preliminary Budget. A copy of the 2017 Preliminary budget is available at the office of the Town Clerk, 4160 Upper Mountain Road, Town of Cambria, NY, where it may be inspected by any interested person during regular office hours. The proposed salaries of the elected officials are hereby specified:

Supervisor	\$23,870.00	
Councilman	\$6,305.00	each
Justice	\$19,895.00	each
Town Clerk	\$42,555.00	
Tax Collector	\$6,370.00	
Highway Superintendent	\$59,530.00	

Further Notice is hereby given that pursuant to Real Property Tax Law Section 495, the Exemption Report that shows total assessed values on the final assessment roll that was used in the budgetary process that is exempt from taxation is on file with the 2017 Preliminary Budget.

All parties in interest and citizens will be heard at the public hearings to be held as aforesaid.

**TOWN OF CAMBRIA TOWN BOARD**

Supervisor Ellis presented an overview of the 2017 budget. The appropriation total is a decrease of \$19,493.00. The amount to be raised by taxes increased approximately 1.3% which is the amount allowed under the tax cap. The Fire Protection district increased 1.6% which is also within the constraints of the tax cap. The tax rate increased one tenth of a percent per thousand - .02%.

Supervisor Ellis opened the hearing for public comment.  
As there were no comments from the public, the public hearing was closed.

**PUBLIC HEARING – PURCHASE OF NEW 2017 KENWORTH T800 TRUCK CAB AND CHASSIS WITH 16’ DUMP BODY**

The following public hearing notice was read by the Town Clerk:

**TOWN OF CAMBRIA  
NOTICE OF PUBLIC HEARING**

**Regarding the Purchase of new 2017 Kenworth  
T800 Truck Cab and Chassis with a 16 foot dump body**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Cambria, Niagara County, State of New York will meet at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132, on the 10<sup>th</sup> day of November, 2016 at 7:10 p.m. for the purpose of conducting a Public Hearing to hear and consider the purchase of a new 2017 Kenworth T800 Truck Cab and Chassis with a 16 foot dump body to replace the 2002 Peterbilt 330 single axle plow truck with two-way reversible front plow and patrol wing for the Town of Cambria Highway Department at the estimated maximum cost of \$226,838.16 and authorizing the issuance of \$ 80,000.00 serial bond and to provide for the financing thereof, at which time and place the Town Board will hear all persons interested.

**BY ORDER OF THE TOWN BOARD,  
TOWN OF CAMBRIA**

Supervisor Ellis indicated that the financing of the New Kenworth Truck will include an \$80,000.00 Bond Anticipation Note that the Town will take out and pay back over a five year period at \$13,000.000 plus tax a year. The balance of the money for is coming from the 2016 Highway Capital Fund in the amount of \$100,000.00.

Supervisor Ellis opened the hearing for public comment.  
As there were no comments from the public, the public hearing was closed.

Supervisor Ellis called the regular meeting to order. The Board members took action upon 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 meetings: October 13, 2016- regular; October 18, 2016-budget meeting and October 25, 2016-budget.**

**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	Claims	12-14	\$ 816.20
General Fund	Claims	462-505	\$ 34,582.85
Highway Fund	Claims	194-212	\$ 41,228.56
Recreation Fund	Claims	72-76	\$ 3,100.55
Refuse Fund	Claims	14 & 15	\$ 31,096.56
Sewer Operating Fund	Claims	33-40	\$ 10,913.51
Town Park Construction Fund	Claims	13-16	\$ 333,008.24
Trust & Agency	Claims	25-29	\$ 2,786.00
Water Construction Fund	Claims	21-24	\$ 106,461.67
Water Operating Fund	Claims	157-174	\$ 11,523.07

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved that the abstract of audited vouchers dated November 10, 2016, be approved as read by the Town Clerk.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts -Motion Carried-**

Jamie Johnson, Wendel Engineers, reported on the following:

#### **COMSTOCK/SUBBERA/CAMBRIA ROADS WATERLINES**

- All work on the Comstock/Subbera/Cambria Road Waterlines project is complete as of the end of October. Mar-Wal Construction has submitted all required closeout documents including Contractor's Affidavit of Payment of Debts and Claims, Consent of Surety, and Maintenance Bond effective 11/10/2016-11/10/2018.
- Requesting approval for Deduct CO #1 in the amount of \$34,047.40 to settle out final quantities.
- Requesting approval of Final Pay Application #4 in the amount of \$79,710.96 to officially close out the contract.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to approve Change Order #1- to Mar-Wall Construction for the Cambria/Comstock/Subbera Waterline Project- Contract 16-1. The order is dated 10/31/2016 and is a deduct of \$34,047.40. This makes the final contract price \$611,135.60.00.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts -Motion Carried-**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve Final Pay Application #4 -to Mar-Wall Construction in the amount of \$79,710.96.00, in order to close out the contract.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts -Motion Carried-**

#### **TOWN PARK COMFORT STATION**

- The Comfort Station construction at the Town Park is still ongoing. Kirst Construction is finishing up the exterior work as well as working on electrical installation, millwork and interior masonry. The contractor is still projecting to meet the final completion date during the first week in December.
- Requesting approval for CO # 1-for a Pedestal Mounted Drinking Fountain in the amount of \$4,235.00.
- Requesting approval for CO #2 Electrical- Power supply, timer and wiring for auto-locking doors in the amount of \$1,283.00.
- Requesting approval for CO #3 Electrical- Provision for and installation of a CT box in the amount of \$993.00.
- Kirst Construction requesting approval for Pay Request #2 in the amount of \$87,125.00.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Ohol, it was resolved to approve Change Order #1- to Kirst Construction for a Pedestal Mounted Drinking Fountain at the Town Park Comfort Station, in the amount of \$4,235.00.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts -Motion Carried-**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve Change Order #2- to Kirst Construction, Town Park Comfort Station, Electrical- Power supply, timer and wiring for auto-locking doors in the amount of \$1,283.00.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts -Motion Carried-**

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to approve Change Order #3- to Kirst Construction, Town Park Comfort Station, Electrical- Provision for and installation of a CT box in the amount of \$993.00**

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

**-Motion Carried-**

**Upon a motion duly made by Councilman Hurtgam, and seconded by Councilman Roberts, it was resolved to approve Pay Request #2 in the amount of \$87,125.00 to Kirst Construction, Town Park Comfort Station.**

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

**-Motion Carried-**

Supervisor Ellis announced that the Town has been successful in its petition to the Niagara County Ad Hoc Committee for Recreation and Tourism for grant funds. In 2015, the Town received \$80,000.00 from this committee and it was used for the Comfort Station. The funds are from the NYS Power Authority and distributed through a relicensing agreement with the Niagara River Greenway Commission. This year the Town was awarded \$90,000.00 and the funds will also be used toward the Comfort Station. The Town has also received \$50,000.000 from the Office of Senator Ortt from the State and Municipal Projects, (SAMS) and \$5,000.00 from the Casino Funds. All funds will be used to offset the cost of the Comfort Station construction.

#### **NATURAL GAS PROJECT**

Jon MacSwan, Highway Superintendent, indicated that Hoot Mechanical, Lockport, NY, will be doing the natural gas conversion throughout the Town. At the time of bid the location of the gas line was on the east end of the Highway Garage and all bids were priced to use the existing location. National fuel came in and moved the location of the line. Mr. MacSwan is requesting a change order in the amount of \$6,000.00 in order to accommodate the new location and the additional lines.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to approve Change Order #1- to Hoot Mechanical, for Town Hall and Highway natural gas conversion not to exceed \$6,000.00, in order to correct some routing issues. *Original contract amount was \$22,900.00.***

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

**-Motion Carried-**

#### **ZONING ORDINANCE REVISION**

Mr. Roberson, Attorney indicated that his office mailed a copy of the Public Hearing Notice for the Zoning Ordinance Amendments to the following Towns- on October 19, 2016: Pendleton, Lewiston, Wilson, Lockport, and Wheatfield.

Supervisor Ellis reported that final action on the Public Hearing will be tabled until December 8, 2016.

#### **2017 BUDGET**

##### **RESOLUTIONS 2017 BUDGET**

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Ohol, it was resolved to adopt the 2017 Preliminary Budget with total appropriations of \$5,141,987.00.**

**Roll call vote: Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**(A copy of the 2017 Adopted Budget is included and made a part of these Minutes).**

#### **APPROVAL OF 2016 ASSESSMENT ROLL/SPECIAL DISTRICTS**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the 2016 Assessment Roll and the amounts to be raised by taxes for the Special Districts as set forth in the notice of public hearing.**

**Roll call vote: Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

#### **APPROVAL OF FIRE PROTECTION/AMBULANCE SERVICE CONTRACTS**

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the Fire and Ambulance contracts for Cambria Fire Company, Pekin Fire Company and Sanborn Fire Company in the amounts as set forth in the notice of public hearing.**

**Roll call vote: Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

#### **PURCHASE OF NEW 2017 KENWORTH T800 TRUCK CAB AND CHASSIS WITH 16' DUMP BODY**



- Mercy EMS and Mercy Ground Crew held a Public Hearing in order to address the Ambulance service issue.
- The County has resources that are continually working to save the Air Base. They are working with the FAA, DOD and the Airforce with regard to encroachment. The most recent concern is the wind turbines. It has been discovered that the same company that is trying to promote wind turbines in some areas are trying to protect others from encroachment; conflict.
- Broadband news: All the data that was submitted and is being looked at. Looking into ways to find someone to serve the last mile.

#### **SHOP NIAGARA RESOLUTION**

Supervisor Ellis indicated that the Shop Niagara resolution was started by the Town of Lockport /Economic Development, City of Lockport and the Niagara USA Chamber of Commerce, and they are reaching out to nearby municipalities in order to encourage residents to patronize local services/businesses.

#### **TOWN OF CAMBRIA TOWN BOARD RESOLUTION SHOP NIAGARA 2016**

**WHEREAS**, the Town Cambria would like every resident of Niagara County to understand the positive impact they can have on lowering property taxes by purchasing goods and services within Niagara County; and

**WHEREAS**, the Town of Cambria receives nearly 30% of its operating income from sales tax revenue sharing with Niagara County. A percentage of every purchase made anywhere within Niagara County is returned to the local Towns, Cities and Villages to operate their respective governments; and

**WHEREAS**, Town of Cambria residents have stated that they want to keep property taxes low, improve the quality of life, grow our local business community and increase shopping choices; and

**WHEREAS**, the Town of Cambria understands that by giving our residents this information the residents have it within their power to improve their quality of life, lower taxes and support local business. Every time you make a purchase you have a choice. Purchases made outside of Niagara County improve the lives of others and lowers their tax bills. Purchasing goods and services within Niagara County improves your life;

**THEREFORE** be it resolved that the Town of Cambria does hereby support the "Shop Niagara" initiative to ask our residents to purchase as many goods and services within the confines of Niagara County as possible. When you make a purchase, choose the option that helps your community and lowers your taxes. Shop Niagara!

#### **TOWN OF CAMBRIA TOWN BOARD**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve and support the "Shop Niagara" resolution initiative to ask our residents to purchase as many goods and services within the confines of Niagara County as possible. When you make a purchase, choose the option that helps your community and lowers your taxes**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts                    -Motion Carried-**

#### **NYS COMPTROLLER AUDIT**

Supervisor Ellis indicated that he is in receipt of a letter from the State Comptroller's Office advising that the Town has been selected for an audit. It will focus on the internal control over its financial operations. A meeting is scheduled for November 15, 2016, at 9:30 am.

#### **NYS ASSOCIATION OF TOWNS ANNUAL CONFERENCE**

Supervisor Ellis reported that the NYS Association of Towns Conference will be held in NYC February 19-22, 2017, and all officers and officials are authorized to attend.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to authorize all Town Officers and Officials to attend the annual NYS Association of Town Conference in NYC from February 19-22, 2017.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts                    -Motion Carried-**

#### **NYS AOT RESOLUTION**

Supervisor Ellis gave a brief explanation on the proposed NYS AOT Resolution.

TOWN OF CAMBRIA  
NYS AOT RESOLUTION  
Support Constitutional Home Rule in the Siting of Wind and Solar Energy  
Facilities

**Whereas**, the New York State Constitution grants towns broad home rule powers to adopt local laws with respect to (1) their "property, affairs and government" and (2) other powers granted in statute whether related to their property, affairs and government or not; and

**Whereas**, Home Rule establishes a local government's authority as the source for local zoning and planning power and gives municipalities great flexibility in dealing with local regulation of land use, keeping these decisions as close to the citizens who live there as possible; and

**Whereas**, the New York State Legislature enacted amendments to Article 10 of the Public Service Law to establish procedures for certifying major electric generating facilities to include renewable energy sources such as wind and solar; and

**Whereas**, industrial wind and solar power developers now seek certification from the New York State Board on Electric Generation Siting and the Environment and not local governments, to erect industrial turbines and expansive solar installations over many thousands of acres in towns across the state; and

**Whereas**, wind and solar projects are now being proposed in record numbers across the state and numerous towns are now faced with complex regulations, enormous and expensive tasks in order to protect the health, safety and general welfare of their citizens; and

**Whereas**, prior to Article 10, local governments successfully developed, implemented and administered local wind and solar energy siting laws and policies with the input and guidance of local taxpayers, residents, business, agricultural representatives, environmentalists, energy generators, planners and lawyers;

**NOW THEREFORE BE IT RESOLVED**, that the Town of Cambria calls for the Association of Towns to aggressively support the constitutional rights of a local government, which is closest to the citizens of that region, to decide how land will be used within its jurisdiction; and

**BE IT FURTHER RESOLVED**, that the Town of Cambria calls for the Association of Towns to actively seek amendments to Article 10 to afford local governments and communities with 1) more meaningful participation in the siting of industrial wind and solar energy facilities and 2) the associated funding to do so in order to protect the health, safety and general welfare of the citizens.

Town of Cambria Town Board

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the NYS Association of Towns Resolution to actively seek amendments to Article 10 to afford local governments and communities with 1) more meaningful participation in the siting of industrial wind and solar energy facilities and 2) the associated funding to do so in order to protect the health, safety and general welfare of the citizens.**

**Roll call vote:**

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

**-Motion Carried-**

**No: Ohol**

**ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Hurtgam.  
Time: 7:55pm

Respectfully submitted,

Tamara J. Cooper  
Town Clerk