

TOWN OF CAMBRIA TOWN BOARD

October 13, 2016

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 13th day of October 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
Albert Brandt, Attorney
Jamie Johnson, Wendel
John Cooper, NIMAC
David Godfrey, Legislator
6 interested individuals

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 Foe and seconded by Councilman Roberts, it was resolved to approve the Minutes of the Town Board meetings: September 8, 2016- regular; October 4, 2016-special meeting.

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:

Drainage Fund	Claims	14-15	\$ 506.37
General Fund	Claims	414-461	\$ 51,966.79
Highway Fund	Claims	168-193	\$ 44,808.54
Recreation Fund	Claims	70 & 71	\$ 720.00
Refuse Fund	Claim	12 & 13	\$ 31,176.50
Town Park Construction Fund	Claims	11 & 12	\$ 5,276.86
Trust & Agency	Claims	21-24	\$ 3,451.80
Water Construction Fund	Claims	17-20	\$ 480,884.20
Water Operating Fund	Claims	140-156	\$ 95,012.81

Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, it was resolved that the abstract of audited vouchers dated October 13, 2016, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

Supervisor Ellis indicated there is one additional item to add to the abstract. It is a voucher from Kenworth Northeast Group, 100 Commerce Dr. Buffalo, in the amount of \$201,838.69. This is an invoice for the new 2017 Kenworth T800 Truck with a dump body and reflects the \$25,000.00 trade in for the used 2002 Peterbilt 330 Dump Truck.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the voucher from Kenworth Northeast Group, 100 Commerce Dr. Buffalo, in the amount of \$201,838.69, for a new 2017 Kenworth T800 Truck with a dump body.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

NIMAC- Niagara Military Affairs Council

Supervisor Ellis indicated that the Town of Cambria supports the Niagara Falls Air Reserve Station with an annual budgetary contribution. He then introduced John Cooper, NIMAC (*Niagara Military Affairs Council*) Chairman to the Board of Directors, to give a brief presentation on the status of the Air Base.

Mr. Cooper thanked the Town Board for their continued support and provided each member with a folder containing information about NIMAC. He indicated that the Niagara Military Affairs Council (NIMAC), an all-volunteer organization, was established in 1995 after the BRAC process, when the 914th Airlift Wing was reviewed for

possible closure. Since that time NIMAC has been the community lead in assisting NFARS through the BRAC process in 2005 and has helped secure over 100 million dollars in federal investment at the installation.

The Air Base is an important part of our community and is the largest employer in the county.

There are currently two new missions coming to the base.

- There is a new operations building under construction for the 107th Air National Guard Wing from where they will operate their remotely piloted aircraft around the world. This should be completed by next spring.
- The 914th will be transitioning next year also from the C-130 to the KC-135 which is an air refueling tanker. The headquarters building for the 914th is currently undergoing an extensive renovation. There will also be a firing range

It is a very good environment for new missions which may attract additional employment to the base.

Mr. Cooper indicated that there was recently a ribbon cutting for the simulator building originally for the C-130 however, now it looks like this will be a simulator building for the KC-135 and it will also serve to train all the people in the northeast.

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 with the exception of final restoration. The contractor is on schedule to meet the final completion date of October 18, 2016.

Supervisor Ellis indicated that he will be going out next week to borrow the money for the waterline project. The map, plan and report was adjusted up to \$815,000.00 and the plan is to borrow that amount for five years with BANs and it will be paid back from money that is in the Water Fund that is replenished yearly.

TOWN PARK COMFORT STATION

- The Comfort Station at the Town Park is beginning to look like an actual building. This week construction began on the roof trusses and sheathing. Next week interior masonry, exterior stone and septic system installation is scheduled. Construction is still on track to meet the final completion date of December 1, 2016.

Supervisor Ellis reported that the Town is applying for a grant and has been approved for the money but in the process of completing and filing paperwork. This grant has been made available through Senator Ortog's office and the Dormitory Authority of the State of NY are the ones providing funding. A resolution is needed from the Town Board because it is a SEQR action.

RESOLUTION SEQR TYPE II ACTION CAMBRIA COMFORT STATION

WHEREAS, the Town of Cambria wishes to construct a 1,000 square foot Comfort Station located at 3986 Upper Mountain Road to provide the Town residents with access to a public restroom when using the Town Park, and

WHEREAS, the proposed project has been determined to be a Type II action under the State Environmental Quality Review Act (SEQRA) [Section 617.5 (c)], and

WHEREAS, in accordance with the SEQRA, Type II actions have been determined to not have a significant impact on the environment or are otherwise precluded from environmental review under Conservation Law, Article 8.

NOW, THEREFORE, BE IT RESOLVED that the Cambria Town Board hereby determines that the proposed project is a Type II action and therefore is not anticipated to result in any significant adverse environmental impact, and in accordance with SEQR, no SEQR determination of significance, EIS or findings statement is required.

BY ORDER OF THE TOWN BOARD

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the resolution determining that the proposed project is a Type II Action and does not anticipate any significant adverse environmental impact.

ROLL CALL: ELLIS AYE
 FOE AYE
 HURTGAM AYE
 OHOL AYE
 ROBERTS AYE **-Motion Carried-**

NATURAL GAS PROJECT

Jon MacSwan, Highway Superintendent, indicated that Hoot Mechanical, Lockport, NY will be doing the natural gas conversion throughout the Town. The equipment is on location but waiting on parts in order to begin the work. Town Hall will be the first conversion.

ZONING ORDINANCE REVISION

Supervisor Ellis reported that a Public Hearing is scheduled for November 10, 2016, at 7:05 pm on the amendments to the Zoning Ordinance. Wendel is working on the SEQR forms.

2017 BUDGET

Supervisor Ellis announced that the Town Board has two working budget meeting scheduled: Tuesday, October 18, 2016, at 6:00 pm; Tuesday, October 25, 2016, at 6:00 pm; and if a third date is needed-Thursday, October 25, 2016, 10:30 am.

BOARD OF ASSESSMENT REVIEW

Supervisor Ellis asked for a motion to re-appoint Thomas Gregson, 3838 Upper Mountain Road, Sanborn to the Board of Assessment Review for a five year term expiring 9/30/2021.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to re-appoint Thomas Gregson, 3838 Upper Mountain Road, Sanborn to the Board of Assessment Review for a five year term expiring 9/30/2021.

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

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report September: Total Receipts: \$24,342.58
- Building Inspector Report September: Total fees collected: \$ 2,402.00
Total estimated value of construction: \$496,381.00
- The Clerk is in receipt of request from Pekin Fire Company to remove Kayla Hogg, 5310 Shawnee Rd., Sanborn and Michael Nussbaum, 5019 Tuscarora Rd., Niagara Falls, from the active roster. (resigned effective 10/4/2016)

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to remove Kayla Hogg, 5310 Shawnee Rd., Sanborn and Michael Nussbaum, 5019 Tuscarora Rd., Niagara Falls, from the Pekin Fire Co. active roster.

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

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Shoulder cave in on east side of Blackman Road -repaired
- Fall road striping is complete
- Picking up brush
- Announced tire drop off October 22, 2016, from 9:00 am to noon. Agricultural tires require a permit from Town Clerk's office

WATER/SEWER DEPARTMENTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Two minor leaks repaired- one was for an unused line not hooked up and one on Cambria Road.
- Two new services were completed on Carter Road and Human Road
- Sewer hookup on Comstock Road

TOWN POLICY AND PROCEDURES REVIEW COMMITTEE

Councilman Foe reported that a public hearing is scheduled for November, 10, 2016, at 7:05 pm.

ATTORNEY REPORTS

No Reports

CONCERNS OF CITIZENS

Supervisor Ellis recognized two students from Starpoint CSD that were in attendance for participation in government class.

John Pressley-(Cambria Fire Company)3059 Lower Mountain Road

Mr. Pressley is in receipt of a letter from Tri-Community requesting a certificate of need in order to expand their services into the Town of Niagara, Town of Lewiston, Town of Cambria and the Town of Pendleton. Councilman Foe questioned the existence of mutual aid which already allows Tri-Community services in the Town. Mr. Pressley indicated there is mutual aid, and because there are many questions in need of answers before support is given he has replied to the letter indicating that there will not be support of the Tri-Community request until a meeting can be scheduled to discuss the matter in depth.

David Godfrey, Legislator, reported on the following:

- 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. The FAA has not come out officially, however, there is a statement that implies that the wind turbines could possibly cause disturbance not only for flight paths but with radar. The County continues to work with NIMAC on this issue.
- Broadband news: The bidding for the second round of funding will open on October 17th, and closing on November 30th and the funding announcement will be in 2017. All census blocks have been opened for bidding.

VETERANS DAY OBSERVANCE

Sally Marotta-Reed announced that the annual Veterans Day Ceremony will be held on Friday, November 11, 2016, at 11:00 am at the Town of Cambria Community Room. Senator Robert Ort will be the speaker.

Schedule a Truck BAN PUBLIC HEARING

Supervisor Ellis indicated that at the beginning of the Town Board meeting the purchase of the 2017 Kenworth T800 Truck with dump body in the amount of \$201,838.69-was approved. Now the Town has to borrow money to finance part of the cost. A Public Hearing will be held on Thursday, November 10, 2016, at 7:10 pm.

COMMERCIAL SOLAR FARM MORATORIUM

Supervisor Ellis indicated that the Town does have a local law for small residential and commercial solar power. In the years since that went into effect, there have been many changes in the solar power industry. There are companies that are attempting to purchase leases on large tracts of land within the Town. 20 acres or more are sought after for commercial solar farms. There is some question from the Town Board as to whether this practice is compatible with the community being almost entirely an agricultural district and with the Town being a Right to Farm community. The farm land itself is valuable. There is a question of subsequent removal of these solar farms and how much effort it would take for a farmer to reclaim the land. There are many changes in the industry and the Board put together a draft moratorium on commercial solar power within the Town of Cambria. This will give the Town time to investigate the issue to be sure things are being done for the best of the community. Some neighboring towns are also passing moratoriums for the same reason.

Supervisor Ellis asked Councilman Ohol if he would like to speak on this issue. Mr. Ohol stated that because he has a personal interest and an active lease with a solar installer, he will be abstaining from discussion and voting.

TOWN OF CAMBRIA 2016 One Year Moratorium - on permits for Commercial Solar Farms (Ground Mounted Solar Array)

Whereas, the Town of Cambria Master Plan and the Zoning Ordinance are oriented to the preservation of the agricultural lands as well as the agricultural nature and aesthetics of the Town of Cambria, and

Whereas, the Town of Cambria is largely located in Agricultural District No. 6, and

Whereas, by Town Board action, the Town of Cambria was declared a Right to Farm community (Ag & Mkts Law §308), and

Whereas, the Zoning Ordinance of the Town of Cambria currently permits commercial solar farms (also known as ground mounted solar array) to be located only within the Industrial Zone, and

Whereas, the permitting of the development of ground mounted commercial solar farms within the Town of Cambria is becoming a controversial public issue, and

Whereas, the purpose of an Agricultural District (Ag & Mkts Law §308) is to preserve the agricultural nature and aesthetics of the community as well as to preserve and protect the agricultural lands within the community from commercial and/or industrial development which will destroy or impair the use of such lands for agricultural purposes, and

Whereas, commercial solar farms, by their nature, are incompatible with agricultural use and pose a potential barrier for agricultural lands so used from being re-adapted to productive agricultural use, and

Whereas, conversion of now productive agricultural lands to the commercial production of electric power via commercial solar farms seems to be completely inconsistent with stated purposes for the creation of agricultural districts and "Right to Farm" communities to protect agricultural lands from commercial and/or industrial development, and

Whereas, the Town of Cambria, in recent years, has seen a modest growth in residential development. It seems highly unlikely these people were attracted to Cambria by the opportunity to look over commercial solar farms rather than farm fields.

Whereas, incessant glare from solar panels affecting neighboring properties and residents is already a difficult to resolve issue in the Town of Cambria, and

Whereas, as the Town Board has no particular expertise on solar panel it thereby needs to investigate the issues involved, including consulting with appropriate engineering, technical and other experts.

NOW, THEREFORE,

BE IT RESOLVED the Town Board of the Town of Cambria for the foregoing considerations hereby adopts a moratorium on the issuance of any permits for ground mounted commercial solar farms within the Town of Cambria for a one-year period commencing on the date of the adoption of this resolution.

BY ORDER OF THE TOWN BOARD

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the One Year Moratorium - on the issuance of permits for Commercial Solar Farms (*Ground Mounted Solar Array*) within the Town of Cambria.

ROLL CALL:	ELLIS	AYE	
	FOE	AYE	
	HURTGAM	AYE	
	OHOL	ABSTAIN	
	ROBERTS	AYE	-Motion Carried-

UNPAID WATER, SEWER, REFUSE AND TOWN CHARGES

The Town Board was provided a listing of the unpaid Water/Sewer/Refuse/Town charges to be placed as a lien upon the real property for which services were provided. A copy of the listing is on file in the office of the Town Clerk.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to place a lien on the Real Property for which services were provided in the amounts of: Unpaid Water: \$31,788.81; Unpaid Sewer: \$1,705.56; Unpaid Refuse: \$0; Town Charges: \$357.50- for a grand total of \$33,851.87.

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

RESIGNATION

MICHAEL SIECZKOWSKI-ZONING BOARD OF APPEALS

Supervisor Ellis indicated that the Town is in receipt of a letter of resignation from Michael Sieczkowski, member of the Zoning Board of Appeals, effective December 31, 2016.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to accept with regret, the resignation of Michael Sieczkowski.

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: 7:45 pm

Respectfully submitted,

Tamara J. Cooper
Town Clerk