

TOWN OF CAMBRIA TOWN BOARD

September 14, 2017

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 14th day of September 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:

Paula N. Jones, Deputy Town Clerk
Jon MacSwan, Highway Superintendent
Robert Roberson, Attorney
Rob Klavoon, Wendel
25 interested persons

Following salute to the flag, Supervisor Ellis opened the public hearing on the proposed amendments to Local Law No. 1 - 2105.

PUBLIC HEARING – Proposed Amendments to Local Law No. 1 - 2015

The Clerk read the following public hearing notice:

**TOWN OF CAMBRIA
NOTICE OF PUBLIC HEARING**

Proposed Amendments to Local Law No. 1 - 2015

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 14th day of September, 2017 at 7:00 p.m. to hear and consider the adoption of Local Law No. 2 ó 2017 amending Local Law No. 1 ó 2015.

Summary of the proposed amendments:

1. Amending Art. 1 Large-Scale and Utility-Scale Solar Energy Systems by
 - a. Adding to definition of Small-Scale Solar Energy System
 - b. Adding provision regarding solar energy system dedicated solely to agricultural use
 - c. Adding signage requirements
 - d. Revising provision for Decommissioning Plan by adding:
New paragraph B - Time limit for completion, and
New paragraph C ó Inspections
 - e. Adding a new Section 8 regarding maintenance Procedure and Fees
2. Amending Art. II Small-Scale Solar Energy Systems by
 - a. Amending Section 3.C. para. C with a new para. C
 - b. Amending Section 3 by adding new paragraphs:
D-Roof-top mounted systems,
E-Site Plan approval required for certain roof-top and building-mounted systems,
F-Ground-mounted systems under 500 sq. ft allowed in certain zones,
G-In certain zones, ground-mounted systems allowed upon site plan approval,
H-In certain business zones, ground-mounted systems allowed upon site plan approval and
I-Accessory structures LIMITED to two (2) per lot.

Copies of the proposed Local Law No. 2-2017 setting forth the amendments being considered are on file in the Office of the Town Clerk located at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York, 14132 and may be obtained or viewed during regular business hours.

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

DATED: August 13, 2017

BY ORDER OF THE TOWN BOARD

Supervisor Ellis explained the NYSDEC has responded saying they have no specific comments and find no objection to the SEQR action. The Town has not heard from the Niagara County Planning Board, they also have to review it. The amendments covered a range of topics, dealing with large scale and utility scale arrays ó those primarily came from other Towns, and we decided to follow more closely the lead they had shown. The section on the small scale solar energy systems was in response to the comments from the public hearing on the tax exemption notice. The Board tried to accommodate that by including provisions for ground mounted solar systems.

David Edbauer, 4715 Plank Road thanked the Town Board for the big improvement over what is in place and asked how they came up with the size of arrays, why a certain number was picked because there were no discussions in the

work sessions about this law. Supervisor Ellis replied the discussions were conducted by a group including Drew Reilly, the engineer from Wendel, the Building Inspector, Councilman Foe and Councilman Roberts. A package was put together and then submitted to the rest of the Board for their agreement.

Supervisor Ellis closed the public hearing and opened the regular meeting; Board members took action on the following:

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 meeting of August 10, 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	7	\$ 974.00
Drainage Fund	Claims	14-16	\$ 336.46
General Fund	Claims	415-474	\$ 82,569.17
Highway Fund	Claims	140-159	\$ 47,427.24
Recreation Fund	Claims	33-39	\$ 7,781.30
Refuse Fund	Claims	13-14	\$ 29,005.24
Sewer Operating Fund	Claim	31	\$ 65.79
Trust and Agency Fund	Claim	20	\$ 845.32
Water Operating Fund	Claims	125-144	\$ 12,525.18

Upon a motion duly made by Councilman Ohol 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-

Rob Klavoon, Wendel reported on the following:

WATER TANK IMPROVEMENTS

The cleaning of the water storage tank was completed earlier this week; Wendel will have a report for the October work meeting.

WATER STORAGE TANK FALL PROTECTION SYSTEM

The first part of the fall protection system was installed today; the second part will be installed tomorrow.

TOWN PARK COMFORT STATION

All of the work is now complete; any further work will be covered by the maintenance bond. Change order number 7 from Kirst Construction is for a net decrease of \$1,000.00.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to approve change order number 7 from Kirst Construction for a net decrease of \$1,000.00.

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

Kirst Construction has submitted pay request number 6 in the amount of \$2,845.00 and pay request number 7 in the amount of \$21,112.00. Wendel is recommending payment of these two requests, this will be full contract payment and close out the contract with Kirst Construction.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Roberts, it was resolved to approve pay request number 6 in the amount of \$2,845.00 and pay request number 7 in the amount of \$21,112.00 and this will close out the Kirst contract.

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

REAL PROPERTY TAX EXEMPTION RE: SOLAR/WIND ENERGY SYSTEMS/LOCAL LAW AMENDMENT

Supervisor Ellis reported the Town Board will wait until the October meeting to act on this, they are waiting to hear back from the Niagara County Planning Board.

NYS COMPTROLLER AUDIT

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

2018 TOWN BUDGET

A meeting with the Cambria Volunteer Fire Company and Pekin Fire Company is set for September 21, 2017 at 7:00pm.

TOWN CLERK REPORTS

The Town Clerk, reported receipt of the following:

- Town Clerk Report August: Total Receipts: \$52,865.74
- Building Inspector Report August: Total fees collected: \$7,933.20
Total estimated value of construction: \$595,950.00

Supervisor Ellis reported the Town received a check in the amount of \$1,148.66 from NYS grant money; this is to offset the cost of electronic recycling, which is very costly. Supervisor Ellis also reported the Town has a current equalization rate of 100%. Currently in Niagara County the Town of Cambria and Lockport are the only two towns with an equalization rate of 100%.

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- The Highway Department has finished up paving for the year, striping is done.
- They are getting the trucks ready for winter and servicing them.
- Water Department is making sure the fire hydrants are working properly for the winter time.

ATTORNEY REPORTS

No reports.

CONCERNS OF CITIZENS

- Tim McGinnis and Pam McGinnis ó 4530 Baer Road spoke to the Town Board about their continuing concerns for safety and privacy regarding A Gust of Sun Winery located at 4515 Baer Road.
- Eric Gustafson ó 4515 Baer Road spoke to the Town Board regarding his neighbors' concerns.
- Anthony Bonelli ó 3264 Upper Mountain Road spoke in favor of the winery.
- Bob Winslow ó 4988 Ridge Road spoke to the Town Board against the tourist home across the road from his house.
- David Edbauer - 4715 Plank Road spoke to the Town Board about preserving the audio of meetings.
- Jon Pressley, Chief of Cambria Volunteer Fire Company gave the Town Board an update; 381 calls year to date, there is an EMS service shortage, issues with staffing.

CAMBRIA SELF-STORAGE SITE PLAN APPLICATION

The Town Attorney, Mr. Roberson stated this resolution is about the construction of the (3) buildings and read the following:

BE IT RESOLVED, that the Town of Cambria Town Board, upon unanimous recommendation of the Town of Cambria Planning Board dated August 24, 2017, hereby grant approval of the Site Plan (PSP-2017-005) application of J. Gary DiLaura for lot 4 of premises commonly known as 3056 Saunders Settlement Road, Cambria situated on the South side of said road to construct three (3) self-storage buildings as submitted with outside storage of RVs and storage, sale and rental of portable storage buildings permitted until such time as the three (3) self-storage buildings are constructed subject to the following conditions; that the proposed construction be completed by December 31, 2021 (4 years), with leave to applicant to apply to the Town Board to extend such time limit upon such time as the Town Board may deem appropriate under the circumstances then prevailing. Portable storage buildings shall not require Building Permits issued by the Town. No limits imposed on the number of portable storage buildings or RVs to be stored on site.

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to declare the Town of Cambria Town Board as Lead Agent for SEQR review.

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 determine the proposed action will not result in any significant or adverse environmental impacts.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, it was resolved to approve the above resolution as read by the Town Attorney.

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.

TOWN HALL WINDOW REPLACEMENT

Mr. MacSwan is getting another estimate from Sterling; they will be coming on Monday.

RPS DATA LINK AND MAILING ADDRESS LABEL TOOL

Heather Lewis from Wendel was at the work meeting to present the proposal for the RPS data link and mailing address label tool development and implementation for Cambria GIS web map application. Supervisor Ellis explained this will be a faster, more accurate way for the Building Inspector Secretary to send letters out to the residents concerning planning/zoning applications. The cost would be \$800.00 for the link and \$2,400.00 for the tool; for a lump sum of \$3,200.00 to include installation and training.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to accept the proposal from Wendel for the RPS data link and mailing address label tool at a cost of \$800.00 for the link and \$2,400.00 for the tool; for a lump sum of \$3,200.00 to include installation and training.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

JUSTICE COURT SECURITY GRANT

The Justice Court would like to apply for a J-CAP grant to install a door and purchase bullet proof vests for the court security officers. The Justice Court is requesting approval to apply for this funding.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the Justice Court grant application from the Town of Cambria Court for 2017 and 2018 in the amount of \$7,435.00 and further authorize the Supervisor to sign the grant application.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Roberts.
Time: 8:28 pm

Respectfully submitted,

Paula N. Jones
Deputy Town Clerk