

**Approved**

**TOWN OF CAMBRIA TOWN BOARD**

**April 14, 2022**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 14<sup>th</sup> day of April 2022 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  
Benjamin D. Musall, Councilman  
Randy M. Roberts, Councilman

**ALSO PRESENT:**

Paula N. Jones, Deputy Town Clerk  
Jon MacSwan, Highway Superintendent  
Robert Roberson, Attorney  
David Godfrey, Legislator  
8 Interested individuals

Following salute to the flag, Supervisor Ellis called the meeting to order. Board members took action upon the following matters:

**APPROVAL OF MINUTES**

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the minutes of the work and regular Town Board meetings of March 10, 2022.

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

**-Motion Carried-**

**APPROVAL OF VOUCHERS**

Having been reviewed by the Town Board, the following claims were presented for payment:

<b>April 14, 2022</b>		
<b>FUND</b>	<b>CLAIM NUMBERS</b>	<b>AMOUNT</b>
<b>Drainage</b>	<b>4</b>	<b>\$401.06</b>
<b>General</b>	<b>126-188</b>	<b>\$154,469.62</b>
<b>Highway</b>	<b>35-59</b>	<b>\$62,295.53</b>
<b>Refuse</b>	<b>3</b>	<b>\$32,826.73</b>
<b>Sewer Op</b>	<b>16-20</b>	<b>\$3,162.26</b>
<b>Trust &amp; Agency</b>	<b>6</b>	<b>\$332.00</b>
<b>Water Operating</b>	<b>48-72</b>	<b>\$58,463.40</b>

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated April 14, 2022 be approved as read by the Town Clerk.

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

**-Motion Carried-**

**DISPOSAL OF TOWN PROPERTY**

This is still on hold. The Board is waiting for the interested parties to come back with an offer for the property.

### TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report March: Total Receipts: \$ 12,742.72
- Building Inspector Report March: Total fees collected: \$ 2,750.00  
Estimated value of construction: \$ 305,205.00
- In receipt of a letter from Cambria Fire Company requesting to add the following members to their active roster: Rose Phillips of 4678 Ridge Rd., Lockport, Andrew Moje of 6775 Bear Ridge Rd., Lockport, Mathew White of 4678 Ridge Rd., Lockport as a restricted member and Cameron Rowlands of 3635 Lower Mt. Rd., Sanborn – physical paperwork has been received for these 4 individuals. As well as Jacob Lucas of 4708 Upper Mt. Rd., Lockport, Andrew Banks of 3946 Daniels Rd., Ransomville and Clayton Rowlands of 3635 Lower Mt. Rd., Sanborn pending receipt of physical paperwork for these 3 individuals.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved to approve the addition of Rose Phillips of 4678 Ridge Rd., Lockport, Andrew Moje of 6775 Bear Ridge Rd., Lockport, Mathew White of 4678 Ridge Rd., Lockport as a restricted member and Cameron Rowlands of 3635 Lower Mt. Rd., Sanborn – physical paperwork has been received for these 4 individuals. As well as Jacob Lucas of 4708 Upper Mt. Rd., Lockport, Andrew Banks of 3946 Daniels Rd., Ransomville and Clayton Rowlands of 3635 Lower Mt. Rd., Sanborn pending receipt of physical paperwork for these 3 individuals.**

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

**-Motion Carried-**

- Bradley Rowles of 5892 Baer Rd., Sanborn needs to be re-appointed as an alternate to the Zoning Board of Appeals for a one year term to expire 12/31/2022.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to re-appoint Bradley Rowles of 5892 Baer Rd., Sanborn as an alternate to the Zoning Board of Appeals for a one year term to expire 12/31/2022.**

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

**-Motion Carried-**

### HIGHWAY SUPERINTENDENT REPORTS

Jon MacSwan, Highway Superintendent, reported as follows:

- Would like to declare millings and wood chips as surplus; and to be available to Town of Cambria residents only. Mr. MacSwan stated residents would need to sign a statement that they will not be re-selling the millings. Mr. MacSwan further stated that residents will need to contact his clerk to be placed on a list for delivery of the millings; wood chips will not be delivered this year, they must be picked up.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to declare road millings and wood chips as surplus; for Town residents only millings will be delivered and wood chips must be picked up.**

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

**-Motion Carried-**

- GIS sign project is working out well; the Town now has better records of the signs. Supervisor Ellis reported this budget line is now over budget due to the necessity to replace/update signs; money will be moved around to cover the expenses.
- They will begin picking up brush on Monday.
- Burch Road will be paved first this year, but first culverts need to be replaced.
- In receipt of a letter from a resident regarding the intersection of 425 and Upper Mountain Road and all of the accidents occurring there. NYSDOT said a letter from the Town Board would help to boost the chance

to get a guardrail put in. Mr. MacSwan asked the Town Board to approve the letter to send in to the NYSDOT.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall it was resolved to approve sending the letter to NYSDOT and to authorize the Supervisor and Highway Superintendent to sign the letter.**

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

**-Motion Carried-**

- Saturday, May 14, 2022 will be a Spring Electronic drop-off and tire drop-off for Town of Cambria residents only from 9am – 12pm; proof of residency will be required. Wood chips will be available for residents to pick up as well.

#### **WATER SEWER REPORTS**

- 50 new water meters have been replaced so far.
- Irrigation meters are being tested.
- There are some Water and Sewer service installations coming up next month.
- At the Town Park the water is turned on and the little league diamonds are almost done.

#### **ATTORNEY REPORTS**

Mr. Roberson stated a clerical error was made in the Zoning Ordinance change, it should read paragraph Penalty §1205.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to correct the Zoning Ordinance heading to read paragraph Penalty §1205.**

The question of the approval 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**  
**BENJAMIN D. MUSALL voting AYE**  
**RANDY ROBERTS voting AYE**

The motion was thereupon declared duly adopted.

#### **BEAR RIDGE SOLAR PROJECT**

- Nothing new to report.

#### **CONCERNS OF THE CITIZENS**

##### **Susan Fischer- Escarpment Dr.**

Ms. Fischer inquired if members of the fire hall need to live in the district, Supervisor Ellis stated members should live within the fire district of the particular company. Chief McIntyre stated members can live up to 5 miles outside of the fire district. Ms. Fischer also asked the Highway Superintendent what roads will be paved this year. Mr. MacSwan replied they will be starting with Burch Road.

##### **John Soto-Baer Rd.**

Mr. Soto expressed his concerns with the storm water study, rainfall and the impact with the solar panels.

##### **Chief Shawn McIntyre, Cambria Vol. Fire Co.**

Reported the Fire Company held a public meeting this evening, 14 Town residents were there for the referendum, and they will move forward to purchase a new truck.

Supervisor Ellis reported the Town is in receipt of a letter from Buffalo Bicycle Club requesting permission to run their annual race July 17, 2022 starting and ending at Freedom Run Winery; they need help from the NYS Police, Sheriff's deputies and the Fire Company for road assistance.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe it was resolved to authorize the Supervisor to sign and return their paperwork giving approval from the Town.**

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

**-Motion Carried-**

**David Godfrey, Legislator,**

Mr. Godfrey reported the water levels at the lake are up. NYS approved the largest solar project (3,400 acres) located in Byron, NY. Supervisor Ellis noted this project was approved under Article 10 and the Byron Town Board was supportive of this project.

## **NEW BUSINESS**

### **BATTERY ENERGY STORAGE SYSTEM (BESS) LOCAL LAW**

Supervisor Ellis stated the Town Board would like to issue a local law on battery storage. At this point Cypress Creek says they have no interest in battery storage, however if this goes through within 5 or 6 years they will probably be looking for battery storage. There is a draft local law that will be available for preview.

**Whereas**, the Cambria Town Code contains and specifies the local laws, and ordinances of the Town of Cambria; and

**Whereas**, the Town of Cambria has observed an increase in green energy projects, including battery energy storage systems (BESS), and that the current Town laws do not address the changing technology related to these facilities; and

**Whereas**, the Town Board of the Town of Cambria has determined that it is necessary to update the Town's Zoning Code to address BESS's, and

**Whereas**, the Town Board, Town Attorney and the Planning Consultant have drafted a new BESS Local Law and that draft law has been presented to the Town Board, and

**Whereas**, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law as follows:

**Be it enacted** by the Town Board of the Town of Cambria, New York, that the Cambria Town Board adopts Local Law No. 2 of the year 2022; the topic is Regulating Battery Energy Storage Systems, as illustrated in the attached copy.

**Now, therefore Be It Resolved**, that the Town Board would like to start the process of considering these Local Law by referring this proposed Local Law to the Niagara County Planning Board in accordance with General Municipal Law section 239-m, and authorizing the Planning Consultant to begin the SEQR process by completing a SEQR coordinated review to establish the Cambria Town Board as SEQR Lead Agency, and

**Be It Further Resolved**, that the Cambria Town Board sets a Public Hearing on Local Law No. 2 of the Year 2022 at the Cambria Town Hall, 4160 Upper Mountain Road, Cambria, NY at 7:00pm on May 12, 2022.

**Upon a motion duly made by Councilman Musall and seconded by Councilman Foe it was resolved to approve the resolution as read by the Supervisor.**

The question of the approval 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**  
**BENJAMIN D. MUSALL voting AYE**  
**RANDY ROBERTS voting AYE**

The motion was thereupon declared duly adopted.

## **ORES LITIGATION**

Supervisor Ellis presented the following resolution for the Town Board to consider:

**Resolution authorizing the Town of Cambria to withdraw from the ORES litigation as heretofore authorized by a Town Board resolution duly adopted at its regular Town Board meeting held June 10, 2021, to terminate the Town of Cambria participation in said action in order to preserve the Town of Cambria's ability to challenge any ORES decisions in the future, and further to terminate the representation of Town of Cambria in said action by the Law Office of Gary Abraham and by Wisniewski Law PLLC.**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to adopt the resolution as read by the Supervisor.**

The question of the approval 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**  
**BENJAMIN D. MUSALL voting AYE**  
**RANDY ROBERTS voting AYE**

The motion was thereupon declared duly adopted.

## **2022 ADOPTED BUDGET**

Supervisor Ellis reported there were some minor discrepancies in the 2022 adopted budget; none that would affect the overall budget. An internal review has revealed arithmetic and input errors that have been identified and corrected. The tax rates for the special districts and the highway fund are correct as they were presented in the Public Hearing and adopted by the Town Board. Total appropriations \$6,419, 392.00 as adopted, it was overstated by \$51,701.00. The issue was an incorrect number in the General Fund and the Fire Protection Fund; the correct figure is \$6,367,691.00

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the corrected and revised 2022 budget of the Town of Cambria in the amount of \$6,367,691.00.**

The question of the approval 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**  
**BENJAMIN D. MUSALL voting AYE**  
**RANDY ROBERTS voting AYE**

The motion was thereupon declared duly adopted.

## **EAGLE SCOUT PROCLAMATIONS**

Supervisor Ellis announced Andrew Jesson and Branden Farnham have achieved Eagle Scout status; the ceremony will take place in May. The Town Board was presented with a proclamation for each candidate.

Proclamation for Andrew Jesson

*Whereas, the Boy Scouts of America was founded on February 8, 1910, in the United States of America; and*

*Whereas, in the Fall of 2010, Andrew Jesson joined Cambria Cub Scout Pack 8; and*

*Whereas, Andrew earned his Arrow of Light in April 2015, and crossed over to Cambria Boy Scout Troop 8; and*

*Whereas, Andrew has earned 28 merit badges, served his Troop as Senior Patrol Leader, Patrol Leader, and Quartermaster; and*

*Whereas, Andrew has exemplified leadership qualities, organizational skills and strength of character while completing his Eagle Scout Project; designing a layout and planting a large landscaped island with four trees at Krull Park in Olcott; and*

*Whereas, as a member of Troop 8, Andrew, through his hard work and personal commitment, attained the rank of Eagle Scout on February 10, 2022, the highest and most prestigious rank offered by the Boy Scout Program; and*

*Whereas, Scouts believe it is their duty to love their country, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies; and*

*Whereas, character, participation and leadership are the basis of good citizenship; therefore, be it*

*Resolved, the Town of Cambria is proud of your achievement, advancement to the rank of Eagle Scout, and shares with you in one of the greatest occasions, not merely of your career as a Scout, but of your whole life, and honors you this day by resolution of the Town Board on April 14, 2022.*

#### Proclamation for Branden Farnham

*Whereas, the Boy Scouts of America was founded on February 8, 1910, in the United States of America; and*

*Whereas, in Fall 2010, Branden Farnham joined Cambria Cub Scout Pack 8; and*

*Whereas, Branden earned his Arrow of Light in April 2015, and crossed over to Cambria Boy Scout Troop 8; and*

*Whereas, Branden has earned 28 merit badges, and served his Troop as Patrol Leader, Assistant Senior Patrol Leader, and Scribe; and*

*Whereas, Branden has exemplified leadership qualities, organizational skills and strength of character while completing his Eagle Scout Project; designing and building two wooden planter boxes and a wooden trash container for Niagara Hospice; and*

*Whereas, as a member of Troop 8, Branden, through his hard work and personal commitment, attained the rank of Eagle Scout on November 16, 2021, the highest and most prestigious rank offered by the Boy Scout Program; and*

*Whereas, Scouts believe it is their duty to love their country, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies; and*

*Whereas, character, participation and leadership are the basis of good citizenship; therefore, be it*

*Resolved, the Town of Cambria is proud of your achievement, advancement to the rank of Eagle Scout, and shares with you in one of the greatest occasions, not merely of your career as a Scout, but of your whole life, and honors you this day by resolution of the Town Board on April 14, 2022.*

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts it was resolved to approve the Eagle Scout Proclamations for Andrew Jesson and Branden Farnham.**

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

**-Motion Carried-**

#### **SURPLUS MATERIALS**

The Water Department Clerk recently had new office furniture installed and the old furniture will be scrapped as it cannot be reused.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall it was resolved to declare the old water clerk office furniture as surplus and authorize it to be scrapped.**

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

**-Motion Carried-**

**PROCUREMENT POLICY PURCHASES**

**2022-09 Highway**

Paving

**QUOTES:**

***Ken Young Paving-\$390.00 per hour (9 hour day)***

Mark Cerrone-\$567.00 per hour (8 hour day)

Villager Construction-\$400.00 per hour (9 hour day)

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve a quote from Ken Young Paving for \$390.00 per hour (9 hour day) for paving of the Town roads.**

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

**-Motion Carried-**

**ADDITIONAL MATTERS**

Supervisor Ellis announced the public information meeting for the Draft MS4 Stormwater Annual Report will be held at the May 12, 2022 Town Board meeting at 7:15pm with the Town Engineer will be providing the report.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe it was resolved to set the public information meeting for Draft MS4 Stormwater Annual Report for May 12, 2022 at 7:15 pm.**

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

**-Motion Carried-**

Councilman Hurtgam reported the Town Board is looking into bids for a security camera system for the Town Park; it has been in the budget for the past couple years. They have met with a company to discuss cameras, where they would be located to help with vandalism. Proposals are expected to be received within a week and should have more information at the May Town Board meeting.

**ADJOURNMENT**

**As there was no further business, the meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Musall. Time: 7:50 pm**

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

**-Motion Carried-**

Respectfully submitted,

Paula N. Jones, Deputy Town Clerk