

**Approved**

**TOWN OF CAMBRIA TOWN BOARD**

**August 11, 2022**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 11<sup>th</sup> day of August 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:**

Tamara J. Cooper, Town Clerk  
Robert Roberson, Attorney  
Aimee Zielinski, Wendel  
*Jon MacSwan, Highway Super. - absent*  
12 Interested individuals

Following salute to the flag, Supervisor Ellis opened the public hearing on the Establishment of a three month moratorium on the acceptance or granting of approvals of Small Scale Solar Projects from August 11, 2022 to November 10, 2022 for the purpose of allowing the Town Board to update existing regulations to reflect developing changes in solar technology.

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

**TOWN OF CAMBRIA- NOTICE OF PUBLIC HEARING**

Establishment of a three month moratorium on the acceptance or granting of approvals of Small Scale Solar Projects from August 11, 2022 to November 10, 2022 for the purpose of allowing the Town Board to up-date existing regulations to reflect developing changes in solar technology

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria will hold a Public Hearing at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York, 14132 on the 11<sup>th</sup> day of August, 2022 at 7:00 p.m. for the purpose of considering the establishment of a three month moratorium (August 11, 2022 to November 10, 2022) on the acceptance or approval of Small Scale Solar Projects within the Town of Cambria at which time and place the Town Board will hear all persons interested.

Supervisor Ellis indicated that issues have been raised with the Town's Solar Law as it pertains to tier one small installation. There is also some issue with wording as well as inconsistencies so the Town Board would like to correct those. Drew Riley, Wendel will be working on those changes.

Supervisor Ellis opened the public hearing for comments.  
As no one was present to be heard, Supervisor Ellis closed the Public Hearing.

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 July 14, 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>August 11, 2022</b>		
<b>FUND</b>	<b>CLAIM NUMBERS</b>	<b>AMOUNT</b>
Cemetery	12	\$81.77
General	348-394	\$80,209.47
Highway	122-136	\$123,665.47
Refuse	8	\$36,880.60
Sewer Const.	1	\$5,623.13
Sewer Op	29-32	3,804.04
Trust & Agency	12-13	\$8,628.36
Water Operating	115-135	\$16,380.47

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated August 11, 2022 be approved as read by the Town Clerk.**

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

Supervisor Ellis reported an additional voucher was submitted late for various legal services from Brandt, Roberson & Brandt in the amount of \$7,750.00.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved to approve the invoice from Brandt, Roberson & Brandt for legal fees in the amount of \$7,750.00.**

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

**MORATORIUM SOLAR ENERGY PROJECT INSTALLATION**

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to establish a three month moratorium on the acceptance or granting of approvals of Small Scale Solar Projects from August 11, 2022 to November 10, 2022 for the purpose of allowing the Town Board to up-date existing regulations to reflect developing changes in solar technology and resolve any inconsistencies in terminology.**

The question of the adoption of the forgoing Resolution was put to a roll call vote, 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 M. ROBERTS voting AYE**

The Resolution was thereupon declared duly adopted.

**CDBG FUNDING APPLICATION**

Supervisor Ellis reported that the application for the CDBG Funding is completed, signed and submitted. No further information at this time.

**REZONING APPLICATION – NIAGARA COUNTY PROPERTY**

Aimee Zielinski, Wendel gave a brief history and updates of the Rezoning of Niagara County Property located on Junction Road and is recommending adopt the final scoping document.

**Resolution for the Issuance of Final Scoping Document for the  
Niagara County Business Park Rezoning and Development**

WHEREAS, the Town of Cambria has received a Rezoning application from Niagara County, and

WHEREAS, the application is for the rezoning of approximately 60 acres of land, located on the west side of Junction Road, SBL# 107.00-2-32 from A-R to P-D, and

WHEREAS, it is the intent of Niagara County to create a Business Park, and

WHEREAS, the rezoning application appears to be in conformance with the Comprehensive Plan, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Cambria Town Board conducted a coordinated SEQR process to designate themselves as Lead Agency and received no objections to Lead Agency, and

WHEREAS, the Cambria Town Board established themselves as SEQR Lead Agency and issued a Positive Declaration of Significance, requiring the preparation of a Generic Environmental Impact Statement (GEIS), in conformance with the SEQR regulations, to fully evaluate the potential adverse environmental impacts associated with this action, and

WHEREAS, the Cambria Town Board accepted the draft scoping document submitted by Niagara County, referred the scoping document to the Planning Board and received their input, and scheduled and held a Public Scoping Session on July 14, 2022 at the Cambria Town Hall; receiving comments from those in attendance, and

WHEREAS, the draft scoping document has been amended to reflect input received on the draft document and a draft final scoping document has been prepared.

NOW, THEREFORE BE IT RESOLVED, that the Cambria Town Board hereby issues the attached final scoping document for the Niagara County Business Park project

BE IT FINALLY RESOLVED that the Cambria Town Board authorizes the Town of Cambria Town Clerk to complete the appropriate paperwork and filing requirements for the Final Scoping Document.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved to approve the resolution and the Final Scoping Document.**

The question of the adoption of the forgoing Resolution was put to a roll call vote, 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 M. ROBERTS voting AYE**

The Resolution was thereupon declared duly adopted

**TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

• Town Clerk Report July:	Total Receipts:	\$	31,7098.17
• Building Inspector Report July:	Total fees collected:	\$	3,097.55
• Estimated value of construction:		\$	548,356.00

### **HIGHWAY SUPERINTENDENT REPORTS**

Councilman Foe, on behalf of the Highway Superintendent, reported as follows:

- Paving will be done on Van Dusen Rd. 8/22 and 8/23
- Milling / Paving Cambria Rd. (hill)
- Patching Budd Rd.
- Signage has been ordered for the railroad underpass on Baer Rd. and will be installed within a week to 10 days.

### **WATER SEWER REPORTS**

- Four new water services.

### **ATTORNEY REPORTS**

Robert Roberson, Attorney, reported as follows:

- There was an Article 78 proceeding brought against the Town and Zoning Board of Appeals which was ruled in favor of the Town and the appeal time is running down.
- Petition for the order of Dissolution of the Cambria Housing Authority- hearing was last week in front of the Niagara County Supreme Court. The order was granted with no objection.

Supervisor Ellis reported as follows:

### **BEAR RIDGE SOLAR PROJECT**

Supervisor Ellis received a letter from the Office of Renewable Energy Siting. The application is considered complete after two supplements. This sets a clock in motion for ORES. It gives them 60 days to issue a draft permit based on the complete application. When the draft permit is issued the Town and the public has 60 days to respond with issue statements.

### **CONCERNS OF CITIZENS**

#### **Sharon Tasner-Subbera Rd.**

Speaking on behalf of the Cambria Opposition to Industrial Solar, Ms. Tasner asked for some advice or guidance on what more their group can do as the process moves forward. The group is striving to be proactive and have done their due diligence in this matter over the past three years.

Supervisor Ellis indicated that both attorneys should be meeting soon.

#### **Jason Miller- Ridge Rd.**

Applied for an application for Solar and was told to come in this month for a decision.

It was determined he was to go to the Planning or Zoning Board Meeting which is held at the end of the month.

**David Godfrey, Legislator**  
**Solar**

- The County sent out an invitation for Government Officials only on September 15. In this session Dawn Tim, Environmental Coordinator, will be going through the local law in detail with some follow up activities. Jonathan Schultz, Fire Coordinator, will also be there to present his concerns about the risks associated with the panels themselves.
- The County received an email requesting a nomination to fill a Region 9-Open Space Conservation Plan position. They have appointed someone from the Cambria Opposition to Industrial Solar.

**Purple Heart**

Last Tuesday night the Legislature approved the budgeting for the Purple Heart Monument and it will be right at the courthouse where the Purple Heart Registry and the Veterans Services reside.

**Robert Lynch-Ridge Rd.**

Mr. Lynch is concerned about the speed of traffic on Ridge Rd. and he feels it has turned into raceway. He is concerned about the children in the neighborhood. He also mentioned ten wheelers going over the speed limit daily. Mr. Lynch made mention of the snow plows having their wing out over the 12 mile creek bridge and it pushes the snow into the yard.

Supervisor Ellis explained that some Towns contract with the State to share plow services. He told Mr. Lynch he would reach out to those who may be able to help with the concerns he has.

Mr. Lynch addressed the Town Clerk, Tamara Cooper; they will talk after the meeting.

**NEW BUSINESS**

**PERSONNEL**

Supervisor Ellis is in receipt of a letter of resignation from Highway Clerk, Colleen Kuglar, dated August 5, 2022 and effective October 7, 2022.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to accept, with regret, the resignation of Colleen Kuglar, Highway Clerk, effective as of October 7, 2022.**

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

**PROCUREMENT POLICY PURCHASE**

**2022-12 General**

Used: 15' Three Row Bleachers – six count  
For use at the Town Park for sporting events.

Offered to the Town from Pekin Fire Company as they are dismantling their baseball/softball fields.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the purchase of 15' three row used bleachers-six count, from Pekin Fire Company in the amount of \$5,000.00.**

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

**2022-13**

Install 180' of 12" pipe and 3 catch basins to correct a water drainage problem

Proposals:  
Ken Young Paving: \$3,500.00  
**MTD Property Maintenance: \$2,952.00**  
Upstate Excavator, LLC \$6,250.00

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved to approve the proposal from MTD Property Maintenance for work at 5982 Baer Rd., Sanborn to correct drainage problem.**

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

**-Motion Carried-**

#### **ADDITIONAL MATTERS**

Councilman Foe reported there will be a car/truck tire drop off (not oversized) and electronic recycling event in October; date to be determined.

#### **EAGLE SCOUTS**

Supervisor Ellis reported that he has received information about four young men who attained the rank of Eagle Scout from Troop 8.

##### ***Spenser Merchant***

*Graduate – Wilson High School  
Clarkson University-Aerospace Engineering  
Eagle Project-Quarter-mile Nature Trail, Krull Park, Olcott NY*

##### ***Jack Olszewski***

*Graduate- Canisius High School  
St. Bonaventure University-Adolescent Education/Chemistry  
Eagle Project-Bike Repair Station Academy Park, Lewiston NY*

##### ***Connor Seider –***

*Graduate-Wilson High School  
UB-Civil Engineering  
Eagle Project-Ransomville Free Library Grounds Improvements, Ransomville NY*

##### ***Evan McKinney***

*Wilson High School  
UB-Aerospace Engineering  
Eagle Project-Wendelville Fire Company 100 Year History Book, Pendleton NY*

The Supervisor and the Town Clerk will work on a certificate of appreciation for the boys.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe it was resolved to acknowledge the Troop 8 Eagle Scouts and their achievements.**

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

**-Motion Carried-**

#### **ADJOURNMENT**

**As there was no further business, the meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Musall. Time: 7:40 pm**

Town of Cambria Town Board  
August 11, 2022

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

**-Motion Carried-**

Respectfully submitted,

Tamara J. Cooper, Town Clerk