

TOWN OF CAMBRIA TOWN BOARD

March 11, 2021

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 11th day of March 2021 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
Tim Walck, Wendel
11 interested parties

Supervisor Ellis called the regular meeting to order. Board members took action upon the following matters:

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve the minutes of the Town Board meeting of February 11, 2021 regular meeting and March 5, 2021 Special Meeting.

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:

March 11, 2021

FUND	CLAIM	AMOUNT
General	72-110	\$106,717.07
Highway	16-29	\$97,567.11
Refuse	1	\$35,740.40
Sewer Operating	7-10	\$2,902.57
Water Construction	6	\$5,108.92
Water Operating	32-42	\$6,872.11

Upon a motion duly made by Councilman Musall and seconded by Councilman Foe it was resolved that the abstract of audited vouchers dated March 11, 2021 be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

SOLAR LAW/COMP PLAN UPDATE

Supervisor Ellis reported that the committee has been working on proposed updates to the Solar Energy Systems Law since September of 2020. He thanked the committee members:

Sharon Tazner, Private Citizen
Ed Saleh, Private Citizen

Louise Brachmann, Agricultural Interests/Agri-Tourism
Mark Davis, Legal

Debra Littere, Assessor
James McCann, Building Inspector
Matthew Foe, Councilman

Gary Billingsley, Legal
Drew Riley, Planning Consultant, Wendel

Supervisor Ellis would like to call a Public Hearing on Local Law No. 1, 2021, Local Law Amending Local Law No. 2 of 2017 Regulating Solar Energy Systems- Thursday, March 25, 2021 at 7:00 pm at the Town Hall.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to call a Public Hearing on Local Law No. 1, 2021, Local Law Amending Local Law No. 2 of 2017 Regulating Solar Energy Systems- Thursday, March 25, 2021 at 7:00 pm at the Town Hall.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report March: Total Receipts: \$48,354.69
- Building Inspector Report March: Total fees collected: \$ 1,590.00
Total estimated value of construction: \$6,815.00

The spring newsletter is being printed and will be in the mail by the next week.

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Road equipment being serviced for summer
- Salt is in good shape
- Paving/Milling- Meahl Rd., Tyler Rd., Joanne Dr.-Burch Rd. will be widened and shoulders will be done.
- Ditching projects have been started
- Interviewing for Mechanic Position- someone is retiring at the end of April

Mr. MacSwan is requesting that the Town Board approve the revised Driveway and Lawn Culvert paperwork which incorporates the cost changes that were approved at the **November 2020 meeting*. This will set forth the fees and the format for the work order.

** Permit fee changes: \$250 to \$350 for 20' length of pipe.
 \$150 for the next 20' length of pipe.
 \$100 for every additional 20' length of pipe*

The homeowner is responsible for the purchase of the pipe. The Town is paid a fee for installation. This is to ensure that it meets all the grade requirements for flow of the water to the highway ditch. The Town charges for materials used for installation.

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved to approve the revised Driveway and Lawn Culvert permit as presented March 11, 2021.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Mr. MacSwan is requesting that Pat McCoy to be appointed to be a Part Time Groundskeeper for \$2,500.00 per year for the 2021 season. He will work at the Town Park and oversee summer help after hours and on weekends so it does not interfere with his position in the Highway Department. The Recreation Liaison, Councilman Hurtgam and Mr. MacSwan will work together in developing a list of responsibilities.

Councilman Musall suggested the appointment be pending development of the job responsibilities.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to appoint Pat McCoy as the primary parks groundskeeper for the 2021 season at the stipend of \$2,500.00 pending the development of the job duties and responsibilities created by Councilman Hurtgam and Mr. MacSwan.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

WATER SEWER REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- New water service on Green Rd.
- Fire hydrant on Rt. 31 has been fixed
- Servicing equipment for summer

ATTORNEY REPORTS

No report.

Supervisor Ellis reported on the following:

BEAR RIDGE SOLAR PROJECT

- The Town is waiting on the final approval of the regulations that are being set forth by the Renewable Energy Siting Committee.

CONCERNS OF CITIZENS

David Godfrey-Legislator, reported on the following:

- There was a press release from Dan Stapleton from the Health Department that stated they could easily handle administering 5,000 vaccinations a day, however they cannot get the supply. Mr. Godfrey thanked all the local EMT's who were certified to administer the vaccine.
- The Sheriff's Department just received full accreditation for the State of New York. It is one of the few in the state that has been accredited for every aspect, including the jail. The 911 Communications Center is accredited with the highest scores. April 11th is National Public Safety Communication Week. At the next legislative meeting, Mr. Godfrey will be issuing a proclamation honoring the dispatchers, recognizing the important work they do.

Supervisor Ellis indicated that new guidelines from NYS were released however there was no change in the 6' of social distancing. This will keep the Town Board meeting capacity to 18 people.

Mr. Godfrey indicated that the legislature is advocating for businesses and schools to be re-opened. If the space distance is not reduced the schools cannot accommodate the population they have.

Dave Edbauer-Plank Rd.

Mr. Edbauer asked the Town Board why the Public Hearing is not going to be at the April Town Board meeting.

Supervisor Ellis indicated that the Town Board wants to approve the local law changes no later than the April Town Board meeting. There is concern about getting some of the changes in effect before they start to see applications from the Renewable Energy Companies.

Mr. Edbauer asked if it will be a virtual meeting due to capacity limits.

Supervisor Ellis stated the meeting will be in person. The details are not yet decided as to whether reservations will be needed or comments will be presented to the Town Board every five minutes. The Town does prefer to hold this meeting in person.

NEW BUSINESS

30-DAY WAIVER FOR HALLIGAN'S NIAGARA LLC

The Town Board is in receipt of a letter from Attorney Sean MacKenzie regarding the property located at 3997 Lower Mountain Road- Halligan's Niagara LLC. They are requesting a waiver of the 30 day waiting period to apply for a NYS Liquor License. The Building Inspector has spoken to the attorney about correcting the application. The property is zoned business however the area directly surrounding it is zoned residential. At this time, this location is not permitted to hold outdoor music. The Town is waiting for the updated application.

TOWN PARK LEASE

Supervisor Ellis explained that this is the Town Park lease of 30 acres of land that is currently being farmed. The original lease expired in 2020 and the Town extended it for one year. The Town planned on working on drainage in order to move ahead with the Town Park plans, but covid-19 interrupted those plans. The Town is extending another one year extension to Danielewicz Farm Incorporated represented by Louise Brachmann to expire December 31, 2021.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved to adopt a resolution at the March 11, 2021 Town Board meeting authorizing a one year extension of the current lease for the 30 acre undeveloped parcel to expire December 31, 2021 upon the same terms and conditions as the original lease and to authorize the Supervisor to sign the lease on behalf of the Town Board.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PROCUREMENT POLICY PURCHASE

2021-02 HIGHWAY

The Town is in receipt of two proposals for a Tubb Grinder to take care of the brush pile.

Zoladz Construction Company-\$7,600.00- they keep the material
Lardon Construction/Corporation-\$4,900.00- the Town keeps the material.

The chips will be available to Town residents for no charge, they must pick it up.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to accept the proposal from Lardon Construction Corp., Blasdell, NY in the amount of \$4,900.00 to clean up the brush pile located at the Town Hall. The Town will keep the material and will provide support equipment.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PERSONNEL

Supervisor Ellis reported that he received four applications and reviewed them all. He is requesting authorization to appoint David Carter 4556, Plank Road, Lockport as alternate to the Planning Board Alternate for the 2021 year. Councilman Musall and Supervisor Ellis met with Mr. Carter.

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to appoint David Carter 4556, Plank Road, Lockport as alternate to the Planning Board Alternate for the 2021 year.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

ADDITIONAL MATTERS

RESOLUTION OPPOSING THE ADDITION OF SECTION 575-B TO THE REAL PROPERTY TAX LAW IN THE 2022 NYS BUDGET

Supervisor Ellis indicated that the Town has put together a resolution in conjunction with a couple other Towns. It opposes the addition of Section 575-B to the Real Property Tax Law in the 2022 NYS Budget. Essentially it is another action that the governor has been taking where he introduces a 30 day amendment and that can be inserted into the budget without the normal public hearings.

RESOLUTION OPPOSING THE ADDITION OF SECTION 575-B TO THE REAL PROPERTY TAX LAW IN THE 2022 NYS BUDGET

WHEREAS, the New York Real Property Tax Law – Section 487 – provides a 15-year real property tax exemption for properties on which wind or solar energy projects are built, and

WHEREAS, the real property tax exemption is not mandatory under current law since Section 487 allows local governments to opt out of the exemption and tax wind or solar energy projects based on their full assessed value, and

WHEREAS, if a town does not opt out of the current Section 487, it can require the wind or solar project to enter into a Payment In Lieu of Taxes (PILOT) agreement, and

WHEREAS, under the current Section 487 provision, towns have the ability to negotiate a PILOT with a developer or require that the project pay full taxation based on the assessed value, and

WHEREAS, through the budget process, the State seeks to add Section 575-b to the Real Property Tax Law, which will drastically change the way real property is assessed for wind and solar energy systems (equal to or greater than 1 megawatt) by establishing a state wide standardized approach for real property tax assessment for wind and solar energy projects, and

WHEREAS, through the budget process, the State also seeks to mandate that the assessed value for solar or wind energy projects will be determined by an income capitalization or discounted cash flow approach that considers an appraisal model created by the New York State Department of Taxation and Finance, and in consultation with the New York State Energy Research and Development Authority, and

WHEREAS, through the budget process, the State-determined assessment will also include a solar or wind energy discount rate that is set annually by the New York State Department of Taxation and Finance, and

RESOLVED, the Town of Cambria holds strongly to the right to home rule established in Article 9 of the NY State Constitution, especially with regard to land use and real property taxation, and be it further

RESOLVED, Governor Cuomo has introduced Section 575-b in this year's budget bill in order to abolish the Town of Cambria's ability to assess real property used for renewable energy projects and effectively eliminate any local control currently provided by Section 487, and be it further

RESOLVED, the Town of Cambria is adamantly opposed to the addition of Section 575-b to the Real Property Tax Law in the 2022 budget, and be it further

RESOLVED, the Town of Cambria calls upon Niagara County and our New York State elected representatives to oppose Section 575-b of the Real Property Tax Law before it is enacted in the budget process.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the resolution opposing the addition of Section 575-B to the Real Property Tax Law in the 2022 NYS Budget and to request that the Town Clerk forward resolution to the Niagara County Legislature, State

Town of Cambria Town Board
March 11, 2021

Representatives, Speaker of the Assembly, the President Pro Tempore of the Senate and Executive Director of the NYS Association of Towns.

The question of the resolution was 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.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Musall. Time: 7:35 pm

Respectfully submitted,

Tamara J. Cooper, Town Clerk