

Unapproved
Minutes are subject to change prior to approval

TOWN OF CAMBRIA TOWN BOARD
November 10, 2022

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 10th day of November 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
Jon MacSwan, Highway Superintendent
Drew Reilly, Wendel
12 Interested individuals

Following salute to the flag, Supervisor Ellis opened the public hearing on the Town of Cambria 2023 Budget

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

Town of Cambria
Notice of Public Hearing

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria will conduct public hearings on the matters referred to herein at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, NY on the 10th day of November 2022 at 7:00 PM. Said public hearings shall be as follows:

1. Any objections to the 2023 Assessment Roll for the following Districts:

Amount to be Raised by Taxes:

Cambria Water District.....	\$586,477.00
Cambria Fire District.....	\$586,676.00
Cambria Refuse & Garbage District.....	\$486,330.00
Cambria Sewer District No. 1.....	\$349,553.00
Cambria Drainage District	\$ 44,138.00

All persons interested shall be heard at the public hearing to be held by the Town Board as aforesaid relative to assessments and amounts to be raised in said districts.

2. Fire Contracts: The Town Board of the Town of Cambria will consider allocations as follows and authorization to enter into contracts with fire companies protecting areas of said Town for fire protection. The fire companies and amounts to be allocated for the year 2023 are as follows:

Cambria Volunteer Fire Company	\$234,988.00
Cambria Volunteer Fire Company Ambulance Service	\$ 57,368.00
Pekin Fire Company	\$219,535.00
Pekin EMS Contract	\$ 41,672.00
Sanborn Fire Company	\$ 15,001.00

With an additional allocation of \$34,300.00 for the Service Award Program.

3. The Town Board will conduct a public hearing on the 2023 Preliminary Budget. A copy of the 2023 Preliminary budget is available at the office of the Town Clerk, 4160 Upper Mountain Road, Town of Cambria, NY, where it may be inspected by any interested person during regular office hours. The proposed salaries of the elected officials are hereby specified:

Supervisor	\$28,225.00	
Councilman	\$7,671.00	each
Justice	\$22,846.00	each
Town Clerk	\$52,272.00	
Tax Collector	\$7,318.00	
Highway Superintendent	\$70,370.00	

Further Notice is hereby given that pursuant to Real Property Tax Law Section 495, the Exemption Report that shows total assessed values on the final assessment roll that was used in the budgetary process that is exempt from taxation is on file with the 2023 Preliminary Budget.

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

Supervisor Ellis indicated that the 2023 budget includes \$6,631,919.00 in appropriations; an increase of about 3.74% over 2022. The Town continues to stay under the tax cap mandated by NYS. It was under by a little over \$36,000.00. The tax cap is calculated by two factors provided by the state. The first is an overall growth factor for all of the municipalities in the State and the second is a growth factor specific to each of the municipalities.

7:05 pm

Supervisor Ellis opened the public hearing for comment.

Tyler Booth- 5182 Ridge Rd/3037 Lower Mt Rd

Mr. Booth asked the Town Board the reason for the large increase in salaries for elected officials. He compared the 7% increase for Cambria to the 2% increase the Town of Lewiston, which he says has three times the population, and a 1% increase for NYC. He indicated that since 2017 salaries have increased a great deal.

Supervisor Ellis reported that the Town Hall staff and the elected officials have stayed at 2% for several years. This year the Town Board decisions were based on inflation and in order to retain the staff.

Mr. Booth clarified that he is asking about only elected officials, specifically the Town Board.

Supervisor Ellis indicated that the Town Board got the same increase as the rest of the staff- 4%.

A brief discussion took place regarding the figures surrounding the increases.

Supervisor Ellis indicated that the Councilmen's salaries have been low traditionally. Over the past several years their responsibilities have increased considerably and there has been growth in the Town.

7:10 pm

Supervisor Ellis closed the public hearing.

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

**Town of Cambria
Notice of Public Hearing**

PLEASE TAKE NOTICE that the Town Board of Cambria, Niagara County, New York will hold a Public Hearing at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York on the 10th day of November, 2022 at 7:00 PM

to hear and consider the adoption of proposed Amendments to Local Law #1 - 2021 entitled "Town of Cambria Regulations for Solar Energy Systems for the Town of Cambria":

Description of Amendments:

1. Definitions p. 2 (1) addressing 110% limitation
2. Definitions p.3 (2) addressing residential foot print size.
3. p. 6. Regulations pertaining to residences.

A copy of proposed Amendments are on file in the office of the Town Clerk at the above address where it is available for inspection/copying during regular hours. All interested parties will be heard.

Supervisor Ellis indicated that the three areas that were looked at in the 2021 law had to do with residential and gave a brief discription.

- 1- The reason this was taken out was determined that a 750 square feet solar array is sufficient to power most normal residences.
- 2- To specify that the overall foot print size does not exceed 750 square feet for residences
- 3- For residences located in any zoning district, a Large-Scale Solar Energy System (Tier 2) containing a footprint of up to 750 square feet will be allowed as an accessory structure by site plan approval by the Town Planning Board. Such units shall be prohibited from any side or front yard as defined by the Town Code. Such units shall be placed a minimum of 20 feet from any property line. In no case shall the Zoning Board of Appeals grant a variance of this setback requirement that would result in a setback of less than 15 feet for such a unit. The permitted zoning district, setback and location limitations contained herein for residences take precedence over the permitted zoning district, setback and location limitations for Large-Scale Solar Energy Systems (Tier 2) contained in Sections 4(B) and 5(B)(2). A special site plan application for such a unit shall be completed by applicant and submitted to the Town for its consideration hereunder.

7:15 pm

Supervisor Ellis opened the public hearing for comment.

Tyler Booth- 5182 Ridge Rd/3037 Lower Mt Rd

Mr. Booth inquired as to how the 110% is determined if someone is converting from gas to electric and has no history of use.

Mr. Reilly, Wendel, indicated that NYSERTA sets the 110%. If one does not have a history of usage, they can do calculations based on what the usage is currently and based on the changes being made.

Mr. Booth asked if a phrasing change can be made for people who do not currently have a history of electric use and how the 'calculated 110%' will be determined.

Mr. Reilly suggested that the Town can take care of this outside the law, on the zoning application clarify how someone will submit the 110%.

7:20 pm

Supervisor Ellis closed the public hearing.

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

**NOTICE OF PUBLIC HEARING
TOWN OF CAMBRIA**

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 November 10, 2022 at 7:00 p.m. combining Public Hearings required by law to hear and consider public comment on the proposed Draft Generic Environmental Impact Statement (DGEIS) as well as on the re-zoning application of Niagara County proposing to re-zone approximately 60 acres of land located at 5058 Junction Road from AR (Agricultural-Residential) to PD (Planned Development) to create a “Business Park” in accordance with the re-zoning application and DGEIS submitted to Niagara County.

Copies of the Draft Environmental Impact Statement and the re-zoning application of Niagara County are on file in the Office of the Town Clerk at the above address for inspection and/or copying during regular office hours. Electronic copies available on Town website. All parties in interest will be heard.

Drew Reilly briefly described the project and process for the Niagara County Business Park on Junction Road. The Town Board will set the allowable uses and zoning requirements for this property.

Councilman Musall asked Mr. Reilly who will be putting in the sewer line.

Mr. Reilly stated that Cambria, Lockport, the County and the County Sewer District will have to meet on this.

Supervisor Ellis mentioned that the sewer line will be an extension of the Niagara County Sewer District #1 interceptor. The bulk of the financing, if not all of it would be through the County Sewer District.

Mr. Reilly stated that the current plan is to use a sand filter but long term plan is to tie in to the sewer system.

7:35 pm

Supervisor Ellis opened the public hearing for comment.

Tyler Booth- 5182 Ridge Rd/3037 Lower Mt Rd

Mr. Booth asked Mr. Reilly the purpose of the road trailing to the west on the map displayed depicting the Business Park on Junction Road.

Mr. Reilly indicated that it was an access road to a stormwater pond that will need to go to that location.

Mr. Booth asked if the businesses pictured on the map were arbitrary, because the idea of a slaughter house is not very appealing.

Mr. Reilly stated that the businesses listed on the map were generic sample uses.

Mr. Booth stated that as a resident, he is concerned with traffic and infrastructure near the proposed location. He feels the Town hasn't focused on businesses that would support other businesses such as gas stations or food related. There are 300 acres of planned development in the Town currently not being used and he is concerned that the proposed location will sit vacant as well.

Mr. Reilly reported that there are two companies that have approached the county looking for property within Niagara County. There is enough demand that the other business parks within the county are filling up.

7:40 pm

Supervisor Ellis closed the public hearing.

Mr. Reilly indicated that they will be taking comments for the next 10 days. He will be at the Planning Board to get their input on DGEIS and their recommendations.

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 Foe and seconded by Councilman Musall, it was resolved to approve the minutes of the Town Board meetings of October 13, 2022 (work and regular) October 22, 2022, Budget and October 25, 2022, Budget.

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:

November 10, 2022		
FUND	CLAIM NUMBERS	AMOUNT
Cemetery	16	\$10.90
General	494-534	\$87,159.38
Highway	173-187	\$20,074.78
Refuse	14	\$37,245.83
Sewer Const.	6 & 7	\$17,559.81
Sewer Op	40-43	\$3,787.37
Water Operating	166-181	\$7,970.67

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated November 10, 2022, be approved as read by the Town Clerk.

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

Supervisor Ellis extended his apologies to Tyler Booth with regard to the inquiry on raises for the elected officials. It was a \$500.00 raise which initially started at approximately \$280.00 or \$285.00. When the Town Board approved the figures, they decided to round that up. It works out to be a 6.9% increase with the exception of a couple department heads, the overall increase for the staff was 4% and 3% for Highway employees (union contract).

RESOLUTIONS 2023 BUDGET

APPROVAL OF 2022 ASSESSMENT ROLL/SPECIAL DISTRICTS

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the 2022 Assessment Roll and the amounts to be raised by taxes for the Special Districts as set forth in the notice of public hearing.

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 ROBERTS voting AYE**

The Resolution was thereupon declared duly adopted.

APPROVAL OF FIRE PROTECTION/AMBULANCE SERVICE CONTRACTS

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the Fire and Ambulance contracts as set forth in the Notice of Public Hearing.

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 ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

2023 BUDGET

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to adopt the 2023 Preliminary Budget with total appropriations of \$6,631,919.00.

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 ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

(A copy of the 2023 Adopted Budget is included and made a part of these Minutes).

AMENDMENTS TO LOCAL LAW NO.1-2021
Town of Cambria Regulations for Solar Energy Systems

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to adopt the proposed amendments to Local Law No.1-2021 Town of Cambria Regulations for Solar Energy Systems specifically pertaining to large scale solar energy systems, ground mounted-tier II for residences.

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 ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

REZONING APPLICATION – NIAGARA COUNTY PROPERTY

No action needed at this time; will be on the December agenda.

TOWN PARK SECURITY CAMERA SYSTEM

Councilman Foe reported that the Town has received a 3rd proposal for the installation of security cameras for the Town Park.

5Day Productions: \$ 22,876.80

Premcom: \$38,468.92

Linklogix: \$20,572.10

Linklogix will provide the security cameras for the Town Park including a specific camera that will read license plates and make and model of cars.

The reason for the cameras is for security and to cut down on vandalism. The information will be encrypted and will not allow tampering.

Councilman Foe is recommending accepting the proposal from Linklogix, Tonawanda, NY for Town Park security cameras in the amount of \$20,572.10 to start moving forward with implementation.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to accept the proposal from Linklogix, Tonawanda, NY for Town Park security cameras in the amount of \$20,572.10

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

COMSTOCK RD/MEAHL RD SANITARY SEWER EXTENSIONS

Mr. MacSwan, Highway Superintendent, reported that the work was completed yesterday on Meahl Rd. and it is working. He is hoping to begin the work on Comstock Rd. next week.

RATIFY EMERGENCY APPROVAL OF ROOF REPLACEMENT OF WATER PUMP STATION

Supervisor Ellis indicated that in mid-October a leak was discovered in the roof of the pump station. This area houses sensitive electrical and mechanical equipment and was imperative to get it repaired as soon as possible.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to ratify the Supervisor's Emergency Action on October 28, 2022, to approve immediate repair the roof on the pump station.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report October: Total Receipts: \$ 30,191.39
- Building Inspector Report October: Total fees collected: \$ 5,000.85
- Estimated value of construction: \$ 1,608,296.00

- The Town will be hosting its annual Veterans' Day Ceremony tomorrow, November 11, 2022, at 11:00 am. Refreshments will follow. All are welcome to honor our Veterans'.

- In receipt of one email correspondence that was copied and distributed to the Town Board.

HIGHWAY SUPERINTENDENT REPORTS

Jon MacSwan, Highway Superintendent, reported as follows:

- Received first load of salt-price went up from \$70.12 to \$80.15 per ton.
- Several plow trucks mounted up and one remains available for brush pick-up until it snows.
- Roof replacement on Community Room is complete.

WATER SEWER REPORTS

Jon MacSwan, Highway Superintendent, reported as follows

- One service on Lockport Road.
- Meahl Rd. hookup.

ATTORNEY REPORTS -

No report

Supervisor Ellis reported as follows:

BEAR RIDGE SOLAR PROJECT

Supervisor Ellis reported that the Administrative Law Judge will be holding Public Hearings for NYS Renewable Energy Siting for additional public comment on December 13, 2022- 5:00 pm and December 14, 2022-6:00 pm at Cambria Vol. Fire Co., 4631 Cambria-Wilson Rd., Lockport, NY 14094. Cypress Creek is to send postcards to all Cambria Residents. Additionally the Town and COIS will have their own mailing to Town residents.

CONCERNS OF CITIZENS

Roger Palmer- Subbera Rd.

Mr. Palmer asked when those postcards from Cypress Creek will go out.

Supervisor Ellis indicated that he can ask them next Thursday.

Tyler Booth- - 5182 Ridge Rd/3037 Lower Mt Rd

Mr. Booth indicated that his family owns three properties in the Town and pays taxes, yet he has never been afforded an audience with the Town Board. He feels he does not have the access or the same rights as others do.

Mr. Booth asked the Town Board to resolve the issues as it is getting costly for both parties. He is willing to talk to anyone and welcomes them to come see what he is doing.

A brief discussion ensued.

As a result of an Article 78 proceeding, there is a period of time where the Town cannot communicate with the other party. However, the attorneys can do so.

Mr. Booth is asking the Board for a different Building Inspector from a different town, unrelated, to issue him permits. He should have access to do things on his properties that he needs to do. Mr. Booth reported that he has the option to request another Building Inspector or even for the county to step in to talk to him about permits.

Supervisor Ellis indicated that the county has no authority to issue building permits. Mr. Booth said Mr. McCann told him they did.

Supervisor Ellis acknowledged a Starpoint government student who was present to observe the meeting.

DISPOSAL OF VARIOUS EQUIPMENT

Action tabled until December.

RATIFY PLACEMENT OF ORDER FOR TORO ZERO-TURN MOWER

Supervisor Ellis was informed there was going to be a \$4,000.00 price increase for a Toro Zero-Turn Mower (budgeted for 2023) as of November 1, 2022. The Town had until noon on October 31, 2022 to place the order in order for them to honor the original price.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved to ratify the Supervisor's Action on October 28, 2022, to approve the purchase of a Toro Zero-Turn Mower to save the Town from a \$4,000.00 increase in price.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PROCUREMENT POLICY PURCHASE

2022 TRUCK CHASSIS PURCHASE

Mr. MacSwan, Highway Superintendent, reported that the Town ordered a new sign truck in January of this year. On November 1, 2022 he got notification that the order was cancelled by the Ford Motor Company. Mr. MacSwan found the exact item at Ed Shults Ford Lincoln in Jamestown, NY. They were willing to honor the same government pricing to the Town.

2022-17 Highway

2022 F350 4x4 Regular Cab truck to replace cancelled unit that was ordered a year ago.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved to approve the purchase from Ed Shults Ford, Jamestown, NY in the amount of \$46,840.00 for the purchase of a 2022 F350 4x4 Regular Cab truck on government pricing.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2022-18 Highway

Service Body Duromac SB-R-60-STD-DRW to include lighting and cabinet drawers.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved to approve the purchase from NTE, East Amherst, NY in the amount of \$26,702.00 for the purchase of a service body duromac SB-R-60-STD-DRW to include lighting and cabinet drawers.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

NYS ASSOCIATION OF TOWNS 2023 ANNUAL TRAINING

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve attendance by Town Employees and Officials to the NYS Association of Towns annual meeting and training school to be held February 19-22, 2023.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Town of Cambria Town Board
November 10, 2022

TRAINING COORDINATOR APPOINTMENT
Action tabled until January 2023.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Musall and seconded by Councilman Foe. Time: 8:11 pm

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk