

TOWN OF CAMBRIA TOWN BOARD

November 4, 2021

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 4th day of November 2021 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

BOARD MEMBERS PRESENT:

Matthew P. Foe, Councilman Deputy Supervisor
Jeffrey S. Hurtgam, Councilman
Benjamin D. Musall, Councilman
Randy M. Roberts, Councilman

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Jon MacSwan, Highway Superintendent
Robert Roberson, Attorney
Tim Walck, Wendel
9 Interested individuals

Absent: Wright H. Ellis, Supervisor

Following salute to the flag, Deputy Supervisor Foe opened the public hearing on the 2022 Preliminary Budget.

PUBLIC HEARING – 2022 PRELIMINARY BUDGET

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

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 4th day of November 2021 at 7:00 PM. Said public hearings shall be as follows:

- 1. Any objections to the 2021 Assessment Roll for the following Districts:

Amount to be Raised by Taxes:

Table with 2 columns: District Name and Amount. Rows include Cambria Water District (\$569,341.00), Cambria Fire District (\$569,534.00), Cambria Refuse & Garbage District (\$475,805.00), Cambria Sewer District No. 1 (\$339,340.00), and Cambria Drainage District (\$42,848.00).

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 2022 are as follows:

Table with 2 columns: Fire Company Name and Amount. Rows include Cambria Volunteer Fire Company (\$223,798.00), Cambria Volunteer Fire Company Ambulance Service (\$54,635.00), Pekin Fire Company (\$213,141.00), Pekin EMS Contract (\$40,458.00), and Sanborn Fire Company (\$11,026.00).

With an additional allocation of \$32,500.00 for the Service Award Program.

3. The Town Board will conduct a public hearing on the 2022 Preliminary Budget. A copy of the 2022 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:

Councilman	\$7,171.00	each
Justice	\$21,967.00	each
Highway Superintendent	\$67,663.00	
Supervisor	\$27,138.00	
Town Clerk	\$48,400.00	
Tax Collector	\$7,036.00	

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 2022 Preliminary Budget.

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

#### TOWN OF CAMBRIA TOWN BOARD

Deputy Supervisor Foe opened the public hearing for public comment.  
As there were no comments, the public hearing was closed at 7:05 pm.

#### **PUBLIC HEARING – Local Law No. 2 – 2021 re: Cannabis Opt-Out of allowing cannabis dispensaries or on-site consumption sites.**

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

#### **NOTICE OF PUBLIC HEARING Town of Cambria Proposed Local Law No. 2 - 2021**

**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 4<sup>th</sup> day of November, 2021 at 7:05 p.m. to hear and consider the adoption of Local Law entitled

Town of Cambria Local Law No. 2 - 2021

A Local Law authorizing the Town of Cambria to opt out of allowing cannabis retail dispensaries or on-site consumption sites as otherwise authorized under Article 4 of the Cannabis Law of the State of New York as the Regulations of the same are not yet available and there are unresolved issues regarding enforcement of the Cannabis Law.

Description of the contents of the Local Law:

- Section 1 – Legislative Intent
- Section 2 - Authority
- Section 3 – Local Opt-out
- Section 4 – Severability clause
- Section 5 – Permissive Referendum
- Section 6 – Effective Date

A copy of proposed Local Law No. 2 - 2021 is 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 will be heard at the Public Hearing to be held as aforesaid.

BY ORDER OF THE TOWN BOARD

Deputy Supervisor Foe opened the public hearing for public comment.

**Eric Wisor-2958 Ridge Rd.**

Mr. Wisor stated that Cambria is a Right to Farm Community. He has a store front and would like to run a dispensary. Mr. Wisor's daughter works in the Adirondacks at a place that grows and they are becoming a big company.

As there were no further comments, the public hearing was closed at 7:10 pm.

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

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the minutes of the Town Board meetings of October 14, work and regular, October 12 and 19, 2021 meeting.**

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

**-Motion Carried-**

**APPROVAL OF VOUCHERS**

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

**November 4, 2021**

<b>FUND</b>	<b>CLAIM</b>	<b>AMOUNT</b>
Cemetery	14	\$10.90
Drainage	6-8	\$12,332.88
General	465-505	\$44,568.11
Highway	170-188	\$15,587.60
Refuse	13	\$34,471.42
Sewer Operating	27 & 28	\$1,955.77
Trust & Agency	15	\$639.
Water Operating	142-155	\$12,516.60

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts it was resolved that the abstract of audited vouchers dated November 4, 2021 be approved as read by the Town Clerk.**

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

**-Motion Carried-**

**RESOLUTIONS 2022 BUDGET**

**APPROVAL OF 2021 ASSESSMENT ROLL/SPECIAL DISTRICTS**

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved to approve the 2021 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:

**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.

#### **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:

**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.

#### **2022 BUDGET**

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to adopt the 2022 Preliminary Budget with total appropriations of \$6,419,392.00.**

The question of the adoption of the forgoing Resolution was put to a roll call vote, which resulted as follows:

**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.

**(A copy of the 2022 Adopted Budget is included and made a part of these Minutes).**

#### **LOCAL LAW NO. 2 - 2021 RE: CANNABIS OPT-OUT OF ALLOWING CANNABIS DISPENSARIES OR ON-SITE CONSUMPTION SITES.**

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to table the local law for further examination of new state regulations.**

The question of the adoption of the forgoing Resolution was put to a roll call vote, which resulted as follows:

**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.

**RIDGE ROAD (ROUTE 104) CULVERT ISSUES**

Tim Walck, Wendel, reported that after the rainstorm in July, a handmade stone culvert under Rt. 104 collapsed and rendered the culvert not operable. This culvert drains several properties on the south side of Ridge Rd. Since that time, the only way for the properties to drain is with pumps. With freezing weather approaching, this will not be a viable option. The Town Board declared an emergency to get the culvert replaced under Rt. 104. Wendel put together plans and had them approved by DOT because it is a state road. They sent out for quotes to do the boring work and received two bids.

**Kandey Company, Inc. in the amount of \$197,980.00**  
**Case Boring Corp. in the amount of \$251,000.00**

Wendel's Engineering estimate for the work was \$200,000.00 with some contingency, so they are recommending that the Town Board accept the bid from Kandey Company Inc. in the amount of \$197,980.00.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall, it was resolved to award the contract for Rt. 104 culvert boring work to Candey Company, Inc. in the amount of \$197,980.00.**

The question of the adoption of the forgoing Resolution was put to a roll call vote, which resulted as follows:

**MATTHEW P. FOE voting AYE**  
**JEFFREY S. HURTGAM *Recused***  
**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 October: Total Receipts: \$25,161.43
- Building Inspector Report October: Total fees collected: \$ 2,556.90  
Estimated value of construction: \$ 691,261.00
- In receipt of a letter from Pekin Fire Company requesting to add members to their active roster: Lauren Rick, 100 Scovell St. Lockport- The physical paperwork was received 10/22/21.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved to approve the addition of Lauren Rick, 100 Scovell St., Lockport to Pekin Fire Co. active roster. Physical paperwork has been received. (10/22/21)**

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

- In receipt of a letter for resignation from Alan Johnson, from the Zoning Board of Appeals, dated November 3, 2021.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to accept with regret, the resignation of Alan Johnson, from the Zoning Board of Appeals, in a letter dated November 3, 2021.**

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

## **HIGHWAY SUPERINTENDENT REPORTS**

Jon MacSwan, Highway Superintendent, reported as follows:

- Finished brush pick up.
- Continuing to do road side mowing.
- Still waiting to get some roads striped.
- Finished mowing cemeteries.
- Getting snow plows ready, two trucks are together with salters.

## **WATER SEWER REPORTS**

Jon MacSwan, Highway Superintendent, reported as follows:

- Winterizing hydrants.
- Collecting irrigation meters.
- Two services on Upper Mountain Road and Subbera Road.
- GIS- valve locations should be complete by Monday.

## **PARKS/RECREATION**

Jon MacSwan, Highway Superintendent, reported as follows:

- Skating rink is ready. Changing house is ready.
- Bathrooms are winterized and closed.
- Solar light was installed on flag pole.
- New Town Park sign.

## **ATTORNEY REPORTS**

Mr. Roberson reported on the proposed Bear Ridge Solar Project.

Mr. Roberson reported that Cypress Creek invited Fire Companies and Town Officials to discuss safety plans for the proposed solar site. After an hour it was very clear that the proposed plan they passed out contained no significant information and uninformative. Cypress Creek representatives had no knowledge about the subject matter. The Fire Companies asked good questions but received no answers.

Deputy Supervisor Foe thanked Mr. Roberson and indicated it seems as though Cypress Creek is just checking off boxes as they continue through the process. He stated that he believes the community has faith in home rule and they elect representatives accordingly. The State of NY is not following the NY State Constitution and not listening to local Zoning Laws. Supervisor Ellis and Deputy Supervisor Foe have a standing monthly meeting with Cypress Creek and it has been cancelled three times on short notice.

Deputy Supervisor Foe also indicated that Jonathan Schultz, Niagara County Fire Coordinator and Director of Emergency Services, has forwarded a list of items to Cypress Creek that need to be addressed.

## **CONCERNS OF CITIZENS**

### **Karen Kurczynski – 6463 Saunders Sttmt. Rd.**

Ms. Kurczynski stated that if this solar project is approved her home will be located in the midst of the solar panels. they received a letter from Cypress Creek asking if they have a well on the property. They do not have a well but they do have a ditch that runs across their property. That same ditch will be the drainage for the solar panels and they contain carcinogenic properties. That will drain into Bull Creek, which will drain into Tonawanda Creek which will go into the canal which will go into Niagara River and end up in the lake. This will be water everyone uses.

Mr. Roberson suggested Ms. Kurczynski write a letter to the Federal EPA.

### **John Soto 5226 Baer Rd.**

Mr. Soto addressed the Town Clerk and asked if she was able to find a report that he gave to the previous Town

Clerk in 2010 from the Army Corp of Engineers re: uranium rods that were dumped along the railroad tracks in the general location where the proposed solar project is to go and it was never abated.

The Clerk responded that as per yesterday's conversation she still had a couple more places to look and will inform him either way.

**Sharon Tazner-5693 Subbera Rd.**

Ms. Tazner agreed with Mr. Roberson's report on the Solar meeting. Cypress Creek had no answers and the gentleman on the phone was a bit condescending. The Fire Chiefs were very concerned and had valid questions with no answers.

**NEW BUSINESS**

**NYS ASSOCIATION OF TOWNS ANNUAL MEETING AND TRAINING SCHOOL**

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved to approve attendance to by Town Employees to the NYS Association of Towns annual meeting and training school.**

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

**-Motion Carried-**

**PETTY CASH ACCOUNT**

Deputy Supervisor Foe reported that the petty cash is currently handled in the Building Inspectors office however will be transferred to the Account Clerk in the Supervisor's Office.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the transfer of petty cash from the Building Inspector's Office to the Supervisor's Office.**

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

**-Motion Carried-**

**UNION NEGOTIATIONS**

Deputy Supervisor Foe reported that the first meeting for union negotiations with the Highway Department will be on November 15, 2021 at 2:30 pm.

**PEKIN FIRE COMPANY 2021 ROSTER**

Town Board has not received the updated active roster from the company after requesting it for several months.

**BUDGET**

Deputy Supervisor Foe complimented Supervisor Ellis for his diligence on the Town's \$6,419,392.00 budget. The Town keeps the taxes low, and stayed under the tax cap by \$10,937.00. He went on to thank the Supervisor, Department Heads and the Town Board for making that happen.

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Roberts. Time: 7:34 pm

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

**-Motion Carried-**

Respectfully submitted,

Tamara J. Cooper, Town Clerk