

**TOWN OF CAMBRIA TOWN BOARD**  
**October 8, 2020**

The regular meeting of the Town of Cambria Town Board was held pursuant to Governor Cuomo's Executive Order 202.1, temporarily modifying the Open Meetings Law due to the COVID-19 pandemic and in the interest of public safety. Town Board members met via teleconference at 7:00 pm on the 8<sup>th</sup> day of October 2020.

The following board members were present:

**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  
2 interested parties

Supervisor Ellis indicated that there will be two public hearings. He asked anyone wishing to speak, outside any comments that were submitted by e-mail, please unmute their microphone, identify themselves and make their comment. Each person will have two minutes to speak. They will be informed when the time is up and they will be requested to re-mute their microphone.

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

**PUBLIC HEARING – LOCKPORT/CAMBRIA WATERLINE CONTRACT**

TOWN OF CAMBRIA WATER DISTRICT Notice of Public Hearing Waterline Replacement - Replacing existing 8 inch waterline with a 10 inch PVC waterline with necessary accoutrements situate on the east side of Junction Road from the intersection of Lockport Road to the intersection of Upper Mountain Road.

PLEASE TAKE NOTICE that the Town Board of Cambria, Niagara County, New York will meet at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York on the 8th day of October, 2020 at 7:00 PM for the purpose of conducting a public hearing on a certain Map, Plan and Report and estimate of costs relating to the replacement of the existing 8 inch waterline starting at the intersection of Lockport Road and Campbell Blvd. running north on the east side of Junction Road to the intersection of Upper Mountain Road with a 10 inch PVC waterline together with necessary accoutrements, as shown on the Map, Plan and Report prepared by Wendel (Engineers and Architects) for the Town of Lockport and Cambria Water District of the Town of Cambria at an estimated maximum cost of \$515,000.00 for the Town of Cambria, and environmental consideration in connection therewith under SEQRA, at which time and place the Town Board will hear all persons interested. A copy of said Map, Plan and Report and estimate of cost is on file in the office of the Town Clerk where the same may be examined by interested persons during regular business hours.

**BY ORDER OF THE TOWN BOARD**

Supervisor Ellis gave a brief history of the project. The Junction Rd. Campbell Blvd. waterline is a joint line owned by Town of Lockport and the Town of Cambria. The 8" line referred to is one of the original lines in the water system and needs to be replaced.

Cambria did not have the financial funds to support project since was already committed to the waterline Saunders Settlement Rd. running from Baer Rd. to the college. The construction was completed last year by the Town of Lockport. In the meantime, as our own project has proceeded, we found that it didn't cost quite as much as we had originally forecast. The bids were lower, and the Town is in a position where it can pay its fair share of that water

line. Tonight's public hearing is to authorize the Town to borrow \$515,000, and it will pay that back over a five year period, and in return for that, we'll have a 50% ownership of the line, as we did before.

Supervisor Ellis opened the hearing for public comment.

As there were no comments, the public hearing was closed at 7:05 pm.

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

**PUBLIC HEARING -TOWN OF CAMBRIA PROPOSED LOCAL LAW NO. 1 - 2020 THE NOISE POLLUTION CONTROL LAW OF THE 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 the 8th day of October, 2020 at 7:00 p.m. to hear and consider the adoption of Local Law entitled Town of Cambria Local Law No. 1 - 2020 "The Noise Pollution Control Law of the Town of Cambria" Description of the contents of the Local Law: Section 1 - Declaration of Policy Section 2 - Title Section 3 - Noises prohibited (a) Radios, televisions and similar devices (b) Hours of prohibition - 9:00 p.m. and 8:00 a.m. (c) other noises (d) requirement of adequate mufflers Section 4 - Exemptions Section 5 - Penalties Section 6 - Severability clause Section 7 - Effective date A copy of proposed Local Law No. 1 - 2020 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**

Supervisor Ellis gave a brief background for the proposal of the new law. The present law was drafted in 1980. Recently, the Town identified two problems with the law. The Town has an area of the concern with highly amplified music, whether it comes from a band, or a recording. This has caused difficulties in some areas of the town. Second, was a recognition that in the 1980 law that the Town had not addressed noise making from agriculture. Farmers become involved in many agricultural practices that will create noise. A new section had been added to address this under exemptions. The noise associated with the best agricultural practices, are exempted from the provisions of this local law. Examples would include operating machinery, planting and harvesting noises, and anti-bird animal noise like cannons. While some practices are round the clock the Town encourages farmers to limit the use of noise cannons to daylight hours, and no later than the 10:00 pm if possible. Another section has been added regarding musical groups playing or musical recordings including amplification of musical instruments and other like devices which are not properly modulated.

The Town is in receipt of four e-mails with comments about the local law; three of them are the same stating the law is not specific enough; asking that procedures be adopted to measure specific noise levels and to set noise levels in decibels that could be monitored. A concern being, that if it is not done then the matter could not hold up in court. In the Town of Cambria, we are not trying to go to court through this law. We do feel that in our experience, most of the people in the town when a noise issue is brought to their attention, do correct it. So the Town Board doesn't see the need to get into the expense of trying to measure specific amounts of noise, it will be up to good judgement of people in the town.

Supervisor Ellis indicated that the fourth, e-mail was from the Shawnee Snow Chiefs, a snowmobile club, with concerns about noise. He talked to them and they understand what the Town Board is trying to do with this law and the mention of snowmobiles is no different than it was in the 1980 law. The snowmobile club by their own actions maintain trails, which are far removed from residential properties and the only exception being where they cross highway, they do have the permission of the landowner's, which is covered in the ordinance. One change that Supervisor Ellis would suggest after he looked at it, is the prohibition time for snowmobiles. It was listed between 9PM and 8AM, other prohibition times in the noise ordinance are 10PM. He suggested to the board that they adopt this and change paragraph Section three B to read between the hours of 10PM and 8AM.

As there were no comments, the public hearing was closed at 7:13 pm.

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 regular Town Board meeting of September 10, 2020.**

The question of the approval of the September 10, 2020 Town Board minutes 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.

**APPROVAL OF VOUCHERS**

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

**October 8, 2020**

Drainage	12 & 13	\$1,327.41
General	393-423	\$102,147.74
Highway	136-148	\$46,927.02
Refuse	16	\$30,752.19
Sewer Operating	31 & 32	\$1,760.94
Trust & Agency	13-17	\$2,046.56
Water Construction	15 & 16	\$49,740.61
Water Operating	158-170	\$79,334.46

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated October 8, 2020, except for abstract #15 in the Water Construction Fund be approved as read by the Town Clerk.**

The question of the approval of the October 8, 2020, abstract of audited vouchers 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.

**LOCKPORT/CAMBRIA WATERLINE CONTRACT**

Supervisor Ellis reported the existing waterline is being replaced, this is a type II SEQR therefore no action is required. The Town will take out a bond for \$515,000 to be paid back over a 5 year period.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to authorize the borrowing and direct the Supervisor to handle the borrowing of \$515,000, to be paid back over a 5 year period.**

The question of the approval of the Lockport/Cambria waterline contract 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.

#### **NOISE POLLUTION CONTROL LAW OF THE TOWN OF CAMBRIA**

Supervisor Ellis stated the change in the local law for paragraph 3 B; time change to 10PM – 8AM.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve Local Law #1, 2020 Town of Cambria Noise Pollution be approved with the change to paragraph 3 B time change to 10PM – 8AM.**

The question of the approval of the Local Law #1, 2020 Town of Cambria Noise Pollution 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.

#### **SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT**

Tim Walck-Wendel reported the following:

The Saunders Settlement Road Waterline Replacement is essentially done, a few punch list items to be completed

Councilman Musall commented down by NCCC there is a pile of dirt and small culvert pipe still out and a shut off valve on Baer Road seems high, it could be damaged by a plow in the winter time, they should be adjusted.

Wendel is in receipt of pay request #4 from 4<sup>th</sup> Generation in the amount of \$28,621.59. After review of the documentation, they are recommending approval.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the 4th payment request from 4<sup>th</sup> Generation Construction in the amount of \$28,621.59. (Water Construction-Claim #15)**

The question of the approval of payment to 4<sup>th</sup> Generation 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.

## **SOLAR LAW UPDATE**

Supervisor Ellis reported a citizen input committee will be assembled, 3 citizens from the community will be sought.

## **TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Town Clerk Report September: Total Receipts: \$23,143.24
- Building Inspector Report September: Total fees collected: \$3,895.25  
Total estimated value of construction: \$537,840.00

The Town Clerk is in receipt of a request from Cambria Fire Company to add Meghan Baughman, 4500 Lower Mountain Road to the active roster as a restricted member. She is under 18; physical paperwork was received October 2<sup>nd</sup>.

The question of the approval of the addition of Meghan Baughmann 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.

There will be a Halloween trick or treat drive thru at the Cambria Town Park from 2-5pm on Saturday, October 31<sup>st</sup>.

Newsletters have been mailed out and the electronic version is available on the Town's website.

## **HIGHWAY SUPERINTENDENT REPORTS**

No reports.

## **WATER SEWER REPORTS**

No reports.

## **ATTORNEY:**

No reports.

## **BEAR RIDGE SOLAR PROJECT**

Things have been quiet; the first draft under Article 94C is undergoing a series of hearings until December, there is new guidance for siting renewable energy projects. A conference call is scheduled for October 16, 2020.

Supervisor Ellis reported as follows:

## **VETERAN'S DAY**

The Town of Cambria's annual Veteran's Day ceremony has been cancelled due to COVID.

## **2021 BUDGET**

The 2021 Tentative Budget has been completed and submitted to the Town Clerk on 9/30/2020. The total tax lien is \$2,776,007 an increase of \$35,022 and \$24,851 below the NYS Tax Cap. The CHIPS funding in the Highway fund

is cut by 20%, sales tax is down 6%. The Town is using the reserve to make up the difference. A budget meeting is scheduled for October 22, 2020 at 7pm at the Town Hall.

**NEW BUSINESS**

**UNPAID WATER, SEWER, REFUSE AND TOWN CHARGES**

The Town Board was provided a listing of the unpaid Water/Sewer/Refuse/Town charges to be placed as a lien upon the real property for which services were provided. A copy of the listing is on file in the office of the Town Clerk.

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to place a lien on the Real Property for which services were provided in the amounts of: Unpaid Water: \$14,117.82; Unpaid Sewer: \$1,880.33; Unpaid Refuse: \$0; Town Charges: \$13,250.00 for a grand total of \$29,248.15.**

The question of the approval of the unpaid water, sewer, refuse and town charges tax lien 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.

**PROCUREMENT POLICY PURCHASE  
TOWN PARK 2020-14**

This is for rubber mulch for the Town Park new playground equipment, IMC Outdoor Living, Liberty Tire is the same vendor and product already in use here, and the proposal of \$7,540 includes shipping and handling.

Three quotes.  
IMC Outdoor Living St. Louis MO \$7,540.00  
NoFault Baton Rouge LA \$10,194.00  
IMC Outdoor Living St. Louis MO \$9,427.00

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the proposal from IMC Outdoor Living St. Louis MO in the amount of \$7,540.00 to include shipping and handling.**

The question of the approval of the rubber mulch procurement proposal 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**

The meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Roberts.  
Time: 7:38 pm

The question of the approval to adjourn 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.

Respectfully submitted,

Tamara J. Cooper, Town Clerk

DRAFT