

TOWN OF CAMBRIA TOWN BOARD

February 13, 2020

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 13th day of February 2020 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
Jon MacSwan, Highway Superintendent
Robert Roberson, Attorney
Tim Walck, Wendel Engineer
48 interested individuals

Following salute to the flag, 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 Hurtgam, it was resolved to approve the minutes of the Town Board meetings of January 9, 2020, regular and work 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:

February 13, 2020

Drainage	3 & 4	\$2,162.50
General	33-83	\$97,560.22
Highway	5-24	\$97,000.85
Refuse	1 & 2	\$30,630.57
Sewer Operating	4-10	\$264,947.04
Water Construction	2 & 3	\$3,758.32
Water Operating	9-39	\$60,129.39

Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall it was resolved that the abstract of audited vouchers dated February 13, 2020, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Tim Walck, Wendel Engineers, reported on the following:

SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT

Bids for the work to be done on the Saunders Settlement Road Waterline Replacement (new 12ö waterline from Baer Road to Shenk Road) were opened on February 11, 2020, at the Town Hall. There were four bids received and the low bid was from 4th Generation Construction, Inc. - Niagara Falls, NY. Wendel has reviewed the contract documents and are recommending award of the contract to 4th Generation in the amount of \$689,710.00 pending Town of Cambria Attorney review and approval of the bonds and insurances to be submitted. Weather pending, the work will begin in April and take 3-4 months.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to authorize award of bid for the Saunders Settlement Road Waterline Replacement to 4th Generation Construction Inc., Niagara Falls, NY, in the amount of \$689,710.00.

The forgoing Resolution was duly put to a vote on roll call, which resulted as follows:

MATTHEW P. FOE voting AYE
JEFFREY S. HURTGAM voting AYE
BENJAMIN D. MUSALL voting AYE
RANDY ROBERTS voting AYE
WRIGHT H. ELLIS voting AYE

The Resolution was thereupon declared duly approved.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved to authorize Wendel’s proposal for professional services during construction for the Saunders Settlement Road Waterline Replacement in the amount of \$136,500.00.

The forgoing Resolution was duly put to a vote on roll call, which resulted as follows:

MATTHEW P. FOE voting AYE
JEFFREY S. HURTGAM voting AYE
BENJAMIN D. MUSALL voting AYE
RANDY ROBERTS voting AYE
WRIGHT H. ELLIS voting AYE

The Resolution was thereupon declared duly approved.

Supervisor Ellis indicated that the Town Board authorized bonding of \$1.45 million. The bid proposal is considerably less than what was projected.

NIAGARA FALLS AIR RESERVE STATION (NFARS) COMPATIBLE USE PLAN

Supervisor Ellis reported that the NFARS Compatible Use Plan was first discussed in November of 2019. There were some concerns and after receiving further information the Town Board feels comfortable moving forward.

**TOWN OF CAMBRIA
COMPATIBLE USE PLAN RESOLUTION**

WHEREAS: The Niagara Falls Air Reserve Station (NFARS) is Niagara County’s largest employer with over 3000 full time and part time employees and is responsible for generating over \$88 million in annual payroll, \$168 million in annual economic impact and plays a critical role in our national security; and

WHEREAS: In the past, NFARS has found itself at risk of closure through the Base Realignment and Closure process (BRAC); and

WHEREAS: Through an intense and concentrated community effort, locally and in Washington, supporting NFARS, these closure proposals were reversed; and

WHEREAS: A persistent threat to any US Air Force installation is encroachment from land uses in surrounding areas that interfere with flight operations; and

WHEREAS: The presence of encroachments have led to US Air Force Bases being closed; and

WHEREAS: Local governments play a crucial role in evaluating and approving land uses and projects; and

WHEREAS: The municipalities of Wheatfield, Lewiston, Niagara, Pendleton, Cambria and Niagara Falls have all explored the Office of Economic Adjustment (OEA) program to fund the development of a Compatible Use Plan (CUP) to protect military installations in the long term viability of NFARS; and

WHEREAS: NFARS and NIMAC leadership have stated that a CUP designated by these communities would be a strong statement to the US Air Force that the community is invested in the long term viability of NFARS; and

NOW THEREFORE BE IT RESOLVED: That the Town of Cambria supports pursuing funding for a Compatible Use Plan through the Office of Economic Adjustment, in conjunction with the NFTA, Niagara County and NFARS for the purposes of coordinating local land use planning to prevent encroachment uses from interfering with operations at NFARS; and

BE IF FURTHER RESOLVED: That a copy of this resolution, be sent to the Niagara County Legislature, NFARS, NIMAC, Senators Charles Schumer and Kirsten Gillibrand.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the Niagara Falls Air Reserve Station "Compatible Use Plan" resolution.

The question of the adoption of the forgoing Resolution was duly 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 Resolution was thereupon declared duly adopted.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report January: Total Receipts: \$16,397.10
- Building Inspector Report January: Total fees collected: \$ 1,815.70
Total estimated value of construction: \$348,980.00
- Request from Cambria Volunteer Fire Co. to add Nicholas Tarnowski, 4710 Plank road to the active roster. Physical paperwork was received January 21, 2020.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved approve membership of Nicholas Tarnowski, 4710 Plank Rd., Lockport, to the Cambria Fire Co. active roster. Physical paperwork was received 1/21/2020.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Highway Dept. is trying out a new additive in the salt which is supposed to be good for lower temperatures.

WATER SEWER REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- There were two water leaks. Shawnee Road and Lower Mountain Road both were connection leaks.

ATTORNEY REPORTS

No reports.

BEAR RIDGE SOLAR PROJECT

Kevin Kohlstedt reported on the following:

Safety-

Safety is very important to Cypress Creek. One main concern residents are having is an evacuation plan for the proposed Bear Ridge solar project. After checking internally on the 200 solar projects, he has not come across evacuation requirements. They do however perform an emergency action plan with first responders and fire companies on all projects. In the event of an emergency all responders will know how to respond even though emergencies are extremely rare on solar projects. The plan will be developed in collaboration with the local fire companies and submitted with the Article 10 applications.

Supervisor Ellis asked Mr. Kohlstedt if Cypress Creek has ever had a project as close to a school as this one. There are approximately 6,000 students that will need to be evacuated and that is the concern.

Mr. Kohlstedt said yes, within a couple miles but not a project as large as Bear Ridge, but he will follow up on it. There are a few local schools that have solar panels adjacent to and on their facilities. Buffalo School District has 19 projects and UB has about 3,000 solar panels adjacent to their university.

Stipulations Process-They are preparing to file the stipulations for public comment. They have received comment feedback from the required parties. Notification has been received from the Cambria council that all comments have been addressed on the stipulations. They will be available for public comment for 30 days.

Supervisor Ellis clarified by stating that all comments had been addressed, but not to their satisfaction and will probably not sign it.

Field Work- the Town had asked that they be notified of any field work that may be coming up. In Pendleton there will be a DEC Wetland Boundary Verification when the weather clears- potentially in March.

CONCERNS OF CITIZENS

Prior to residents voicing their concerns, Supervisor Ellis reminded everyone of the proper meeting procedure where all questions and comments will be directed toward him. He will then decide if it can be addressed by him or someone else present.

Supervisor Ellis acknowledged a Starpoint student who was in attendance for government class.

- Residents are concerned about evacuation plan or lack there of, and even though the people have been told the panels are safe and rarely have fires, they need some reassurance on the safety of the panels, type of panels and what they are made of. Also some concern as to whether or not there will be a battery storage

facility. A resident stated that at the Starpoint School Board meeting a representative from Cypress Creek indicated that there has been a fire on one of its facilities.

Mr. Kohlstedt stated that all Cypress Creek projects are built to national electric code standards and that any panel or any piece of equipment on the project would be verified and considered safe by national standards. He understands the interest in knowing the exact solar panels that will be used for the project. They have provided an indicative solar panel that they typically use on these projects and will most likely be similar to what they will use on this project. They have been deemed safe on the other projects.

Supervisor Ellis indicated that as of yet, battery storage is not an issue.

- A resident said it has been reported that there is only silicon and glass in the solar panels with no heavy metals or carcinogens. What will the panels consist of and is there a model number.

Mr. Kohlstedt does not have an exact model number that is something that will be determined and shared once the project is further in design roughly one to two years. The panels are comprised of glass, silicon, copper to connect the circuits and aluminum framing. The materials are largely non-flammable and fires are rare. Tesla has an issue with fires but Cypress Creek does not use Tesla panels. They are looking at a Canadian Solar panel for the Bear Ridge project.

- A resident asked what type of panels would be efficient in this area when snow covered and with no access to light for perhaps a couple days?

Mr. Kohlstedt indicated that what they are considering for the Bear Ridge project are Bifacial Panels which utilize sunlight from the surface but also uses sunlight that is reflected off the ground. There will be times where there will be snow on the top of the panels. It is expected that in a day or two that snow will melt off and fall to the ground. The light that is reflected off the white snow will hit off the back of the panel and will generate electricity even when snow covered.

- A resident asked what noise pollution will be associated with this 900 acre project.

Mr. Kohlstedt stated that noise is part of the project that will be studied and submitted with the Article 10 application. There are detailed requirements and they will comply with all of them. The panels themselves do not make noise however, the inverters, transformers and some electrical equipment may make some noise comparable to an air conditioner.

- A resident stated that Pendleton and Cambria should not be considered in this project together. They are two separate entities. Is there a written agreement between the two towns to act as one?

Supervisor Ellis stated there is not.

- A resident stated that the comparisons of local schools with solar panels are not accurate. There are two different infrastructures. UB has a nuclear reactor and they can also utilize buses to evacuate from the area. Our rural environment is not equipped to handle this.

Councilman Roberts would like the local fire companies to submit their opinion on whether or not they are equipped to handle a large disaster and what training would they need to react to an emergency situation.

- At a community meeting Mr. Kohlstedt stated that if Cambria did not want this project Cypress Creek would pull out. Do they still stand by that statement?

Mr. Kohlstedt stated that they are hearing from people who support the project and they plan to continue to develop the project hoping to show the economic and environmental benefits.

David Godfrey, Niagara County Legislator reported the following:

- Commends the Town Board on moving forward with the Compatible Use Plan Resolution.
- Broadband- Niagara and Orleans working together to bring broadband to 100% of both counties. USDA is in the second round of funding with \$500,000,000.00. We are positioned to bid in the second round. An application will be submitted through Wendel Engineer on behalf of both counties to apply for funding.
- Dredging- the Governor put forth \$15,000,000.00 to dredge 19 small harbors on the south shore Lake Ontario. This year and next year the harbors will be dredged with state funding.
- Article 10- at the county level, did not received notification of a special meeting that was held at 9:30 am in Albany at Department of Public Services. This was to begin looking at revisions in the Article 10 process.
 - Supervisor Ellis indicated this meeting had to do with wind power and setbacks and the impact on contractors, etc.
- There will be four resolutions going to the Legislature on the 18th.
 - There will be a vote of the people on solar/wind projects.
 - County is looking to opt out of tax breaks.
 - Vendors will put up a bond which the county will approve in order to protect working farmland.
 - Form Ad Hoc Committee to examine Article 10
- Lake levels- the lake levels are now 9ö higher than they were last year. This is four months ahead of schedule.
- Concerns with ambulance response time. In 2019 the average response time to the scene was 26 minutes.

Supervisor Ellis asked if Mr. Godfrey brought copies of the mentioned resolutions to the meeting. He said they will be posted tomorrow on the website under agendas.

Supervisor Ellis reported as follows:

- Niagara County Solid Waste Consortium ó The Towns of Newfane, Somerset, Pendleton & Cambria went in together on bidding for refuse contracts and that is when the Town brought in recycling carts. At that time there was a break in the price however, the contract expires at the end of the year. The current contract includes two renewable options. There is a concern with Modern because they have been sending signals that they will be increasing prices considerably because of the changes with recycling.
- Electricity- The Town currently gets their electricity supplied from Constellation Energy (Texas) National Grid provides the transmission. In the beginning it saved a considerable amount of money. Now that the initial contract is up the prices are going back up. The Town is currently negotiating with National Grid to go back for both the supply and transmission.
- Forsyth-Warren Farm-Warrens Corners- In receipt of a letter from Parks, Recreation and Historic Preservation indicating that they have been listed on the National Register of Historic Places. Supervisor Ellis indicated that it is a very impressive achievement and thanked Mr. Booth and wished him good luck.

FIRE COMPANY 2020 ROSTERS

Supervisor Ellis reported the Town Clerk is in receipt of the 2020 Fire Company Roster for Pekin Fire Company.

Upon a motion duly made by Councilman Musall and seconded by Councilman Roberts, it was resolved to approve the 2020 Pekin Fire Company Roster to be covered by Workmen's Compensation provided for by the Town.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

AGREEMENT TO EXPEND TOWN HIGHWAY FUNDS

The annual agreement to expend Town Highway funds needs to be approved in the sum of \$526,400.00. The improvements will focus on Andrews Rd. leading to Burch Rd. (2,860~~0~~) mill and re-pave; and Marjorie Drive leading to Lower Mountain Rd. (750~~0~~) mill and top coat.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the agreement to spend Town Highway funds.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

RESIGNATION

SALLY MAROTTA-REED

Supervisor Ellis is in receipt of a letter of resignation from Sally Marotta-Reed dated January 31, 2020, and will take effect February 14, 2020. She will be stepping down from her position of Parks and Recreation Director. In her letter, Ms. Reed thanked everyone for their support over the years.

Ms. Reed has worked in the recreation area for several years. She started out as a Counselor, Site Leader to overall Program Director. She has done a good job and the Town has had one of the best Recreation Programs in the county, if not the best. The Town Board appreciates the effort she put forth and wishes her the best.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to accept with regret the resignation of Sally Marotta Reed.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PROCUREMENT POLICY PURCHASES

2020-02

HIGHWAY

The Highway Superintendent is in receipt of two proposals for wood/brush grinding.

Zoladz Construction - \$7,950.00

Lardon Construction Company-\$4,900.00

The low proposal was from Lardon Construction Company in the amount of \$4,900.00.

Upon a motion duly made by Councilman Foe and seconded by Councilman Musals, it was resolved to accept the proposal from Lardon Construction Company in the amount of \$4,900.00 to grind wood/brush waste and leave debris for use in the Town.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2020-03

GENERAL

The Highway Superintendent is in receipt of three proposals for installation of a new man door in the municipal garage building.

Vaughn Door Center, Inc.-\$3,985.00

Twin City Glass-\$4,969.00

G.D. Wendt Builders-\$4,460.00

The low proposal was from Vaughn Door Center, Inc. in the amount of \$3,985.00.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to accept the proposal from Vaughn Door Center, Inc. in the amount of \$3,985.00 for replacement/installation of man door in municipal garage building.

**2020-04
HIGHWAY**

The Highway Superintendent is in receipt of three proposals for ash tree removal.

Baker’s Tree Service-\$265.00 per hour

B.L. Tree Care-\$225.00 per hour

O’Reagan’s Landscaping-\$285.00 per hour

The low proposal was from B.L. Tree Service at an hourly rate as opposed to a lump sum. The amount would be \$225.00 per hour.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to accept the proposal from B.L Tree Care for the removal of ash trees in the Town of Cambria in the amount of \$225.00 per hour.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

OLD HIGHWAY GARAGE BUILDING

Supervisor Ellis indicated that the Town has received the insurance money from the truck accident that took down the old highway garage last summer. The money was deposited into the General Fund however, \$8,000.00 of that represents the value of the chipper and that amount needs to be returned to the Refuse Fund as that is where it was purchased from.

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall, it was resolved to authorize the Supervisor to transfer \$8,000.00 from the General Fund to the Refuse Fund.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

WORK MEETINGS

Supervisor Ellis indicated that the Town Board work meetings will be going back to 10:30 am on the second Thursday of each month. This allows time to do follow up on any item that needs attention before the Town Board meeting.

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Hurtgam.

Time: 8:05 pm

Respectfully submitted,

Tamara J. Cooper, Town Clerk