

Approved

TOWN OF CAMBRIA TOWN BOARD

October 12, 2023

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 12th day of October 2023 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
Randy M. Roberts, Councilman

Benjamin D. Musall, Councilman-absent

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Steven Kroening, Highway Superintendent
Gary Billingsley, Attorney
10 Interested Individuals

Following salute to the flag, Supervisor Ellis called the 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 Roberts it was resolved to approve the minutes of the Town Board meetings of 9/14/2023-work and regular; Fire Company Budget Meeting 9/21/2023 and Presentation of Tentative Budget meeting 10/4/2023.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

APPROVAL OF VOUCHERS

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

October 12, 2023	CLAIM NUMBERS ALL FUNDS 152-287	ACCOUNT
Cemetery		\$ 4,895.82
Fire Protection		\$ 3,900.00
General		\$ 120,172.00
Highway		\$ 19,962.45
Refuse		\$ 39,912.89
Sewer Operating		\$ 2,353.51
Water Operating		\$ 93,675.49

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved that the abstract of audited vouchers dated October 12, 2023, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

LOCAL LAW #2-2023-REGULATION OF BUILDING CONTRACTORS

Upon a motion duly made by Councilman Foe and seconded by Councilman Robert it was resolved to withdraw from further consideration of Local Law #2-2023-Regulation of Building Contractors-Public Hearing was held:9/14/2023.

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
RANDY ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

FAIR VILLAGE SEWER REPLACEMENT PROJECT

Tim Walck, Wendel Engineers reported that a pre-construction meeting is scheduled with NFP and Sons for Wednesday, October 23, 2023, at 9:30 am at the Town Hall. The project is slated to begin the following week.

WATER SUPPLY VULNERABILITY ASSESSMENT - CYBERSECURITY

No report.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report September: Total Receipts: \$ 19,664.38
- Building Inspector Report September: Total fees collected: \$ 2,162.53
Estimated value of construction: \$ 543,480.00
- In receipt of a request from the Cambria Fire Company to add the following to the active roster:

Adam Yurek-18 Euclid Ave, Lockport; Benjamin Miller-3621 Lower Mt. Rd., Sanborn; James Bognar-4883 Townline Rd., Sanborn and Keedyn Warrant-2681 Albright Rd. Ransomville-birthdate provided puts him at 14.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the following to be added to the Cambria Fire Company's active roster: Pending physical paperwork: Adam Yurek-18 Euclid Ave, Lockport; Benjamin Miller-3621 Lower Mt. Rd., Sanborn; James Bognar-4883 Townline Rd., Sanborn.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

Keedyn Warrant-2681 Albright Rd. Ransomville (14 years old)

-New by-laws received and to be reviewed by the Town Board in order to verify age requirements; action tabled until November. No physical paperwork has been received.

- Working on getting the newsletter out by Monday.

HIGHWAY SUPERINTENDENT REPORTS

Steven Kroening, Highway Superintendent, reported as follows:

HIGHWAY:

- Hahn ditch completed, moving machine to Baer Rd.

- Continuing off road ditching.
- Brush pickup until November 1st.
- Currently working on final mowing of roadsides.
- Tire dropoff Saturday, October 21 from 8:00 am to 12:00 noon (passenger truck and car tires only) limit of 8 tires, must show proof of residence. Electronic recycling will also be accepted during the same time.

CEMETERY:

- Water is drained.

WATER/SEWER

- Sewer line extension of Comstock Rd. is progressing.
- New water meters are being installed.
- Hydrants being prepped for winter.

TOWN PARK

- Trunk or Treat October 29 from 1:00 pm to 3:00 pm.

ATTORNEY REPORTS

No reports.

Supervisor Ellis reported as follows:

- **2024 Budget-** Work is underway on the 2024 Budget and should be finished and ready to be approved for the November meeting.

CONCERNS OF CITIZENS

Gina Merlo-Green Road

- Ms. Merlo mentioned the sign at the park that was provided from the County still has errors.

Steven Kroening, Highway Superintendent is aware and they are waiting for the corrected signs.

- She is also asking the Town Board to consider removing Columbus Day as a holiday and replacing it with Indigenous People Day.
- Requested again to the Town Board and Highway Superintendent that Green Road be considered to be paved with asphalt next year in the 2024 Budget. Ms. Merlo indicated that Plank Road was paved with asphalt and is approximately the same distance and perhaps wider than Green Road.

Mr. Kroening indicated that Green Road was chipped sealed, and that product will last up to three to five years. Plank Road was recycled, and nothing was ever done with it and was chip sealed once. In order to save the road (Plank), it was sealed with NOVA chip. Budd Road is in worse condition than Green Road and in order to save it, something needs to be done perhaps next year. The roads in Town are so long that it takes $\frac{3}{4}$ of the budget to do one road roughly. Mr. Kroening indicated that Plank and Green are not the same square footage, but does not have the information on hand.

NEW BUSINESS

UNPAID WATER, SEWER, REFUSE CHARGES FOR TAX LEVY

The Town Board was provided with 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 Foe 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:

\$19,392.80; Unpaid Sewer: \$3,865.89; Unpaid Refuse: \$675.12; Water Late Fee: \$14,700.00 Town Charges: \$111.50 for a grand total of \$38,745.31.

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
RANDY ROBERTS voting AYE

The resolution was thereupon declared duly adopted.

BEAR RIDGE SOLAR PROJECT LITIGATION

Supervisor Ellis reported that on July 31, 2023, ORES issued a permit to Cypress Creek for the Bear Ridge Solar project that excluded 122 acres from the original acreage. This area is Planned Development and there are restrictions for what it can be used for. The developer had 90 days to appeal that ruling (to exclude the 122 acres) and the Town has heard nothing. The Town also has 90 days to appeal the ruling. The Town feels that it is not correct in that the Town was never granted party status to pursue matters through the courts. They overrode the Town's Zoning and Solar Laws and some other Town ordinances.

A RESOLUTION AUTHORIZING SPECIAL COUNSEL TO COMMENCE AN APPEAL OF ORES PERMIT ISSUED TO BEAR RIDGE SOLAR, LLC

WHEREAS, the Town of Cambria previously retained Dennis C. Vacco, Esq. and Carmen A. Vacco, Esq., Lippes Mathias LLP, to act as special counsel to the Town in connection with the Bear Ridge Solar project; and

WHEREAS, on or about July 31, 2023, the New York State Office of Renewable Energy Siting ("ORES") issued a decision (the "Decision") which included a denial of the Town's petition for party status and made certain other determinations that were unfavorable to the Town; and

WHEREAS, the Town has reviewed the Decision with its legal counsel and has, upon further consideration, determined that pursuing an appeal of the ORES Decision would at this time be in the best interests of the Town, its residents, and would be in furtherance of the health, safety, and general welfare of the public;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes and directs Lippes Mathias LLP, to commence an appeal of the ORES Permit, and to prepare and file any further documentation which may be necessary in furtherance thereof.

Upon a motion duly made by Councilman Robers and seconded by Councilman Hurtgam it was resolved to approve the Resolution authorizing the special counsel to commence and appeal of ORES permit issued to Bear Ridge Solar, LLC.

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
RANDY ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

LOCKPORT ROAD SEWER EXTENSION

Supervisor Ellis indicated that the Lockport Rd. sewer extension is a project the Town embarked upon several years ago with the Cambria Tech Park. Site Plan and Report was done for the water and sewer line and bonding was approved for both. The Town was able to afford the waterline at the time. The sewer was a little expensive at that time. The Town applied for a grant through the Empire State Development; that was several years ago. The

application has been renewed every year. In April 25, 2022, the Town was notified that they have been approved for \$500,000.00. Now that the Bear Ridge Solar project cannot use this acreage, the Town can move forward with the sewer extension on Lockport Rd.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to authorize Wendel Engineer to prepare a proposal to develop Bid Specs and to handle the Bid process and to process the grant application.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

PROCUREMENT POLICY PURCHASES

**2023-38 Cemetery
8810.046**

Engine for Ferris Mower
Replacement for broken engine.

Outdoor Eq. Equipment Lockport, NY \$4,799.49-sole source

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve the purchase of an engine for a Ferris Mower from Outdoor Eq. Dist. Sole source in the amount \$4,799.49.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Musall. Time: 7:30 pm.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

Respectfully submitted,

Samara J. Cooper, Town Clerk