

## **TOWN OF CAMBRIA TOWN BOARD**

**September 11, 2025**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 11<sup>th</sup> day of September 2025 at the Cambria Fire Hall, 4631 Cambria-Wilson Rd., Town of Cambria, New York.

### **BOARD MEMBERS' PRESENT:**

Matthew Foe, Supervisor  
Louise Brachmann, Councilwoman  
Jeffrey S. Hurtgam, Councilman  
Benjamin D. Musall, Councilman  
Randy M. Roberts, Councilman

### **ALSO PRESENT:**

Tamara J. Cooper, Town Clerk  
Abe Platt, Attorney  
Steve Kroening, Highway Superintendent  
Approx. 94 interested individuals

Following salute to the flag Supervisor Foe asked for a moment of silence for first responders and those who lost their lives on 9/11.

Supervisor Foe indicated that he was humbled and honored to be sitting in the Supervisor seat. He stated that the Town Board heard the people loud and clear at the last meeting. The Town Board will be changing things up as you will see during the course of this meeting. He asked anyone who has a complaint, concern or issue to talk to the Town Board members or him.

Supervisor Foe gave a brief description of the public hearing on Local Law #2 – “A Local Law Modifying the Residency Requirement for Town Attorney”. He indicated that the previous Supervisor canvassed the area for an attorney, to the best of his knowledge there are 3 attorneys in Town. 2 practice municipal law and are ready to retire; the 3<sup>rd</sup> one does not have municipal law experience. From the Town’s perspective it spends an average of \$125,000.00 per year on attorney fees. This means making phone calls and scheduling meetings. The Town Board feels that having an attorney on site allows the Town employees to speak to the Attorney at a moment’s notice.

Supervisor Foe also talked about the proposed solar project. He talked to the developer from NYC. He asked what it means for Cambria that the New Green Deal is going away. He was told that the company does not take any USDA funding and therefore it does not apply to them. Supervisor Foe also asked about the drop-dead date for shovel in the ground. They indicated that they already have the equipment constructed for the interface between solar panels and high-tension lines; they are sitting waiting to be put in place. This qualifies the project for already starting.

Unfortunately, that means Cambria is in a situation to where they need to work on a PILOT and host community agreement. The Town is putting together a team of experts to get the most out of the agreement because the most impact will be in Cambria. The developer has agreed to come in from NYC in order to talk to the COIS Group about the project.

Supervisor Foe asked the Clerk to read the Notice of Public Hearing for Local Law #2.

### **NOTICE OF PUBLIC HEARING TOWN OF CAMBRIA**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cambria on the 11<sup>th</sup> day of September, 2025, at 7:00 p.m., at the Cambria Volunteer Fire Company, 4631 Cambria-Wilson Road, Lockport, New York, on the adoption of a proposed Local Law entitled, “Local Law No. 4-2025, A Local Law Modifying the Residency Requirement for Town Attorney” an abstract of which is as follows:

Said Local Law would expand the residency requirement relative to the position of Town Attorney to any municipality in Niagara County that adjoins the Town of Cambria.

The complete text of said proposed Local Law is on file at the Office of the Town Clerk, and is available for review by any interested person during business hours.

At such public hearing, all persons interested, who wish to be heard will be heard.

Supervisor Foe opened the Public Hearing:

Those who spoke had no problem with the residency requirement for the attorney but had some questions for the Town Board:

Questions from: Mary Brenzel, Charlotte Patterson, Rosanne Baughman, Catherine Billanti, Jeanette Miller

Why were the attorneys in town contacted before the position was created; will the attorney budget cover the overhead and if another attorney needs to be hired because of a conflict; why the increasing cost of attorney fees; and how did the town know there were only three attorneys in town and they had to search outside the town.

Supervisor Foe indicated that hiring an attorney at a labor rate vs. \$285.00 per hour justifies the expense. Especially with anticipated solar discussions coming up for 2026 and having someone in house to help with Planning Board, Zoning Board of Appeals and Building Inspector's office. Over the past several years, there has been an increase in attorney fees, retainers and litigation fees- when these wages go up so must the Town's. Supervisor Foe mentioned the attorneys in town who practice municipal law are all approaching retirement. Mr. Platt has been practicing law for 16 years and Niagara County is a small place. He and Supervisor Foe apologized for not knowing there was another attorney in town and asked if she practiced municipal law.

After all who desired to speak were heard, the public hearing was closed by Supervisor Foe at 7:27 pm.

Supervisor Foe called the regular meeting to order at 7:27 pm. Board members took action on 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 August 14, 2025, work and regular.**

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

MATTHEW P. FOE voting AYE  
RANDY ROBERTS voting AYE  
LOUISE BRACHMANN voting AYE  
JEFFREY S. HURTGAM voting AYE  
BENJAMIN D. MUSALL voting AYE

The Resolution was thereupon declared duly adopted.

#### **APPROVAL OF VOUCHERS**

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

**September 11, 2025**

<b>ACCOUNT</b>	<b>AMOUNT</b>
<b>Cemetery</b>	<b>\$ 372.23</b>
<b>Drainage</b>	<b>\$ 80.00</b>
<b>Fire</b>	<b>\$ 278.00</b>
<b>General</b>	<b>\$ 83,509.90</b>
<b>Highway</b>	<b>\$ 68,731.68</b>
<b>Sewer</b>	<b>\$ 2,089.21</b>
<b>Water Operating</b>	<b>\$ 10,611.32</b>

**Upon a motion duly made by Councilman Musall and seconded by Councilwoman Brachmann it was resolved to approve the abstract of audited vouchers dated September 11, 2025, be approved as read by the Town Clerk.**

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

**-Motion Carried-**

**OLD BUSINESS**

NONE

**REPORTS**

**SUPERVISOR**

Supervisor Foe reported as follows:

The Town will be establishing 3 (volunteer) committees:

- Ethics Board - 3 people-2 residents and 1 employee.
- Comprehensive Plan Committee -5 residents as needed.
- Agricultural Committee – 5 people 3-year terms

Please send letters of interest to the Supervisor.

**TOWN CLERK REPORTS**

Tamara J. Cooper, Town Clerk, reported as follows:

- Town Clerk Report August: Total Receipts: \$ 91,351.84
- Building Inspector Report August: Total fees collected: \$ 6,792.57  
Estimated value of construction: \$ 1,688,745.72
- In receipt of a letter to the Cambria Ethics Board dated 8/14/2025- distributed to the Town Board and the Town Attorney for review.
- In receipt of 2 other correspondences that have also been distributed to the Town Board.

## **HIGHWAY SUPERINTENDENT REPORTS**

Steven Kroening, Highway Superintendent reported as follows:

### **HIGHWAY:**

- Baer Rd. drainage culverts under railroad almost finished.
- Still mowing roadsides.
- Cambria trucks still helping other towns.
- Tire drop off October 18-8 car tires per resident household, no rims, no tractor tires or semi tires. There will be electronic recycling and mulch available the same day.
- Still off-road ditching (Pascoe Park)

### **CEMETERY**

No report.

### **WATER**

- Changing out meters.
- Flushing and winterizing hydrants

### **SEWER**

No report.

### **PARK**

- Mowing.
- Will be paving part of walking path & parking areas.
- Lacrosse and baseball practices are going on.

### **BLDGS & GROUNDS**

- Mowing.

### **ATTORNEY**

Attorney Platt indicated that there is a pending litigation, and the opposing party has hired Attorney Lippes and Mathias who also represents the Town on solar project. Mr. Platt explored the option of entering into a Dual Conflict Waiver Agreement. This will be productive and helpful for the Town to sign the agreement. Mr. Platt is recommending that the Town Board authorize the Supervisor to sign the agreement.

**Upon a motion duly made by Councilman Musall and seconded by Councilwoman Brachmann it was resolved to authorize Supervisor Foe to sign a Dual Conflict Waiver Agreement with Lippes Mathias LLP (the 'Firm') for settlement purposes only.**

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

MATTHEW P. FOE voting AYE  
RANDY ROBERTS voting AYE  
LOUISE BRACHMANN voting AYE  
JEFFREY S. HURTGAM voting AYE  
BENJAMIN D. MUSALL voting AYE

The Resolution was thereupon declared duly adopted.

## NEW BUSINESS

### PROCUREMENTS

Highway 2025-15  
5140.04

Grinding of big brush pile.

<b><i>Lardon Construction Corp Blasdell, NY</i></b>	<b><i>\$8,380.00</i></b>
Villani's Lawn & Landscape LLC Niagara Falls	\$9,929.82
St. George Enterprises Inc Fredonia	no quote

**Upon a motion duly made by Councilman Musall and seconded by Councilwoman Brachmann it was resolved to approve the procurement purchase from Lardon Construction Corp Blasdell, NY in the amount of \$8,380.00 for grinding of big brush pile.**

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

Highway 2025-16  
5142.02

One way snow plow.  
Replacement plow for truck #55 will hook up to existing truck plow frame.

<b><i>Valley Fab and Equipment Inc Boston NY</i></b>	<b><i>\$11,500.00</i></b>
Viking Cives Harrisville NY	\$9,234.60
Henderson Products Watertown NY	no quote

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the procurement purchase from Valley Fab and Equipment Boston NY in the amount of \$11,500.00 for a replacement plow for truck #55.**

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

### WORK SESSIONS

Supervisor Foe announced the work meeting for October will be held on Monday, October 6, 2025, at 6:00 pm at the Town Hall.

### TRANSFER FUNDS

Supervisor Foe indicated that the Town Board must do a line-item transfer in the amount of \$3,128.55 from 8810.043 Cemetery Equipment Line to 8810.046 Cemetery Maintenance.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the line-item transfer in the amount of \$3,128.55 from 8810.043 Cemetery Equipment Line to 8810.046 Cemetery Maintenance.**

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

### RESOLUTIONS

#### TOWN OF CAMBRIA RESOLUTION LOCAL LAW #2

**ADOPT LOCAL LAW NO. 2 OF THE YEAR 2025  
TOWN OF CAMBRIA COUNTY OF NIAGARA, STATE OF NEW YORK**

**A Local Law Modifying the Residency Requirement for Town Attorney**

Be it enacted by the Town of Cambria as follows:

**Section 1. Title**

This Local Law shall be known as and may be cited as “Local Law No. 2-2025, A Local Law Modifying the Residency Requirement for Town Attorney.”

**Section 2. Purpose, Intent and Authority**

The purpose of this Local Law is to ensure that the Town of Cambria is able to consider and appoint, as Town Attorney, individuals possessing the requisite and desired levels of legal expertise and relevant experience so as to permit them to competently carry out the duties of said office. The Office of Town Attorney was created by the Town Board pursuant to Town Law § 20. Increasing the pool of individuals who may be considered for appointment as Town Attorney by expanding the geographical area from which such individuals may be considered shall serve the Town’s purposes by providing a larger pool of potential appointees.

**Section 3. Residency in Adjoining Municipality Within County Required.**

Town Attorney of the Town of Cambria shall be a resident and an elector of any municipality within the County of Niagara and adjoining the Town of Cambria.

**Section 4. Supersession of State Laws.**

This Local Law supersedes Town Law §23, subdivision 1, Public Officers Law §3, subdivision 1, and Public Officers Law §30, subdivision (1)(d).

**Section 5. Statutory Authority.**

This Local Law is enacted pursuant to the New York State Constitution, Article IX, Section 2 (c)(1) and Municipal Home Rule Law §10, subdivisions 1 (ii)(a)(1) and 1 (ii)(d)(3).

**Section 6. Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of the State of New York.

BE IT RESOLVED THAT, that the Town Board does hereby enact a Local Law entitled, “A Local Law Modifying the Residency Requirement for Town Attorney,” to be renumbered as Local Law No. 2 of 2025 for filing purposes, waiving the requirement that the Town Attorney be a resident and elector of the Town of Cambria, and expanding the residency requirement to require that the Town Attorney be a resident and elector of the Town of Cambria or of one of the adjoining municipalities, to wit, the Town of Lockport, the Town of Newfane, the Town of Wilson, the Town of Lewiston, the Town of Wheatfield or the Town of Pendleton, as defined by the New York Court of Appeals in the matter of Holmes v. Carley.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to adopt Local Law #2 A Local Law Modifying the Residency Requirement for Town Attorney.**

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

MATTHEW P. FOE voting AYE  
RANDY ROBERTS voting AYE  
LOUISE BRACHMANN voting AYE  
JEFFREY S. HURTGAM voting AYE  
BENJAMIN D. MUSALL voting AYE

The Resolution was thereupon declared duly adopted.

#### **TOWN OF CAMBRIA RESOLUTION**

WHEREAS, the Town of Cambria has established the position of Town Attorney, pursuant to Civil Service guidelines; and

WHEREAS, the Town of Cambria has enacted a Local Law waiving the requirement that the Town Attorney be a resident and elector of the Town of Cambria, and expanding the residency requirement to require that the Town Attorney be a resident and elector of the Town of Cambria or of one of the adjoining municipalities of the Town of Lockport, the Town of Newfane, the Town of Wilson, the Town of Lewiston, the Town of Wheatfield or the Town of Pendleton.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Cambria Town Board does hereby establish an annual salary for the position of Town Attorney of \$125,000.00 for said position; and

BE IT FURTHER RESOLVED THAT, that the Town of Cambria Town Board does hereby set the term of expiration for said position to be one year; and

BE IT FURTHER RESOLVED THAT, that the Town of Cambria Town Board does hereby appoint Mr. Abraham J. Platt as Town of Cambria Attorney, effective October 6, 2025, his term to expire December 31, 2025.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to appoint Abraham J. Platt as the Town of Cambria Attorney effective October 6, 2025, his term to expire 12/31/2025.**

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

MATTHEW P. FOE voting AYE  
RANDY ROBERTS voting AYE  
LOUISE BRACHMANN voting AYE  
JEFFREY S. HURTGAM voting AYE  
BENJAMIN D. MUSALL voting AYE

The Resolution was thereupon declared duly adopted.

#### **TOWN OF CAMBRIA BOARD OF ETHICS RESOLUTION**

WHEREAS, the Town of Cambria has previously established a Board of Ethics pursuant to the Town's Code of Ethics; and

WHEREAS, the Town Board wishes to fill all present vacancies on said Board, whose members serve at the pleasure of the Town Board and without compensation.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby calls for applicants who wish to be considered for appointment to the Town of Cambria's Board of Ethics to communicate their requests for consideration

to the Town Supervisor on or before October 9, 2025. All such applicants must be residents of the Town of Cambria and one such potential Board member must be an employee of the Town of Cambria; and

**BE IT FURTHER RESOLVED**, that the Town Attorney is hereby appointed to provide advice and counsel to the Board of Ethics with respect to the Board's dual roles of rendering confidential advisory opinions to the Town Board and proposing recommendations as to potential amendments to the Town's Code of Ethics.

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved to call for applications for Town of Cambria Ethics Board and fill all present vacancies on or before October 9, 2025.**

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

MATTHEW P. FOE voting AYE  
RANDY ROBERTS voting AYE  
LOUISE BRACHMANN voting AYE  
JEFFREY S. HURTGAM voting AYE  
BENJAMIN D. MUSALL voting AYE

The Resolution was thereupon declared duly adopted.

#### **TOWN OF CAMBRIA AGRICULTURAL COMMITTEE RESOLUTION**

**WHEREAS**, the Town of Cambria's Comprehensive Plan recommends the creation of an Agricultural Committee to assist the Town Board in protecting and promoting agriculture within the Town of Cambria and supporting the County's Agricultural and Farmland Protection Plan, the Regional Economic Development Strategy and the WNY Regional Sustainability Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby establishes the Town of Cambria Agricultural Committee, which shall consist of 5 members who shall each be residents of the Town of Cambria and who shall serve at the pleasure of the Town Board for terms of 3 years, without compensation; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby calls for applicants who wish to be considered for appointment to the Town of Cambria's Agricultural Committee to communicate their requests for consideration to the Town Supervisor on or before October 9, 2025; and

**BE IT FURTHER RESOLVED**, that the Town Attorney and the Town Engineer are hereby appointed to provide advice and counsel to the Agricultural Committee with respect to the Committee's contemplated roles as set forth in the Town's Comprehensive Plan.

**Upon a motion duly made by Councilwoman Brachmann and seconded by Councilman Roberts it was resolved to create an Agricultural Committee to assist the Town Board in protecting and promoting agriculture within the Town of Cambria and supporting the County's Agricultural and Farmland Protection Plan, the Regional Economic Development Strategy and the WNY Regional Sustainability Plan.**

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

MATTHEW P. FOE voting AYE  
RANDY ROBERTS voting AYE  
LOUISE BRACHMANN voting AYE  
JEFFREY S. HURTGAM voting AYE  
BENJAMIN D. MUSALL voting AYE

The Resolution was thereupon declared duly adopted.

#### **TOWN OF CAMBRIA COMPREHENSIVE PLAN COMMITTEE RESOLUTION**

**WHEREAS**, the Town of Cambria's Comprehensive Plan recommends the creation of a Comprehensive Plan Committee to assist the Town Board in implementing the Town's Comprehensive Plan, anticipating the Town's needs and managing its zoning and planning future.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby establishes the Town of Cambria Comprehensive Plan Committee, which shall consist of 5 members who shall each be residents of the Town of Cambria and who shall serve at the pleasure of the Town Board for terms of as needed, without compensation; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby calls for applicants who wish to be considered for appointment to the Town of Cambria's Comprehensive Plan Committee to communicate their requests for consideration to the Town Supervisor on or before October 9, 2025; and

**BE IT FURTHER RESOLVED**, that the Town Attorney and the Town Engineer are hereby appointed to provide advice and counsel to the Comprehensive Plan Committee with respect to the Committee's contemplated roles as set forth in the Town's Comprehensive Plan.

**Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved to create a Comprehensive Plan Committee to assist the Town Board in implementing the Town's Comprehensive Plan, anticipating the Town's needs and managing its zoning and planning future.**

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

MATTHEW P. FOE voting AYE  
RANDY ROBERTS voting AYE  
LOUISE BRACHMANN voting AYE  
JEFFREY S. HURTGAM voting AYE  
BENJAMIN D. MUSALL voting AYE

The Resolution was thereupon declared duly adopted.

#### **ADDITIONAL MATTERS**

Councilman Musall thanked Supervisor Foe for taking on the task. He also mentioned the increased amount of foot traffic at and around the Town Park and suggests there should be a paved shoulder on the road (Upper Mt. Rd.)

Supervisor Foe asked Highway Superintendent to contact the county about this issue.

## CITIZEN COMMENT ON AGENDA ITEMS

Charlotte Patterson- Townline Rd.

Ms. Patterson asked if the Ethics violation she submitted would be put on hold until the Ethics Board is formed; why it hasn't been formed as the ordinance was from 1970; if the person mentioned in the violation will be part of choosing for the board; if the violation will go away if a settlement is reached. Ms. Patterson also mentioned that there have been ethics complaints in the past.

Supervisor Foe indicated that yes, a board will have to be formed before any action on the ethics violation. They have to be chosen and trained in order to proceed. He apologized; he had no knowledge of any previous ethics complaints. The person named in the violation will abstain from making any decisions with regard to the violation and board selection. The Attorney indicated that the settlement and the Ethics violation are unrelated and it will not affect either one. It will go to the Ethics Board, they will review it and send an advisory opinion to the Town Board.

Karen Kurczynski- Saunders Stmnt. Rd.

Ms. Kurczynski was present to voice her continued concerns with the proposed solar project and its effect on the surrounding land and wildlife. Her home will be surrounded by solar panels on 3 sides.

Mary Brenzel-Thrall Rd.

Ms. Brenzel voiced her concern about the amount of work Mr. Platt will take on for the Town Hall. Mr. Platt indicated that he is used to 50-60 hour weeks. He is looking forward to getting ahead of things at the Town. He doesn't mind hard work.

Linda Miller-Smith

Ms. Smith mentioned the website has two different numbers and one doesn't exist.; Supervisor's voicemail message still has previous supervisor's name; Do the Town Board members have town email addresses? Is there a way to communicate better with the public and no town newsletters.

Supervisor Foe indicated that the phone issue is being worked on along with his voicemail. The Town Board members previously had town email addresses; however, they were not being checked in a timely manner, so they went back to having the public contacting the Supervisor or the Town Clerk. If anyone wants a newsletter physically mailed to them, they can contact the Town Clerk, and they will add your name to the list. Also, Supervisor Foe indicated that he is working on either a read only Facebook account or other options.

Rosanne Baughman- mentioned a mass email outreach or mailchimp.

Someone asked about the land after the solar panels are gone in 20 years and what happens to the land. Supervisor Foe indicated that it is inadequate. They are bonding \$5,000,000.00 with no inflation clause and in 20 years \$5,000,000.00 is not going to be worth much money. He said there are 2 rules of thought, the first is the land cannot be used for farm ground. Now they have changed and say it can be used.

Emily Taylor- asked if the local law #4 was adopted as Local Law #2.  
*(this has to do with Secretary of State numbering)*

Giuliana Colella- asked if information regarding solar panel statistics and water testing results can be posted on a website. Supervisor Foe will talk to the solar developer about this request.

Jonathan Newman asked if the agendas can be put out any earlier than the day before. Supervisor Foe is working on it. (it is 24 hours by law)

Supervisor Foe is moving Councilwoman Brachmann to Zoning Board of Appeals Liaison and Councilman Roberts to Planning Liaison so there are no potential conflicts.

Nonresident - mentioned she drives down Rt. 31 and she hears what Councilman Musall said regarding paving shoulders for safety near the town park and wonders what precautions will be made for the large venue on Rt. 31. Supervisor Foe referred this question to Councilwoman Brachmann. She indicated that the venue added a second driveway and all traffic is directed to exit onto Baer Rd.

#### **ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilwoman Brachmann and seconded by Councilman Musall. Time: 8:16 pm.

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

**-Motion Carried-**

Respectfully submitted,

Tamara J. Cooper, Town Clerk