

MINUTES for the
Meeting of the Town Board of the
Town of Campbell, in the
County of Steuben, New York

August 13, 2019

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A special meeting of the Town Board of the Town of Campbell, in the County of Steuben, New York, was held at the Town Hall, in said Town, on August 13, 2019 at 7:06 P.M. (Prevailing Time).

There were present: Jeffrey Horton, Supervisor; and

Councilpersons: John Tscantre
Glenn Vogel
Terry Wheat

There were absent: James Drumm

Also present: Michelle Seeley, Town Clerk
Richard M. Buck, Esq., Town Attorney, Chuck Fransee, Hunt
Engineering, Joseph Seeley, Ron Morse

* * *

At 7:06 o'clock p.m. (Prevailing Time) the Town Supervisor stated that a Public Hearing had been called for this meeting at the Town Hall, located at 8529 Main Street, Campbell, New York, in said Town, in the County of Steuben, New York to consider the establishment of the Town of Campbell Water District Extension #1 (the "Extension"), in said Town. The Town Clerk presented affidavits showing that certified copies of the Order Calling said Public Hearing had been published and posted pursuant to the provisions of Article 12-A of the Town Law.

The Supervisor stated that the Public Hearing on the establishment of the Town of Campbell Water District Extension in the Town of Campbell was now open and asked if there was any

interested person who desired to be heard.

The Supervisor inquired as to whether there were any persons present who wished to be heard. No one responded, whereupon the Supervisor declared the public hearing closed.

* * *

The following resolution was offered by Terry Wheat, who moved its adoption, and seconded by Glenn Vogel, to wit;

A special meeting of the Town Board of the Town of Campbell in the County of Steuben , New York, was held at the Town of Campbell Town Hall, 8529 Main Street, Campbell, NY 14821, in said Town, on August 13, 2019.

PRESENT:	Hon. Jeffrey Horton,	Supervisor	
		John Tschantre,	Deputy Town
		Supervisor	
	Glenn Vogel,	Councilperson	
		Terry Wheat,	Councilperson

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In the Matter

of the

Establishment of the Town of Campbell Water District in the Town of Campbell, County of Steuben , New York, pursuant to Article 12-A of the Town Law.

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**RESOLUTION AND ORDER
OF THE TOWN OF CAMPBELL, NEW YORK,
ADOPTED AUGUST 13, 2019,
APPROVING THE ESTABLISHMENT OF
TOWN OF CAMPBELL WATER DISTRICT EXTENSION #1**

WHEREAS, the Town Board of the Town of Campbell (herein called “Town Board” and “Town”, respectively), in the County of Steuben , New York, adopted a resolution calling for a public hearing, pursuant to Section 209-d of the Town Law, regarding the establishment of the Town of Campbell Water District Extension #1 (“Extension”) as more specifically described in a report prepared by Hunt Engineers, dated October 2018 and as may be amended for corrections; and

WHEREAS, a Map, Plan and Report, dated October 2018, was prepared by Hunt Engineers, a competent engineer duly licensed by the State of New York; and

WHEREAS, such Map, Plan and Report was filed at the office of the Town Clerk on DATE, and available for public inspection at said location; and

WHEREAS, the Town Board has reviewed the Map, Plan and Report and found it to be sufficient; and

WHEREAS, it is proposed that there be no hook-up fees for most users since connecting to the system is voluntary and

WHEREAS, the typical cost to one and two family homes will be approximately \$897 annually which includes debt service and operations and maintenance costs; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed Extension (which is a single family home) during the first year will be approximately \$381.00 (MPR page 10) ; and

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary; and

WHEREAS, the Town Board has pursuant to an Order Calling for a Public Hearing, which Order was duly posted and published, called for a public hearing on this date, August 13, 2019 to consider the creation of the proposed Extension, at which hearing all members of the public were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CAMPBELL, as follows:

SECTION 1: The notice of hearing was published and posted as required by law, and is otherwise sufficient;

SECTION 2. All properties and property owners within the proposed District are

benefitted thereby;

SECTION 3. All property and property owners benefitted are included within the limits of the proposed District;

SECTION 4: It is in the public interest to establish the Town of Campbell Water District Extension #1.

SECTION 5: That the proposed capital expenditure is necessary, and it does not constitute an undue burden on the properties in the proposed Extension.

SECTION 6: That the Town Board hereby approves the creation of the Campbell Water District Extension, which shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Campbell, County of Steuben and State of New York, as shown on a map entitled "Consolidated Water District - Final Map" prepared by Hunt Engineers, dated October 2018, and bounded and described as follows:

(835 +/- acres) situated in the Town of Campbell, County of Steuben, State of New York and more particularly described as follows:

Beginning at the existing Water District boundary at a point, said point being the intersection of the southwestern corner of Tax Map Parcel No. 242.00-02-020.210 and eastern boundary line of Pennsylvania Lines LLC;

thence in a northwesterly direction following the southwestern boundary line of Tax Map Parcel No. 242.00-02-020.210 a distance of 2519 +/- feet to a point, said point being a northwestern corner of Tax Map Parcel No. 242.00-02-020.210;

thence in a northeasterly direction along the northwestern boundary line of Tax Map Parcel No. 242.00-02-020.210 and then crossing U.S Interstate 86 a distance of 364 +/- feet to a point, said point being the intersection between the southern corner of Tax Map Parcel No. 224.00-02-008.110 and easterly highway boundary of U.S Interstate 86;

thence in a northwesterly direction along the easterly highway boundary of U.S Interstate 86 a distance of 3217 +/- feet to a point, said point being an intersection of the northern boundary line of Tax Map Parcel No. 224.00-02-008.110 and southern boundary line of Tax Map Parcel No. 224.00-01-016.000;

thence in an easterly direction along the northern boundary lines of Tax Map Parcel No. 224.00-02-008.110 and Tax Map Parcel No. 224.00-02-008.140 then crossing State Route 415 and continuing to follow the northern boundary lines of Tax Map Parcel No. 225.00-01-070.000 and Tax Map Parcel No. 225.00-01-064.600 a distance of 1945 +/- feet to a point, said point being northeastern corner of Tax Map Parcel No. 225.00-01-064.600;

thence in a southerly direction along the eastern boundary line of Tax Map Parcel No. 225.00-01-064.600 a distance of 285 +/- feet to a point, said point being the northwestern corner of Tax Map Parcel No. 225.00-01-064.313;

thence in an easterly direction along the northern boundary lines of Tax Map Parcel No. 225.00-01-064.313 and Tax Map Parcel No. 225.00-01-064.500 a distance of 1560 +/- feet to a point said point being the western right of way of Eckles Road;

thence in a southerly direction following the western right of way boundary line of Eckles Road a distance of 2557 +/- feet to a point, said point being the intersection of the westerly right of way of Eckles Road and the northerly right of way of McNutt Run Road;

thence in a southeasterly direction crossing McNutt Run Road a distance of 54 +/- feet to a point, said point being and intersection of the western boundary line of Tax Map Parcel No. 225.00-01-046.100 and southern boundary of McNutt Run Road;

thence in a northeasterly direction along the western boundary line of Tax Map Parcel No. 225.00-01-046.100 a distance of 1152 +/- feet to a point, said point being a northwestern corner of Tax Map Parcel No. 225.00-01-046.100;

thence in an easterly direction along the northern boundary line of Tax Map Parcel No. 225.00-01-046.100 a distance of 1743 +/- feet to a point, said point being a northeastern corner of Tax Map Parcel No. 225.00-01-046.100;

thence in a southerly direction along the eastern boundary lines of Tax Map Parcel No. 225.00-01-046.100 and Tax Map Parcel No. 246.00-01-018.200 a distance of 3312 +/- feet to a point, said point being the southeastern corner of Tax Map Parcel No. 243.00-01-018.200;

thence in a southeasterly direction along the western boundary line of Tax Map Parcel No. 243.00-01-019.000 a distance of 1497 +/- feet to a point, said point being southwestern corner of Tax Map Parcel No. 243.00-01-019.000 and northern boundary line of Tax Map Parcel No. 243.00-01-020.000;

thence in an easterly direction along the northern boundary line of Tax Map Parcel No. 243.00-01-020.000 a distance of 2292 +/- feet to a point, said point being a northeastern corner of Tax Map Parcel No. 243.00-01-020.000;

thence in southerly direction along the eastern boundary line of Tax Map Parcel No. 243.00-01-020.000 a distance of 1503 +/- feet to a point, said point being a southeastern corner of Tax Map Parcel No. 243.00-01-020.000;

thence in a westerly direction along the southern boundary line of Tax Map Parcel No. 243.00-01-020.000 a distance of 2409 +/- feet to a point, said point being southwestern corner of Tax Map Parcel No. 243.00-01-020.000 at the eastern right of way boundary line of State Route 415;

thence in a westerly direction crossing State Route 415 a distance of 182 +/- feet, to a point, said point being a southeastern corner of Tax Map Parcel No. 243.00-01-004.100 at westerly right of way of State Route 415;

thence in a northwesterly direction along the southern boundary line of Tax Map Parcel No. 243.00-01-004.100 a distance of 2904 +/- feet to a point, said point being an intersecting point between the southern boundary line of Tax Map Parcel No. 243.00-01-004.100 and southern boundary line of Tax Map Parcel No. 243.13-01-027.200;

thence in a southwesterly direction along the southern boundary line of Tax Map Parcel No. 243.13-01-027.200 a distance of 170 +/- feet to a point, said point being the intersection of the eastern highway boundary line of U.S Interstate 86 and the southern boundary of Tax Map Parcel No. 243.13-01-027.200

thence in a southwesterly direction crossing U.S Interstate 86 then following the southeastern boundary line of Tax Map Parcel No. 242.00-02-006.000 and crossing Pennsylvania Lines LLC a distance of 966 +/- feet to a point, said point being the intersection of the western right of way of Pennsylvania Lines LLC and northeastern boundary line of Tax Map Parcel No. 242.00-02-006.000;

Being all of the parcels identified by the Tax ID numbers set forth on APPENDIX 1 attached hereto:

SECTION 7: That the maximum amount proposed to be expended for such Water Improvement is \$4,552,128.00.

SECTION 8: That the permission of the State Comptroller is not required with respect to the establishment of the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is below the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller.

SECTION 9: That this resolution is subject to a permissive referendum in the manner provided in Article Seven of the Town Law and subdivision 3 of section 209-e of the Town Law.

* * * * *

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

<u>Jeffrey Horton</u>	voting <u>AYE</u>
<u>James Drumm</u>	voting <u>ABSENT</u>
<u>John Tschantre</u>	voting <u>AYE</u>

Glenn Vogel voting AYE

Terry Wheat voting AYE

The foregoing resolution was thereupon declared duly adopted. The Supervisor thereupon directed the Town Clerk and Special Counsel to the Town to publish the Legal Notice regarding the Permissive Referendum, as required by law.

DATED: AUGUST 13, 2019

TOWN BOARD OF THE
TOWN OF CAMPBELL

Mr. Buck gave information on the petition process for stopping the permissive referendum and will send the appropriate petition to the Town Clerk to post on the website and make available to the public.

The public will have 30 days from today August 13, 2019 to gather the needed signatures, and turn them in to the Town Clerk to certify have them certified.

Because a Supermajority (4 of 5 members of the active Board) will be needed to pass the resolution and only 3 will be able to attend in person, Mr. Wheat has agreed to a video conference, to fulfill the requirement of the 4th person.

The meeting was by unanimous vote adjourned at 7:26 pm.

Respectively Submitted,



Michelle Seeley, Town Clerk

STATE OF NEW YORK)
) SS:
COUNTY OF STEUBEN)

I, the undersigned, Michelle Seeley, Town Clerk of the Town of Campbell, Steuben County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the special meeting of the said Town Board including the resolution contained therein, held on August ____, 2019, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

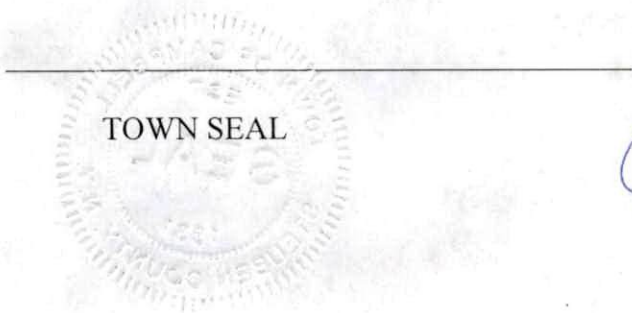
I FURTHER CERTIFY that all members of said Board had due notice of said meeting, and that, pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
The Corning Leader	August 03, 2019

And that further notice of the time and place of such meeting was given to the public by posting such notice in the following places on the following dates, and by giving such notice as follows:

<u>Location of posted notice</u>	<u>Date given</u>
Town Clerks Notice Board	August 3, 2019
Town Website	August 02, 2019 8:50 pm

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town of Campbell, on August 15, 2019.



 MICHELLE SEELEY
 Town Clerk


Town of Campbell

STATE OF NEW YORK)
) SS:
COUNTY OF STEUBEN)

I, MICHELLE SEELEY, Town Clerk of the Town of Campbell, in the County of Steuben, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution and Order Creating the Town of Campbell Water District Extension #1 with the original thereof filed in my office on August 13, 2019, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 15 day of August, 2019.





MICHELLE SEELEY
Town Clerk