

**MINUTES OF TOWN BOARD MEETING OF MARCH 14, 2016  
HELD AT THE TOWN HALL, 8529 MAIN ST., CAMPBELL, NEW YORK**

**PRESENT:** **Town Board Members:** Michael D. Austin John R. Tschantre;  
Jeffrey Horton, Terry E. Wheat and James F. Drumm; **Town  
Clerk:** Sandra M. Austin; and **Highway Supt:** Thomas A. Austin.

**ABSENT:** None.

**GUESTS:** Joe Hauryski, Linda Baird, Karen Miller, Mary Perry, Deb Baldwin, Randy Scanlon, Isabella Grover, Mickey Sonner, Stanley Manning, Wm. Todd Hall, Joe McUmbert, Glenn Vogel, Dan Miller and Tim Olszowy.

**Call To Order/Pledge /Roll Call/ Prior Minutes.**

Mr. Austin called the regular monthly meeting to order at 6 p.m. at the meeting room of the Campbell Town Hall and led the pledge of allegiance. The Town Clerk then took roll call. The minutes of February 8, 2016 were noted.

RESOLUTION #1 was offered by Horton and seconded by Tschantre to accept the minutes referenced above as written. Adopted by vote: Horton-Aye; Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**Public Comment.**

Joe Hauryski—discussed the new e-newsletter started by the County; the hazard mitigation plan, saying to look at the County's Hazard Mitigation Plan as they are recommending that all the towns adopt the County's as it is all encompassing. This ensures that your town is eligible for Federal funds in the event of a disaster. Also discussed: the sheriff's office taking control of animal cruelty actions; new office space planned & landfill running into the red. Joe McUmbert, of Campbell Fire Dept., reported on fire calls: 71 year to date. Other Comments—none.

**Highway Supt.**

**NYSEG Service at Park:** Tom Austin noted that he had contacted the correct department who would take care of the electrical service at the Town Park.

**Auctions International:** Mr. Austin noted that we had a small paver that was not needed any more; put it for sale on Auctions International and got a final bid of \$3,350.00. RESOLUTION #2, was offered by Wheat and seconded by Horton to approve the above sale. Adopted by vote: Horton-Aye; Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**Roadside Cleanup:** Tom explained the way he deals with the roadside cleanup; that the Town is allowed to take 20 tons of refuse and 10 tons of tires. They usually pick a road and get the trash along it and the County keeps track of the tonnage.

**Building Codes, Dog Control.**

Marvin's report was read and accepted; a copy is on file at the Town Clerk's Office.

**Town Clerk.**

The Town Clerk noted that there is a schooling opportunity at the Leadership Conference at Corning Community College on March 31<sup>st</sup>. Informational flyers were in the packet. Also there are copies of complete audit from Toski in mailboxes. This audit was done to meet one of the requirements of Water District #3. As far as schooling reports from NYC, we have 2.

**Historian.**

The Town Clerk noted that Alice Robie reports that this past month, we have changed out the display case to "A Glimpse back to 1886". She also noted that we have an extensive collection of obituaries of Campbell people—Campbell history; we are adding to this and updating. She is doing a lot of clipping, sorting and filing.

Alice would like to add that a former historian, Lorraine Loomis-Konig had kept very well-documented and organized records and has set a wonderful precedent for organization.

**Ambulance Contract.**

Supervisor Austin noted that he had worked out an agreement with Rural Metro for the ambulance contract. Discussion was had concerning the provisions for a five-year addendum to the present ambulance contract covering the years 2016 through December 31, 2020; there would be a rate increase of 1% for 2016; and a 1.5 % rate increase for the years 2017 – 2020.

RESOLUTION #3, was offered by Wheat and seconded by Horton to authorize the Town Supervisor to sign the ambulance contract per the above. Adopted by vote: Horton-Aye; Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**Waste Water Engineering [Joint Sewer] Study Project.**

It was noted that we had recently had a joint meeting with Savona officials on March 10<sup>th</sup> with Peter Martin of Hunt Engineers. The final feasibility study was handed out and reviewed. Mike Austin noted that this would be a huge opportunity for our Town; it was discussed to be a very positive project for the future of the Town.

**E. Campbell Park.**

It was noted that it was time to schedule any upgrades planned for the E. Campbell Park. Mr. Tschantre will come up with a list of possible projects; then will discuss with Mike Austin and get with BOCES to see if students can help with the work in connection with their classes.

**WD#3 Project Close-out/ LRS.**

Mike Austin noted that he had some discussions with LRS and that they agreed to take of \$2500 off their final billing. Discussion was had. RESOLUTION #4, was offered by Horton and seconded by Tschantre to authorize deducting the \$2500.00 from the final billing to settle the matter once and for all. Adopted by vote: Horton-Aye; Drumm-Aye; Wheat-Nay; Tschantre-Aye; and Austin-Aye.

Further discussion was had about the close out of the project which is being handled by Kelly Lathan of Fiscal Advisors. Mr. Austin will call Kelly Lathan tomorrow regarding the amendment of the fee to Fiscal Advisors as the matter was tabled.

**Complaint Letter re: Hakes C & D.**

It was noted that we had received a letter of complaint from a neighbor regarding the Hakes C & D/ Casella landfill; the complaint being that we had held a "secret" meeting. Mike Austin said that he had called the person and explained it was not a secret meeting; that in the future if the project was brought up again, he would call them one time to inform them it would be on the agenda.

**Deputy Town Supervisor—Resignation & New Appointment.**

It was noted that Supervisor Austin had asked Mr. Tschantre to stay on as Deputy Town Supervisor for a couple of months as Mr. Austin was starting out new. It had now been two months and Mr. Tschantre submitted his letter of resignation as Deputy Town Supervisor, but agreed to stay on as Board member. Mr. Austin said he would like to appoint Jeffrey Horton as his Deputy Town Supervisor and Mr. Horton accepted.

RESOLUTION #5, was offered by Tschantre and seconded by Drumm to authorize the appointment of Jeffrey Horton as Deputy Town Supervisor for the remainder of 2016. Adopted by vote: Horton-Abstain; Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**Zoning Board of Appeals Appointment.**

It was noted that we had received a letter of interest from Deborah Baldwin concerning the vacant seat on the Zoning Board of Appeals. She had indicated that she would be interested and willing to fill the vacancy.

RESOLUTION #6, was offered by Wheat and seconded by Horton to authorize the appointment of Deborah Baldwin to the vacant term on the Zoning Board of Appeals, which term expires 12/31/2017. Adopted by vote: Horton-Aye; Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**Continuation of Newsletter.**

Discussion was had concerning whether or not to continue with the Newsletter. Board members agreed it was a good thing for the Town. The Town Clerk agreed she would head up the newsletter as far as articles and the content, but would need lots of volunteers to complete the mailing.

RESOLUTION #7, was offered by Horton and seconded by Wheat to authorize the Town Clerk to continue with the Town Newsletter in keeping with the budget per foregoing discussion. Adopted by vote: Horton-Aye; Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**Yard Sale Day - May 21.**

Discussion was had concerning letters received from non-profit groups and a resident asking to use the Town Hall lawn for yard sale day.

Following discussion, RESOLUTION #8, was offered by Wheat and seconded by Horton to authorize the Campbell Lions Club and the Boy Scouts Troup 2042 to use the Town Hall lawn on Yard Sale Day: May 21, 2016; also to keep the policy to non-profit groups. Adopted by vote: Horton-Aye; Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

RESOLUTION #9, was offered by Horton and seconded by Wheat to authorize the porta-john cost of \$150.00 toward 2 units for Yard Sale Day. Adopted by vote: Horton-Aye; Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**Campbell Four-Corners.**

Discussion was had concerning that there have been a number of instances when motorists do not stop at the 4-corners [where CR 333 meets CR 125 by Jamison's Sunoco]. Rumble strips were suggested, but Tom Austin said that he was of the understanding that the County would not allow rumble strips in the driving lane, further noting that anything at that location would have to be done through the County. He had asked for the intersection to be repainted when weather permits but added that the painting does not last very long. Solar power LED blinkers were also a suggestion. Tom said he would approach the County again and see what they offer.

**Whitehall Doctrine.**

Tom Austin explained that the Whitehall Doctrine was a common law / general rule which came out of a lawsuit back in the day with the Town of Whitehall. The general rule was that a body [such as the Town Board], having the power of appointment, may not appoint one of its own members in the absence of statutory authority to do so.

The common law doctrine of incompatibility says that it is incompatible for any two public offices in which there exists an inconsistency of function or where the basic duties of each office would necessarily interfere with the other, or where the holder of one would be required to report to the other. It must be such that the overall public interest would be served by the local law.

Discussion followed. For any Town Board member to do volunteer jobs, we would need a local law. A copy of a sample local law was reviewed.

It was agreed to go ahead and start the process to go forward with adopting this as a local law; agreed to approach the Association of Towns for wording in the local law and come up with a version suitable for Campbell.

RESOLUTION #10, was offered by Horton and seconded by Drumm to authorize going forward with asking the Association of Towns for direction on writing the local per the foregoing discussion. Adopted by vote: Horton-Aye; Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**Water Billing Cycle.**

Discussion was had concerning various complaints about the water billing cycle—Mike wants to go to a 30-day billing cycle; Town Clerk said she was not sure that our computer program could do this as we have certain days for meter reads and there could be an overlap of posting payments. We left it that we'd try to extend the payment time further.

**Water Treatment Operator.**

It was noted that at the organizational meeting we had appointed the Water Treatment Operator for 3 months. Following discussion, RESOLUTION #11, was offered by Tschantre and seconded by Horton to authorize the appointment of Thomas Schwartz as Water Treatment Operator for the remainder of the year. Adopted by vote: Horton-Aye; Drumm-Aye; Wheat-Nay; Tschantre-Aye; and Austin-Aye.

**Car Purchase vs. Mileage.**

Mr. Tschantre brought up the subject of an automobile purchase vs. paying mileage that previously had been discussed. He said that he had put together figures and explained his calculations which showed that it would not be more cost effective in the long run, adding that to deal with multiple users of the car and what department to charge for the use would be an added headache.

**Executive Session & Minutes.**

Mr. Tschantre wanted to clarify the matter of minute-taking during an executive session, reading from the Town Law Manual that, if no formal action is taken in an executive session, then no executive session minutes need be taken. A reading from the Town Clerk's Manual said essentially the same.

**Monthly Reports Filed.**

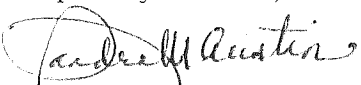
It was noted that a monthly report was received from Marvin Rethmel as per Codes and Dogs; and Town Supervisor's Report for Jan, 2016 dated 2/9/16 and Report for February 2016 dated 3/7/2016. Copies were filed with the Town Clerk.

**Voucher Audit – 8:09 p.m.**

|  |               |
|--|---------------|
| Vouchers were submitted and approved as follows: |               |
| General Fund Vouchers #68-108 totaling           | \$121,093.36; |
| And Highway Vouchers #31-50 totaling             | \$ 44,737.18; |
| Street Lighting Voucher #2-3 totaling            | \$ 2,184.06;  |
| WD#3 Project Voucher #3                          | \$ 500.00;    |
| Water District 1 SW Vchrs #11-14                 | \$ 1,575.70;  |
| Water District 2 SW2-Vchr #4-6                   | \$ 13,257.29; |
| Water District 3 SW3-Vchr #4                     | \$ 12.00;     |
| For a grand total of                             | \$183,359.59. |

**Adjournment.**

There being no further business before the Board, the meeting was, upon motion by Horton and seconded by Wheat, adjourned at 8:12 p.m.

Respectfully submitted,  
  
 SANDRA M. AUSTIN  
 Campbell Town Clerk

**DATED:** March 28, 2016.