

**MINUTES OF TOWN BOARD MEETING OF DECEMBER 12, 2016  
HELD AT THE TOWN HALL, 8529 MAIN ST., CAMPBELL, NEW YORK**

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

**ABSENT:** Jeffrey Horton.

**GUESTS:** Linda Baird, Chris Baird, & Joe McUumber of Campbell Fire Dept.,; Deb Baldwin, Wayne Cosier, Mickey Sonner of EC Fire Dept., Todd Hall of Coopers Plains Fire Dept.; Boy Scout Troop 2042 and leaders: Brett Rosko, Sharon S, Randy Pierce, Chris Puffer, Sharon Devine, Scott Devine, Ed Tietje, and Noah Puffer; Lance Stevens and Chuck Plank of Hakes Landfill.

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

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.

**Town Supervisor Comments on Hakes C & D Landfill.**

Mr. Austin noted that he would be recusing himself from participating in the application of the Hakes C & D Landfill Expansion application that would be coming before the Town. He stated that he currently does business with them and does not want to be in a position where anything interferes with this.

**Prior Minutes.**

The minutes of the last Town Board meeting which was held on November 14, 2016, were so noted. RESOLUTION #1 was offered by Wheat and seconded by Tschantre to accept the minutes referenced above as written. Adopted by vote: Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**Public Comment.**

Joe McUumber of Campbell Fire Dept., reported on fire calls; also noted that the Fire Dept. number signs were already proving very helpful in locating emergency locations at night.

Mickey Sonner of E. Campbell Fire Dept. reported on fire calls.

**Highway--Sale of 2006 International Truck.**

Tom Austin noted that he had the 2006 International 10-wheel truck with sander dump box with plow and wing on Auctions International. He had an offer of \$38,200.00 which was not enough and then an offer came from another municipality, Town of Deerpark which had offered \$40,000.00 for the truck. The plan would be to sell the 2006 International Truck and use that money toward the purchase of the new truck.

Following discussion, RESOLUTION #2, was offered by Wheat and seconded by Drumm to authorize the sale of the 2006 International 10-wheeler truck for \$40,000.00 to the Town of Deerpark in Orange County; the funds to go to the Highway Fund to be applied to the purchase of the new International 10-wheel truck with sander dump box with plow and wing that we just ordered for the sum of \$214,509.76. Adopted by vote: Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**Water Districts.**

Tom noted that the districts were running smoothly this month. There was a question about sending a certified mailing to the bank regarding the house with the water and mold problem. Tom would check to make sure we had done that.

**Building Codes & Dog Control.**

Marvin gave a report on the Codes and Dogs; copy of the report is on file in the Town Clerk's Office. [Marvin then exited the meeting.]

**Town Clerk.**

Sandy Austin noted that the next newsletter would go out January 1<sup>st</sup>. Any articles are needed by Dec. 20.

**Historian.**

Sandy Austin noted that this past month we got a new curio cabinet for the historian department. It is in the alcove in the lobby and is a perfect fit. Our historian got it at an auction at a great price; it has a lock on it and there are LED lights in it; and we already have placed some items on display.

**Assessor.**

The assessor's report was read; a copy is placed on file at the Town Clerk's Office.

**Status of Water #1 Extension**

It was noted that the Health Department has recently mailed out the water testing results; they waited for the nitrate testing to go with the coliform results. They advised that there were 56 parcels tested; we had previously counted 55.

The Health Dept. would like to come back and present the results at a Town Board meeting. We have worked out a tentative meeting date of January 30<sup>th</sup>. We plan to put an article in our Jan 1<sup>st</sup> newsletter and also do a post card mailing. This plan was acceptable to the Board.

**Status of Waste Water Engineering Study Project**

Sandy Austin noted that over the past month we ran into a snag regarding utility easements, with work on the sewer project with Savona. It's a snag that could be a big problem in the future. We learned that some of the properties along Route 415 where the old Erie-Lackawanna Railroad bed is located contains easements with language where the WR & L Associates has retained the subsurface utility rights. Some of the rail bed parcels have been purchased by the owners who own behind it but the problem is basically, that the WR&L Associates reserved the exclusive right to grant utility easements in the future.

Tim Steed is currently involved with this because he is working for Monroe Tractor and this is how it came to our attention; he is also involved with our sewer project. We had referred the matter to our Town Attorney. Initially, Rich Buck of the law firm has said that we could take the rights by eminent domain but it would be better if we could make an agreement with the railroad. Eminent domain would be a lengthy lawsuit and we would incur an unknown amount of costs such as attorney fees and court costs.

We are checking to see how many parcels this would affect. It is anticipated that the next step would be to contact WR & L Associates and see what can be worked out.

Regarding the income surveys, we have been told that we [and Savona] need to conduct an income survey to collect data to substantiate the need for a grant application. Wendy is working on getting possible leads on someone to do this. She will be reporting on this.

With regard to the sewer district for Rio Vista & Care First, this district has been established; a copy was filed in the Steuben County Clerk's Office. The Inter-municipal agreement is still not worked out between the attorneys [with the Town of Erwin.]

**Update on Town Park on Meads Creek Road.**

Mr. Tschantre noted that the BOCES students had finished up the pea gravel distribution around the playground equipment, and noted that there is a boy Scout project in the works for a fence around the park for next spring or summer.

Sandy Austin noted that in the past summer, we, once again, sent in the paperwork under the NYS Environmental Protection Fund Grants Program to see if we could get a grant for funds, to upgrade the Town Park. We still have no word on who got any grants. The request was for \$149,972.00 and we would have to match 25% [or \$39,990]; and we can claim up to \$10,000 for in-kind services we have already spent. The plan would include, among other things, a 4 ft. wide walking trail with benches and upgrades to the tennis & basketball courts.

If we don't get the grant, we have \$10,000 in the budget for upgrades in 2017.

**Dog Census.**

Board member Wheat said that he is still concerned that we should be doing a dog census and wanted to talk about it when both Marvin and Sandy were present. He suggested having the Town Clerk do dog licenses at the rabies clinic and adopt a policy of forgiving past licenses. Sandy said it was not feasible since there are 600+ dogs in the Town all due in June. She also noted that we had discussed it the last meeting and Mr. Wheat was not present; Sandy said she had forgotten that Marvin had been doing an on-going census since 2007. The discussion was written in the November Board minutes. Mr. Wheat indicated he still was not happy with it and would be bringing it up again.

**JMC RENTALS, LLC --Re-Zoning Request.**

It was noted that we have just received a re-zoning request from JMC RENTALS, LLC, James A Coats, Manager, formally requesting a zoning change for the approximately 20 acres they own between County Route 333 and NYS Route 415.

In checking with our Zoning Law for procedure, we need to look at "Amendments" Article 16. First of all we should refer it to the Planning Board who does a review, holds a public hearing and makes a recommendation to the Town Board. Then the Planning Board would prepare a written recommendation, and Advisory Report.

Any re-zoning would then be done by passing a local law, It would then come back to the Town Board for this process which would involve preparing the local law, holding another public hearing and passing it.

RESOLUTION #3, was offered by Wheat and seconded by Drumm to refer the JMC RENTALS, LLC re-zoning request on to the Planning Board for review and action in accordance with the Town's Zoning Law. Adopted by vote: Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**Town Board Meeting List for 2017**

The Town Board discussed the proposed meeting date list for 2017. All of the meeting are the second Monday except for October which is on the 3<sup>rd</sup> Monday because the second Monday is Columbus Day.

RESOLUTION #4, was offered by Drumm and seconded by Wheat to adopt the schedule of meetings for the year 2017 per the above discussion. Adopted by vote: Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**2017 Organizational Meeting.**

The organizational meeting for the year 2017 was set for the beginning of the January monthly meeting which will be January 9th.

**Hakes C & D Landfill Expansion---Project Review & Legal Services.**

Discussion was had concerning handling the Hakes C & D Expansion project which appears to be forthcoming and hiring an environmental engineer and an environmental attorney on behalf of the Town to address the issues involved with the application.

It is noted that Hakes C & D has offered to reimburse the Town for these fees. Mike Austin said he had checked with our Town Attorney who said we did not need to put the attorney services or engineer services out for bid or an RFP. RESOLUTION #5 was then offered by Tschantre and seconded by Drumm as follows: In anticipation of a sizeable application/ project coming before the Town, namely Hakes C & D Landfill Expansion on Manning Ridge Road, the Town Board hereby authorizes the hiring of an environmental attorney and an environmental engineer to oversee the project, and if need be, to issue an RFP. Adopted by vote: Drumm-Aye; Wheat-Aye; Tschantre-Aye; and Austin-Aye.

**Year-End Meeting.**

It was noted that our next meeting would be the year-end, which was agreed to be December 22<sup>nd</sup> at noon; and the procurement and vouchering policy and the LEP Plan items would be considered at that meeting.

**Health Officer.**

It was noted that we should put an ad in the paper and advertise for someone to act as the Town's health officer for 2017.

**Monthly Reports Filed.**

It was noted that a monthly report was received from the Town Supervisor dated Dec. 2, 2016. A copy was filed with the Town Clerk.

**Voucher Audit - 6:39 p.m.**

Vouchers were submitted and approved as follows:

General Fund Vouchers #389-420 totaling	\$30,887.61;
And Highway Vouchers #193-202 totaling	\$15,831.39;
Street Lighting Voucher #421 totaling	\$ 1,164.98;
Water District 1 SW Vchrs #73-75	\$ 1,405.58;
Water District 3 SW3-Vchr #23	\$ 300.00;
For a grand total of	\$ 49,589.56.

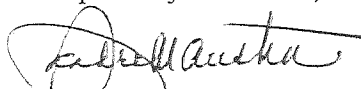
**Boy Scouts—Crime Prevention Award.**

Ed Tietje noted that the scouts had been working on a crime prevention award and that Noah Puffer had a presentation to make. He gave a report on identifying the dark areas of Town and trip hazards.

**Adjournment.**

There being no further business before the Board, the meeting was, upon motion by Drumm and seconded by Wheat adjourned at 6:50 p.m.

Respectfully submitted,



SANDRA M. AUSTIN  
Campbell Town Clerk

**DATED:** December 16, 2016.