

**MINUTES OF TOWN BOARD MEETING OF JULY 12 , 2021  
HELD AT THE TOWN HALL, 8529 MAIN ST., CAMPBELL, NEW YORK**

**PRESENT: Town Board Members:** Jeffrey Horton John R. Tschantre; Glenn Vogel, Terry Wheat and James F. Drumm; **Town Clerk:** Michelle L. Seeley; and **Highway Supt:** Thomas A. Austin; **Code Enforcement Officer:** Thomas Hargrave, **Dog Control Officer:** Randy Akins, **Assessor:** Holly Smalt, **Justice:** Patricia Horton

**ABSENT: None**

**GUESTS:** Jordon Frost, Wayne Cosier, Norman Maynard, Allison Berger, Gordon Hakes, Denise Thompson, Gary Miller, Patty Stuart, Marion Ketchum, Joe Seeley, Dave (no last name provided)

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

Before the Pledge of allegiance was said, Supervisor Horton stated, that at the last meeting the recorder died in the middle of the meeting so going forward the meetings would be recorded using two devices to avoid that issue.

Mr. Horton called the regular monthly meeting to order at 7 p.m. at the meeting room of the Campbell Town Hall and led the pledge of allegiance. The Town Clerk then took roll call.

Supervisor Horton made a statement that this meeting would be started a little differently, because last month with the clapping from the audience after comments were read, we will not have that disrespect this month. Mr. Horton stated that he had a couple of residents approach him after the meeting and comment how disrespectful that was, he agreed. Going forward residents will only be allowed to speak during the public comment section of the meeting, or unless they are asked a question. He has purchased a three minute timer and comments will be limited to that time frame.

The minutes from last month are 7 pages and so Mr. Horton suggested that they give the board members who had not had a chance to review them until next months meeting time to look them over. Mr. Horton stated that he had emailed the clerk with changes that he had seen that needed to be made, and that those changes had been done. He asked for comments or corrections from the Board members that had time to read them if there were any corrections that needed to be made.

Mrs. Berger stated that she did not have a copy of the minutes and asked if the clerk had sent them out. The Clerk Replied that she had not, she needed to wait until they were approved. The Supervisor then stated that going forward he would like the minutes prepared within one week of the meeting so that they can be sent to the public within the two week time frame set by the Open Meetings Law §106, which states in part; "Minutes of meetings of all public bodies shall be available to the public in accordance with the provisions of the freedom of information law within two weeks from the date of such meeting".

Mr. Wheat questioned the clerk about why the comment from the June 14, 2021 meeting about the "Chop Shop" was not included in the draft minutes. The clerk did not recall a comment about a "Chop Shop". Mr. Wheat stated that there was a comment made. Mrs. Thompson stated that she was the one that mentioned it, and Mr. Wheat agreed. He then questioned Mrs. Thompson on whether she knew what the term "Chop Shop" meant. Mr. Wheat then asked Mrs. Thompson if she knew where that puts her. "That puts you at liability", he then asked if she understood what she was saying he was doing. "Bringing illegal cars on to my land, and cutting them up". Miss Thompson stated that that was not what she meant. Supervisor Horton broke into the conversation and made the statement that we were just going to add that a comment had been made about Terry Wheat was running a "Chop Shop" out of his residence. Mrs. Thompson stated that she did not use Mr. Wheat's name. Mr. Horton then corrected his statement, and agreed that the comment was made about a chop shop on McNutt Run, but no names were used. And Mr. Wheat commented that Mrs. Thompson could get into a lot of trouble for what she did. Mrs. Thompson replied that Mr. Wheat could get into trouble for what he is doing. At this time supervisor Horton requested that the meeting proceed.

\*Mr. Horton directed the clerk to amend the minutes from the previous meeting to reflect that a comment was made about a "Chop Shop" on McNutt run.

Supervisor Horton then stated that there was a minor correction that needed to be clarified from the last meeting. Tom Austin discussed getting bids for tree work and incorrectly stated that the quote was from Beers Tree Service. \*\*The Correct name of the business is Dave's Tree Service.

**REPORTS**

**Monthly Reports Filed.**

It was noted that monthly Town Supervisor's Report dated July 2, 2021 was received from Wendy Oman the Town Bookkeeper, a Copy was filed with the Town Clerk.

**Highway Report (Thomas Austin)**

**Equipment sales and purchases**

Jeffrey Horton discussed purchasing a new 2022, half-ton four door crew cab for the Highway. Because of the price of vehicles right now being so astronomical and that the Town has been able to buy our vehicles on State Bid and get them at a better price than the general public, the Town can purchase this truck including upgrades and all new warranties for \$31,254. The highway recently sold a 2018 half ton single cab pick-up truck that was purchased for \$25,992 in 2018 it was placed on auctions international and it brought \$26,350. Which is approximately \$358 more than the town paid for it in 2018. With the sale of the 2018 half ton truck the cost of the new vehicle would be approximately \$4904 after the proceeds are applied to the purchase.

A motion to allow Tom to accept the bid for \$26,350 2018 half ton single cab truck, and purchase the 2022 Silverado 1500 half-ton four door crew cab pick-up from Joe Basil Chevrolet for \$31,254 was made by Glenn Vogel and seconded by Terry Wheat. The motion was adopted by unanimous vote 5 YAY to 0 NAY.

The 2500 Chevy pick-up truck with plow ran two times on a dealer auctions site but didn't bring what the auctioneer thought it should bring, Tom talked to Jeff Horton to get a hard number to put on the truck which was \$38,750. The truck is four years old and has just under 38,000 miles on it. There has been no movement on the truck and Tom Austin recommends lowering the price to a hard price of \$36,000 for this vehicle. This amount seems to be what the fair market value for this vehicle is right now. It may need new tires at some point. After auction fees the amount that the town would receive would be roughly \$35,250.

Discussion was had about replacing the 2018, 2500 Chevy with a new 2022 ¾ ton Chevy truck at a future date for approximately \$43,700 with a plow and possibly \$600 less if the plow is a V-plow. Tom likes to shop local and the plow would come from Willibri. If the 2018 brings the estimated amount the cost to the Town of the 2022 replacement after applying the proceeds would be up to \$9,000 onto a new truck. Giving the Town Highway department a whole new fleet with new warranties and upgraded equipment.

A motion made by Terry Wheat and seconded by Glenn Vogel. to accept lowering the price of the 2500 pick-up truck to \$36,000 hard price, and to allow Tom Austin to accept a bid for that price or more without waiting until the next board meeting. And if the 2500 Chevy brings the expected \$36,000 minus auction fees of about \$750, for Tom to order a replacement 2022, 2500 Chevy at a cost of \$43,700 with a plow and possibly \$600 less if the plow is a V-plow, with the same specifications as the 2021 Truck that the Highway just purchased. Adopted by unanimous vote 5YAY to 0 NAY. Supervisor Horton explained that the Town has a reserve fund for replacement vehicles, they place \$10,000 in and out of the budget yearly for that fund. The money is in the fund to make these purchases.

#### **Road Work Update**

With the way the weather has been going lately, Wednesday night the shop was hit with an electrical jolt, again. The alarm computer board is fried in the shop. Glen has been there three times with the fire department due to the alarm malfunctioning. Tom Austin called Doyle and asked them to either bring a new one or remove their equipment and he would find a new alarm company that would provide a system that was grounded. The water department is serviced by a different company and has had no issues since that system was replaced. The current system goes off when anyone enters the building and cannot be reset, so it has been disconnected. The system should be replaced hopefully this week.

There was a wash out on Vieley Road two pipes were plugged, part of the road was washed away. With the assistance of the fire department, two barrels were placed, as a temporary solution for the evening. The pipes were cleared, and three loads of dirt were hauled the following day to repair the damage. The barrels are still in place due to the ground being soft. There was a wash-out on Wixom Road there was a plugged pipe as you go into Austin's place. This washout was caused by a plugged pipe, once the pipe is cleared the water was diverted to the correct place. There was some shoulder damage however, once Tom was able to return in the daylight there was no damage to the three trailers or the property near where the plugged pipe was. The pipes have been fixed and cleaned.

This morning the Highway crew went up on Salt River Road where a resident put in a new access road that was supposed to accommodate his pick-up but is wide enough to get a tractor trailer up if a person tried. The access road extends about 3 ½ feet onto the blacktop. There was slush and mud all over the blacktop so the resident had his people come back and clean it up which created a mud slide barrier on the hillside. Tom had the resident's crew clear out the ditches and dispose of the debris. The highway crew had some ditch work to do but the issue is now fixed.

#### **Salt Storage Building**

The new salt storage building has been completed and the highway supervisor expects the remaining sand will be moved by July 13, 2021. Once the remaining sand is removed the company will finish the teardown and removal of the old building. Tom encouraged anybody who was interested to drive by and see the new salt storage building as it is very nice addition to the Highway department.

#### **Questions from the public**

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Wayne Cosier asked Tom Austin about a down tree on Manning Ridge Road which is laying on some wires. He is concerned about the tree falling into the road. Tom stated that the way that the tree is leaning would prevent this from happening. He has contacted Verizon and needs to give them a chance to clear the tree before he and his guys do the job. If the debris are not removed Tom will take the bucket truck up and clean them up on July 13, 2021.

Due to the weather paving has had to be placed on hold. Tom is hoping to do some paving next week, but is unsure if he can still get the paver next week.

**Water Report (Thomas Austin)**

Tom has been taking online classes for his annual certification. He has two classes scheduled and once completed he will have 20 ½ of his required 30 hours of required training for the water department. All 20 ½ hours have been on-line, and were free. These classes were put on by American Water Works Association.

**Water ext.1 update**

Tom sent an email approximately two weeks ago, to John Shields after the purchase of the property was completed, to find out when the Town can send out for bids on the project. He has received no reply as of the night of the meeting from either John Shields or Tim Steed. Supervisor Horton commented that he had not received a reply either.

**Bookkeeper Report (Wendy Oman)**

**July 12, 2021 Board Meeting - Bookkeeper Report for June 2021**

All Bookkeeper accounts balanced for the month of June. Supervisor report given to Town Clerk. Received in revenue and June reports from the Town Clerk and the Court Clerk.

**June Revenues Received**

**GENERAL FUND:**

\$14,831.15 Mortgage Tax - 1<sup>st</sup> payment of 2.

**Fire Department Reports**

Last month the E. Campbell FD had a big training with Caton FD. They are tearing down their building so the fire departments were able to practice their interior and exterior firefighting skills training, and search and rescue skills. The Fire Department will participate in helicopter landing assistance next Monday with Campbell and Thurston Fire Departments.

The last chicken BBQ went well and they have another one planned for the 24th of July.

**Campbell Fire Department**

Glenn Vogel reported on June 2021 Fire Department calls; 42 total calls for the month, 23 medical, 1 Fire, 4 MVA, 14 Misc.

The Fire Hose will be laid out on Clinton Street on Wednesday. Tom Austin commented that the Wood Bridge will be under construction from July 6, 2021 for 6 weeks for repairs. The County is replacing the deck on the bridge. The Town will provide two layers of oil and stone, which will complete the Towns responsibility for the project. Jeffrey Horton mentioned that the bridge passed all of its inspections, which is good for a 120 year old bridge.

**Codes (Thomas Hargrave)**

1. **There were 20 building permits issued this period**
  - 4 roofs
  - 3 sheds
  - 1 pool
  - 2 garages/carports
  - 5 zoning
  - 1 deck
  - 1 fences
  - 1 demolition
  - 1 renovation
  - 1 commercial building
2. **There were 13 permit inspections this period**
3. **Supplied info on following properties**
  - A. 8764 Vieley Rd carport info
  - b. 8825 County rte. 4 drainage issues (Jeff Parker)

- c. 9459 Frog Hollow deck info
- D. 8724 Main St Foil request
- E. St. Rte. 415 Floodplain requirements
- f. 5250 Campbell/Savona rd. info for carport and sugar house
- g. 9428 Elm St. info for fence requirements
- h. 4495 Tannery rd. Foil request
- I. 4998 County rte. 125- pond issue (Jeff Parker)
- j. 8548 Main St info on current Do Not Occupy Notice

**4. Granger Construction Co, East Syracuse Dollar General Store**

Progress updated in newsletter. Planned opening date is October 22, 2021

Fire inspections completed to date include the Churches, Dandy Mart, Jameson's Stone House Café, Watson Homestead, and the new Fire Department on 415, a new C of O was issued for the FD structure. Tom is meeting with Steuben Co. Sheriff's Dept. and DSS to do a home inspection tomorrow.

Supervisor Horton commented that there are rumors going around Town that the supervisor and the judges are not going after Code Violations because they are afraid of losing votes. That is not the case. Mr. Horton introduced Justice Patricia Horton and had her explain the process that takes place when a violation is sent.

Code violation law has changed since Justice Horton first started 9 years ago. The issue is not with writing or enforcing the laws. The issue lies with how New York State mandates that these cases are handled. The issue is if the person does not show up you have to send up to three letters so the case is four months out. If the violator comes in or says they are coming, but fail to show up, it starts the clock all over again. Some people will do what they're supposed to do, pay fines or clean up. Others will not. If a fine is issued the person has an opportunity to set up a payment plan with a maximum of \$25 if they do not pay the payment they cannot be penalized and no bench warrants on code or criminal violations can be issued because of the new bail reform laws. At this time a person can only be held if they commit a felony offense. If a person doesn't come to court another letter must be sent and the process starts all over again. At this point the judges hands are tied they cannot mandate that the violator pay the fine nor can they take their driver's license.

Justice Horton recommended that individuals could write to Governor Cuomo and expressed their concern or form a committee that gathers resources and training for those who cannot or do not comply. She stated that forming a committee would more than likely be the faster answer. Until things change this is where the courts are.

**Dog Control (Randy Akins)**

A report was received from Randy Akins regarding dog calls in June, 2021. There was only one dog call this month, received a call from Mr. David Sterlace about a Rottweiler that was running at large on Meads Creek Road. I called him back when I returned home. I then received a call from the Campbell town clerk. Michelle Seeley had received a call from Jordon Frost about I believe the same dog, I contacted Mr. Dan Draper my deputy DCO, to pick up the dog for me. I was leaving on vacation that afternoon. Mr. Draper picked up the dog and transported it to the shelter, I have not received any further calls about that dog. I later had to go to the shelter where I was informed that the Rottweiler had been picked up. A \$40 redemption fee was paid and given to me. (\$40 fee was turned in to the Town Clerk at the meeting and recorded the next day).

**Assessor Report (Holly Smalt)**

Last month there were requests for more information from the Assessor's office, so Mr. Horton requested that Mrs. Smalt attend the meeting to answer questions. She then read her report.

The following report will bring you up-to-date on the activities of the assessor's office. This month I have been processing monthly transfer's escrows and other miscellaneous administrative duties. I've been working on a mobile home park STAR spreadsheet for New York State Department of Taxation and Finance along with processing current work for school tax bills.

The 2021 reassessment project has been completed. The final roll was filed with the clerk on July 1 and a legal ad was run in the July 1 edition of the leader as well as posted on the board at the Town hall.

RP - 525, Notice Of Determination Of The Board Of Assessment Review were sent out by the chairman of the board. All but one property owner was lowered. All changes were made by the June 18 deadline.

Recap of the Project:

- 125 informal process meetings (7% of parcel count - 1630)
- 20 then went to BAR (31 parcels)

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- As to date 1 small claim

I attended a continuing education class on Reassessment in a Small Community on June 23 in Liverpool. Attached is a printout that was received at the class re: a revaluation project in a similar town and their outcome. It is comparable to the outcome of Campbell's project.

Also attached is a pamphlet of the Job of the Assessor that is provided by NYS Department of Taxation & Finance, Office of Real Property.

I attended an Assessors Association meeting on June 16<sup>th</sup>

Along with the reevaluation project, the town had submitted a plan to the county and now can apply for cyclical aid, we won't know how much until next year, but because we are at 100% we are now eligible for cyclical aid. Miss Smalt submitted the cyclical aid to the state this month. The next step is the state takes all of the towns that completed the process for that year and are at 100%, then depending on how much is in the budget can give up to 5% back to towns. She then asked if the Board had any questions.

Supervisor Horton ask Miss Smalt, with 30 parcels out of 31 going down what does that do to property value of the town. Ms. Smalt replied that there was over \$1 million in reduced value. Supervisor Horton then asked Miss Smalt if she had anything to do with the formulas or if that was all predetermined. Miss Smalt replied that she had nothing to do with making up those formulas. She then corrected the count for the parcels that had gone down during the BAR proceedings, 29 out of 31 went down with one owner having two properties and not obtaining a reduction on those properties.

Supervisor Horton then asked Joseph Seeley if the BAR has a special formula that they use when making determinations. Mr. Seeley stated there is no specific formula it is based on an agreement with the board that would be consistent across the board, and according to New York State opinions of council if they have a legitimate appraisal, it is the value of the property, and the property should be lowered to the value on the appraisal.

Supervisor Horton ask Mr. Seeley if he knew how many of the 29 parcels had an appraisal. Mr. Seeley replied between 75 and 80% almost every one of them there were only a couple that did not.

### Town Clerk Report (Michelle Seeley)

In looking for ways to save time and money for the Town Clerks Office, I am exploring automatic check processing through Five Star Bank. I have a phone call set up for tomorrow to talk to a representative from that bank about cost and options. I will update the board as soon as I have more information. We have the Rabies Clinic set up for July 22<sup>nd</sup> and I will have a report for you at the next meeting, I have been extending the time for people to license their dogs due to rabies shot clinics not being available. I plan to be on hand to register animals at the clinic.

Wayne Cosier asked where the clinic would be held. The Clerk Replied that it would be at the Legion Field from 6-8 PM, and explained that it would be a drive-thru clinic.

### Supervisors Report

Mr. Horton stated that he had a lot of stuff for his supervisors report.

1. Supervisor Horton addressed a question from Miss Berger regarding the SEQR for the proposed landfill expansion. Last month when she asked him, he had stated that the town had not received an application. However on March 8 the town had received the SEQR and made a motion to let the DEC be the lead agency, at this time Hakes C & D landfill has not submitted an application to the town.

Miss Berger asked supervisor Horton to clarify application. Supervisor Horton replied that at this time no application has been received his guess would be that because they are doing the research and the SEQR there will be an application. However, there will be many public meetings, like there was last time, and he suspects that they would be put on by the DEC.

2. E. Campbell Park. The Town lets the Corning Rugby Club use the park, and have for the last several years. It is good to see the park used. Mr. Horton received and read an email from Jamie Johnson, the head of Steuben IBA.

As you know, my son plays for the Corning Rugby Club which plays at the East Campbell Town Park. I am also involved with the booster club for the team and wanted to let you know how appreciative the club is for the support we receive from the Town and the use of the Town Park. This year our boys went 5 and 0 and were the Western NY Champions. The girl's team did almost as well only losing one during the season and having two girls selected for the NY All Star team.

The team is excited about the upcoming improvements to the park but wanted me to reach out to see if there were any plans to remove/move the baseball backstop which is in rough shape and is on the fringe of the rugby field. This does present somewhat of a safety concern for the players and we make sure we pad the posts during games. If removing it is an option as part of the park improvements this would be supported by the team.

Thanks in advance and again thank you to the town for allowing us to call Campbell our home.

Supervisor Horton discussed removing the backstop mentioned in the email with Thomas Austin. Supervisor Horton does not remember removing the backstop as being part of any of the plans discussed about improving the park. However, now that the town is going to be its own general contractor he asked Tom if that was something that could be done.

Thomas Austin stated that people come in on Sundays and use the backstop while they are playing. But it is in disrepair, and some parts of it should either be repaired or removed when they do the rest of the park project. Jeffrey Horton stated that he received the email on Friday and he will respond that the town will look into it as part of the Park project.

3. Several months ago discussion was had about DOT & BOCES wanting to connect to Erwin's sewer system. Both DOT and BOCES have agreed that if the town will form a sewer district for them they will pay the entire cost of having the system put in. The town would then be in charge of billing them collecting the money and then sending it to Erwin. Hunt Engineering contacted supervisor Horton and said that there is grant money available for this type of project and would like to write the application for DOT and BOCES. The town would be responsible as the grant administrator there would be no cost to the town. Supervisor Horton stated that his first reaction was that it would be a long process similar to the water extension process. However Tim Steed of Hunt Engineering told him that it would not be as long of a process, because if they don't get the grant, they still want to move forward with the process. DOT and BOCES are paying the whole cost so there is no financing, long-term financing, or bonding.

Gordon Hakes asked about a sewer system in town and if grants were available for that. Mr. Horton explained that when the town looked into a sewer system the cost was prohibitive. At this time there are no grants available for such a project. Mr. Hakes responded that he thought a study should be done, and expressed concern that the cost of the project would not be fixed. Also that the town of Erwin could raise their price at any time. He stated that he is 100% against the project. Supervisor Horton explained that DOT and BOCES would be footing the cost of the entire bill, and there would be no cost to the town because of how it will be paid for, and there would be no residents hooked into the system. Mr. Hakes then stated that he was all for it.

A motion made by John Tschantre and seconded by James Drumm to allow Hunt Engineering to apply for the grant on the DOT and BOCES sewer system was adopted by unanimous vote 5 YAY to 0 NAY.

Supervisor Horton had several topics about what had happened in last month's meeting and about comments that he has heard in town that he wanted to clarify.

One comment that was made was that people don't trust the Town Board, he stated that he has no idea why anybody would not trust the Town Board. He does his best for people who were not at previous meetings to bring up topics and things like a truck that we just bought four years ago, telling you what we had paid for that truck. One comment was that they bought land without anyone knowing behind Clawson Drive. Supervisor Horton stated that is as false as it can be, in an open meeting on December 11, 2017 the topic was discussed about the land purchase. There are three paragraphs in those minutes talking about the land purchase. There were numerous people that are here tonight that were at that meeting. What happens when a town, county, or state sells or purchases land is that you do not have discussions in the meeting until the purchase agreement is signed due to the cost going up of the land if someone knew Town wanted it. Like if the Morley's would have known that we already had great water on their property, the price would've gone up. That's why there was a purchase price agreed on before any testing of the water was done. If the Morley's would have known that we had to have that property, the price would've been much higher. That's just how real estate works, you don't set your price out loud so that your competition knows what it is. Again on December 11, 2017 it was discussed in an open meeting and where the money was coming from. Supervisor Horton stated that he just wanted to clarify that fact.

Supervisor Horton wanted to address the comments in last month's meeting regarding the assessor. He stated that he would have a meeting with the assessor about everybody's complaints. He was asked if he was trying to hide those complaints from the minutes because he reached out to the town attorney to find out if it was legal to

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put them in the minutes. "This town board does not hide anything. If you have questions will answer them to the best of our ability or we will find answers to your questions. If you want to see paperwork fill out a FOIL request and we will get you the paperwork. We will do the best we can in our power to do what is right".

There was a comment made that somebody was trying to get somebody purposely fined. I can tell you the day that that happened I got a call from a resident and the county about this form. I had no idea what this form was or if it was legal for me to sign it after the fact. So I reached back out to the resident and had a great conversation with him, I reached out to the county to find out what it is, and then I reached out to the assessor. My first reaction is I don't get the town sued for anything, so I'm not going to sign it after the fact. The assessor told me if you go ahead and sign it it's simple it's easy it's legal and then we don't have to worry about going to court. It just has to be filed. Reached back out to the county they told me that was true, I could sign it and we would be good. So there was nobody ever trying to get anybody fined because if there was they would have told me that day not to sign it. I just wanted to put some clarity to that.

As far as forms go, to recuse somebody, that form is not the job of the assessor, to give. During the BAR training the person that teaches the BAR training at the County is supposed to tell them and train them where to get that form and to have it themselves. I'm not sure if that happened, I'm not sure if that does happen. But that's how it supposed to happen.

A comment was made that the assessor doesn't like to lose, well I can tell you right now, that is very true. The Town lost \$1,000,000 in these assessments, in reductions. So we just lost \$1,000 in assessed value. So I hope everyone of those was correct. And I take in good faith, and I trust our BAR that they are right. But anybody that comes in front of any court situation, or anything doesn't want to lose. I mean if you go to court, like anybody that lost at the BAR, or didn't agree, now they're going to small claims court, because they didn't like to lose. So, that comment, I would say nobody likes to lose. *(The town clerk interjected a question, asking if this was her complaint that was being addressed and stated that this was pretty much word for word her complaint. Supervisor Horton responded that some of it is off hers and some of it is off lots of them).* There was no call made to Wendy Jordon demanding credentials. An email was sent, according to the County Manager, asking for a job description.

There was a comment made, that said Holly's helper Dave, was dismissed from another town. I cannot find any town that he was dismissed from. The example was Hornell or Hornellsville. I have looked into it and this is not true. One was he worked in Hornellsville did not seek reappointment. So there was no firing, there was no making leave from office.

One thing I am working on as far as what goes on in the Town Hall, I have quotes, I am having cameras installed every office of the Town Hall, including the meeting room and outside. There will be no more hearsay on what happened either way. We will have cameras that will tell us what happened. I did not want cameras, I have never wanted cameras. The State Association of Courts has wanted us to put cameras in for years. I never wanted to do it. But with what's happened, we're going to put cameras in. Because then we will know exactly what happened.

As far as written complaints, or anything that comes into the Town Hall that at the top of them say to the town board or To Whom It May Concern comes to me. I am the one who decides who it may concern. That is my position as a supervisor, in charge of all daily activities at the Town Hall.

The cameras that will be installed, just so everybody knows, they are video only, they do not record voice. If we get cameras that record voice, every time you step into a room, it has to announce you are being recorded. So I'm going to just take Michelle for example every time, she moves her chair that thing he's going to go off and say you are being recorded. Or every time somebody walks in the back door, it's going to say you're being recorded. So we're not going to record any audio. But if anybody was to break into the townhome there was a fight, anything like that that is standard practice any government building, they are not allowed to record any voice without you guys knowing. That's why we always have this sitting right up here. And I announced tonight that we are having a backup. Just so everybody knows they're being recorded.

One other side note, just so everybody knows the fire department is its own district. It's a town organization. They are their own taxing authority. They have everything. So if people have questions, about what's going on in the fire district, instead of coming to the Town Hall or instead of calling myself. The fire district has an open meeting one night every month, because I got two calls in the last two weeks, asking why we allowed that to become a fire station instead of a church. We had nothing to do with that, the town board had nothing to do with that becoming a fire station. So if anybody wants answers that meeting is open to the public every month. Supervisor Horton referred to board member Vogel to confirm. Board member Vogel stated the meeting is the second Tuesday following the first Monday of every month.

### **Complaint to the Board regarding the BAR.**

I have one complaint addressed to the town board that I will read out loud. I will give Michele a copy of it for the minutes it is from Brian Harnas a resident on Forty Dollar Rd.

Supervisor Horton reached out to Mr. Harnas he asked him, and Mr. Harnas said basically what was on his complaint. Supervisor Horton stated that he would acknowledge the complaint, and would reach out to the Board Of Assessment Review. The complaint was received on the eighth. He's not sure, because there is no name for the guy in the glasses. But supervisor Horton will research the situation. (The clerk stated that the person in the center was Fran Schosger).

Supervisor Horton stated that he did not know whether or not Mr. Harnas' assessment was lowered. He said it was, but supervisor Horton did not see anything in writing, so he doesn't know.

**Old Business**

Update on traffic concerns at the landfill. Supervisor Horton contacted the Steuben county sheriff's department as well as the state police and has requested that they put more patrol in the area. Both agencies stated that they would put more patrol in that area, in addition they would contact the heavy equipment troopers, the ones that actually have the scales. They ask supervisor Horton if there were any weight issues, supervisor Horton did not know, and that has never been a complaint before. It's been more or less traffic hours, stop sign violation. He let them his guess was that they were not overloaded, or they would not be able to go over the hill. Supervisor Horton told the representative that the issue was at different times of the day, when he was asked when the problems were the worst. They will start by adding more patrol between 7 and 10 AM.

Supervisor Horton asked the public if they had seen additional patrol units. Wayne Cosier stated that he had seen the sheriff parked in the value parking lot 2 to 3 times a week, and the sheriff going up or down the road daily. He stated that the truck with the yellow cab was getting better, he's not coming at 7-9 pm, but he is pushing the envelope, showing up at 6:15 pm- 6:30 pm. On Friday night a second truck that had a red cab came up with the truck that has a yellow cab.

Supervisor Horton clarified that no one had actually seen a trooper sitting by the stop sign. Wayne closure stated that was true. Supervisor Horton will follow up, because he clearly asked them to patrol near the stop signs.

Allison Berger stated that one of the gentleman that she spoke to regarding her petition had commented that there are trucks parked alongside the road. He's concerned that it is difficult to see around them, and it may cause an accident. Miss Berger requested that Supervisor Horton request the trucks be moved. Supervisor Horton clarified which road and where the truck was parked. It is the Erwin Hollow Road near Firestone. Mrs. Berger noted that the resident also mentioned with the trucks being parked there and their engines running, the diesel fuel emissions were bad for the trees. Supervisor Horton will contact both agencies again on July 13 the day following the meeting, because as much as people are up there they should have seen patrols near the stop signs.

Thomas Austin stated that the town of Erwin had put up signs about shedding off their engines when they were parked more than 5 minutes. Some of the signs were still there last he knew, but others have since disappeared. Supervisor Horton questioned if Erwin allows the trucks to park there, and Mr. Austin stated that they do not. Mr. Miller commented that there had been trucks parked on the road for several hours while they were being repaired. Thomas Austin replied that the town needed to address this issue with Hakes C&D because it was a hazard. If there is a break down they know it and they need to contact a towing company to remove the truck from the roadside. Wayne Cosier commented that the one trucker that was parked there did have his triangle signs out.

**NEW Business**

CBDG Grant. In order to get the funding from the Grant we need to adopt a resolution to designate a Fair Housing Officer for the town of Campbell.

**RESOLUTION NO. 7 of 2021**

**RESOLUTION ADOPTING OF A FAIR HOUSING PLAN AND  
DESIGNATING FAIR HOUSING OFFICER, SECTION 3 OFFICER AND LABOR  
STANDARDS OFFICER FOR THE TOWN OF CAMPBELL**

By: James Drumm

Seconded by: Glenn Vogel

WHEREAS, the Town of Campbell is a recipient of the Community Development Block Grant (CDBG) funding through the United States Department of Homes and Community Renewal, administered by the New York State Governor's Office for Small Cities; and

WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town of Campbell is responsible for taking specific actions to affirmatively further fair housing (AFFH) practices in the Town; and



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WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town be responsible for ensuring compliance with Section 3 of the Housing and Urban Development Act of 1968, as amended, including the appointment of a Section 3 Officer to oversee compliance; and

WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town to be responsible for ensuring compliance with Davis Bacon and Related Labor Standards Acts including the appointment of a Labor Standards Officer to review and/or oversee compliance; now, therefore, be it

RESOLVED, that it is the policy of the Town to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap or disability, or familial status or national origin, and that discrimination in the sale, rental, leasing, financing of housing to be used for construction of housing, or in the provision of brokerage services, because of race, color, religion, ancestry, sex, national origin, handicap or disability, is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Housing Law); and be it further

RESOLVED, that the Town will undertake the following AFFH actions within one (1) year of the award of CDBG funds:

1. Display fair housing posters and distribute fair housing materials prepared by New York State, the municipality, U.S. Department of Housing and Urban Development (HUD), or fair housing organizations to community residents, landlords, real estate professional and lenders;
2. Hold an annual public meeting to address fair housing issues and obtain community input;
3. Elected officials, municipality staff in charge of planning, zoning, building, housing, community and economic development, and their third-party consultants attend and online fair housing training seminar; and be it further

RESOLVED, that the Bookkeeper of the Town of Campbell, shall be designated as the Fair Housing Officer for the Town for the 2021 Fiscal Year; and be it further

RESOLVED, that the Bookkeeper shall be designated as the Section 3 Officer for the Town of Campbell for the 2021 Fiscal Year; and be it further

RESOLVED, that the Bookkeeper shall be designated as the Labor Standards Officer for the Town of Campbell for the 2021 Fiscal Year; and be it further

RESOLVED, that these positions of Fair Housing Officer, Section 3 Officer and Labor Standards Officer shall be renewed annually.

RESOLVED, that the Town Board may, on its own initiative or on petition, amend, supplement, or repeal the provisions of this resolution in conformity with applicable rules and regulations and in their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Adopted by Roll Call Vote: Wheat: AYE Tschantre: AYE Drumm: AYE Vogel: AYE and Horton: AYE

**Executive Session- Union Negotiations**

Supervisor Horton called for a motion to enter into executive session regarding Union Negotiations. Thomas Austin asked supervisor Horton if they were going to do public comment prior to the executive session, in order to allow people who wanted to leave the chance to speak before hand. Supervisor Horton said no.

At 8:20 pm a motion was made by John Tschantre, and seconded by Glenn Vogel to enter into executive session regarding Union Negotiations. Adopted by unanimous vote: 5 Aye- 0 Nay

A motion by Terry Wheat and seconded by Glenn Vogel was made to end the executive session at 8:46 PM.

Upon returning from executive session, supervisor Horton commented that the town attorney Richard Buck was supposed to attend the meeting but could not make it. Mr. Buck however, had written a statement for supervisor Horton to read at the meeting. A copy of the letter read during the meeting follows:

Dear Supervisor Horton:

Campbell Town Board Minutes for Meeting of July 12, 2021

This letter is in response to the Town Clerk's response to your July 8, 2021 email regarding the meeting minutes at which the Town Clerk read complaints concerning the Town Assessor. There's a lot to unpack there.

First, it is appropriate for you to seek my opinion. I understand the Town Clerk often believes she knows what the law is, but often she does not.

Second, she implies that you want to hide the fact that these letters were read at the Town Board meeting. There is nothing to indicate that. Moreover, no town board of the Town of Campbell has ever suggested that complaints be "hidden" as long as our firm has represented the Town. Her implication is baseless.

Third, the town clerk is a scrivener. As the Office of State Comptroller has opined, "The town clerk's function is purely ministerial." The opinion goes on to state: "If the town board has ordered that certain discussions be recorded verbatim or that the entire meeting be recorded, the clerk must abide by that order." Furthermore, the town clerk is wrong that the town board does not approve the minutes. They are the town board's minutes. Of course, the town board approves them or disproves them. The only restriction is that the minutes may not contain any information that is knowingly false.

Fourth, it was unprofessional and inappropriate for the town clerk to blindside the town board by reading the complaint letters aloud at a town board meeting. Unless the town board has specified that the town clerk is to handle personnel complaints that action lies outside the scope of her authority. What should have happened is the town clerk should have forwarded those complaints to the town supervisor and requested that they be addressed at the town board meeting. I would not have recommended that course of action. Complaints are allegations. They should be investigated. The target of the complaint should be given the opportunity to respond. The town clerk denied the town assessor that opportunity. The presumption of innocence is woven into the United States' legal system. I would posit that the same should hold in this context. That said, the town clerk was free to read her complaint as a private citizen during any public comment period in the meeting.

Fifth, it is unseemly that the clerk threatened to file a workplace harassment charge against the tax assessor if the complaints are not made part of the minutes. The town board ought not to be threatened into complying with the wishes of fellow elected official. I recommend the town board include this letter as a supplement to those meeting minutes because there is a factual nexus between those minutes and the contents of this letter. The town board has the authority to order that.

Sixth, the town clerk's complaint against the tax assessor was responded to swiftly. You contacted my office on June 15 or 16. At the request of the town supervisor, I called the town clerk and spoke with her for about an hour on June 17 to look into her complaint. That same day, I called one of the complainants. At my request, the town clerk was getting permission from the complainants to give me their phone numbers and permission to contact them. All have been contacted save one as of the writing of this letter.

Moreover, at the town supervisor's request I cleared my schedule and drove to the town hall on June 22. The purpose was to discuss the matter directly with the tax assessor. It was also to give me opportunity to hold a semi-formal hearing with the tax assessor and the town clerk in the same room to listen and ask questions about the complaint. The town clerk was given seven uninterrupted minutes to tell her side of what happened. The tax assessor was not afforded that same courtesy. The tax assessor had not even spoke for 30 seconds when the town clerk started yelling like a toddler that the tax assessor was lying. Repeated attempts to have the town clerk behave and let me conduct a hearing with decorum were unsuccessful. Appearing to me that the town clerk only responded to an elevated voice, I raised my voice.

The complaints are still being investigated. Some things that the town clerk represented turned out to be false. There is a more detailed report forth coming. I will note a few things here for the board to take notice of. First, complainants I spoke with seemed more upset that they did not understand how assessment system works. Second, none of the complainants I spoke to appeared at the assessment to the BAR. Third, the town clerk and her husband, who is the BAR Chairman I Believe had their assessment reduced from \$105,000 to \$77,000. She did not disclose this in her complaint. She did complain to me that her property wasn't worth \$105,000 and stated further if someone offered her that, she would see and moved back to Wyoming.

Our firm represents numerous municipalities. I have only had to address such a situation with a town clerk like this one other time. I recommend the town board outline the boundaries of the town clerk's responsibilities. I will discuss this matter in greater detail with the board.

Mrs. Allison Berger asked Supervisor Horton who the letter was from, to which he replied Richardson and Pullen our town attorneys. Since Mr. Buck could not attend this meeting, supervisor Horton requested that he attend the August meeting, to elaborate on any questions that the board may have. Supervisor Horton just wanted to let the public know that he should be in attendance at the August meeting. The letter was then turned into the clerk to be added to the minutes.

Mr. Norman Maynard asked if the public would be allowed to ask Mr. Buck questions. Supervisor Horton replied that questions would be allowed during the Public Comment portion of the meeting. Mr. Maynard ask the supervisor if anyone from the board was in attendance at the aforementioned meeting. Supervisor Horton and Deputy

Tschantre were in attendance every step of the way. And the entire letter was true. Supervisor Horton explained that he, Deputy Tschantre, Ms. Smalt, Michelle Seeley, and Mr. Buck attended the meeting. Mr. Buck sat at the head of the table and tried to get to both sides of the story. So yes there were other people there. Mr. Maynard stated that he just wanted to clarify that someone else was there.

The Clerk Stated that she had no representation, Supervisor Horton replied that he and John were there to represent her. The Clerk said no, and Supervisor Horton said what do you mean by no? To which the clerk stated, "Okay fine you were there to represent me". Supervisor Horton then clarified that he was there to represent the town. Which was the same with Mr. Tschantre, which is all of their employees. Supervisor Horton stated that we had had complaints filed. Supervisor Horton then stated that they had a two hour meeting for which the clerk was only in attendance for 10 minutes. The clerk agreed. She's then admitted to blowing her top, and stated that she does not lie.

Supervisor Horton reiterated that they had a two hour meeting to address those complaints.

The clerk then stated that the whole meeting was recorded so the whole eight minutes that she was there was on tape.

Supervisor Horton questioned what meeting she was referring to.

The clerk specified the meeting in the back on Election Day.

Supervisor Horton stated that he did not think any of it was recorded.

The clerk replied that Mr. Buck had recorded the whole meeting.

The Clerk then replied, Rich has a recording, and in her defense, she would like the 8 minutes of the recording during the time she was at the meeting.

Supervisor Horton stated that he would ask Mr. Buck, because he did not realize that the meeting was being recorded.

The clerk stated that she would like a copy of those minutes so that anybody who is interested could listen to those minutes themselves.

Joseph Seeley questioned if they could have access to the entire meeting. He would be curious to know what happened during the entire meeting.

Supervisor Horton stated that it was not a public meeting.

Mr. Seeley asked if it were an executive session.

Supervisor Horton clarified that executive sessions are only during meetings. That three or more board members could not be together without it being public. And then stated that he did not understand Mr. Seeley's question.

Mr. Seeley clarified that if Michelle had been at the meeting and the intention was that she be at the meeting for the entire time, why couldn't she have access to the entire recording?

Board member Wheat made a comment that the clerk should not have left the meeting, to which she replied you are right Terry, I should not have left the meeting.

Supervisor Horton stated that he would have to ask, he didn't realize the meeting was recorded. And then re-stated that executive sessions happen at meetings when the whole board is present.

Mr. Seeley commented that when there's an executive session conversations are had that nobody knows about, and nobody's ever supposed to know about. But if it wasn't an executive session, then it should be accessible by public.

Supervisor Horton then questioned whether every time he had a meeting whether it should be recorded, and accessible to the public.

Mr. Seeley stated that if it is a recorded meeting, it should be made available to the public.

Deputy supervisor Tschantre questioned if it was Attorney client privilege.

Supervisor Horton re-stated that he did not know that the meeting was recorded, it was news to him. And he would have to ask Mr. Buck. He then stated that he made a note to himself to check on it. He went on to explain that he meets with tons of people, such as the ambulance company and for example just today the Union representatives. None of those meetings are ever recorded, or have notes taken.

Mr. Seeley stated that anything you record should then become public record.

Supervisor Horton said if it was recorded it may be. But he does not know. He could not answer that.

#### **Union Negotiations**

Supervisor Horton and Deputy Supervisor Tschantre met with the Union today and had a great conversation. Usually this takes months to complete, however very few things need to be changed in the contract.

Supervisor Horton requested a motion to allow Deputy Supervisor Tschantre and himself to act on behalf of the town during the month of August, so they have the numbers for the budget.

A motion to allow Jeffrey Horton and John Tschantre to act on behalf of the Town during the month of August for Union negotiations was made by James Drumm and seconded by Glenn Vogel. Adopted by unanimous vote: 5 YAY to 0 NAY.

Supervisor Horton commented that he cannot say what is in the contract right now but, that generally there are fights between towns and Unions, but not this time. We have a good highway department that gets along well with the Town. We treat them good and they treat us good. They don't shoot for the stars which is great. A lot of towns don't have that. Tom is kind of a bridge in the middle that keeps everybody happy.

**Public Comment**

Supervisor Horton asked for public comment, he reminded the attending public of the new rules surrounding public comment. Each person is allowed three minutes to make their comment, they should think about what it is they want to say so that it fits into that timeframe, raise your hand, and state their name out-loud before speaking.

Allison Berger presented an additional 15 petitions to stop future expansion of the Hakes C&D Landfill on Manning Ridge Road. This brings the total number of signatures to 100 people in the area who are opposed to any expansion of the landfill.

She wanted to let people know that the DEC Environmental Conservation Report has out of 74 boxes to check, 33 are checked yes, which is a potential challenge to the expansion. Mrs. Berger also wanted to ask when the Ambulance, Fire Company, Police Departments, and School Busses will know if the project is going through, and when Manning Ridge might be closed, and how they and the rest of the community will deal with it. Mrs. Berger confirmed that the Clerk had a copy of the petitions. Supervisor Horton acknowledged that the clerk had given him a copy.

Supervisor Horton, stated that as far as the emergency vehicles and the busses go, he process is very long and detailed when an application is turned into the Town the process is to have multiple Public hearings. We actually had to have the Public Hearings at the Legion last time. DEC held the Public Hearing, they were there to answer any questions, and basically any of those organizations that you have mentioned, would know if there was a vote or any kind of approval. I supervisor Horton stated that he honestly had not heard about any attempt to close the road. He wanted to ensure that he made the statement publicly for anyone who had questions. Supervisor Horton stated that he plowed roads for three days with a pick-up truck, not a big truck. He can't see a closure happening it would be very difficult for anyone plowing snow to have to go all the way around, it would be a nightmare for the Town. I also stated that he could not speak on behalf of the board, but he does not believe that that would even be presented in an application, let alone approved.

Mrs. Berger stated that the information was right in the report.

Mr. Horton stated that it may be in the report, but it's like a child wish list for Christmas. That's more than likely the least expensive way to do the project, but that doesn't mean that they will get everything they want. Supervisor Horton stated that he is quite sure that if we receive an application for an expansion, that that request will not be on it. He clarified that those were his own thoughts. He cannot imagine them asking Thomas Austin to shut the road down and go all the way around, to get to Mr. Cosier's house to plow snow. Because even if the road is shut down, the town has to plow that road. He restated that he was unsure what they would add to the application, it would be unlikely that they would add closing the road to an application, though it would be the cheapest way for them to do the project. He then asked Thomas Austin what his thoughts were.

Mr. Austin stated that a road closure would be a logistical nightmare, and that he would do anything in his power as Highway superintendent or even if he's not, to stop that road from being closed.

Supervisor Horton stated that we have no application, and these are just his thoughts. He stated that after having plowed snow for those days, he believes that every supervisor should have to do the highways job at least once. He stopped the traffic and had Matt Jessup come around from the bottom to plow, and can see where it is a problem. He does not see where this will ever be proposed to this board in particular.

Wayne Cosier stated that plowing was one issue but if there were ever a fire in one of the houses on Manning Ridge Road, the E. Campbell FD would have a difficult time reaching it in time.

Supervisor Horton reiterated that it would be a logistical nightmare, and if it were to ever happen, they would almost have to redistrict everything to make the area a Corning Fire District area.

Norman Maynard posed a question about the cameras, would they be just the video because Supervisor Horton implied there was a lot of talking. Having just the video would be just for safety, or if somebody has a fight or something like that.

Supervisor Horton stated, that that is one reason that he's always been against the camera system, it only shows you what happened after the fact. He said that is why the Town Hall is equipped with panic buttons, so that the cops can be called during the act. The Court System has been pushing for a long time to have cameras in the Courtroom for safety. But all that does is show you what happened after the fact, and does not help in the moment.

Mr. Maynard clarified that supervisor Horton had stated that it was not about the voice earlier when he described the system.

Supervisor Horton stated that if it recorded voices, it would have to announce every time that someone moved their chair or walked into a room, that they were being recorded. Every time the door opened or closed it would go off. The system would be strictly for safety, or if somebody were to break into the Town Hall, or if somebody fell in the parking lot, to show that they had actually fell in our parking lot and not elsewhere. It would also cover if something were to happen like what was in the comments last month. If something happened he wouldn't know, but now there would be video. The Legion has a similar system that allows them to go back and check when something

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happens. Cameras are probably something the town should have done a long time ago. Supervisor Horton stated that he has a similar system at his home and it works really well. He stated that when the town had researched cameras in the past, the cost was between 10 and \$15,000. The cost of camera systems has gone down tremendously you can purchase a camera system at Sam's Club for around \$299 that would allow for instant seeing if your dog is in the yard, by just hitting a button on your phone. The cameras are for safety all the way around, and that is why they will be in every office, in the Court room, in the meeting room, the parking lot, and the lobby and the hallways. Supervisor Horton is looking at is a very simple system that records over itself about every six months?

Mr. Maynard stated that Supervisor Horton had commented about people talking about the Board and that the cameras would not help that. Which is why he wanted to know about recording the voice.

Supervisor Horton clarified that when he made that comment about people not trusting the board he was talking about comments made outside of the Town Hall. He then stated that you could ask anybody there, he always says, if he does anything wrong it will be something that will let him live in the Caribbean for the rest of his life. The Town's budget is not that high and he is too young to live in the Caribbean on the Town's budget for the rest of his life. He stated that he doesn't do anything intentionally to mislead people, that's why he went back and clarified with Mrs. Berger about the DEC report.

Mr. Maynard posed a question about the letter that was received about the BAR. Mr. Maynard stated that he had been at that meeting, for the whole time, because he too had contested his assessment. He also stated that he had to contest his assessment at the previous re-evaluation 5 or 6 years ago. He lost 5 years ago and was told that the BAR had to have an up-to-date appraisal, less than a year old. He found that information out from the State, and that it is a State requirement. Holly never said any of that because he had given her an appraisal that was two years old. And she didn't even consider that one, to lower his assessment, before he had to go to the Board. There was a special form that you needed to fill out this time, came directly from Holly's letter. That gentleman that day, (Mr. Maynard didn't remember his name), didn't have the form. Mr. Maynard mentioned that he thought someone had gone and made a copy for him.

Mrs. Smalt stated that the forms were available at the back of the room.

Mr. Maynard did not recall seeing them. He then stated that is what the Board had to make sure they had everything in line. So it's not so much that they didn't give him any respect. He came unprepared. And there's a difference between coming unprepared and being disrespected.

Supervisor Horton stated he knew when he talked to Mr. harness that he had stated that he had a current appraisal that was three months old. If there was a form that should've been filled out he did not mention it.

Mr. Maynard stated that there had been no form six years ago. The process was different then, you had a set time to be at the meeting and talk to the board. That was not the process this time. It was done on a first come first serve basis so everybody who came, just came in. Mr. Maynard stated that his hope was that more people would come, but they didn't. And Mr. Maynard then stated that he knew that supervisor Horton had discussed them \$1 million that the board had lowered assessments. But there's also a 92% of the people, he was unsure of the exact percentage. However 80% of the assessments all went up. And those people didn't fight it. So the town of Campbell made a lot more than \$1 million.

Mrs. Smalt commented that during a reevaluation project approximately 1/3 goes up 1/3 goes down and 1/3 stays the same. Statistically that's what happens. We have the concrete numbers to show that.

Mr. Maynard ask Miss Smalt if that information was accessible by the Campbell public.

Mrs. Smalt replied that they are report received from the State.

Supervisor Horton asked Mrs. Smalt where Mr. Maynard would find that information.

Mrs. Smalt replied, that those reports are not out there, that she gets them from the state.

Mr. Seeley stated that that information should be available via a FOIL request.

Supervisor Horton mentioned that there's information available on the county website and that a person should be able to pull it from there. However, Mrs. Smalt stated that that information was not available on that website.

Mr. Maynard confirmed that it was not available on the website, and that you needed to check the information both ways.

Mrs. Thompson asked who comes up with the 33%, 33%, 33% equation.

Supervisor Horton clarified that it is the state that says that is the normal way things happen.

Mrs. Smalt stated that that is normal for any town that does a reevaluation project in the state.

Mr. Maynard then asked Mrs. Smalt if that's how it was this year in Campbell.

Mrs. Smalt replied that she could not say if that is what it was.

Deputy Supervisor Tschantre asked if that was about the same as the last time a reevaluation was done.

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Supervisor Horton just wanted to clarify one statement that Mr. Maynard had said, when reevaluation is done the town does not make any money.

Mr. Maynard asked if when the reevaluation goes up doesn't the town receive more money from the State.

Supervisor Horton stated that that was not correct. The assessed value goes up because property values go up. So what happens if you have a lot of people in this town, that their assessment went up but the amount that they owe went down. The town has a budget, and we have to get that amount of money from the tax payer. So if the towns assessed value goes up the tax rate per thousand goes down. As an example last year with our budget we had to have \$3.22 per thousand. If the assessed value of the town goes up, to reach that same amount we might be only at \$2.90 per thousand. So the town does not get one dollar more out of a reevaluation. Does that make sense?

Board member Vogel stated that when he first heard that, it did not make sense to him. You would have to study it to understand it.

Supervisor Horton just wanted to make it clear to the public because that is a bad impression that people get. They think that the town will all of a sudden have more money. But that is not the case.

Mrs. Smalt commented that the Town may be eligible for cyclical aid and that is to cover the cost of doing reevaluation. The supplies the resources and all of that. But that does not give any more money to the Town.

Supervisor Horton just wanted to make sure that everybody understood that the tax rate is adjusted based on the assessed value of the town.

Denice Thompson questioned how the town, then lost \$1 million.

Supervisor Horton clarified that the town lost \$1 million in assessed value. When the 30 properties that were reduced went down \$1 million, the assessed value of the town then lost \$1 million. So the estimated amount that was on the letter that Holly sent out, for instance if your amount was \$1800, it will now be more than \$1800. Because those properties were reduced everybody in town will have to pay more than the estimate was, because the assessment is not where it was.

Mrs. Smalt interjected that the Town still had a levy to meet.

Mr. Maynard asked that even though we were down \$1 million on one end we were up \$5 million on the other end, because of the people who didn't fight their assessment.

Supervisor Horton then explained that the estimated number was based on nobody complaining, so with \$1 million being reduced, the individual per thousand tax rate must come back up. So whenever somebody's assessment is dropped, for instance when craft fought their assessment, they dropped over \$1 million in just one business. Which can cause a large fluctuation in the tax rate.

Board member Drumm stated that the people who did not get lowered will pick up the balance from those who did get lowered, to even it out.

Supervisor Horton said as far as our budget, there will be very detailed reports as to the breakdown comes up. Including the amount that we have to have for the Town, and then based on a rate of the assessment of the whole Town. That is why it is so important for Holly to get that final roll filed.

Wayne Cosier asked about getting signage on Manning Ridge Road that states that trucks can only go from 6 am to 6 pm. He believes that it would help protect the Town, if a trucker violated it, or an accident happened, before or after posted hours.

Deputy supervisor Tschantre asked the question if that would come under restraint of trade.

Supervisor Horton stated that he was not sure that they could do that and gave the example of Lowe's delivering furniture to a private home. He stated that he would have to check into the legality of that.

Mr. Cosier asked if a weight limit could be added to the sign.

Thomas Austin stated that he was unsure if that could be done. He stated that the idea has merit, but he's not sure what the actual wording would have to be. He then stated that people going up and down the hill go faster than 45, which is the posted speed limit.

Board Member Wheat stated it was similar to the trucks parking at the bottom of the hill who were told not to park there. They park there anyway and run the signs over, or take the signs. They are going to do what they want to do.

Supervisor Horton agreed with Thomas Austin that it was a good idea, but did not know how they could do it.

Mr. Cosier stated that he was just trying to make it so if something happened between 6 pm and 6 am, there would be a sign at the bottom to protect the Town from Liability.

Mr. Wheat stated that the Town would not be liable the company and the driver would be.

Supervisor Horton suggested talking to the landfill about posting a sign up there. Reminder no trucks on the Hill between 6 pm and 6 am.

Gary Miller stated that the tanker truck came up and down the hill on Sunday.

Supervisor Horton, asked if it was the actual Casella tanker.

Thomas Austin asked and clarified that it was actually Dixons, the reason the truck was on the hill, is because the leachate field only holds so much and with all of the rain they needed to pump it.

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**Voucher Audit 9:25 -p.m.**

Vouchers were submitted and approved as follows:

General Fund Vouchers #195-220	\$ 14,167.10
And Highway Vouchers #96-106	\$ 20,752.95
Water District 1 SW- Vouchers #33-37	\$ 838.51
Water District 2 SW2-Vouchers # 15-16	\$ 797.65
Water District 3 SW3-Vouchers #13-15	\$ 2,292.51
Trust & Agency TA Voucher # 7	\$ 193.00
Street Lighting SL Voucher # 221	\$ 512.47
For a grand total of	\$ 39,554.19

**Adjournment.**

There being no further business before the Board, the meeting was, upon motion by Terry Wheat and seconded by Glenn Vogel, adjourned at 9:35 p.m.

Respectfully submitted,



MICHELLE L. SEELEY  
Campbell Town Clerk

**DATED:**

**ATTACHMENTS:**

\*June 14, 2021 minutes reflect this change.

\*\* The correct name of the tree service has been noted on the June 14, 2021 minutes.

Campbell Town Board Minutes for Meeting of July 12, 2021

Bryon Harnas  
8152 Forty Dollar Road  
Campbell, NY 14821

July 6, 2021

To Campbell Town Board:

I am writing to lodge an official complaint on the Campbell Board of Assessment Review for their belittling attitude and sheer disregard for the people they are intended to assist.

I received my property assessment for my primary residence on Forty Dollar Road in Campbell. I made an appointment to meet with the town assessor, Holly Smalt. She was extremely helpful. Although we could not reach an agreement on the assessed value of my home. I asked for the next steps to grieve my assessment whereupon she directed me to the Board of Assessment Review.

I made an appointment, prepared for the review by obtaining an independent assessment from an assessment firm and was able to provide similar comparisons to my residence. After entering the Campbell Town Hall for the Board of Assessment Review I sat waiting my turn. I felt like the Board was very short with people and acted like they were in a hurry. I am not sure of the gentleman's name but he sat in the center with glasses and acted as if I was wasting his time. He asked for my tax ID number and refused to listen or assist with helping to locate the number. I was treated as if I should know every step of a Board of Assessment Review situation. As I was growing uncomfortable sitting with no-one listening and being degraded by the board, Holly Smalt, the Town Assessor helped by giving me my tax ID number. No-one on the Board spoke in my defense with the rude demeanor of the "gentleman in the center", their peer. Therefore, I am holding the entire Board of Assessment Review responsible in my complaint.

The assessor and I may not have been able to reach an agreement but she helped me maneuver the process and the ONLY person who supported me in my Review meeting.

I felt the Board of Assessment Review did not review my independent assessment, did not listen to me or treat me with the respect a town citizen deserves. After the meeting, discussing with other property owners who had Board of Assessment Review cases in the past, it came to my attention that other community members were treated in the same fashion which prompted my letter to the Town Board. Thank you for your time and consideration.

Sincerely,  
Bryon Harnas

Bryon Harnas  
Forty Dollar Rd  
Campbell, NY



Campbell Town Board Minutes for Meeting of July 12, 2021

July 12, 2021

JEFF HORTON, SUPERVISOR  
8529 MAIN STREET, CAMPBELL,  
NY 14821

RE: TOWN CLERK AND TAX ASSESSOR  
FILE NO. 7400-052

Dear Supervisor Horton:

This letter is in response to the Town Clerk's response to your July 8, 2021 email regarding the meeting minutes at which the Town Clerk read complaints concerning the Town Assessor. There's a lot to unpack there.

First, it is appropriate for you to seek my opinion. I understand the Town Clerk often believes she knows what the law is, but often she does not.

Second, she implies that you want to hide the fact that these letters were read at the Town Board meeting. There is nothing to indicate that. Moreover, no town board of the Town of Campbell has ever suggested that complaints be "hidden" as long as our firm has represented the Town. Her implication is baseless.

Third, the town clerk is a scrivener. As the Office of State Comptroller has opined, "The town clerk's function is purely ministerial." The opinion goes on to state: "If the town board has ordered that certain discussions be recorded verbatim or that the entire meeting be recorded, the clerk must abide by that order." Furthermore, the town clerk is wrong that the town board does not approve the minutes. They are the town board's minutes. Of course, the town board approves them or disproves them. The only restriction is that the minutes may not contain any information that is knowingly false.

Fourth, it was unprofessional and inappropriate for the town clerk to blindside the town board by reading the complaint letters aloud at a town board meeting. Unless the town board has specified that the town clerk is to handle personnel complaints that action lies outside the scope of her authority. What should have happened is the town clerk should have forwarded those complaints to the town supervisor and requested that they be addressed at the town board meeting. I would not have recommended that course of action. Complaints are allegations. They should be investigated. The target of the complaint should be given the opportunity to respond. The town clerk denied the town assessor that opportunity. The presumption of innocence is woven into the United States' legal system. I would posit that the same should hold in this context. That said, the town clerk was free to read her complaint as a private citizen during any public comment period in the meeting.

Fifth, it is unseemly that the clerk threatened to file a workplace harassment charge against the tax assessor if the complaints are not made part of the minutes. The town board ought not to be threatened into complying with the wishes of fellow elected official. I recommend the town board include this letter as a supplement to those meeting minutes because there is a factual nexus between those minutes and the contents of this letter. The town board has the authority to order that.

Sixth, the town clerk's complaint against the tax assessor was responded to swiftly. You contacted my office on June 15 or 16. At the request of the town supervisor, I called the town clerk and spoke with her for about an hour on June 17 to look into her complaint. That same day, I called one of the complainants. At my request, the town clerk was getting permission from the complainants to give me their phone numbers and permission to contact them. All have been contacted save one as of the writing of this letter.

Moreover, at the town supervisor's request I cleared my schedule and drove to the town hall on June 22. The purpose was to discuss the matter directly with the tax assessor. It was also to give me opportunity to hold a semi-formal hearing with the tax assessor and the town clerk in the same room to listen and ask questions about the complaint. The town clerk was given seven uninterrupted minutes to tell her side of what happened. The tax assessor was not afforded that same courtesy. The tax assessor had not even spoke for 30 seconds when the town clerk started yelling like a toddler that the tax assessor was lying. Repeated attempts to have the town clerk behave and let me conduct a hearing with decorum were unsuccessful. Appearing to me that the town clerk only responded to an elevated voice, I raised my voice.

The complaints are still being investigated. Some things that the town clerk represented turned out to be false. There is a more detailed report forth coming. I will note a few things here for the board to take notice of. First, complainants I spoke with seemed more upset that they did not understand how assessment system works. Second, none of the complainants I spoke to appeared at the assessment to the BAR. Third, the town clerk and her husband, who is the BAR Chairman I Believe had their assessment reduced from \$105,000 to \$77,000. She did not disclose this in her complaint. She did complain to me that her property wasn't worth \$105,000 and stated further if someone offered her that, she would see and moved back to Wyoming.

Our firm represents numerous municipalities. I have only had to address such a situation with a town clerk like this one other time. I recommend the town board outline the boundaries of the town clerk's responsibilities. I will discuss this matter in greater detail with the board.

Sincerely,  
Richardson, Pullen, & Buck, P.C.  
**Richard M. Buck**