

**MINUTES OF SPECIAL TOWN BOARD MEETING OF JULY 26, 2022
HELD AT THE TOWN HALL, 8529 MAIN ST., CAMPBELL, NEW YORK**

PRESENT: Town Board Members: John R. Tschantre; Jeffrey Horton, Michael Austin, Glenn Vogel; **Town Clerk:** Michelle L. Seeley;

NOTE FOR THE RECORD: Also Present: Thomas Austin, Water Operator in charge, Tim Steed, Hunt Engineers, Mary Chappell, Municipal Solutions, and Richard M. Buck, Esq., Town Attorney, Jacqui Kohman as Water Billing Admin and Wendy Oman as Water Project Admin

ABSENT: James Drumm

GUESTS: Barbara and Willis Osborn, David and Kelly Hortman, Denice Thompson, Thomas Hargrave, Jim Morse, Tim Reese, Shirley and Tom Brzezinski, Jeannette Sorge, Eleanor Brennan, Spencer Carter, Kathy Reynolds, Kay Ruscitto, Mary Perry, Holly Smalt, David Weeks, John Istler, Randy Personious, Tina Reese

Compliance with Open Meetings Law.

The meeting was called for the purpose of discussing an increase in the maximum amount to be expended for Water District 1 Extension, and to take any other action as deemed necessary. Notice of this meeting was emailed to The Leader on July 12, 2022, and said notice was also posted on the Town Clerk's sign board in the Town Hall and on the Town's website.

Call To Order/Pledge /Roll Call.

Jeffrey Horton called the Special Town Board meeting to order at 1 p.m. at the meeting room of the Campbell Town Hall and led the pledge of allegiance. The Town Clerk then took roll call.

Increase in the Maximum Amount to be expended for Water District 1 Extension

Mr. Horton opened the Public Hearing at 1:03 pm and opened the floor for comments and discussion of the topic.

Discussion was had concerning an increase in the maximum amount to be expended for Water District 1 Extension.

Guests brought up concerns related to the cost and increase to monthly service. Questions related to hook up costs, placement of water lines, whether existing wells would need to be filled in, cost for service, monthly cost to residents not hooked up to town water, reasons behind an afternoon meeting, financial aid for those on fixed incomes, what would happen if bids came back higher than previously bid, when would construction begin and end, and the reclamation process were asked and addressed.

A summary of the questions and answers follow:

Increase of overall project cost and cost to end user: *even though the maximum project cost is increasing to \$5,990,000.00 from \$4,552,127.89, the cost per user is less because of additional grants that were available and we obtained and the original loan that was going to help fund the project went from 2.75% interest to zero interest.*

Location of hook-ups: *The homeowner has some, but not unlimited discretion where the waterline hookups can go. The contractors, Tom Austin and the engineers will work with residents on this issue. The hookups will be even with the ground, and will not break the surface.*

Filling in existing wells and use of wells once hooked up: *Residents can keep their existing well. If they choose to connect to the public water system, there are simple steps to take to ensure that the well water does not intermingle with the Town's water supply. Residents can direct any questions they have to Tom Austin.*

Financial aid for fixed income residents: *There is at least one agency that can help—Arbor Development out of Corning. However, each individual property owner will need to apply to and communicate directly with Arbor to see if they qualify and work out those details. The Town is not involved in that private transaction. The engineer and financial consultant indicated they would provide the town with information that will be made available to interested folks.*

Why was the meeting held in the middle of the day, not at night?: *The meeting was held at 1 p.m. for a few reasons, first, after we had the meetings in 2019 when we originally looked into and finally created the district, we heard from many people in the district who were seniors. They had asked if the meeting could be held earlier in the afternoon. Second, given the short timelines we were dealing with and the schedules of our professionals, this was a time that they could all be available. Third, the bulk of such meetings at the county are in the morning, so the Supervisor thought it might make sense to try it at this time.*

Bids and future cost increases: *There's only one bid for well-house and supply lines that is being re-bid. The other bid, if we move forward, is already presented and waiting for approval. The bid for the new well was high. We know this based on two things. First, there was only one bidder. Second the engineer spoke with other contractors who were not able to bid at the time. They advised that the bid was high. With these facts in mind, the engineer believes it is likely that if the first bid is rejected and that part of the project is bid again, that bid will be lower. But that's not a guarantee, it is an informed assessment. But if that part of the project is not rebid, the new maximum project amount accounts for that higher than expected drilling bid.*

Additional information and comments: *Mr. Morse and Mrs. Thompson pointed out that homes in close proximity, such as those in the proposed water district extension, could have the contents of neighboring septic systems find their way into nearby well water.*

Glenn Vogel explained that all taxpayers in the district will benefit from having the waterline because fire hydrants will reduce response time and improve firefighting efforts. Also, those within so many feet of a hydrant could have their homeowner's insurance reduced.

Another resident pointed out that having public water usually improves the value of a home and facilitates selling and buying a home from a lender's perspective.

Willis Osborn expressed passionate opposition to the project. He stated that he had no plan to hook up to the system, and wondered why he should have to pay for it.

Tina Reese stated that she had just paid for an expensive water treatment system and wondered what would happen if she decided to fill her pool if she hooked up to the system.

It was explained that the cost of the water covered 9,000 gallons of usage per month. Most customers would never come close to using this amount. There is an additional fee for gallons used that exceed the 9,000 gallon allotment, however the cost of the overage would be small in comparison to the amount that the resident would pay the fire department to fill their pool.

Kay Ruscitto and Kathy Reynolds questioned if there was damage to their yards during the construction process who would fix it?

Thomas Austin assured those that were concerned with the reclamation process, that the contractors would be mandated to return the property to equal condition after the project was finished, this applies also to contractors who are hired to hook up service from the

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curb stop to the home. Each contractor would be required to carry insurance, and provide proof of insurance prior to beginning work.

Why pay for something I am not using: *That's a fair question. The answer is not fully satisfying. The answer is that it is not what the statute requires nor what the financing or economics contemplate. They are based on a more utilitarian approach—the greatest good for the greatest number. The one analogy I can think of is highways and roads. I'm sure private landowners did not want their property taken, divided and made into roads. But the property was taken and the roads were built because it benefitted more people than it harmed.*

Those who opt not to connect to the system but who are still required to pay towards the money borrowed to help pay for the system, still benefit in at least three ways. First, their homes are safer in the event of a fire. Second, less demand from individualized well have positive effects on the water table in the vicinity in help dilute the effects of septic on those whose wells remain. Third, those within so many hundreds of feet of a fire hydrant frequently can save money on their fire insurance premiums.

The Public Hearing was closed at 2:23 PM.

RESOLUTION #6 of 2022

RESOLUTION #6 of 2022, Thereafter, Board Member Michael Austin moved and Board Member John Tschantre seconded the following resolution:

RESOLUTION AND ORDER OF THE TOWN BOARD AUTHORIZING AN INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF FACILITIES IN THE EXTENSION OF WATER DISTRICT NO. 1 IN THE TOWN OF CAMPBELL, COUNTY OF STEUBEN AND STATE OF NEW YORK

WHEREAS, on August 2, 2019 the Town Board determined to proceed with the proposed establishment of the Extension and the construction of such water system and, in pursuance thereof, adopted the order calling a public hearing reciting in general terms the preparation of such Map, Plan and Report prepared by Hunt Engineers and the filing thereof in the Town Clerk's Office, a description of the boundaries of the Extension, the improvements proposed, consisting of the construction of such water system, for which system water will be purchased from the wells and water treatment facilities of Water District Extension No. 1, the maximum amount proposed to be expended for such improvements as stated in the petition, the proposed method of financing to be employed, the fact that a map and plan describing the same were on file in the Town Clerk's Office for public inspection and specifying August 13, 2019, at 7:00 p.m. as the time when, and the Town Hall in the Town, as the place where, the Town Board would meet to consider the establishment of the Extension and the construction of such water system therefor, including the environmental significance thereof, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation to the premises, as may be required by Law; and

WHEREAS, following publication and posting of certified copies of said order calling a public hearing pursuant to article 12-A of the Town Law and after a public hearing duly held by the Town Board at the time and place herein referred to the Town Board, by resolution duly adopted August 13, 2019, determined that the notice of public hearing was published and posted as required by law and is otherwise sufficient, that all the property and property owners included within the proposed Extension are benefitted thereby, that all the property and property owners benefitted are included within the limits of the proposed Extension, that establishment of the Extension is in the public interest, that the expenses shall be assessed, levied and collected on a benefit basis from the several lots and parcels of land within said Extension and approved the establishment of the Extension and the construction of said water system

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therefor at a cost not to exceed \$4,552,127.89, of which \$2,731,275.89 shall be from available grants funding if the Town's application is granted and further, following review of a Long Form Environmental Assessment Form and after due deliberation thereon, the Town Board acting in the role of the Lead Agency, issued a Negative Declaration (Determination of Non-Significance), including a determination that the proposed action is an Unlisted Action pursuant to the provisions of article 8 of the New York Environmental Conservation Law; and

WHEREAS, the Water District is bounded and described as follows:

EXTENSION BOUNDARY DESCRIPTION

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

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

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

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

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

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

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

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

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

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

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the westerly right of way of Eckles Road and the northerly right of way of McNutt Run Road;

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

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

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

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

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

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

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

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

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

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

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

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

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intersection of the western right of way of Pennsylvania Lines LLC and northeastern boundary line of Tax Map Parcel No. 242.00-02-006.000; and

WHEREAS, following the receipt of project bids which were significantly over pre-COVID project estimates, Hunt Engineers prepared an amended map, plan and report reflecting the increased costs and additional State Aid, and said map, plan and report are now on file in the Town Offices; and

WHEREAS, the maximum amount proposed to be expended for the construction of the water improvements is proposed to be increased from \$4,552,127.89 to \$5,990,000.00 and the plan of financing includes the issuance of bonds of the Town to finance said cost and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District Extension, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds and any grant funds applied for and received; and

WHEREAS, the increase in the maximum amount to be expended is due to generally increased costs of labor and materials post-COVID; and

WHEREAS, the estimated cost of the District Extension to the “typical property” (as defined in the Town Law) is **\$489.34** (taking into account the capital/debt service, operation, maintenance) annually; and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, the engineer’s Map, Plan and Report which specifies how such estimates were computed; and

WHEREAS, all future costs and expenses of operation, maintenance and improvements, in said Extension, including all expenses related to all extensions of said Extension which may thereafter be established, shall be a charge against the entire area of said Extension as extended; and;

WHEREAS, the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk a detailed explanation of how such estimates were computed; and

WHEREAS, an order was adopted by the Town Board on July __, 2022 in accordance with the provisions of Section 209-h of the Town Law for the hearing of all persons interested in this matter at a meeting of the Town Board to be held at the Town of Campbell Town Hall, New York on July 26, 2022 at 1:00 p.m. concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law and the public hearing was as ordered and described above; and

WHEREAS, the Town Board previously gave due consideration to the impact that such construction of Water Improvements may have on the environment and on the basis of such consideration, the Town Board determined that there would be no significant impact on the environmental and issued a Negative Declaration for purposes of SEQRA; and

NOW THEREFORE, BE IT RESOLVED, ORDERED AND DETERMINED, THAT:

Upon the evidence provided and considered at the aforesaid public hearing held in accordance with the requirements of Section 202-h of the Town Law and upon considering the counsel of the Town’s financial, engineering and legal advisers; the Town Board concludes as follows: 1) All the property and property owners within the District are benefitted thereby; 2) All the property and property owners benefitted are included within the limits of the District; and 3) It is in the public interest to increase

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the maximum amount to be expended for the construction of improvements within the District; and it is further

RESOLVED, ORDERED AND DETERMINED, that the maximum amount to be expended for the water improvements within the Extension of Water District No. 1 is hereby increased from \$4,552,127.89 to **\$5,990,000.00** with an estimated cost to the “typical property” of \$489.34 annually and the plan of financing includes the issuance of bonds of the Town to finance said cost and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District Extension, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds and any grant funds applied for and received; and it is further;

RESOLVED, ORDERED AND DETERMINED, that the construction of water improvements within the District Extension is below the \$989 per year maximum threshold requiring the approval of the New York State Comptroller as required by Town Law; and it is further;

RESOLVED, ORDERED AND DETERMINED, that, within ten (10) days the Town Clerk or Town Attorney is hereby authorized and directed, on behalf of the Town, to record certified copies of this resolution and such other documents and instruments as may be required by law and that the Town Clerk shall file with the Office of the State Comptroller in Albany, New York, copies of this order, certified by said Town Clerk.; and it is further;

RESOLVED, ORDERED AND DETERMINED, that this Resolution and Order shall take effect immediately. The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

		<u>YES</u>	<u>NO</u>
Supervisor:	Jeffrey Horton	_x_____	_____
Councilpersons:	James Drumm	_____	Absent
	John Tschantre	_x_____	_____
	Glenn Vogel	_x_____	_____
	Michael Austin	_x_____	_____

The foregoing resolution was thereupon declared duly adopted and subject to permissive referendum.

Adjournment.

There being no further business before the Board, the meeting was, upon motion by John Tschantre and seconded by Michael Austin, adjourned at 2:32 p.m.

Respectfully submitted,

MICHELLE L. SEELEY
Campbell Town Clerk

DATED: August 1, 2022.