

**MINUTES OF TOWN BOARD MEETING OF NOVEMBER 8, 2021
HELD AT THE TOWN HALL, 8529 MAIN ST., CAMPBELL, NEW YORK**

PRESENT: Town Board Members: Jeffrey Horton John R. Tschantre; Glenn Vogel, and James F. Drumm; **Town Clerk:** Michelle L. Seeley; and **Highway Supt:** Thomas A. Austin; **Code Enforcement Officer:** Thomas Hargrave
Bookkeeper: Wendy Oman **Assessor:** Holly Smalt

ABSENT: Terry Wheat

GUESTS: Michael Austin, Joe Seeley, Normand Maynard, Denice Thompson, Ralph Seeley, Denise Frank, Wayne Cosier, Ed Newman, Allison Berger, Judy Simmons, Robert Oman, Linda Baird, Lauren Bowen, Les Smith, Judy Keith, Philip Keith, Marian Isaacs, Earl Isaacs, Lyle Koperczack, Theresa Parulski- McKenna, Andy Hain.

Public Hearing LL 2 of 2021 A Local Law to Opt-Out of allowing cannabis retail dispensaries and on-site consumption sites.

Supervisor Horton led the pledge of allegiance, the clerk then took roll call, Terry Wheat absent, all others present.

Supervisor Horton called the Public Hearing for the proposed Local Law 2 of 2021 to order at 7:01 p.m. A public hearing to discuss the proposed Local Law to Opt-Out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4. Notice having been duly published in the Corning Leader on November 1, 2021.

Supervisor Horton explained that the Town would need to decide whether to opt-out or do nothing by December 31, 2021. He further explained that if the Board chose not to opt out, there would be no way to do so in the future. He read the proposed local law (Attached), then asked for public comment.

Joseph Seeley encouraged the Board to opt-out of having cannabis retail dispensaries and on-site consumption sites in Campbell. His opinion is that allowing these businesses in Town would cause more trouble in the long term than bring benefit in the short term.

Les Smith also spoke against letting these businesses open in Town. His opinion is that it will bring additional illegal activity to Town, and the Town of Campbell is already having issues. He also stated that if there is an option to opt-in later and someone came with a great business plan later, and it became a good idea, then take another look at it at that time.

Supervisor Horton asked if there were additional comments and then closed the Public Hearing at 7:03 p.m.

Public Hearing proposed amendments to LL 1 of 2014Town of Campbell Zoning Law."

Supervisor Horton called the Public Hearing for the proposed amendments to LL 1 of 2014, known as the Zoning Law of Campbell, to include solar energy and battery storage to order at 7:04 p.m. Notice having been duly published in the Corning Leader on November 1, 2021.

Supervisor Horton asked if there were any questions or comments from the public.

Michael Austin questioned if these businesses would have to be put into specific zones such as agriculture or commercial.

Supervisor Horton stated that the way the proposed changes read, specifically the solar panel one, would have to be in an agricultural zone. If they were to go into an industrial or commercial area, they would need a variance. He referred to the proposed law and mentioned the copies on the back table for anyone interested. He pointed out handwritten notes in the margins because this is a draft of the proposed law. He pointed out that changes were needed to prevent a solar farm from being placed in residential areas such as Main Street. Supervisor Horton has had Thomas Hargrave look over the law to ensure that it meets National Electric Code Standards.

An example would be fencing. Instead of having the Planning Board or Town Board determine the height of the fence, it would need to meet National Electric Code Standards. Individuals or companies would need to be bonded so that the Town is not liable for the clean-up cost. There must be a plan for when the company goes out of business or if there are issues down the line.

Installation of solar panels for private use would not be an issue. This law would be specifically for solar farms.

Linda Baird questioned if site plans would come to the Planning Board or the Town Board.

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Thomas Hargrave clarified that even if a solar farm is permitted in a specific zone, the Planning Board will need to approve any site plans. The Town of Campbell District Use Table will be updated to reflect the changes before a new law is enacted.

Norm Maynard questioned if the stored energy could be sold back to the electric company, why would there need to be battery storage (not for individuals but for companies)?

Supervisor Horton explained that it has to do with the electric lines and if the electric company is willing to buy back the electricity.

Joseph Seeley asked if there were a provision in the law to dispose of the batteries and solar panels.

There is nothing specific in the law at this time, but there is still more work to be done. That is why the company would need to be bonded. That is why the Town is holding Public Hearings about this issue. So the Board can get an idea of how the Town people feel about doing this. This Public Hearing will be adjourned to find answers to the questions brought up at the meeting tonight. There will be an additional Public Hearing in December.

Norm Maynard asked if Wind power is also being considered because generally, wind follows solar.

Jeffrey Horton replied that that had not been looked at yet.

Robert Oman asked if Supervisor Horton knew of anything from the County. Is there something that stops people from walking away and leaving hazardous waste?

Supervisor Horton stated that the County does not take a stand on Town Issues. The County requires a bond in the case of old landfill sites. The bond goes to the DEC to reclaim the land, and the law states that they must have a commissioning plan and a decommissioning plan. The County is trying to place new solar farms on old landfill sites to cover the cost of maintenance.

Phil Keith stated that when looking at the disposal of batteries, the Town should consider the disposal of the solar panels as well. They are made with hazardous materials. And if a company walks away, even if the landowner has the money to clean up the property, do they have the knowledge? This is something else that the Town Board should be looking at when writing the amendment.

Andy Hain questioned if there was anything about regulations and safety inspections. He would like to see something about annual or semi-annual inspections to ensure that the site is properly maintained.

Supervisor Horton stated that the DEC regulates inspections but is unsure of how often they are done. However, if the DEC does not do annual inspections, the Town can put it into the law that the site must pay for an additional yearly inspection by the DEC.

Supervisor Horton asked if there were any additional comments. With no further comments, a motion by James Drumm and seconded by Glenn Vogel to adjourn the meeting at 7:23 p.m. until December 13, 2021, was adopted by a roll call vote
Tschantre: AYE, Drumm: AYE, Vogel: AYE, Horton: AYE Wheat: ABSENT

Call To Order/Pledge /Roll Call/ Prior Minutes

Supervisor Horton began the regular meeting by reading Justice Douglas Horton's resignation (retirement). Supervisor Horton expressed his gratitude to Justice Horton for his 31 years of service to the Town. A motion by Glenn Vogel and seconded by John Tschantre to accept Justice Douglas Horton's letter of retirement, effective December 3, 2021, was adopted by a 4: AYE 1: ABSENT and 0: NAY vote.

Mr. Horton called the regular monthly meeting to order at 7:27 p.m. at the Campbell Town Hall meeting room.

Public Comment

Allison Berger discussed her recent visit to the Hakes C&D Landfill. Larry Shilling discussed the planned closure of the top portion of Manning Ridge Road (3600' that connects to Frog Hollow). The plan is to begin a new road that will bypass the landfill. This new road would allow the landfill to open an additional cell in the next few years. This addition to the landfill would allow up to ten more years of operation, causing the continuance of environmental hazards, truck traffic, and smell.

Thomas Austin stated that he would need a map and a plan. However, he has spoken to Larry Shilling and has mapped out a road that would benefit the residents and the landfill. Initial applications to the DEC did not include a new route.

Denice Thompson thanked Thomas Austin for repairing the blacktop in the parking lot. She questioned why the employees were parking in the front spaces that should be reserved for the public. She thanked the Board for putting the meeting sign back out front.

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Mrs. Thompson stated that she was concerned over the Town closing the Hall to private party rentals. She questioned the difference between the liability of having not-for-profit groups during the day and private gatherings after hours. Many people cannot afford to rent other venues, and the Hall is affordable. Most Towns allow residents to rent their hall for private events.

Supervisor Horton has checked with the Town's insurance provider and found that the Town does not have event insurance. The liability is considered less when there are employees in the building.

Mrs. Thompson questioned what the plans for the red barn on Evergreen Street were.

Supervisor Horton stated that the barn would be cleaned out and torn down. There is not much in the barn, but all of it is trash.

Denise Thompson questioned the status of the water extension project. How long will the construction take from beginning to end?

Thomas Austin informed her that the water project would take somewhere between 2 and 2 1/2 months out to complete from beginning to end.

Denise Thompson asked about the plans for the Town Owned property behind Clawson Drive now that the Town knows how much property will be needed for a new Town Hall. Would the Town consider selling the residence of Clawson Drive, a lot, directly behind their homes?

Supervisor Horton stated that the property must go back to public use if it. If it were to be sold, it would have to be placed on the open market for anyone to purchase. Right now, the Town makes more money off of the cornfield than when Coots owned the property (\$1,000 per year).

Denise Thompson inquired about grants that the Town might apply for to help people clean up their yards.

Thomas Hargrave stated that there is a law that some towns have enacted called the zombie law. This law enables a Town to go in and clean up properties and then re levy the cost onto the property owner's taxes.

Jeffrey Horton stated that the Towns could not apply this equally to every property, so most towns are not doing it. Ultimately, it is a liability issue and driven by insurance.

Wayne Cosier stated that he had not seen any trucks traveling up Manning Ridge Road before 6:00 a.m. after 6:00 p.m. or for the last two months. He is not sure if there is a sign at the dump or not. However, he appreciates the reduction in truck traffic.

Robert Oman read a prepared statement (attached) regarding the recent flooding on Campbell Savona Road. He wanted to thank Thomas Austin and Jeffrey Horton for checking on his family during the event.

Mr. Oman stated that this type of flooding happens yearly since the County/State did flood mitigation in Bath and Corning several years ago. He questioned what could be done about dredging the river to help with the issue. Would the County be able to help? The situation is hazardous to the people who live on or travel Route 125. Mr. Oman also questioned whether a more permanent barrier could be installed and possibly some flashing signs before the next time this happens.

Supervisor Horton addressed the situation at a County meeting. He let them know that this was not an ice jam issue. It is a flow issue. The County has requested that Jeff Parker from the DEC be at the next meeting to discuss what can be done. Mr. Horton will follow up on the situation monthly.

Wayne Cosier pointed out that there are issues with Manning Ridge Creek also.

Mike Austin brought up issues with the Wolf Run Bridge and creek during the recent flood event.

Supervisor Horton discussed two letters that he had received from residents regarding the sidewalks on Main Street. With the money from the American Relief Act and money set aside in the budget from 2021, there are funds to repair the sidewalks. The Board is waiting to see if the work can be done during the Water Extension Project and expects the Highway department to complete the project in early 2022.

Prior Minutes

The minutes of October 4, 2021, and October 25, 2021, were noted.

Glenn Vogel offered a motion seconded by John Tschantre to accept the minutes referenced above as written. Adopted by vote: AYE: 4 NAY: 0 ABSENT: 1

REPORTS

Monthly Reports Filed.

It was noted that the monthly Town Supervisor's Report dated was received from Wendy Oman, the Town Bookkeeper, A dog Control report was received from Randy Akins, and an Assessors report was received from Holly Smalt. Copies were filed with the Town Clerk and are available upon request.

Highway Report (Thomas Austin)

Thomas Austin addressed Mrs. Bonnie Dobson's concerns about the speed limit on Taft Road. In 1991 the State established a 45 mph speed limit for half a mile. In 1995 a petition was filed to lower the speed limit. A survey was conducted, and the average speed was 39 mph. The State determined that no changes were necessary at that time. The process must be restarted with a petition to lower the speed limit for additional action.

The last flood event caused severe damage to Taft Road, Gulf Road, and Salt River Road. 90% of the issue stems from deadfall that clogs the pipes.

Thomas Austin took the opportunity to thank Jeffrey Horton and John Tschantre for their assistance during the flooding. The help is very much appreciated.

Water Report (Thomas Austin)

The final plans for the water extension project have been submitted to DOH Steuben and DOH New York. Currently, the Town is waiting for comments from these agencies. Thomas Austin is expecting to have comments back from DOH Steuben back in the next couple of weeks. The proposed timeframe to begin the bidding process is in January or February of 2022.

Code Enforcement Report (Thomas Hargrave)

The Dollar General is expecting to have a soft opening on November 10, 2021. They are still waiting for NYSEG to hook up their power, so they are relying on generator power. The generator contract may need to be extended past November 15.

Fire Department Report (Linda Baird)

Linda Baird of the Campbell Fire Dept. reported on fire calls; 63 medical and miscellaneous calls in October, bringing the YTD total to 430 calls. The Campbell Fire Department is on track to outpace last year's numbers.

Old Business

Planning Board Appointments

There are currently two open seats on the Planning Board (one regular member seat and one alternate member seat) and one expired term to be renewed. The Board has received three letters of interest for the open positions and a letter of interest to continue the expired term.

A motion to reappoint Linda Baird to fill the expired term, Denice Thompson as a regular member and Laura Bowen to fill the alternate member position was made by James Drumm and seconded by Glenn Vogel. Adopted by vote: AYE: 4 NAY: 0 ABSENT: 1.

NEW Business

Annual Justices Audit

Each year the Bookkeeper must audit the Justices books. A motion by Glenn Vogel seconded by James Drumm to have The Bookkeeper Wendy Oman complete the 2021 Audit was adopted by Roll Call Vote: Tschantre: AYE, Drumm: AYE, Vogel: AYE, Horton: RECUSED Wheat: ABSENT

Water Re-Levy and Budget Modification

Resolution #11-2021 was offered by Glenn Vogel and seconded by John Tschantre to submit the 2021 water re-levy to Steuben County for water bills that are at in arrears of \$150.00 or more as of November 25, 2021, a copy of the final list will be submitted to Steuben County by November 29, 2021. Adopted by Roll call vote Wheat: Absent, Tschantre: Aye, Drumm: Aye, Vogel: AYE, Horton: Aye.

Budget Modification

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A motion to approve a budget modification for non-elected essential workers' pay for 2021:

General Fund	AJ010.11	\$25,000.00	A4089 Federal Aid \$25,000.00
Highway Fund	DA3010.11	\$20,000.00	DA4089 Federal Aid \$20,000.00

Was made by James Drumm and seconded by Glenn Vogel was adopted by roll call vote Wheat: Absent, Tschantre: Aye, Drumm: Aye, Vogel: AYE, Horton: Aye.

Budget Approval

A motion to adopt the 2022 preliminary budget with modifications as the final 2022 budget was made by John Tschantre and seconded by Glenn Vogel was approved by roll call vote Wheat: Absent, Tschantre: Aye, Drumm: Aye, Vogel: AYE, Horton: Aye.

E. Campbell Fire District Contract

A motion to allow Jeffrey Horton to sign the three year service contract with the E. Campbell Fire District was made by John Tschantre and seconded by James Drumm, adopted by vote AYE: 4 NAY: 0 ABSENT: 1.

Resolution 12-2021

***Local Law No 2 of the year 2021 Town of Campbell, County of Steuben
A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as Authorized under Cannabis Law Article 4***

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Campbell that would otherwise be allowed under Cannabis Law Article 4.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of Campbell hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 6. Effective Date

This Law shall take effect immediately upon filing with the Secretary of State

RESOLUTION #12 of 2021 was offered by Glenn Vogel and seconded by John Tschantre as follows:

WHEREAS, at the Town Board meeting held October 25, 2021 the Town Clerk was directed to set a public hearing on the tentative Local Law #2 of 2021 as a Local Law to Opt-Out of allowing cannabis retail dispensaries and on-site consumption sites November 8, 2021 at 7:00 p.m. to hear all interested parties on a proposed local law entitled A Local Law to Opt-Out of allowing cannabis retail dispensaries and on-site consumption sites.”

WHEREAS, a Notice of Public Hearing was duly advertised in The Leader on November 1, 2021 and notice was duly posted on the sign board in the Town Hall; and

WHEREAS, said public hearing was duly held on November 8, 2021 at 7:00 p.m., with comments from the public.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts said Local Law No. 2 of the Year 2021 entitled “A Local Law to Opt-Out of allowing cannabis retail dispensaries and on-site consumption sites”, a copy of which is attached hereto and made a part of this resolution, and

BE IT FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to file same as Local Law #2 of 2021, to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town, and to give due notice of the adoption of said local law to the Secretary of State of New York.

Was adopted by roll call vote: Wheat: Absent, Tschantre: Aye, Drumm: Aye, Vogel: Aye, Horton: Aye.

Final Comment

Denice Thompson made a final statement for public record, she expressed her gratitude to Thomas Hargrave for all of his assistance with the her son’s home purchase on Main Street, and his help with NYSEG in regards to the power pole at her sons home on McNutt Run.

Voucher Audit – 8:27 p.m.

Vouchers were submitted and approved as follows:

General Fund Vouchers #291-312	\$ 32,254.70
Highway Vouchers #155-172	\$ 129,587.21
Water District 1 SW- Vouchers #53-60	\$ 1,828.59
Water District 2 SW2-Vouchers # 24	\$ 50.00
Water District 3 SW3-Vouchers #2521-22	\$ 80.24
Trust & Agency TA Voucher # 11-12	\$ 386.00
Street Lighting SL Voucher # 290 & 313	\$ 1,094.46
For a grand total of	\$ 165,281.20

Adjournment.

There being no further business before the Board, the meeting was, upon motion by James Drumm and seconded by Glenn Vogel, adjourned at 8:30 p.m.

Respectfully submitted,

MICHELLE L. SEELEY
Campbell Town Clerk

DATED: November 17, 2021
ATTACHMENTS:
Written Statement from Robert Oman