

**MINUTES OF TOWN BOARD MEETING OF OCTOBER 4, 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:** Bonnie Conaway, Joe Seeley, Normand Maynard, Denice Thompson, Allison Berger, Dan Andrews, Dave Weeks, Sue Miller, Bonnie Dobson, Gary R., Tom Drews, Ryan Walker

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

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. The minutes of September 13, 2021 were noted.

A motion was offered by James Drumm and seconded by Glenn Vogel to accept the minutes referenced above as written. Adopted by vote: AYE: 4 NAY: 0 ABSENT: 1

**Public Comment**

Joseph Seeley requested that the Board draft a resolution to stop cannabis distribution centers in Campbell. The income is minimal compared to the trouble it will bring.

Allison Berger read a letter to the Board regarding Hakes Landfill and the assessments (Attached).

Norm Maynard asked if there could be another Public Comment section at the end of the meeting like they do in Corning.

Wayne Cosier stated that there had not been any truck traffic before or after the posted hours since the last meeting.

Bonnie Dobson asked why the speed radar sign had only been in place for 1 week. The speed limit on Taft Road is the same as it is on Meads Creek and she is afraid that someone will get hit. She has brought petitions in before and nothing has changed. Can the Town buy one of the signs?

Thomas Austin stated that Town has no right to set speed limits, it must go through the process and be sent to the State. Small flashing speed limit or stop signs are between \$7,000 and \$8,000 each.

Bonnie Conaway stated that the petitions are falling on deaf ears. If the Town can't help where can Mrs. Dobson go for help?

Jeffrey Horton stated that the Town has still not heard back about the Clawson Drive petition for speed reduction and it has been two years. He suggested that Mrs. Dobson contact her state assemblyman one to two times a month. She must start the process with a petition.

**REPORTS**

**Monthly Reports Filed.**

It was noted that monthly Town Supervisor's Report October 4, 2021 was received from Wendy Oman the Town Bookkeeper, A Code Enforcement report was received from Thomas Hargraves, A dog Control report was received from Randy Akins, The Town Clerks report from Michelle Seeley, and an Assessors report was received from Holly Smalt, Copies were filed with the Town Clerk, and are available upon request.

**Bookkeeper Report**

Budget Transfer Requests-Highway

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From DA5120.4 \$4000 DA5140.4 \$1300 DA9030.8 \$2300 DA9050.8 \$400 totaling \$8000 to DA5110.4 and from General Fund for Schooling (Thomas Austin) A5132.4 \$750 to A5010.4 \$750.

A motion to approve the extra principle payment of \$20,000 for USDA Loan on Water District 3, to approve the transfers mentioned above, and update the fee language for the water billing was made by James Drumm, and seconded by Glenn Vogel. Adopted by Roll Call vote Tschantre: AYE, Drumm: AYE, Vogel: AYE, Horton: AYE Wheat: Absent

### **Highway Report (Thomas Austin)**

The Highway crew has been working on roads trying to get CHIPS work done. The new Loader has been delivered. There is still no word on the delivery timeframe for the new trucks. Thomas Austin attended the annual Highway Superintendent training this month.

### **Dollar General- Generator**

Representatives from the Dollar General are requesting permission to place a generator on site for approximately three weeks so that they can open on schedule. The generator would be placed in the trash area within an enclosure. Truck traffic will increase no more than one truck per day to fill and maintain generator.

A generator approval form was approved and signed by Dollar General Representatives Jeffrey Horton and Thomas Hargrave. The generator has been approved to power the facility until November 15, 2021. (Approval form attached).

### **Old Business**

#### ***Water 1 extension MWBE EEO Procurement Policy:***

### **MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES EQUAL OPPORTUNITY POLICY STATEMENT**

#### **M/WBE AND EEO POLICY STATEMENT**

THE TOWN OF CAMPBELL, the AWARDEE agree to adopt the following policies with respect to the project being developed or services rendered for THE TOWN OF CAMPBELL WATER EXTENSION (Project) CDBG Project #160PW68-20.

#### **MWBE:**

This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

1. Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBE's or WBE's, including solicitations to M/WBE contractor associations.
2. Request a list of State-certified M/WBE's from Agency (ies) and solicit bids from them directly.
3. Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBE's.
4. Where feasible, divide the work into smaller portions to enhance participations by M/WBE's and encourage formation of joint venture and other partnerships among M/WBE contractor to enhance their participation.
5. Document and maintain records of bid solicitation, including those to M/WBE's and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.

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6. Ensure that progress payments to M/WBE's are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

**EEO:**

- (a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force contracts.
- (b) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.
- (c) At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative for a statement that it will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.
- (d) Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.
- (e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract.

***MWBE EEO Procurement Policy Resolution***

**PROCUREMENT POLICY AMENDMENT  
RESOLUTION REGARDING  
TOWN OF CAMPBELL  
MINORITY AND WOMEN OWNED BUSINESS AND EQUAL EMPLOYMENT  
OPPORTUNITY**

**WHEREAS**, the TOWN of CAMPBELL (herein the TOWN) maintains a Procurement Policy adopted by the TOWN Board of the TOWN of CAMPBELL; and

**WHEREAS**, the TOWN is the recipient of Office of Community Renewal Community Development Block Grant (CDBG) funds for the TOWN OF CAMPBELL WATER EXTENSION (Project) CDBG Project #160PW68-20; and

**WHEREAS**, the Office of Community Renewal requires that the TOWN develop the NYS CDBG Program Local Recipient Administrative Plan prior to release of funds; and

**WHEREAS**, CDBG Recipients must have a local procurement policy that includes Equal Employment Opportunity (EEO) language; and

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**WHEREAS**, CDBG Recipients must demonstrate good-faith efforts to contact Minority and Women Owned Business (M/WBE) firms.

**NOW, THEREFORE, BE IT:**

**RESOLVED**, For CDBG funded projects, the TOWN of CAMPBELL will, at a minimum, comply with the following standards relating to MWBE:

- Ensure that small businesses, minority-owned firms, and women’s business enterprises are used fully practicable.
- Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women’s business enterprises.
- Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women’s business enterprises
- Encourage contracting with consortiums of small businesses, minority-owned firms and women’s business enterprises when a contract is too large for one of these firms to handle individually.
- Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce’s Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women’s business enterprises. The Town will obtain a list of Minority and Women-Owned Business Enterprises (MBE/WBE) certified firms by contacting the, ESD Division of MWBD, Albany, NY12245, (518) 292-5250 or utilize the website-based retrieval process at <http://www.esd.ny.gov/MWBE.html>. C. Section 3 of the Housing and Urban Development Act of 1968 (12 USC 170); and

**IT IS FURTHER RESOLVED**, that for CDBG funded projects, the TOWN of CAMPBELL will, at a minimum, comply with the following standards relating to Section 3:

- Ensure that employment and other economic opportunities generated using NYS CDBG funds, shall, to the greatest extent feasible, be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very-low income persons.
- Ensure that hired Contractor’s with contract amounts exceeding \$100,000 Comply with the standards stated in the “Section 3 Rider” attached hereto and made a part hereof.

**IT IS FURTHER RESOLVED**, that the TOWN Board of the TOWN of CAMPBELL hereby will, at a minimum, comply with the following EEO standards for CDBG funded projects:

- All non-exempt federally-assisted construction contracts awarded in excess of \$10,000 shall contain a provision requiring compliance with E.O. 11246, “Equal Employment Opportunity,”; and
- Ensure that all federally-assisted construction contractors and subcontractors on a NYS CDBG-assisted construction project take affirmative actions to ensure

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that employees and applicants for employment are not discriminated against because of race, color, religion, sex or national origin.

This resolution shall take effect immediately.

Dated: October 4, 2021  
Introduced by: James Drumm

Seconded by: John Tschantre  
Voting Aye: John Tschantre, James Drumm, Glenn Vogel, Jeffrey Horton

Voting Nay: None

Absent: Terry Wheat

**TOWN OF CAMPBELL  
PROCUREMENT POLICY AMENDMENT  
SECTION 3 RIDER**

Contractor must comply with the following Section 3 requirements for work related to this Contract (the term "Contractor" as used herein shall also be deemed to mean "Subcontractor"):

1. Section 3 Clause (24 CFR 135.38)

A. The work to be performed under this Agreement is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that Employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low- income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this Agreement agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this Agreement, the parties to this Agreement certify that they are under no contractual or other impediments that would prevent them from complying with the Part 135 regulations.

C. The Contractor agrees to send to each labor organization or representative of workers with which the Contractor has a collective bargaining agreement or other understand, if any, a notice advising the labor organization or workers' representative of the Contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The Contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the Subcontractor is in violation of the regulations in 24 DFR Part 135. The Contractor will not subcontract with any Subcontractor where

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the Contractor has notice knowledge that the Subcontractor has been found in violation of the regulations in 24 CFR Part 135.

E. The Contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the Contractor is selected but before the Agreement is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the Contractor's obligations under 24 CFR Part 135.

F. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this Agreement for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with Section 3 covered Indian Housing Assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this Agreement. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this Agreement that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).

2. Contractor shall maintain such records, and complete and submit forms as may be amended from time to time, as required by the NYS Office of Community Renewal ("OCR") and/or HUD including but not limited to the Section 3 New Hires Report and the Section 3 Business Certification Package. Such forms shall be submitted in accordance with the directions contained therein and at such other times as the OCR and/or HUD may direct.

### **NEW Business**

#### **Revised Tentative Budget Review**

The Bookkeeper, Wendy Oman went over the revisions to the Tentative Budget for 2022 including the portions discussed in the executive session in the September 13<sup>th</sup>, 2021 meeting.

A motion to accept the changes and adopt the 2022 Revised Temporary Budget as the 2022 Preliminary Budget was made by John Tschantre and seconded by James Drumm the motion was Adopted by roll call vote: AYE: 4 NAY: 0 Absent: 1.

#### **Set Public Hearing for LL #1-2021 Tax Cap Override-Public Hearing**

A motion by John Tschantre and seconded by James Drumm was made to set a public hearing for October 25<sup>th</sup> at 7 pm for the public review of the 2022 Preliminary Budget hearing, proposed Local Law #1 of 2021 entitled 2022 Tax Cap Override and any other business that needs to be addressed. Adopted by roll call vote: AYE: 4 NAY: 0 Absent: 1

The Town Clerk was instructed to place an ad in the Corning Leader regarding the meeting.

#### **Zoning Board Discussion-Public Hearing**

Currently the Zoning Law of Campbell states that an applicant for a variance must go before the Planning Board to get a recommendation to go before the Zoning Board of Appeals before any plans can be approved. This causes undue hardship to the

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applicant seeking a variance. A better course of action would be to have the applicant start at the Zoning Board of Appeals, then go to the Planning Board to seek approval of future plans for the property in question, if the variance is approved. An amendment to Local Law #1 of 2015 would need to be made. In order to amend this law a Public Hearing will need to be held.

A motion by John Tschantre and seconded by James Drumm was made to set a public hearing for November 8, 2021 at 7 pm for the public review of the Local Law #1 of 2015 entitled Campbell Zoning Law. Adopted by roll call vote: AYE: 4 NAY: 0 Absent: 1

The Town Clerk was instructed to place an ad in the Corning Leader regarding the meeting.

### ***Cannabis Distribution Centers- Public Hearing***

There is a proposition before the Board regarding Cannabis distribution facilities. The State of New York has given municipalities the option to opt out of allowing these dispensaries but the decision must be made to opt out before December 31, 2021. Once a municipality has opted out, they may decide later to opt in. However, if they do nothing and opt in to allowing these distribution centers there is no way to opt out at a future date. If the Town opts in to the program, there will need to be provisions made for where these centers can be located, as the State has left it up to municipalities to make this decision. A revision to Local Law # 1 of 2015 Known as the Campbell Zoning Law will need to be made and a public Hearing set for the public to review the changes.

James Drumm stated that he is not for allowing these centers to open in Campbell. John Tschantre agreed that he was not in favor of the centers. Glenn Vogel stated he did not have an opinion yet about the subject.

A motion by John Tschantre and seconded by James Drumm was made to set a public hearing for November 8, 2021 at 7 pm for the public review of the Local Law #1 of 2015 entitled Campbell Zoning Law, and to give the public a chance to share their opinions on allowing the distribution facilities to open in Campbell. Adopted by roll call vote: AYE: 4 NAY:0 Absent: 1

The Town Clerk was instructed to place an ad in the Corning Leader regarding the meeting.

### **Planning Board Vacancies**

Two letters of interest from Denice Thompson and David Baker were received by the Town Clerk for the open Planning Board positions. Supervisor Horton stated that he would like the clerk to place an ad in the newsletter with a deadline of November 1, 2021, to let people know about the positions. He made it clear that he did not have an issue with either of the letters that were received. Appointments for the 2 positions will be made on November 8<sup>th</sup> 2021.

### **Public Comment- Second**

Because the public acted respectfully and there were no disruptions, Supervisor Horton opened a second public comment session.

Mr. Ryan Walker questioned the Cannabis Distribution Facilities and what was meant by "consumption on site?" He is not in favor of allowing these facilities into the community, as he has small children.

Supervisor Horton explained that on site consumption would be similar to bars. But that Marijuana could not be sold in bars.

### **Voucher Audit – 8:51 p.m.**

Vouchers were submitted and approved as follows:  
General Fund Vouchers #269-287

\$ 24,172.60

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And Highway Vouchers #143-154	\$ 231,730.62
Water District 1 SW- Vouchers #47-52	\$ 2,672.44
Water District 2 SW2-Vouchers # 21-23	\$ 922.72
Water District 3 SW3-Vouchers #19-20	\$ 658.79
Trust & Agency TA Voucher #	\$
Street Lighting SL Voucher #	\$
For a grand total of	\$ <b>261,858.25</b>

**Adjournment.**

There being no further business before the Board, the meeting was, upon motion by Jeffrey Horton and seconded by Glenn Vogel, adjourned at 8:58 p.m.

Respectfully submitted,



MICHELLE L. SEELEY  
Campbell Town Clerk

**DATED:** October 12, 2021

ATTACHMENTS: Dollar General Generator Approval Form  
Letter from Allison Berger