



# Town Board Meeting

## Minutes

Monday, August 14, 2023 at 7:00 pm

### Guests

Joseph Seeley, David Fulmar, Teresa Lyons, Denice Thompson, Edward Marden, Brad Thompson, Norman Maynard, Sally Share, Wayne Cosier, Linda Baird, Hope Fultz, Karen Graham

#### 1. Pledge / Call to Order / Roll Call

##### Minutes:

Supervisor Horton called the Regular meeting to order at 7: Pm with the Pledge of Allegiance followed by a moment of Silence for Terry Brethen, a long term member of the Planning Board who passed away from cancer recently. The Clerk then took Roll call, Michael Austin Absent.

#### 2. Prior Minutes

##### Minutes:

A motion by Glenn Vogel Seconded by John Tschantre to approve the minutes from June 26, 2023 and July 10, 2023 as written; Adopted by vote

##### Vote results:

Ayes: 4 / Nays: 0

#### 3. Reports

##### a. HWY / Water Report

##### Minutes:

Blades will finish with CHIPS paving in late August Early September. The Highway will be working on cutting back the Dead Ash trees on Knowles, Taft, and Salt River road. They are checking with the landowners to see if they want the wood. If they do the Highway crew will leave it for them, if not the crew is putting it over the bank.

Water- Turner will be doing the boring under the railroad crossing on the 15th or 16th of August. The RR tracks are being repaired, and it should only take 2 days. The Center Street Connection should be done the week of the 21st. This will be done by Turner also. After the connection is made there will be some testing through DOH, and it will be a couple of weeks for the first hook ups to begin.

##### b. Bookkeeper Report

##### Minutes:

This year Jacqui is learning the budget process and has passed out the individual department sheets (sample attached). These sheets are to be returned to her by August

31st so that we can have the tentative budget ready for your review at the September 2023 board meeting. In September you will also have to go into executive session to review 2024 salaries and rates. Individual employees will also have the opportunity to come to the executive session to discuss their personal options. I will send an email out to all employees closer to the Sept. meeting.

### c. Codes

#### **Minutes:**

Special Thanks to Jeffrey Horton for assistance with Code calls, and Michael Austin for assistance with the ramp at the back of the building. Portable Buildings are being put up all over town, there is no Zoning for this type of structure. Tom Hargrave suggested an edit to the Zoning Law to include them. Mr. Hargrave asked if Supervisor Horton had found any information on stray cats. Supervisor Horton reached out to the Association of Towns and found that the Town can require a license on house cats, but cannot do anything about stray cats. The Town could impose a law prohibiting the care of feral cats through AG and Markets. However, it is a misdemeanor to deprive any animal food or water. So you can make a law but the sheriff can site you for neglect. There is nothing that can be done. Mr. Hargrave stated that he would no longer address complaints unless the person who complains puts in a handwritten complaint and signs their name to it. Effective immediately. Supervisor Horton agreed that this would be the best way to handle complaints, because it won't hold up in court unless it is a signed complaint. Public Comment- Karen Graham asked what the status was on the home located at 5248 County Route 125. Supervisor Horton explained that the property had been purchased by the County Land bank and was scheduled for demolition. There are two people interested in the property. The occupant would need to be evicted and that the County was working on that. It could take up to 60 days to evict the occupant. Once the lot is cleaned up it will be sold and put back on the tax rolls. The County is 100% responsible for the cleanup and disposition of the property. The Town will not be doing the work. Sally Share stated that she had not heard Tom mention the home on Tannery Road that he had posted as uninhabitable last October. 4399 Tannery Road. She stated that it is an eye sore and has rats which are coming onto her property. The last time she was in the home the roof was being held up with a tarp and there were paths through the garbage in the house. She stated that there were cats having kittens all over the house. She asked why if the property had been condemned the occupant is still living there. Thomas Hargrave stated that the occupant had obtained a temporary certificate of occupancy last fall, as soon as that was issued, Adult Protective closed the case on it. The occupant was supposed to be fixing his place up in Corning to move, but as soon as the Temporary Cert. of Occupancy was issued he stopped working on the other place. Mrs. Share asked if the property was safe and if Mr. Hargrave had been back in the house. He said no and asked if she had. Mr. Horton stated that NY Law states that the Town can only act on what can be observed from the outside. We cannot go into a home without permission. Mrs. Share asked what could be done if a roof was falling in on an occupant. Supervisor Horton reiterated that if it can't be seen from the road, the Town does not have authority to do anything. He then asked if she had called Adult protective or the office of the

aging. Mrs. Share stated that those agencies would not do anything. Mr. Horton explained that the Town has no authority to remove someone from their home. Mrs. Share stated that the conditions are unsafe and if there were a fire it would be on the Town. Mr. Horton explained that it would not be a town issue, and that it is not the job of the Code enforcement Officer to remove people from their homes. NY State Code is made by NY State but is not enforced by NY State. The laws have no teeth with the new reform laws. If a person shows up for court something can be done, but if they ignore the summons, nothing can be done. Mrs. Share stated that Mr. Hargrave was not doing his job. Mr. Hargrave stated that he had reached out to the Sherriff and was told he needed a good reason for a welfare check, or for Adult Protective to step in. Because his family had been taking him to church, Adult Protective felt there was no cause to remove the occupant from his home. Mr. Hargrave then turned in his keys and resigned. The Board took recess at 7:29 pm. The Meeting resumed at 7:43 PM. Supervisor Horton let the public know that he had contacted the Town attorney, he was not available but may call back during the meeting. Supervisor Horton wanted to make sure there was nothing that needed to be done to accept the resignation of the Code Enforcement Officer, because it was done during an open meeting. He then finished answering Mrs. Share's question. Every month there are complaints and Tom tries to address the issues but there is no way for him to enforce NY State Law because there is no backing from the State on Code Issues.

**d. Dog Control**

**e. Assessors Report**

**f. Supervisor Report**

**g. Town Clerk Report**

**Minutes:**

Thank you to Thomas Austin for getting the last of the Home Town Hero Banners up. Several people have called to say how pleased they are. This is the end of the project until 2026.

**4. Old Business**

**a. Follow up solar discussion**

**Minutes:**

After comments from the public, Supervisor Horton checked with some developers and Real Estate professionals about the rules for leasing property and only using 50% of the leased land. A comparison was made to gravel pits leasing acreage and not being bound to 50% of the leased land. Supervisor Horton discussed removing the percentage of land that can be used per project, because of the mandatory setbacks. This would be more beneficial to the farmers that are leasing land to the Solar Companies. In doing research, Supervisor Horton found that there are no other Towns with this type of restriction. The Board agreed that it made sense to them to remove the percentage restriction on the lease. As long as the amount of land leased includes the required set backs, there should be no size restrictions. Not to cover more than 30% of prime soils. Steuben county mapped prime soils.

**5. New Business**

## 6. Public Comment

### **Minutes:**

David Fulmar asked if the Moratorium was now lifted on the Solar Projects. Supervisor Horton said that the new proposed law would be available next month, and if everybody agreed, they would vote on it then, but the actual Moratorium would not end before October if no vote were taken.

Denise and Brad Thompson brought before the board a petition to allow chickens in town. They presented 40 signatures from residents to the Board. The signatures are from homeowners, listed on the deed, not renters. Supervisor Horton stated that that would go before the Zoning Board as a variance. The Clerk took the petitions for the file.

## 7. Announcements

## 8. Voucher Audit

## 9. Adjournment

### **Minutes:**

A motion to close the meeting at 8:16 pm was made by James Drumm and seconded by Glenn Vogel was adopted

### **Vote results:**

Ayes: 4 / Nays: 0

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Contact: Michelle Seeley (townclerk@campbellny.com 607-527-8244 x213) | Minutes published on 08/30/2023,  
adopted on 09/11/2023