

**ORWELL TOWN BOARD**  
**Regular Meeting**  
**Orwell Town Hall**  
**1999 County Route 2, Orwell, NY**  
**November 9, 2021**  
**7:00PM**

Members Present:

Supervisor William Potter

Councilmen: Jeffrey Graham, David Lake, Ryan Jones

Also Present:

CEO- John Howland

Highway Superintendent-Doug Henry

NOCA Representative-Bob Trainham

Water Operator – Eric Pappa

Town Clerk-Amber Wilson

Barton & Loguidice – David Powers

Tug Hill Commission – Paul Baxter

Public present-Shirley Downes, Sayles VanRy, Bill Stevens, Robert Martin, Warren Hauer, Joe & Terri Howard, John & Jeanne Wall, Becky Legart, Jim Isgar, Jim Condon, Debbie Butler, Bob Rauch, Brenda Kotoroski, Dwight Oaster, and John Hitchcock

Supervisor Potter the meeting at 7:00pm with the pledge of allegiance.

David Powers gave an update on the progress of the water project. He stated that they had been waiting on funding and that the NYS Water Infrastructure Improvement Act grant (WIIA) had been postponed due to COVID-19 since 2019 and they were accepting applications again. The WIIA Grant is eligible for 60% of the project costs, up to \$1.75 million. The Town of Orwell also applied for the CDBG grant however they require all other funding to be secured before they award any grant money.

- A motion was made by Councilman Jeffrey Graham and seconded by Councilman Ryan Jones to approve Resolution # 24-2021 Authorizing submission of a NYS WIIA grant application. (4 Ayes) motion carries.

**Resolution #24-2021**  
**Authorizing submission of a New York state water infrastructure  
improvement act (WIIA) grant application for the Town of Orwell  
water district improvements**  
**Town of Orwell**  
**Town Board**

**WHEREAS** the Town Board of the Town of Orwell duly caused to be prepared a map and plan and estimate of the cost for the proposed increase and improvement of facilities of the Town of Orwell Water District; and

**WHEREAS** the proposed improvements to such water district includes the development of a new water source, installation of water meters district wide, rehabilitation to the existing Town storage tank; and

**WHEREAS** the plan shows the estimated costs of these improvements to be \$2,939,000; and

**WHEREAS**, the Town, as a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the “Regulations”), having reviewed the impact of the acquisition, construction and reconstruction of the water system improvements comprising the Project upon the environment has determined by resolution adopted November 10, 2020 that the Project is a “Type I Action” that will not result in any significant adverse impacts to the environment; and

**WHEREAS**, the Town Board, after conducting the required public hearing on November 10, 2020, determined by resolution adopted November 10, 2020, that the increase and improvement of the facilities of the district is in the public interest, and approved the project in accordance with Town Law Section 202-b; and

**WHEREAS** the Town Board now desires to pursue grant funding for the project under the New York State Water Infrastructure Improvement Act (WIIA) program.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Orwell, Oswego County, New York, authorizes the submission of a New York State Water Infrastructure Improvement Act (WIIA) grant application; and

**BE IT FURTHER RESOLVED** that the Town Supervisor is hereby authorized to submit an application on behalf of the Town for grant funding under the New York State Water Infrastructure Improvement Act (WIIA) Program, and to execute any agreements,

instruments or other documents in connection with the Town’s acceptance of any such grants and/or the funding thereof; and

**BE IT FURTHER RESOLVED** that the Town Supervisor may authorize any required local match required with respect to financing or grants awarded to the Town for the Project through the use of cash and/or in-kind services; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

I, Amber Wilson, Town Clerk of the Town of Orwell do hereby certify that the Town Board of the Town of Orwell adopted the aforementioned resolution on November 9, 2021, by the following vote:

	<u>Aye</u>	<u>Nay</u>
William Potter, Supervisor	X	_____
Jeff Graham, Board member	X	_____
Ryan Jones, Board Member	X	_____
David Lake, Board member	X_____	_____
Jessica Steele, Board Member	Absent	_____

Dated: November 9, 2021

\_\_\_\_\_  
Amber Wilson, Town Clerk

SEAL

Supervisor Potter opened the floor to the public to discuss the problem of junk on properties in the Town. The general concern of the public in attendance is the lack of permits to have junk/salvage yards, the noise, eye sores, and overall environmental health.

Joe Howard spoke saying he would like to see something done about the junk on properties in the town and would like to see Orwell look as nice as it used to.

Robert Martin then spoke about the back side of his property that comes out on Lester Road and the problems he is having with the neighboring property owners and their garbage. He shared photos with the room of the extent of the trash, excessive vehicles, and overall junk that is spilling over into the road as well as his property blocking his access road to his property. Mr. Martin has called the State Police as well as DEC with no success in fixing the situation. Mr. Martin has had dirt brought in and wooden posts installed on his property line trying to keep their junk from spilling over onto his property and the road. Superintendent Henry has had to call the police on more than one occasion to have them have the property owner move the vehicles out of the road so the road could be plowed.

Becky Legart lives on Lester Road, and she stated that when she moved there the neighbors were genuinely nice and helpful and now, she is afraid to live there. She has had things come up missing from her property, she stated that she can often hear loud, crude language coming from the property Mr. Martin complained about.

Mr. Robin Coffee then spoke as a resident of the property on Lester Road and stated that all the vehicles are registered and insured therefore making them not junk and that he is working on cleaning the place up.

Sayles VanRy spoke about the place next door to him and smelling burning tires. The previous owners had a license to be a salvage yard, but it is unclear if the current owners do or not.

John Howland spoke as the Town of Orwell's Code Enforcement Officer since 1995 and a police officer for 20 years. He said when he first took the job, he sent 20 junk letters to residents but because Orwell doesn't have a junk law, there wasn't much that could be done. He said he can issue a citation for lack of property maintenance and that fine is up to \$1,000 per day but that is it. The public in attendance would like to see a junk law established.

## **REPORTS:**

- A) CEO John Howland answered questions asked by the public and gave his report. No building permits were issued in the last month. In response to a question about excess trash in someone's yard; to file a complaint about excessive trash on a property, call Oswego County Health Department at 315-349-3557. In response to a question about DEC being involved due to possible creek contamination; DEC can't do anything about what is on someone's property if they can't see it from the road as they are not allowed to trespass on someone's property. In response to a question about who issues permits or licenses for junk yards; the Town does not

issue permits or licenses for a junk yard to operate. Those are done through NYS DMV. If Mr. Howland were to issue someone a ticket for lack of property maintenance the procedure is as follows:

- A letter is sent to the homeowner telling them they need to clean up the property.
- If the property is not cleaned up by the date on the letter, a final notice is sent.
- If there is still non-compliance, then a court appearance ticket is issued.
- If the homeowner does not show up to the court date, then a warrant is issued but most police officers will not pursue warrants for code violations.

If the Town had a junk law the options are to send the property owner to court as mentioned above, send them to the State Supreme Court, or have an Administrative Hearing. The procedure for that is as follows:

- A letter is sent to the homeowner asking them to clean up the property, if there is still non-compliance after a final notice is sent then a court date is set to appear before the Town Board.
- The attorney will build the case and swear in Mr. Howland as the Code Enforcement Officer.
- A hearing will proceed where Mr. Howland will produce evidence to the Town Board.
- The members of the Town Board act as Judge and Jury.
- If the Town Board finds the property still in violation the Town sends the property owner a letter as well as a certified letter informing them that their property is going to be cleaned up by the Town and they will be presented with the bill.
- If the property owner does not pay the bill, the amount owed gets releived to their Oswego County property taxes.

B) Oswego County Legislator Herb Yerdon was not present and had no report.

- As of November 8<sup>th</sup>, 2021: 314,803 COVID-19 tests were done in Oswego County since March 2020.
  - 13,309 were positive
  - 296,801 were negative
  - 411 are currently still active positive
  - 122 deaths reported by the NYSDOH
  - 1,332 in mandatory isolation
- Detailed information can be found online at [health.oswegocounty.com/covid-19](http://health.oswegocounty.com/covid-19) or call the hot-line at 315-349-3330 weekdays from 8:30am-4pm, weekends 8:30am-12pm.

C) Highway Superintendent Henry read the bills and repair and maintenance costs for

the month of October. Superintendent Henry just finished getting the salt allotted for 2020 and is now hauling the salt allotted for 2021. There is room for 70 ton more in the salt shed. The Town Highway department has been trimming trees on Durgee Rd using the Town of Amboy's bucket truck. Superintendent Henry addressed some complaints he received after the Town's first snowfall. At that time the Town only had two guys that came to work. One full time guy as well as one part time guy. One guy had an appointment, and another guy was on quarantine. Due to the heavy wet snow, the plow guys had to also cut trees out of the road while plowing. The Town of Orwell Highway department is extremely short staffed and is in need of CDL drivers as well as wing men. As for the complaint issued about the highway department not being on winter hours yet, the weather doesn't warrant the highway department to be on winter hours yet. Due to them being so short staffed, it is more efficient for them to be working regular hours and be on call in case of snow until snow is predicted on a regular basis. Superintendent Henry suggested the Town raise the wages for both full time and part time highway employees.

- A motion was made by Councilman Ryan Jones and seconded by Councilman Jeffrey Graham to raise the wage for part time highway employees effective 1/1/2022 with no CDL from \$14.50/hr. to \$15.50/hr. and with a CDL \$16.50/hr. to \$17.15/hr. (4 ayes) motion carries.

D) NOCA representative Bob Trainham gave his report and a copy of the quarterly financial review from July- September 2021. Hospitals are shutting down ICU beds and still diverting ambulances. They are being forced to sit sometimes for hours. It is hurting NOCA cost wise as well as personnel. If ambulances are being forced to sit at the hospital, then they are unavailable to assist with emergencies in the local area

E) Tug Hill Representative Paul Baxter's report was read as written.

F) Water Operator Eric Pappa went over his report. Water usage for the month is down. The nitrate level was at 9.9 as of 10/21/2021. Mr. Pappa will run another test in December.

#### **DISCUSSION:**

A) COVID-19 paid sick leave: Due to having a Town Highway employee out on quarantine, the question was asked; What are the policies required by the Town? A town employer is required to provide 14 days of paid leave to public employees who are unable to work and who are required to quarantine due to a COVID-19 exposure. An employee may take up to three 14-day periods of paid leave, but the employee must provide documentation of a positive covid test from a medical provider or testing facility for the second and third rounds of paid leave. The paid leave is only for the employee's own quarantine, it does not apply to the care of a child who is required to quarantine.

**PUBLIC COMMENTS:** Shirley Downes commented that the guys did a great job

plowing Gay Drive contrary to popular belief.

**CORRESPONDENCE:** None

**Approval of Minutes, Monthly Reports, Budget Adjustments, Informational packets and Payment of Claims: all are on file in the Town Clerk's Office.**

-Approval of October regular meeting minutes was tabled due to the wrong month's minutes being printed instead.

- A motion was made by Councilman Jeffrey Graham and seconded by Councilman David Lake to approve the meeting minutes for the Budget hearing November 4<sup>th</sup>, 2021. (4 Ayes) Motion carries.

- A motion was made by Councilman David Lake and seconded by Councilman Ryan Jones to approve the Town Clerks report for the month of October 2021. (4 Ayes) Motion carries.

- A motion was made by Councilman Ryan Jones and seconded by Councilman Jeffrey Graham to approve the Supervisor's report for the month of October 2021. (4 Ayes) Motion carries.

-A motion was made by Councilman Jeffrey Graham and seconded by Councilman David Lake to approve payment of the following claims. (4 Ayes) Motion carries.

General Fund Abstract #11	Claims # 157-174	\$ 5,239.5
Highway Fund Abstract #11	Claims # 122-131	\$ 8,012.28
Water Fund Abstract #11	Claims # 51-54	\$ 2,747.57

-A motion was made by Councilman Ryan Jones and seconded by Councilman Jeffrey Graham to adjourn the meeting at 8:45 PM. (4 Ayes) Motion carries.

Submitted November 23, 2021