

**ORWELL TOWN BOARD**  
**Public Hearing & Regular Meeting**  
**Orwell Town Hall**  
**November 14<sup>th</sup>, 2023**  
**7:00PM**

Members Present:  
Supervisor William Potter  
Council members: William Garvin, David Lake, Jessica Steele, Ryan Jones  
Also Present:  
Highway Superintendent-Doug Henry  
CEO- John Howland  
Asst. Water Operator-Mike Pappa  
Oswego County Legislator-Herb Yerdon  
Tug Hill Commission Representative-Heidi Tompkins  
Barton & Loguidice-David Powers  
NOCA Representative-Bob Trainham  
Town Clerk-Amber Wilson  
Public present-Jerit Steele, David Potter

Supervisor Potter opened the Public Hearing for public comment at 7:00 PM with the Pledge of Allegiance. Bob Trainham asked if the taxed value was up to date and correct. Supervisor Potter responded that it was. David Potter assured the Town Board that the Veterans Services line in the budget would not change. He apologized for not getting the figures in on time for the budget but commented that the amount budgeted would be enough.

-A motion was made by Councilman Ryan Jones and seconded by Councilman William Garvin to adjourn the Public Hearing and move into the Regular meeting at 7:06. (5 ayes) Motion carries

**REPORTS:**

A) Assistant Water Operator Mike Pappa gave his report. Usage is around 17,000 gallons/day. The water levels are still good.

B) CEO John Howland submitted a list of building permits and violations for the month of October.

C) Highway Superintendent Henry went over the bills, repairs, and maintenance costs for the month of October. The new plow truck has been delivered for a total of four trucks set up and ready to plow. The 2008 truck still has a dump box on it and is being used as is. The Town Highway department is looking for part-time CDL drivers for the winter as well as wing help. Councilwoman Steele asked Superintendent Henry for his opinion on whether the Town should keep the 2008 or sell it. Superintendent Henry responded that the truck was more valuable to the Town as a back up than what it would be worth to sell it.

D) Oswego County Legislator Herb Yerdon gave his report. All informational packets are on file in the Town Clerk's office.

E) NOCA representative Bob Trainham gave his report. NOCA is up 140 calls from this time last year, 115 transports, and a 4% missed call rate.

F) Tug Hill Representative Heidi Tompkins arrived at 7:12pm and read Paul Baxter's report as written.

**DISCUSSION:**

A. Water Improvements-David Powers from Barton & Loguidice updated the Town Board on the CDBG grant. The department of Health reviewed all necessary documents and all is on track to still receive the grant.

**RESOLUTIONS:**

-A motion was made by Councilman William Garvin and seconded by Councilwoman Jessica Steele to approve Resolution #14-2023 Identifying lateral restrictions-conditions on future service (5 ayes) Motion carries.

**Resolution #14-2023  
Resolution Identifying Lateral Restrictions – Conditions on Future Service  
Town of Orwell  
Town Board  
November 14, 2023**

**WHEREAS,** The Town of Orwell imposes the following conditions, on the management of the water transmission main to be located along County Route 2, maps of which are attached to this resolution showing the boundaries of the agricultural district in relation to the parcels indicated:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline within an agricultural district will be existing structures at the time of construction, future agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the date of filing of the Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a "subdivision," in part, as "any tract of land which is divided into five or more parcels." Water service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the NOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the municipality upon approval by the Department of Agriculture and Markets (Department). It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

**NOW THEREFORE BE IT RESOLVED**, the Town of Orwell Town Board authorizes the aforementioned lateral restrictions for the Town of Orwell Water Systems Improvements Project; and

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

The question of the adoption of the foregoing resolution as duly put to a vote and upon roll call, the vote was as follows:

Supervisor William Potter	AYE
Councilman David Lake	AYE
Councilwoman Jessica Steele	AYE
Councilman William Garvin	AYE
Councilman Ryan Jones	AYE

**CLERK CERTIFICATION:**

I, Amber Wilson, Clerk of the Town of Orwell in the County of Oswego, State of New York, do hereby certify the resolution is duly adopted by the Board Members of the Town of Orwell at an open meeting of such Board held on November 14, 2023.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said own this 14<sup>th</sup> day of November 2023.

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Amber Wilson  
Orwell Town Clerk

-A motion was made by Councilman Ryan Jones and seconded by Councilman David Lake to approve Resolution #15-2023 To adopt the 2024 Preliminary Budget as the final Budget for 2024 (4 ayes, 1 nay) Motion carries.

**Resolution #15-2023**  
**To Adopt the 2024 Preliminary Budget as the Final Budget for 2024**  
**Town of Orwell**  
**Town Board**  
**November 14<sup>th</sup>, 2023**

WHEREAS the Town of Orwell Town Board will adopt the 2024 Preliminary Budget as the Final Budget for 2024 Now, therefor,

BE IT RESOLVED that the Town of Orwell Town Board assembled this 14<sup>th</sup> day of November 2023, in the Town of Orwell, New York, to adopt the 2024 Preliminary Budget as the Final Budget for 2024.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Councilman Ryan Jones	AYE
Councilwoman Jessica Steele	NAY
Councilman William Garvin	AYE
Councilman David Lake	AYE
Supervisor William Potter	AYE

CLERK CERTIFICATION:

I, Amber Wilson, Clerk of the Town of Orwell in the County of Oswego, State of New York, do hereby certify that I have compared the preceding copy of the resolution with the original thereof duly adapted by the Board Members of the Town of Orwell at a public hearing of such Board held on November 14, 2023, and the same is a true and correct copy of such resolution and of the whole thereof.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Town this 14<sup>th</sup> day of November 2023.

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Amber Wilson  
Orwell Town Clerk

-A motion was made by Councilwoman Jessica Steele and seconded by Councilman Ryan Jones to approve Resolution #16-2023 To spend money from the Town Highway Equipment Reserve fund (5 ayes) Motion carries.

**Resolution #16-2023**  
**To spend money from the Town Highway Equipment Reserve fund**  
**Town of Orwell**  
**Town Board**  
**November 14<sup>th</sup>, 2023**

WHEREAS, the Town of Orwell Town Board will spend \$75,000 from the Town Highway Equipment Reserve fund for the down payment of a new 2023 International plow truck;

WHEREAS, The Town of Orwell Town Board will authorize The Town Supervisor, William Potter, to enter into a contract with Sun First for 60 months with five annual payments of \$53,314.93. Now, therefor,

BE IT RESOLVED that the Town of Orwell Town Board assembled this 14<sup>th</sup> day of November, 2023, in the Town of Orwell, New York, to approve the spending of \$75,000 from the Town Highway Equipment Reserve fund for the down payment of a new 2023 International plow truck;

BE IT FURTHER RESOLVED that The Town of Orwell Town Board will approve the authorization of the Town Supervisor to enter into said contract with Sun First.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Councilman Ryan Jones	Aye
Councilwoman Jessica Steele	Aye
Councilman William Garvin	Aye
Councilman David Lake	Aye
Supervisor William Potter	Aye

**CLERK CERTIFICATION:**

I, Amber Wilson, Clerk of the Town of Orwell in the County of Oswego, State of New York, do hereby certify that I have compared the preceding copy of the resolution with the original thereof duly adapted by the Board Members of the Town of Orwell at a regular meeting of such Board held on November 14, 2023, and the same is a true and correct copy of such resolution and of the whole thereof.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Town this 14<sup>th</sup> day of November 2023.

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Amber Wilson  
Orwell Town Clerk

-A motion was made by Councilman William Garvin and seconded by Councilman David Lake to approve Resolution #17-2023 Approve Amendment No.4 to Engineering Agreement (5 ayes) Motion carries.

**Resolution #17-2023**  
**Resolution to Approve Amendment No. 4 to Engineering Agreement**  
**Town of Orwell**  
**Town Board**  
**November 14, 2023**

**WHEREAS**, Barton & Loguidice (B&L) has prepared Amendment No. 4 to the Owner-Engineer Agreement for the Town of Orwell Water System Improvements Project to authorize additional design services, ROW assistance, and Funding Assistance services and deduct remaining unused additional services in the total net amount of \$58,504.50; and

**WHEREAS**, Barton & Loguidice presented the proposed amendment at the Town Board Meeting held on November 14, 2023, for Board consideration; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Orwell Town Board does hereby authorize Amendment No. 4 to the Agreement with Barton & Loguidice for the Water System Improvements Project for the additional services included in said amendment in the total amount of \$58,504.50; and be it further

**RESOLVED**, that the Supervisor of the Town of Orwell, New York is hereby authorized to sign Amendment No. 4 to the contract with Barton & Loguidice for the Water System Improvements Project, and be it further

**RESOLVED**, that this resolution shall take effect immediately.

The question of the adoption of the foregoing resolution as duly put to a vote and upon roll call, the vote was as follows:

Supervisor William Potter	AYE
Councilman David Lake	AYE
Councilwoman Jessica Steele	AYE
Councilman William Garvin	AYE
Councilman Ryan Jones	AYE

**CLERK CERTIFICATION:**

I, Amber Wilson, Clerk of the Town of Orwell in the County of Oswego, State of New York, do hereby certify the resolution is duly adopted by the Board Members of the Town of Orwell at an open meeting of such Board held on November 14, 2023.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said own this 14<sup>th</sup> day of November 2023.

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Amber Wilson  
Orwell Town Clerk

-A motion was made by Councilman Ryan Jones and seconded by Councilman David Lake to approve Resolution #18-2023 Authorizing the signing of the County of Oswego Highway Department snow removal and ice control agreement (3 ayes, 2 nays) Motion carries.

**Resolution #18-2023**  
**Authorizing the signing of the County of Oswego Highway Department snow removal and ice control agreement**  
**Town of Orwell**  
**Town Board**  
**November 14<sup>th</sup>, 2023**

**WHEREAS**, the Board Members of the Town of Orwell have read the County of Oswego Highway Department snow removal and ice control agreement

**NOW, THEREFORE, BE IT RESOLVED**, that the Board Members of the Town of Orwell hereby agree to and authorize the signing of the County of Oswego Highway department snow removal and ice control agreement

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Councilman Ryan Jones	AYE
Councilwoman Jessica Steele	NAY
Councilman William Garvin	NAY
Councilman David Lake	AYE
Supervisor William Potter	AYE

**CLERK CERTIFICATION:**

I, Amber Wilson, Clerk of the Town of Orwell in the County of Oswego, State of New York, do hereby certify that I have compared the preceding copy of the resolution with the original thereof duly adapted by the Board Members of the Town of Orwell at a regular meeting of such Board held on November 14, 2023, and the same is a true and correct copy of such resolution and of the whole thereof.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Town this 14<sup>th</sup> day of November 2023.

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Amber Wilson  
Orwell Town Clerk

-A motion was made by Councilwoman Jessica Steele and seconded by Councilman Ryan Jones to approve Resolution #19-2023 Authorization to standardize water meters (5 ayes) Motion carries.

**Resolution #19-2023**  
**Resolution Authorization to Standardize Water Meters**  
**Town of Orwell**  
**Town Board**  
**November 14, 2023**

**WHEREAS**, the Town of Orwell is progressing its Water System Improvements Capital Project to update existing water system deficiencies by connecting to the Town of Richland water system, to ensure continued system operations, and to ensure public safety; and

**WHEREAS**, part of the Water System Improvements project includes the installation of water meters for all existing water services within the existing Town of Orwell Water District; and

**WHEREAS**, the Town of Orwell has entered into an Intermunicipal Agreement with the Town of Richland which includes provisions for shared services for operation and maintenance of their water systems as needed; and

**WHEREAS**, the Town of Richland uses water meters as manufactured by Zenner USA throughout their water system; and

**WHEREAS**, the Town of Orwell finds it desirable to standardize all system water meters throughout the Town on Zenner meters to maintain continuity with the Town of Richland for the reason that shared service maintenance work on the same type of meter equipment will require less labor, will be more efficient, and economy will be promoted through the use of repair parts common to all system meters;

**NOW THEREFORE BE IT RESOLVED**, the Town of Orwell Town Board authorizes the standardization of all system water meters to be manufactured by Zenner USA; and

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

The question of the adoption of the foregoing resolution as duly put to a vote and upon roll call, the vote was as follows:

Supervisor William Potter	AYE
Councilman Ryan Jones	AYE
Councilwoman Jessica Steele	AYE
Councilman William Garvin	AYE
Councilman David Lake	AYE



CLERK CERTIFICATION:

I, Amber Wilson, Clerk of the Town of Orwell in the County of Oswego, State of New York, do hereby certify the resolution is duly adopted by the Board Members of the Town of Orwell at an open meeting of such Board held on November 14, 2023.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said own this 14<sup>th</sup> day of November 2023.

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Amber Wilson  
Orwell Town Clerk

**PUBLIC COMMENTS:** Bob Trainham commented that he liked the new digital sign the Town purchased. He would have liked to have seen a reminder about the elections on it. Councilman Ryan Jones assured him it would be on there in the future. Currently he is still figuring out how to use it.

-A special meeting will be held November 28<sup>th</sup>, 2023 to go over and award the bids for the water project.

**CORRESPONDENCE:** Tug Hill Times

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

-A motion was made by Councilman Ryan Jones and seconded by Councilman William Garvin to approve the October 10<sup>th</sup>, 2023; Public Hearing and Regular meeting minutes as written. (5 Ayes) Motion carries.

-A motion was made by Councilman William Garvin and seconded by Councilman David Lake to approve the October 19<sup>th</sup>, 2023; Budget Workshop meeting minutes as written. (5 Ayes) Motion carries.

-A motion was made by Councilman William Garvin and seconded by Councilman Ryan Jones to approve the October 24<sup>th</sup>, 2023; Public Hearing minutes as written. (5 Ayes) Motion carries.

-A motion was made by Councilwoman Jessica Steele and seconded by Councilman William Garvin to approve the Town Clerk's report for October 2023. (5 Ayes) Motion carries.

-A motion was made by Councilman Ryan Jones and seconded by Councilman David Lake to approve the Supervisor's report for July 2023. (5 Ayes) Motion carries.

-A motion was made by Councilman William Garvin and seconded by Councilman David Lake to approve the Supervisor's report for August 2023. (5 Ayes) Motion carries.

-A motion was made by Councilwoman Jessica Steele and seconded by Councilman Ryan Jones to approve the Supervisor's report for September 2023. (5 Ayes) Motion carries.

-A motion was made by Councilwoman Jessica Steele and seconded by Councilman William Garvin to approve payment of the following claims. (5 Ayes) Motion carries.

General Fund Abstract #11	Claims # 173-189	\$ 9,802.85
Highway Fund Abstract #11	Claims # 100-116	\$ 173,916.37
Water Fund Abstract #11	Claims # 60-66	\$ 12,430.83

-A motion was made by Councilman Ryan Jones and seconded by Councilman William Garvin to adjourn the meeting at 8:30PM. (5 Ayes) Motion carries.

Submitted November 28, 2023