

Barrington Town Board Meeting & Public Hearing  
October 26<sup>th</sup>, 2011

Supervisor Wright called the Town Board meeting to order at 7:00pm with the Pledge of Allegiance.

Present:	Fred Wright	Supervisor
	Ken Christensen	Councilman
	Bruce Castner	Councilman
	Calvin Crosby	Councilman
	Steve Wheeler	Highway Superintendent
	John Griffin	Code Enforcement Officer
	Joy L. C. Perry	Town Clerk

Absent: Nate Olney Deputy Supervisor

Also Present: Jerry Lange, Rob Louden, Sheila Foster, Kent Foster, Stan Dobromil, David Allardice, C. W. Deneka, Ginny Deneka, Raymond Miller, John Burrirt, Barbara Coffman, Charles Mitchell, Rick Simpson (Penn Yan Fire Dept.), Shawna Wilber (Village of Penn Yan), Nancy Rembaum, Steve Knapp, Sally Acomb, Steve Coffman, Bruce Henry

1. Open Public Hearing on Penn Yan Fire Contract-Budget

Wright opened the public hearing for the Penn Yan Fire contract at 7:01pm.

Jerry Lange wanted to know what the percentage of increase in the budget was made. Wright let him know that it was slightly over 30%. Lange asked if the fire department gave reasons for this increase. Wright stated that the reason he heard was that they have a workers compensation policy that they haven't done in the past. He further explained that this is divided up between the four townships that contract with them. Lange asked if it were divided up equally or by population. Wright stated that it was done by assessment. Lange wanted to know if the same house on the lake would cost more in fire protection than the same house on farmland. Wright asked Shawna Wilber if she would like to answer this question.

Wilber said that "the cost of the entire Penn Yan fire budget is spread across the Village of Penn Yan, as well as the townships in the protection district that we serve based on the assessed evaluation of property". Wilber also stated that the Fire Department legally has to be covered under their workers compensation policy and that the Fire Department is a large portion of that total cost.

Jerry Lange asked if all the Townships are having the same percentage increase. Wilber explained that what also has to be taken in consideration is the total assessed evaluation of land or the property involved.

Bruce Castner asked Wilber why workers compensation was never added into the bill until this year. Wilber stated that she can't explain why they never had it before because she wasn't working for the village of Penn Yan at that time.

Wright asked what the name of the insurance company is that they are doing business with. Wilber stated that they are currently under the Yates County Self Insured Company, but she got a quote from Sprague Insurance. Wright stated that this sounds like an agency not the company. Wilber stated that she doesn't know what the company's name is.

Castner stated that Comp is usually based on wages earned and if it is a volunteer fire department then how do they determine what kind of pay that would be put in for. Wilber said that they base this on the area covered, the number of volunteers among other things that she couldn't remember. She stated that she had to give them a map of the protection area and number of volunteers.

The Board and Wilber discussed how the comp insurance is determined and Barrington's portion of the cost.

David Allardice shared his thoughts of what he believed Wilber was saying and also pointed out that the Penn Yan Fire Dept. had certain equipment that they don't use in the Town of Barrington therefore Barrington shouldn't have to pay for it.

The Board, Wilber and Simpson continued to discuss the Penn Yan Fire Budget.

Sheila Foster questioned Wilber as to how the comp rate is determined since the Fire Dept. is a volunteer department. Wilber told her that legally they have to be covered.

Christensen asked Wilber what other quotes she got for the Compensation Insurance. Wilber let him know that she didn't get any others.

Stan Dobromil asked Wilber if the Compensation Insurance premium went up since last year. Wilber said yes, but when asked by how much she did not know.

Dobromil asked if the Fire Contract was negotiable. Wilber stated that she believes that it wouldn't be. Simpson stated that it is not.

Supervisor Wright pointed out that in the proposed contract there is a request for two separate payments. One payment is to go to the Village of Penn Yan and the other payment is supposed to go directly to the Fire Department. He asked why it is being requested this way.

Simpson explained that it is called rural contract money and the department can ask up to thirty five percent of the rural contract money. Currently they are asking approximately seventeen or eighteen percent. He explained that this money given directly to the fire department is for their operating budget which goes towards training, conferences and

other things such as office supplies. Wright asked if there was any accounting for this money spent. Simpson stated that they don't have to have accounting on this money, but pointed out that the auditors already came down and audited their books.

Wright asked if the Town will get a report back at the end of the year. Simpson stated that they don't have to give one. Wright asked if they requested one would they give one. Simpson stated that he wouldn't have a problem with it.

Skip Deneka asked what the time point for the evaluation of the property value was made. He stated that his assessed value went down twenty five percent. Wilber stated that the County records the tax roll based on all the assessors' information. She stated that she believed the date of this assessment is June 1, 2010. She stated that the Village is a year behind the Towns.

Supervisor Wright closed the public hearing on the Penn Yan Fire contract at 7:54 pm.

## 2. Open Public Hearing on Dundee Fire Contract-Budget

Wright opened the public hearing on the Dundee Fire contract at 7:55 pm.

Wright asked if anyone had any questions regarding the contract. There were no comments.

Dundee Fire Chief Ray Miller shared information about the services the Dundee Fire Department may supply for the Town of Barrington. Miller stated that Dundee has six trucks available to respond to emergencies. Dundee can transport 5,000 gallons of water to the scene of a fire. They also have two ambulances available which usually have over 500 calls a year. There are usually over 160 fire calls per year.

Miller stated that their comp insurance budget was \$6,367 for last year. He stated that they have tried to hold their budget down for the last three years. Wright stated that they "have done a fine job".

Wright thanked Miller for coming tonight and stated that he appreciates how Miller comes prior to budget time to explain things.

Ginny Deneka asked why they don't base the cost on the number of houses. Ray stated that they have always done it by assessed value.

Wright closed the hearing on the Dundee Fire contract at 8:04 pm.

## 3. Open Public Hearing on Wayne Fire Contract-Budget

Wright opened the hearing on the Wayne Fire contract at 8:04 pm.

There were no representatives from the Wayne Fire Dept. or comments from the public.

The hearing was closed at 8:05 pm.

4. Public Participation on Non-Agenda Items

None

5. Approve 9-28-2011 Town Board Minutes

A motion to approve the minutes of September 28<sup>th</sup>, 2011 was made by Castner and seconded by Crosby.

4-Ayes (Castner, Christensen, Crosby, Wright) 0-Noes

A motion to approve the minutes of the special meeting of October 10<sup>th</sup>, 2011 was made by Christensen and seconded by Castner.

4-Ayes (Castner, Christensen, Crosby, Wright) 0-Noes

6. Supervisor Correspondences

Supervisor Wright read his correspondences aloud.

- a. Letter from Bruce McLeod-Re: Proposed PYF Increase
- b. Letter from President of BLDA, Stanley Dobromil-Re: Proposed increase to PYFD/Barrington Town Contract

Wright will send copies of these letters to the Penn Yan Fire Dept. and the Mayor of Penn Yan.

He stated that he already had a meeting with the other municipalities that are involved with this contract. He further stated that a copy of the contract has been sent to four different lawyers. A hold harmless portion of the contract will be stricken out of the contract. He said that according to his opinion only one check will be written, not two. Wright stated that he would like an accounting for all the money being spent through the Fire Department.

7. Energy Efficiency Lighting Completed

Wright let everyone know that the Energy Efficiency Lighting changes have been made to the Town Hall and Highway Department.

8. Highway Superintendents Report

Wheeler pointed out that the Snow and Ice Contract with the County needs to be signed.

**Resolution 2011-135** to sign the Yates County Snow and Ice Contract for 2011-2012 was made by Christensen and seconded by Castner.

Ken Christensen	Aye
Bruce Castner	Aye
Fred Wright	Aye
Calvin Crosby	Aye

0-Noes

**Resolution 2011-136** to approve the area located behind the Town Highway Department for the use as a dump site for debris, gravel, dirt, wood, limbs, and leaves and for projects with FEMA, the highway department, and steep slopes. No dumping of construction material will be allowed, although the Town Highway Department (Only) can dump asphalt or concrete. This dump area will be covered and seeded to stop any washing away of soil with the help of Yates County Soil and Water. All contractors will be responsible for the dirt, debris, seeding and erosion rules when they are using such dumping site. The Town will not be responsible for Contractor mishaps during the contractor's use of such area.

This resolution was made by Christensen and seconded by Crosby.

Ken Christensen	Aye
Calvin Crosby	Aye
Fred Wright	Aye
Bruce Castner	Aye

0-Noes

**Resolution 2011-137** to sign a contract with Allstate Fire of Western New York for fire alarm services was made by Castner and seconded by Christensen.

Bruce Castner	Aye
Ken Christensen	Aye
Fred Wright	Aye
Calvin Crosby	Aye

0-Noes

#### 9. Code Enforcement Report

Griffin gave a code enforcement update. He stated that he is working with Wheeler to get some things resolved. He let the Board know that he will be working on some steep slopes issues soon.

A motion to accept the Code Enforcement Report was made by Christensen and seconded by Castner.

4-Ayes (Castner, Christensen, Crosby, Wright) 0-Noes

Christensen pointed out that change is happening in the Town regardless of resistance. He pointed out that many trees are being cleared away and development is happening.

#### 10. Watershed Report

None

#### 11. Planning Board Report (Hazardous Waste Storage

Lange stated that the County is asking all of LULA to come up with all variances granted around the lake within the last five years. Lange will work with Griffin to obtain these records.

Lange told the Board that she made the changes that the Board requested on the Waste Storage Law in section 2.2. She said the next step would be to pass the law on to the Ag Committee. She explained that she had some correspondence with Phil Cook, Chairperson of the Ag Committee, and he stated that the Committee agreed unanimously that the law is unconstitutional. Lange further explained that she told Cook that the Ag Committee needs to tell them whether it affects farmers and agriculture in a negative way. Cook never responded to her request. Lange asked Crosby (Ex-Officio Ag Member) if he could shed some light on this decision of the Ag Committee. Crosby let everyone know that he was not invited to the Ag Committee meeting. Lange stated that she requested to be at the meeting and she wasn't invited either. She suggested that the Town Board get the Ag Committee's feedback in writing. Lange will put copies of the law in Phil Cook's folder. Wright stated that he will email Cook.

Wright asked Lange if the law has anything to do with not storing gas. Lange said "No, only waste product...nothing to do with gas". She explained that the gas leases say that there will be gas storage and there are already gas storage wells in Barrington.

Lange stated that the Town Board has to be lead agency for SEQR regarding this law.

Lange told the Board that she went to the Yates County Fracking Task Force meeting today and they have written a draft letter that will go to the DEC with some suggestions on how to change the regulations. She stated that when she gets the final draft she will forward it to the Town Board.

#### 11A. Any Appointed or Elected Officials Have Any Comments

Clerk Perry stated that she appointed a new deputy town clerk, Katherine Sheradin. Perry stated that Sheradin retired from Dundee Central School where she worked as a Computer Lab Instructor and Assistant to the Superintendent.

The Board reviewed the Dundee Youth Program contract. There were questions about possible additional costs due to the wording of the contract. Wright will call the Mayor of the Village of Dundee before the Board agrees to sign it.

11B. Approve September Accounting

**Resolution 2011-138** to approve the accounting for September 2011 was made by Christensen and seconded by Castner.

Ken Christensen	Aye
Bruce Castner	Aye
Fred Wright	Aye
Calvin Crosby	Aye

0-Noes

12. Justice Audit Report

**Resolution 2011-139** to accept the Justice's audit report for the month of September was made by Crosby and seconded by Castner.

Calvin Crosby	Aye
Bruce Castner	Aye
Fred Wright	Aye
Ken Christensen	Aye

0-Noes

13. Public Participation on Agenda Items

Jerry Lange suggested that the Town Board actually give the Ag Committee a deadline for their responses.

14. Pay General Bills

**Resolution 2011-140** to pay the General Bills numbered A220\*11 thru A246\*11 in the amount of \$15,479.74 which have been audited by the Town Board was made by Castner and seconded by Crosby.

Bruce Castner	Aye
Calvin Crosby	Aye
Fred Wright	Aye
Ken Christensen	Aye

0-Noes

15. Pay the Highway Bills

**Resolution 2011-141** to pay the highway bills numbered D244\*11 thru D268\*11 in the amount of \$27,387.31 which have been audited by the Town Board was made by Christensen and seconded by Castner.

Ken Christensen	Aye
Bruce Castner	Aye
Fred Wright	Aye
Calvin Crosby	Aye

0-Noes

15A. Pay H-Fund Bills

**Resolution 2011-142** to pay the H-fund bills numbered H6\*11 thru H8\*11 in the amount of \$1,881.53 which have been audited by the Town Board was made by Christensen and seconded by Crosby.

Ken Christensen	Aye
Calvin Crosby	Aye
Fred Wright	Aye
Bruce Castner	Aye

0-Noes

16. Next Town Board Meeting, November?

The next Town Board meeting will be Tuesday, November 29<sup>th</sup> at 7:00 pm starting with a public hearing on the Waste Storage Law.

Christensen shared information from a seminar he attended on October 17<sup>th</sup> that was given by the Association of Towns regarding the fracking situation.

Conversation took place regarding fracking.

17. Adjourn

A motion to adjourn at 9:12 pm was made by Christensen and seconded by Castner.

4-Ayes (Castner, Christensen, Crosby, Wright) 0-Noes

*Respectfully Submitted,*

*Joy L. C. Perry, Town Clerk*