

Regular Meeting, Town of Barrington, July 26th, 2017

A regular meeting of the Town Board of the Town of Barrington, County of Yates and State of New York was held at the Town Hall located at 4424 Bath Road, Penn Yan on July 26, 2017.

Present: Nate Olney Deputy Supervisor
 Bruce Castner Councilman
 Calvin Crosby Councilman
 Sue Lange Councilwoman
 Steven Wheeler Highway Superintendent
 Joy L. C. Perry Town Clerk

Absent: Fred Wright Town Supervisor

Also Present: Larry W. Knapp; Robert D. Knapp; Rosemary Knapp; Stan Dobromil, Town Accountant; Araya Smith; Jim Multer; Wendy Olney; Nancy Hiedrich; Allen Kidder; Maxine Kidder; Alan Box; Barbara Blodgett; Betty Brigham; John Burritt; Nick Olney; Scott Shepardson; Fred Goossen; Penny Coon; Frey; Mike B.; Randi B.; Chuck Tolbert; Kim Hayes; Colleen Gan

1. Call to Order

Deputy Supervisor Olney called the Town Board meeting to order with the Pledge of Allegiance at 7:00 pm. He stated that he is filling in for Supervisor Wright who went home ill.

2. Approve Minutes

A motion to approve the minutes of June 28th, 2017 was made by Castner and seconded by Crosby.

4-Ayes (Castner, Crosby, Lange, Olney) 0-Noes

3. Public Participation on Non-Agenda Items

Allen Kidder of 809 East Lake Road went over his questions for the Town Board. He asked what has been spent so far on legal fees and how much the Town is willing to spend regarding the Olney case. He questioned legal fees in the future and the consequences for the Town.

Kidder stated that the Code Enforcement Officer is behind eighty septic inspections of which sixty are on lake residential properties. He wanted to know, if monitoring septic inspections should be job number one in protecting our water purity how do we intend to get caught up. Lange stated Barrington is actually behind sixty two and explained that all the municipalities are behind and trying to keep up. She is hoping they will be caught up by the end of the year.

Kidder questioned why Castner and Wright are not seeking reelection since they are the ones pushing for the appeal against the Olney Place. Castner explained that he will have done eight years at the end of this term and he believes in term limits. He originally was just going to do one term which is four years, but agreed to one more. He stated that there should be new people for new insights.

Fred Goossen of 1081 East Lake Road questioned the reason for the Town's appeal of the Article 78 decision. He stated that the law remains the same today as it was four years ago. The decision had no effect on the law. He further stated that the procedures, regulations and internal workings remain the same today as they were prior to that. He said that the Article 78 proceeding has nothing to do with changing, altering, restricting the law itself or changing or restricting any regulations and/or ordinances internally. It deals completely with the way in which the various parties proceeded in the decision. The Article 78 proceedings basically don't deal with condemning, changing or forbidding laws. He continued saying that they basically deal with the way that the bodies proceeded in handling and/or enforcing them. He stated that he is confused why the Town is spending \$50,000 to \$70,000 more. He wanted to know what is the goal and how will it be different than it is today because the decision has nothing to do with future applications or variances. He stated that the Town still would have the right to enforce the law in any way, fashion or form. He said that the only thing that it seems to be supporting is the expenditure of \$50,000, \$60,000 or \$70,000.

Lange stated that the Article 78 was about many things and the one that the Town is still appealing is regarding whether or not the Town's zoning code can be enforced. She explained that the Judge said, in summary, that if the Town let the Olney Place have a restaurant then they have no control over any expansion that he does. She explained that the Olney Place is not in a commercial zone. It is in a residential zone; therefore the business is considered a special use, which has certain criteria. She further explained if you want to make a change in the special use that was granted then you need to come to the Town for permission. She stated that there was discussion about tables and chairs on the deck and that is something that Seth Olney came to the Town for; making the addition into a tap room he did not come to the town for permission. He just did it and that is the issue. Lange had concerns about setting a precedent.

Lange explained that the Town can be sued for not enforcing their code. Goossen asked if the Town has received additional opinions besides Mr. Buck stating that we must do this. Lange stated they have received additional opinions. Goossen asked if it was possible that the Town, the complainants and the defendant in this issue could settle this peacefully with agreements and restraints with what is decided so the Town can get on without spending an additional \$100,000. Goossen stated that it's getting to a point where it's unethical.

Chuck Tolbert of 917 East Lake Road stated that the bridge at 978 East Lake Road needs to be replaced and was supposed to be replaced this year, but wasn't. He pointed out that the money used for the attorney could have been used for this bridge.

Scott Shepardson of 14194 Keuka Village Rd, Yates County resident asked what the purpose was of having law enforcement at the meeting last month. He wanted to make sure everyone knows that the supporters of Seth Olney are not violent.

Penny Coon stated that she heard the deputy say he could leave now after Seth Olney left the meeting. She wanted to point out that something or someone prompted that conversation.

4. Alan Box-Eggleston Gully

Alan Box of 1053 East Lake Road gave a presentation regarding Eggleston Gully. He stated that he is here today to raise a concern and ask for help. He said that Eggleston Point is one of the most beautiful points on the lake and in Barrington. He had concerns about all the debris that comes out of the gully and into the lake during flooding. He stated that it went into the lake for a half mile. Box pointed out that up until 1972 the State maintained the creek. He stated that he would like to see the Town of Barrington become involved and initiate a study at the town level, county level, state level and core of engineer level to develop a maintenance plan to keep this creek and the glen...and the properties that are being affecting it and draining into it to minimize the environmental impact on the lake. He stated that is his first request. He stated his second request is to try to get some funding.

Crosby stated that the Town can not leave the town right of way. He suggested speaking with Yates County Soil & Water.

5. Approve Monthly Accounting

Resolution 2017-94 to approve the monthly accounting for June was made by Lange and seconded by Castner.

Sue Lange Aye
Bruce Castner Aye
Nate Olney Aye
Calvin Crosby Aye

0-Noes

6. Approve Justice Audit

Resolution 2017-95 to approve the Justice audit for June was made by Crosby and seconded by Lange.

Calvin Crosby Aye
Sue Lange Aye
Nate Olney Aye
Bruce Castner Aye

0-Noes

7. Supervisor's Correspondences

Tabled

8. Ethic's Board-Terms

Resolution 2017-96 to set Cathy Danielson's term on the Ethics Board to expire December 31st, 2017 was made by Crosby and seconded by Lange.

Calvin Crosby Aye
Sue Lange Aye
Nate Olney Aye
Bruce Castner Aye

0-Noes

Resolution 2017-97 to set Glenn Hasting's term on the Ethics Board to expire December 31st, 2020 was made by Castner and seconded by Lange.

Bruce Castner Aye
Sue Lange Aye
Nate Olney Aye
Calvin Crosby Aye

0-Noes

Resolution 2017-98 to set Stephen Hill's term on the Ethics Board to expire December 31st, 2018 was made by Lange and seconded by Castner.

Sue Lange Aye
Bruce Castner Aye
Nate Olney Aye
Calvin Crosby Aye

0-Noes

Resolution 2017-99 to set Christopher Bailey's term on the Ethics Board to expire December 31st, 2019 was made by Crosby and seconded by Castner.

Calvin Crosby Aye
Bruce Castner Aye
Nate Olney Aye
Sue Lange Aye

0-Noes

Resolution 2017-100 to set Fred Goossen's term on the Ethics Board to expire December 31st, 2021 was made by Lange and seconded by Crosby.

Sue Lange Aye
Calvin Crosby Aye
Nate Olney Aye
Bruce Castner Aye

0-Noes

9. Interviews for Planning Board Alternate Positions

Clerk Perry will contact Jeremy Cady and Barbara Yunis for interviews at the next meeting.

10. Highway Superintendent's Comments/Concerns

Superintendent Wheeler stated that they got the shoulders on Sturdevant Road done. The Highway Department has been putting in lots of time with all the flooding and cleaning up of debris.

The mowing tractor is at the Ford garage getting the clutch fixed. The rear end is bad in the one ton truck. Wheeler stated that they will be a month behind schedule.

11. Code Enforcement/Watershed Inspector Report

Deputy Supervisor Olney read over the Code Enforcement/Watershed Report.

11A. Town of Milo Agreement

Resolution 2017-101 to accept the agreement with the Town of Milo with the correction of the zip code on page one and removing the typo of the repeated word "respect" on page two was made by Castner and seconded by Crosby.

Bruce Castner Aye
Calvin Crosby Aye
Nate Olney Aye
Sue Lange Aye

0-Noes

12. Pay General Bills

Resolution 2017-102 to pay the general bills numbered 169 thru 194 in the amount of \$16,197.95 which have been audited by the Town Board was made by Castner and seconded by Crosby.

Bruce Castner Aye
Calvin Crosby Aye
Nate Olney Aye
Sue Lange Aye

0-Noes

13. Pay Highway Bills

Resolution 2017-103 to pay the highway bills numbered 164 thru 186 in the amount of \$76,851.03 which have been audited by the Town Board was made by Crosby and seconded by Castner.

Calvin Crosby Aye
Bruce Castner Aye
Nate Olney Aye
Sue Lange Aye

0-Noes

14. Public Participation on Non-Agenda Items

Wendy Olney questioned whether there is a conflict of interest because Cathy Danielson is on the Ethics Board and her husband is on the Zoning Board as an Alternate. Lange stated that it's not a conflict as long as she recuses herself if there is an issue involving her husband. Wendy pointed out that her sister; Penny Coon was denied a position on the Ethics Board in the past because her brother-in-law was on the Town Board. Penny Coon asked if she would be allowed on the Ethics Board in the future since this is now being allowed. Lange stated that she doesn't see why not.

15. Next Meeting-August 23, 2017

The next meeting will be August 23, 2017.

16. Adjourn

A motion to adjourn at 7:59 pm was made by Castner and seconded by Lange.

4-Ayes (Castner, Crosby, Lange, Olney) 0-Noes

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Respectfully Submitted,

Joy L. C. Perry, RMC, Town Clerk