

**Town of Barrington
Town Board Meeting
May 25th, 2011**

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

Present:	Fred Wright	Supervisor
	Nate Olney	Deputy 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

Also Present:

Sue Lange, Lynn Palatas (Delaney), Attorney Steven Feder, Paul Bauter, Stan Dobromil, Rob Louden, Colby Petersen

1. Open Bids for Ford Tractor

Supervisor Wright opened the bids for the 1996 Ford 4630 Tractor.

The bid results are as follows:

- a. Sully Motors, Ambridge, PA, \$1669.00
- b. Twin Pines Power Equipment Sales & Service, David Sauder, Penn Yan, NY, \$3,100.00

A motion to reject both bids was made by Christensen and seconded by Castner.

5-Ayes (Castner, Christensen, Crosby, Olney, Wright) 0-Noes

The Board and Superintendent discussed different options for auctioning the tractor.

2. Public Participation on Non-Agenda Items

None

3. Accept Minutes from April 20th, 2011

A motion to accept the minutes of April 20th, 2011 was made by Olney and seconded by Christensen.

5-Ayes (Castner, Christensen, Crosby, Olney, Wright) 0-Noes

4. Standard Work Day Question (Michelle Caruso) No word yet. Heard from Cindy Knox

Supervisor Wright stated that he received a phone call from Cindy Knox from the State Comptroller’s Office but hasn’t had a chance to return her phone call.

5. Supervisor Correspondences

Wright went over his correspondences which are as follows:

- a. Keuka Watershed Services Training
- b. Sprague Insurance
- c. NYMIR
- d. Keuka Watershed Coop
- e. Tayler Fitch
- f. Sue Lange (recommendations for filling Planning Board positions)

6. Approve Judge Lanes Audit Report for April

Resolution 2011-91 to accept the Justice’s monthly audit report that Wright handed out at the last meeting was made by Olney and seconded by Christensen.

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

0-Noes

7. Approve Town’s Accounting for April

Resolution 2011-92 to approve the monthly accounting for April was made by Christensen and seconded by Castner.

Ken Christensen	Aye
Bruce Castner	Aye
Fred Wright	Aye
Nate Olney	Aye

8. CEO's Report on Inspections (832 East Lake Road, Delaney)

Code Enforcement Officer Griffin stated that he had a stop work order for 832 ELR, the Delaney residence.

Griffin asked Delaney's Attorney, Steve Fedder, to state his position. Supervisor Wright told Attorney Fedder that he had five minutes to make his presentation. Fedder stated that is all he would need. He stated that an information and summons was brought to court and they were in court on it last week. He said that it was "summarily dismissed by Judge Lane". He stated that they have now received another summons but no information that they are entitled to. He further stated that when they do go to court he will demand it. He said that he looked very carefully at the Town's ordinance. "KWIK has no authority on this one" Fedder said. "It's very specific about what they have authority over and what they don't".

Fedder stated that stop work orders are for when there is imminent harm; something bad is about to happen or something bad has happened. He said that "the funny thing about this is even the argument that KWIK is making, Mr. Bauter's making, involves things that were over the day after Thanksgiving last year". He further explained that the work that is going on now has nothing to do with what he (Mr. Bauter) is talking about.

Attorney Fedder stated that the stop work order is not something that the Town needs to protect its interests. "Also, it puts the Town in the curious position of having to fund Mr. Bauter's plight, which is going to happen because we have a court date. If there is still a stop work order I have to proceed against that too because I can't leave these people with no place to go...so that I have to proceed on both fronts" said Fedder. He also stated that he didn't think the Town had a stake in this, at all.

Fedder stated "Mr. Bauter and KWIK can do whatever they want in the court room and we will meet them there and I think that it will be dismissed again, but then there is you and there is no harm going on... and it's so many months old...it is so far back. I don't think you care about the specifics of what we are going to argue in court. I'm not going to bore you with it, but what we are looking at is the situation where your tax payers are being denied the use of their place...even the best argument that can be made by anybody is what's going on there has nothing to do with what KWIK is complaining about."

Fedder stated that his request is that the Stop Work Order be lifted immediately.

Griffin stated that there is a law, 6.3 of the local code saying that no building permit or certificate of occupancy issued under the provisions of this article shall become or remain valid unless the holder thereof has complied with the applicable rules and regulations of the Watershed Inspector. He said that this does put the Town in a position where it would put a stop work order in place. Griffin also said that they asked to look at the system and the wall before it was backfilled and that never happened.

He said if they had seen it, taken pictures of it they would know what is there, but they don't know what is there. Not even the homeowner knows what was done. Griffin went on to say that there is a system with backfill and drainage tile that are sitting right underneath that septic system and they are going into the lake so Paul Bauter did what he had to do on that system.

Paul Bauter stated that the charge that they filed was that they didn't get a permit for the modification and they still haven't. With the local waste water law that is something that can be summonsed every week until it is corrected. He further stated that the only thing that Joel brought in was a plan that just showed the perforated tile underneath and 25% of the seepage pit all blocked off, which wasn't permissible. There was no application submitted.

Supervisor Wright thanked everyone and stated that they are now done with this conversation. Attorney Fedder asked if he could respond at all. Wright said no. Fedder asked Wright when they would know their decision. Wright stated that he thinks that the watershed inspector from KWIK and CEO would notify him when they get their information that they get and when things are taken care of properly. Fedder stated that for their information he will hold to that court date but nothing will go thru. Wright thanked him.

9. Highway Superintendent's Report (Road Law? Road Abandonment)

Wheeler stated that he didn't have a report this meeting.

Wright asked him how he was doing on the road law and road abandonment situation. Wheeler stated that the road law came to a bit of a halt. He received more information but hasn't had time to read it all.

He said that he is waiting on signs for the road abandonment situation.

Christensen asked Wheeler what he thought of spring clean-up. Wheeler stated that he believes it was a little less of a turnout than last year. He further stated that things went smoothly and the people from the sweep program were very helpful.

10. Watershed's Monthly Report

Colby Petersen handed out a watershed report. Petersen let Superintendent Wheeler know that there were no new septic permits for him to be concerned about.

Christensen asked Petersen how the database program was coming. Petersen said that he loved it and thinks it was worth every penny.

10A. NYMIR on-line University

Wright stated that he has the on-line username and password for all that are interested in using the NYMIR on-line University.

11. Planning Board Report

Chairperson Lange stated that at the beginning of May some of them went to see the kennels. She stated that Calvin Crosby went representing the Town Board.

Crosby stated that a local vet and someone from the USDA (federal government) were there during the tour. He further stated that these kennels are very scrutinized and regulated on a very thorough basis.

Crosby said that what he got out of the tour was that it's not the quantity of dogs that is the biggest issue; it's the quality of care that the dogs get. He stated that these kennels will only get as big as they can sell dogs from. "If dogs don't sell then they don't have them" he said. "It's kind of a self limiting factor". He related it to grape farming. The grape farmer is only going to grow what they can sell. He further said "they are in it to do a good job and if it's not profitable they're out".

Crosby let everyone know that it may be the smaller unregulated places that should be of more concern. He once again stated that it's his opinion that "it's the quality of the care that they are given not the quantity of dogs".

Crosby said that they should somehow get the standard down to encompass all people that sell dogs.

Crosby asked Lange what is considered a “kennel”. Lange stated that according to their draft law it’s any that are regulated by the State or the Federal Government. She stated she believed it was six or more adult dogs. Lange pointed out that they do have access to reports of inspections thru the freedom of information law. She also let everyone know that she doesn’t believe that there are any major offenders (kennels) in the Town of Barrington.

Clerk Perry stated that she believes there is a local law for Barrington that states that residents can not have four or more dogs without a kennel license. Lange stated that she didn’t believe that Barrington had a law and asked if it was in the general code. Perry stated that it is a local law. Lange stated that she didn’t know about that one. Perry said she would look into it and let her know. She further stated that she believes it’s part of the leash law.

Lange asked what the Board would like to do with the kennel law now that the kennel tours were over. She asked them to think about it.

Lange pointed out that she sent everyone the updated draft with the appropriate changes for the Steep Slopes Law.

Resolution 2011-93 to approve the Steep Slopes Law to go to Public Hearing which will be held on June 22nd, 2011 at 7:00 pm was made by Christensen and seconded by Castner.

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

0-Noes

12. Block Grant Progress (Fred) Visit from Betsy Hull

Wright stated that he met with Betsy Hull and started signing paperwork to get this project going. The report is with the Clerk.

13. Marilyn’s Scharf’s Recommendations regarding her position on the County and Town Planning Boards

Resolution 2011-94 to move Marilyn Scharf as alternate to the Barrington Planning Board with a term ending December 31st, 2011, to move Dominick Sebasto to a regular Planning Board Member position with a term ending December 31st, 2012 and to move Robert Flickinger to the other alternate

position with a term ending December 31st, 2013 was made by Castner and seconded by Olney.

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

0-Noes

14. Set Dean Ewell's (Rip) Term of the Zoning Board of Appeals

Resolution 2011-95 to set Dean Ewell's (Rip) term on the Zoning Board of Appeals to end December 31st, 2012 was made by Christensen and seconded by Castner.

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

0-Noes

15. Employee Personnel Handbook-Go Ahead for Printing

A motion to have the adopted handbook sent to Paychex for printing was made by Christensen and seconded by Olney.

5-Ayes (Castner, Christensen, Crosby, Olney, Wright) 0-Noes

16. Elected/Appointed Officials Concerns

Wheeler stated that they need to spend a little more time in the cemetery on Porters Corners Road. He pointed out that there is only \$200 in the cemetery account so the highway department has been footing the cost. Wheeler said that they need an okay by the Town Board for the Historical Group to do some work in the cemetery with himself. Lange, Chairperson of the Historical Group, stated that the historical group will be willing to sign a release if the Town Board would like them to.

A motion to give the Barrington Historical Group permission to go into Porters Corners Cemetery to work on headstones was made by Olney and seconded by Caster.

5-Ayes (Castner, Christensen, Crosby, Olney, Wright) 0-Noes

Sue Lange suggested that the Town Board may want to look into a Moratorium on the Marcellus gas drilling. A Moratorium on this could potentially protect the town. If adopted locally the moratorium would be extended for another year once the State's expires. This would give the Town more time to get a road use agreement in place. She stated that she knows that the Town has one, but it's not as good as it could be. She further stated that they could also address noise and air pollution if they wanted to.

Lange stated that the Marcellus Task Force is looking into a host agreement which would be tacked on the road use agreement making money available by the drilling company to test water beforehand of all the people who live near a well site. Testing will have to be done throughout the drilling process. There may even be money made available to protect the Town if something wrong happens.

Wright asked what they would need to do to get a moratorium in place. Lange stated that she could draft it and present it to the Board.

Supervisor Wright stated that the Board directs Sue Lange to draft a Moratorium for this purpose.

17. Pay General Bills

Resolution 2011-96 to pay the General Bills numbered A102*11 thru A126*11 in the amount of \$7,669.31 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
Nate Olney	Aye
Calvin Crosby	Aye

0-Noes

18. Pay Highway Bills

Resolution 2011-97 to pay the Highway Bills numbered D112*11 thru D143*11 in the amount of \$36,072.83 which have been audited by the Town Board was made by Castner and seconded by Olney.

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

0-Noes

19. Public Participation on Agenda Items

Rob Loudon had concerns about the mass traffic that will occur once the Moratorium is lifted on the gas drilling.

Ms. Palatas (Delaney) stated that she is saddened and stunned by all that has gone on regarding her property. She stated that she has lived by the lake for a long time. Her heart is here and she does not want to pollute the lake. She stated that she wants to grow old here and hopes to live here full time within the next year. She further stated that they are responsible tax payers. She said that by her understanding everything was abided to according to the regulations. She asked that the stop work order be lifted so the work can continue. She said that it has been very difficult and she doesn't understand it all.

Griffin stated that they are not happy about it either and that it was the last thing they wanted to do. He said that they don't ever like going in and shutting a project down. He further stated that he has talked with her builder a number of different times and they didn't know that he was going to dig into a septic system. He said that there is definitely a difference of opinion told between Colby Petersen and her contractor on some of these things. He stated that the bottom line is that he needs to get a permit from Paul Bauter.

Griffin said that they tried many times communicating with the owner and the contractors. Ms. Palatas asked why it took so long for the stop work order to be issued. Griffin told her it was issued when her husband finally sent a refusal that they weren't going to do anything to remedy the situation. He explained that when there is a refusal there is no septic system and when you have no septic system this law requires the permit to be void. He said ultimately they need to get a permit from Bauter. He stated that he did not see the repairs; all that he seen was the system that was exposed. Griffin stated that he seen a drywell that was exposed when they dug for the foundation.

Crosby wanted to clarify what Ms. Palatas has to do to get the work order lifted. Griffin stated that she would have to get an approved system thru Paul Bauter. He suggested that they go to an engineer to have them look at it to see what could be done to make the appropriate repairs. Griffin pointed out that their contractor never got a permit for anyone to look at their system. He asked Palatas if she sees where that could be a problem. She stated that she isn't close enough to comment on that. Griffin explained to her that every time there is work done it gets inspected before it is covered up. He said that this is the number one rule on anything; drywall, insulation, etc. Palatas stated that she thought that they had called Griffin. Griffin stated that he did not call him...he stated he did but he didn't.

Palatas wanted to verify what was needed. Wright suggested that Paul Bauter give her a list of what is needed so then once that is done Griffin can lift the stop work order. Bauter agreed and asked her if she would like an email so it was quicker. She said "sure".

Wright stated that he hopes that they have helped her tonight and that he can understand what she is going thru but the rules and regulations must be followed. He further stated when it comes to the Town Board lifting the stop work order they don't have the ability. He said that once the Code Enforcement Officer puts it on there he is the one who has to take it off.

20. Next Town Board Meeting-June 22nd, 2011

The next Town Board meeting will be June 22nd, 2011.

21. Adjourn

A motion to adjourn at 8:23 pm was made by Olney and seconded by Christensen.

5-Ayes (Castner, Christensen, Crosby, Olney, Wright) 0-Noes

Respectfully Submitted,

Joy L. C. Perry, Town Clerk