

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 24<sup>th</sup>, 2013.

Present:	Fred Wright	Town Supervisor
	Nate Olney	Deputy Supervisor
	Ken Christensen	Assistant Deputy Supervisor
	Bruce Castner	Councilman
	Calvin Crosby	Councilman
	Steven Wheeler	Highway Superintendent
	Tony DeStephen	Assessor
	John Griffin	Code Enforcement/Watershed Inspector

Also Present: Dee Anderson, Our Town Rocks; Stanley Dobromil, Town Accountant; Sue Lange, Planning Board Chairperson; David Austen, Dundee Observer; Christeen Haskins; Rob Loudon; Jerry Lange; Sheila Foster; Kent Foster

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

1. Approve Minutes for June 26<sup>th</sup>, 2013

A motion to approve the minutes for June 26<sup>th</sup>, 2013 was made by Olney and seconded by Castner.

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

2. Public Participation on Non-Agenda Items

Dee Anderson gave an update on the Our Town Rocks program.

3. Supervisor's Correspondence

Wright shared his correspondence.

a Yates County Youth Bureau letter

4. Approve Monthly Accounting

**Resolution 2013-105** to approve the monthly accounting for June 2013 was made by Castner and seconded by Christensen.

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

Calvin Crosby      Aye

0-Noes

5. Approve Justice's Audit

**Resolution 2013-106** to accept the Justice's audit for June 2013 was made by Crosby and seconded by Olney.

Calvin Crosby      Aye

Nate Olney          Aye

Fred Wright        Aye

Ken Christensen    Aye

Bruce Castner      Aye

0-Noes

6. Planning Board Report

Planning Board Chairperson, Susan Lange let the Board know that they have their 1<sup>st</sup> subdivision application by Larry Knapp. There will be a public hearing on this on August 8<sup>th</sup>.

They also received a special use application from Eugene Hoover to be able to repair and restore firearms in his shop.

Lange also stated that the Planning Board has decided to wait until the fall to ask the Town Board to address the proposed Zoning Code because of everyone's busy schedules.

7. Barrington History Group TL 291 Van Gordon Rd. Cemetery

Lange stated that she gave everyone paperwork before the meetings in regards to what the History Group is asking.

Wright stated that he expects to table this for now, but according to his opinion he doesn't believe that the Town is in a position to do something like this at all. He said it was already addressed in 2008.

Lange wanted to know if it was due to cost. Wright said "not necessarily to cost in general". He said there would be cost to it too. They would have to put a fence around the cemetery and also get an easement (right-of-way). Wright stated that once they accept a cemetery that is a private cemetery then they will be opening a door to accept other cemeteries.

Lange stated that it really isn't a private cemetery. Wright stated that it was never owned by a corporation.

Crosby stated that he is concerned if they did take over this cemetery then they would have to do it with other cemeteries as well. Castner stated that he knows of three other cemeteries around that have multiple names in them that are located on private property and he has the same concerns that Crosby does.

Castner asked Lange what the property owners thought about the Town doing this. Lange stated that in 2007 the Town told the Kaufman's that they were taking over the cemetery and the Kaufmans expected it. She further stated that everything was going fine until Freeman called the Cemetery Board. The Cemetery Board said no because there was no deed and it's located on private property therefore it's a private cemetery. Lange stated that they spoke with the Yates County Historian and others and the Historian said that it isn't a private cemetery; it's the way that it was done back then. Lange stated that there is one in Tyrone that the Town of Tyrone is probably going to take over that actually goes with the church. It's called the McDowell Cemetery but others are actually buried there as well.

Wright stated that he had the minutes where the Town Attorney (Brocklebank) came and addressed this issue. The minutes were from February 27<sup>th</sup>, 2008. He asked Clerk Perry to read them aloud so everyone could hear. Perry read the minutes.

*Tabled*

#### 8. Highway Superintendent's Comments/Concerns

Wright wanted to know if Wheeler had a projected time to work on the bridge that the highway was going to work on, on the Lake Road. Wheeler stated that he expects it to be the 5<sup>th</sup> of August. Castner asked if he knew how long it would take. Wheeler thought it would take about a month. He said he hoped that it would be done by the time school starts.

#### 9. Code Enforcement/Watershed Report

Wright stated that the Board has the Code Enforcement/Watershed Report in front of them. Griffin stated that there have been forty septic inspections done so far, which is what is normally done in a year. Griffin stated that there were lots of inspections leftover from last year, possibly forty or fifty more to go.

Wright stated that the KWIK manager, Paul Bauter is going to retire in March. Yates County Soil & Water gave a quote of how much they would want to take over the management job. They originally asked for \$98,000, which is an additional \$8,000. After being asked for a breakdown of expenses, the total came to \$96,000. Wright stated that they will be looking for alternatives.

#### 10. Yates County Planning Board-Barrington Representative-Stepped Down (Marion Louden)

Wright stated that Marion Loudon, the Barrington Representative for the Yates County Planning Board has stepped down. He asked Sue Lange if she knew who might be interested in serving on the Board. She said that possibly Dominic Sebasto might be willing to do it. Wright asked her to talk to Sebasto to see what he has to say about it.

#### 11. Reappoint Tony DeStephen as Assessor

**Resolution 2013-107** to appoint Tony DeStephen as Town Assessor for another six years with a term ending December 31<sup>st</sup>, 2019 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

#### 12. NY State Voluntary Defined Contribution Program

Wright stated that there is a new retirement program that the State has put out called the Voluntary Defined Contribution Program. You can't get in the program unless you are making over \$75,000 a year. To join it must be within the next thirty days.

#### 13. Complaint/Concern Form-Scott Miller

Superintendent Wheeler asked if anyone from the Board had a chance to go look at Scott Miller's concerns. Olney stated that he went and looked at the ditch where Miller was upset because it was not mowed. Olney explained that to mow this section of the ditch the Town Highway Department would have to access it from Miller's land. Wheeler explained that last time this was done Miller made an official complaint to the Sheriff's Department that the Highway mower was on his land and tearing it up. Wheeler stated that the Highway Department has been doing a good job mowing. They have made three rounds already.

Wheeler also explained how Miller makes complaints all the time. He said that they have another concern/complaint form that says "need rail on bridge" from Miller. The Town doesn't own any bridges.

Wheeler also shared that Monday morning Miller called the Highway Department and stated that there was trash along side the road on Ray Crosby. Wheeler said that the Highway Department couldn't find any trash so Miller called the Sheriff's Department but they couldn't find it either. Miller ended up taking the Sheriff Deputy to where it was. It was a twelve inch pizza box that lay on the opposite side of the road.

Wright stated that in his opinion if someone puts in a formal complaint to stay off their property then you stay off their property. Castner agreed with Wright. Castner stated that if he called and made a complaint to have them stay off his property then they have no business going on his property. Crosby agreed that the Highway Department needs to stay in the right-of-way.

Wheeler stated that Miller has called three times to tell them to go up there and take care of it with weed-eaters. Wright stated that they are not going to use the time and manpower using weed-eaters.

Christensen asked Wheeler if the paperwork given to him by the Sheriff's Department was turned in to the Town Attorney. Wheeler let him know that it wasn't. There were no findings against the Town.

A motion for Wheeler, Wright and Perry to sit down and form a letter with the information shared here tonight to Scott Miller was made by Olney and seconded by Castner.

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

The Board agreed that the Highway Department did the best job possible with a tractor and boom mower within reason and respect to Miller's property.

#### 14. Elected/Appointed Officials Concerns

Christensen suggested appointing John Kuhn to the Zoning Board of Appeals. The ZBA Chairperson, Tom Murrin already approved his application.

John Griffin stated that he believes that Carolyn Merritt who is currently an Alternate to the ZBA would like to become a regular member.

*Tabled*

#### 15. Public Participation on Agenda Items

Kent Foster stated that he and his wife, Sheila, are perfectly happy with the job that Steve Wheeler does with the roads.

#### 16. Pay General Bills

**Resolution 2013-108** to pay the general bills numbered 176 through 203 in the amount of \$12,526.13 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
Nate Olney	Aye
Ken Christensen	Aye

0-Ayes

17. Pay Highway Bills

**Resolution 2013-109** to pay the highway bills numbered 155 through 172 in the amount of \$27,325.64 which have been audited by the Town Board 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

18. Next Meeting

The next meeting is on August 28th. It will be held at 7:30 pm instead of the usual 7:00 pm.

19. Adjourn

A motion to adjourn at 7:50 pm was made by Christensen and seconded by Castner.

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

*Respectfully Submitted,*

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*Joy L. C. Perry, RMC, Town Clerk*