

Regular Meeting, Town of Barrington, September 28th, 2016

A regular meeting of the Town of Barrington, County of Yates and State of New York was held at the Town Hall located at 4424 Bath Road on September 28th, 2016.

Present:	Phil Warren	Town Supervisor
	Nate Olney	Deputy Supervisor
	Bruce Castner	Councilman
	Calvin Crosby	Councilman
	Sue Lange	Councilwoman
	Tony DeStephen	Assessor
	John Griffin	Code Enforcement/Watershed Inspector
	Steven Wheeler	Highway Superintendent
	Joy L. C. Perry	Town Clerk

Also Present: Stan Dobromil, Town Accountant; Leo Kenyon; Seth Olney; Jessica Bryant, ESQ; Fred Goossen (two more that didn't sign in).

1. Assessor-Tony DeStephen

Assessor DeStephen explained to the Board the assessment process for Camp Arey.

1A. Approve Minutes of August 24th, 2016

A motion to approve the minutes of August 24th, 2016 was made by Olney and seconded by Castner.

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

2. Public Participation on Non-Agenda Items

Seth Olney stated that he came to address the Board seeking a little clarification. He stated that throughout the last decade it has never been, to his belief that the Board or the Town wishes anything more than for his success personally and professionally at the Olney Place on East Lake Road. Through conversations with the Attorney that the Town hired, as well as his attorney he is now led to believe the legal strategy that the Board adopted is one that would end with the complete revocation of his liquor license made through the direction of our Code Enforcer who has submitted several letters to the State Liquor Authority seeking such action. He further said that this will lead to the closing of the Olney Place. He stated that he wants to make himself clear, that if the Town's Attorney is successful the Olney Place will be shut down.

Olney stated that what he is asking of the Board is to confirm to the State Liquor Authority that the Town has always supported the sale and consumption of beer in his store, adjacent lawn and recent addition. In exchange he will withdraw his lawsuit saving the Town additional tens of thousands of dollars, as well as withdraw his request for Attorney's fees.

Jessica Bryant, Attorney practicing out of Geneva stated that what she is bringing up is entirely separate and distinct from the pending litigation with the Olney Place. She stated that she filed an action against John Griffin, individually for actions that seem so clearly outside any action that the Town or any Town Board could direct or support. She further explained that there have been public recordings and dissemination of allegations that her client Seth Olney has committed criminal acts and inappropriate sexual conduct. She stated that John Griffin himself recorded a video including these allegations that upon information and belief were sent or will be sent or was recorded for the purpose of being sent to the liquor authority and other people. She stated that her client is confident unless the Board tells her otherwise that these statements and actions are not directed by or condoned by the Town. This new lawsuit, in her hand today was filed only against John Griffin and does not name the Town because Seth Olney doesn't wish for the Town to be caught up in any further litigation, but as such, the Town Attorney should not address or charge the Town for any monetary fees in providing advice in this action. She further stated that if the Town reviews the allegations in this lawsuit she is confident the Town will agree that the things stated in this video are so abhorrent and inappropriate that they could not be considered governmental conduct that should be permitted or be considered governmental in any way.

She handed the summons and complaint to John Griffin and reminded the Town that it is not her intent to include the Town in this litigation but that could change at any time in the event that she is told that the Town would like to support those actions.

Leo Disbrow stated that he feels that this situation has gone far enough and someone needs to make a decision.

Supervisor Warren stated that the Board will take all of this into consideration and that the Board understands the burdensomeness as well as everyone else. He thanked everyone for being here tonight.

3. Approve Monthly Accounting-August

Resolution 2016-101 to approve the monthly accounting for August was made by Olney and seconded by Warren.

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

0-Noes

4. Approve Justice Audit-August

Resolution 2016-102 to approve the Justice audit for August was made by Crosby and seconded by Lange.

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

0-Noes

5. Supervisor's Correspondences

Supervisor Warren shared his correspondences.

The Board received an application from David Garrett for the Zoning Board of Appeals.

John Kuehn is currently an Alternate to the ZBA. Warren asked Kuehn if he was interested in becoming a regular member. He is.

The handbook is tabled for now.

6. Planning Board Report

The Planning Board would like the Board to approve the revisions to the Comprehensive Plan. Both public hearings have been held with no comments from the public.

Lange stated that Jerusalem has been working on a Solar Farm law. The State also has a suggested local law. There will be a webinar regarding this the first week of October.

7. Highway Superintendent's Comments/Concerns

Wheeler stated that the Highway Crew got the gravel down on Sturdevant and Bill Bailey Road. The last round of stone and oiling is done. They have only four more roads to mow down for the year. He pointed out the Town Hall parking lot that they did today.

Wheeler gave the Board a quote for a new tractor and mower.

8. Code Enforcement/Watershed Inspector Report

Griffin stated that he has part of his report already to the Board and has a little more coming to them.

Griffin stated that the Olney Place situation has been anything but peaceful. There have been allegations of eggs being thrown on driveways. Seth Olney coming out wrapped in an American flag yelling at neighbors. "F" bombing ZBA Members. Neighbors are

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frightened to they can't even call in and complain; people urinating between the houses, tying up the docks. Griffin also stated that there was an allegation that he referred, which this is about, to the State Troopers.

9. Public Participation on Agenda Items

None

10. Elected/Appointed Official's Comments/Concerns

Olney wanted to commend the Highway Crew for their nice job with the Town Hall parking area.

Clerk Perry reminded the Board that they needed to set up Fire Contract Hearings.

Resolution 2016-103 to set a public hearing for the Dundee Fire Contract for October 26, 2016 at 7:00 pm was made by Warren and seconded by Castner.

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

0-Noes

Resolution 2016-104 to set a public hearing for the Penn Yan Fire Contract for October 26, 2016 at 7:15 pm was made by Castner and seconded by Warren.

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

0-Noes

11. Pay General Bills

Resolution 2016-105 to pay the general bills numbered 226 thru 252 in the amount \$10,586.57 which have been audited by the Town Board was made by Olney and seconded by Castner.

Nate Olney Aye
Bruce Castner Aye
Phil Warren Aye

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Calvin Crosby Aye
Sue Lange Aye

0-Noes

12. Pay Highway Bills

Resolution 2016-106 to pay the highway bills numbered 223 thru 257 in the amount of \$87,749.05 which have been audited by the Town Board was made by Crosby and seconded by Warren.

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

0-Noes

13. Next Meeting

The next meeting will be October 26, 2016.

Motion to go into Executive Session regarding the job performance of a particular employee at 7:46 pm was made by Warren and seconded by Olney.

5-Ayes (Castner, Crosby, Lange, Olney, Warren) 0-Noes

Resolution 2016-107 to terminate John Griffin due to his poor performance and inability to get along with other town officials in a professional capacity was made by Warren and seconded by Olney.

Roll Call Vote:

Phil Warren	Aye
Nate Olney	Aye
Bruce Castner	Noe
Sue Lange	Abstain
Calvin Crosby	Aye

A motion to come out of Executive Session was made by Warren and seconded by Olney at 8:32 pm.

5-Ayes (Castner, Crosby, Lange, Olney, Warren) 0-Noes

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A motion to adjourn at 8:32 pm was made by Warren and seconded by Olney.

5-Ayes (Castner, Crosby, Lange, Olney, Warren) 0-Noes

Respectfully Submitted,

Joy L. C. Perry, RMC, Town Clerk