

Regular Meeting, Town of Barrington, November 22nd, 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 November 22nd, 2016.

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

Also Present: Bryan Yarrington; Seth Olney; Jessica Bryant, Esq., Fred Goosen; Bob Foley; Heidi & Todd Clarke; Nick Olney; Scott Shepardson; Chris & Chuck Tolbert; Penny K. Coon; Gwen Chamberlain; Tom Murrin, ZBA Chairperson

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

1. David Garrett-Interview for ZBA Alternate Position

Skipped this item until Castner arrives.

2. Approve Minutes

A motion to approve the minutes of 8-29-16, 9-6-16, 9-22-16, 10-4-16, 10-12-16, 10-26-16 and 11-7-16 was made by Olney and seconded by Warren.

3. Public Participation on Non-Agenda Items

Bruce Castner arrived at 6:02 pm

Seth Olney asked the Board if they took any further consideration for the offer that he made regarding 823A East Lake Road where he would withdraw the second half of the lawsuit if the Town Board would show support for his serving beer in the tap room area of his business to the State Liquor Authority.

Lange stated that the offer was denied. Crosby explained that they should be speaking to the Attorney and not to the Board at this meeting. Bryant wanted to know who made the decision. Lange let her know that it was done at an Attorney-Client meeting.

Seth Olney stated that it was an offer that he presented to the Town Board eight weeks ago. Seth stated that this is not arbitration; it's simply him speaking to the Board. Crosby reiterated that it's something that must be taken up with the Attorney.

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Bryant stated that she wanted to point out that she foiled the Town's attorney legal bills and as far as she can see, as of yet there still hasn't been work done on responding on the merit of issues of preemption. She stated that she expects that it will cost at least another ten thousand dollars for the Town's attorney fees.

Fred Goosen of 1081 East Lake Road asked what the goal of the Board was to satisfy needs of both sides of this issue. Supervisor Warren stated that the Town Attorney suggested that the Town Board do not speak to the public regarding the litigation unless he is present.

Warren stated that the Board would like to see Seth Olney succeed but it has to be done on a legal basis. Warren stated that the main thing they are addressing is that there are no bars allowed in a lake residential area. Seth stated that there isn't a law that the Board can point to that he is breaking. He said that they can't site the code that they are using to penalize him. He further stated that they can write a letter to the State Liquor Authority harming his business and telling them that he is not allowed to be doing what he is doing. Seth stated that if he were to have a band out there at his business tonight there is no law that he would be breaking.

Chuck Tolbert asked the Board how new owners would be treated if they bought the Viking. Crosby stated they will have to go thru the same process as Olney.

Bryant stated that the Board could make a decision without consulting with the Town Attorney. Lange stated that they are trying to uphold the zoning law. She stated that there are no bars allowed in the lake residential district.

Supervisor Warren stated that the time is up regarding the Olney Place situation and there will be no more conversation regarding it at this meeting.

Seth Olney stated that James Shirk brought it to his attention that the Town is developing a new safety policy specifically around Mennonite schools. Olney stated that he heard there was going to be a letter written regarding the conduct of a certain employee and if so is that letter going to be available to the public. Warren stated that he did send a letter to the school. Olney asked who signed the letter. Warren said that he did. Olney asked if anyone else signed the letter. Warren said no.

Jessica Bryant stated that to her understanding John Griffin was reinstated pursuant to the executive session days after he was released from his position. She further stated that she understood that this reinstatement is for a temporary period of time and asked if that was true and if so is the Board in the process of determining whether someone else will be rehired starting January 1st. Warren stated that the Board will make that decision at the beginning of the year.

A motion to go into executive session to interview David Garrett for the Zoning Board of Appeals was made by Warren and seconded by Olney at 6:20 pm.

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

A motion to come out of executive session at 6:28 pm was made by Warren and seconded by Castner.

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

Resolution 2016-123 to appoint David Garrett to the Zoning Board of Appeals as Alternate B 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

4. Approve Monthly Accounting-October

Resolution 2016-124 to approve the monthly accounting for October was made by Olney and seconded by Lange.

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

0-Noes

5. Approve Justice Audit-October

Resolution 2016-125 to approve the Justice's audit for October was made by Lange and seconded by Olney.

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

0-Noes

6. Supervisor's Correspondences

Warren went over his correspondences.

He went over the proposed Yates County Inter-Municipal Agreement between Yates County and the Town of Barrington.

Resolution 2016-126 to approve the inter-municipal agreement by and between the County of Yates and the Town of Barrington was made by Castner and seconded by Olney.

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

0-Noes

Warren played a voicemail left by Accountant Anita Reeves. She explained that mileage paid from someone's home to their place of employment needs to be paid as part of their wages and not through mileage reimbursement. It needs to be included in his W2 at the end of the year. Warren stated that he asked the auditors from the State Comptroller's Office at the Town Hall today for advice in this matter. He read off some information given to him from the auditors. He read that no transportation costs will be allowed between any employee's place of residence and his or her official station. Warren also presented a standardized form to keep record of mileage that the State Comptroller's office uses. The Board discussed record keeping for mileage.

Resolution 2016-127 for Town Official's to use form AC160-S from the State Comptroller's Office to keep record of mileage for reimbursement was made by Warren and seconded by Olney.

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

0-Noes

Warren discussed permit fees. He stated that he spoke with Griffin and the applicant is charged for the basement, as well for residential housing. The Board agreed to revisit the fees after the holidays.

Warren read the letter that he sent to the Mennonite school addressed to James Shirk. It said that the letter is confirmation that the Code Enforcement Officer will call in advance to one of the school board members when he needs to enter a school. Castner asked Griffin what he is looking for during these inspections. Griffin stated that he makes sure the fire extinguishers are up to date; that the exit signs are in place and to make sure that

they have smoke detectors. Warren stated that he called the Association of Towns to find out what the procedure is when entering a school like this. They let Warren know that the school has to be notified before the Code Enforcement Officer goes for his inspection.

Warren read a letter from a realtor that has a client that may be interested in buying the Viking, but has concerns with the current “climate” of the Town regarding the Olney Place situation.

7. Planning Board Report

Lange asked the Board if everyone has read the revised Comp Plan yet. She stated that the Planning Board is waiting for their approval.

Resolution 2016-128 to approve the revised Comprehensive Plan as written 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

Lange stated that the Planning Board should be approving the major subdivision application of Marci Mitchell’s on the 30th. This is the first major subdivision that the town has had since the subdivision law was put in place.

Castner pointed out all the help that John Griffin gave to Marcy Mitchell to get her subdivision taken care of. He spent a lot of time guiding her through the process.

8. Highway Superintendent’s Comments/Concerns

None

9. Code Enforcement/Watershed Inspector Report

Report with Town Board Members

10. Public Participation on Agenda Items

None

11. Elected/Appointed Official’s Comments/Concerns

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None

12. Pay General Bills

Resolution 2016-129 to pay the general bills numbered 282 thru 307 in the amount of \$11,000.20 which have been audited by the Town Board was made by Crosby and seconded by Olney.

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

0-Noes

(Voucher Numbers corrected by Clerk 12-08-16. Numbers were not in correct order)

13. Pay Highway Bills

Resolution 2016-130 to pay the highway bills numbered 285 thru 318 in the amount of \$26,012.80 which have been audited by the Town Board was made by Castner and seconded by Olney.

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

0-Noes

Warren asked Lange, Castner or Crosby to ask the Town Attorney what the law is that Seth Olney is not abiding with his business.

14. Next Meeting

The next meeting will be December 28th.

15. Adjourn

A motion to adjourn at 7:30 pm was made by Olney and seconded by Warren.

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

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Respectfully Submitted,

Joy L. C. Perry, RMC, Town Clerk