

Special Meeting, Town of Barrington, December 19th, 2016

A special 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 December 19th, 2016.

Present:	Phil Warren	Town Supervisor
	Nate Olney	Deputy Supervisor
	Bruce Castner	Councilman
	Calvin Crosby	Councilman
	Sue Lange	Councilwoman
	Joy L. C. Perry	Town Clerk

Also Present: Seth Olney; Ken Christensen, Jr.; Tom Murrin, ZBA Chairman

Supervisor Warren called the meeting to order at 6:31 pm.

Warren explained that he looked over the bank accounts and the Town has unlimited coverage for Lyons and Five-Star Banks and a limit of \$560,000 for Community Bank. He also stated that the Board needs to discuss employment of John Griffin.

The Board agreed to take comments from the public before they go into executive session.

Seth Olney stated “to use simple math since all the logic is failing in this communication between myself and this body...I have seen mileage records thru access to other towns, what other towns pay that have smaller size roads, larger size roads. What we pay in mileage in this town is 3 sometimes 400% over our neighboring towns. The argument can be made that maybe there is more stuff going on in Barrington than there is in Wayne...I’ll give you that, fine, but if you go to Soil and Water there are 445 homes in what’s considered zone one, by KWIK standards...two hundred feet within the lake shore. Jerusalem with 445 homes has 35 homes left for inspection. Barrington has just over 300 and has 60 left for inspection....more than twice that of our friend..so... when it comes to questioning the performance of Mr. Griffin I don’t know what we are getting for our money consideringif 60 homes is 20% of all the homes in Barrington live in that mark and they require an inspection every five years. We’re a full year behind. What are we getting for our money...with all this mileage and vehicle piece....I ask you that.”

Seth Olney further stated that “this past week I had a 50-H hearing here in this building where I was deposed in regards to compensatory damages regarding a particular video that was made. A video which I am suing John Griffin for personally...and this body has decided to defend his actions. So I am asking of you...on his video when he wonders about my behavior and whose door I was knocking on at two o’clock in the morning in the seven hundred block of East Lake Road....since his remark was he never got to ask him about it does one of you want to ask me that question about what happened on that particular case...Why would we defend that and what does it have to do with code enforcement.”

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Castner told Seth that he didn't believe that he was entitled to see that video and John Griffin was talking to himself on the video and he never gave it to anyone.

Seth Olney asked the Board if it's the Board's general practice to send in the Code Enforcer on Sunday afternoons to other businesses unannounced in the area.

Sue Lange said "The Attorney and State Liquor Authority both told us that we needed to come in and document the fact that you were serving beer in the tap room".

Olney said "The State Liquor Authority confirmed that they did not tell you that". Lange stated "their investigator sat right there and told us that's what we needed to do". Olney said "their second fine against me comes in May of this past year; the video was made in August.....at which the State took no action after May...they would have never instructed you with my application in the hold to have him go and record that...and if that is what he is paid to do then he is awful at it because never once in the video does he actually collect or drink a beer...that is not possible...that is not seen".

Lange stated that "all I can say is the Attorney was adamant that we needed to get documentation. The first documentation that we had to have in order to prove that you were violating our code".

Seth Olney asked "what code am I violating".

Lange responded saying "by not asking permission to be a bar...you never came to the town...."

Olney wanted to know which part of the code doesn't allow for bars. Lange explained that special use does not allow for bars and restaurants in the lower lake residential district. Olney stated that it does not say that anywhere. Lange repeated that it does not permit them because it doesn't say they are permitted. Olney stated that it specifically goes out to lists kennels, dairies and waste facilities. Lange said "yes and it doesn't list restaurants and bars".

Olney stated that his business is not considered a bar or restaurant. He said that to be considered a restaurant 51% of his gross sales have to come from prepared foods. He further stated that it doesn't happen and that he doesn't answer to the Board of Health. He answers to Ag and Markets. He said "your definitions are wrong from the beginning, that is provable....They go on to specifically list kennels, dairies and human waste facilities...yet allow...acceptable behaviors to be circuses, golf courses, hotels, schools and train stations...so you mean to tell me the Olney Place is closer to a human waste facility which isn't allowed than a golf course or hotel which would certainly have a bar inside of either one of them.."

Lange stated "I am not saying that. I am saying what the code says...the code is old, we all know that but that it what the code says. You should have come...and you received a

notice of violation because you did not come and ask permission to have a tap room...an expansion of your special use”.

Olney stated “I sell beer inside of the Olney Place and on the lawn...my permit that went to the county specifically says an expansion of the existing special use permit in the lake residential district which at that time already included drinking in the lawn and in the store...even in the video Mr. Griffin says if people drink on my lawn then that’s okay by him”.

Lange stated “because you had the right to do that but you did not have the right in the tap room”. Supervisor Warren started to intervene stating “alright lets...uh” Olney went on to say “I call it a taproom because it is written in chalk...when it says breakfast nook next year, I promise you...if you can’t tell from the outside that there is beer for service inside...none of that has changed”....Warren interrupted again saying “alright”...Olney went on to say “Your particular hatred of me and alcohol is going to cost this town a fortune...Sue Lange...and you personally are going to be responsible for this...personally”.

Supervisor Warren interrupted again stating “We are not really here to get into that discussion...and I didn’t want to get into that discussion”.

Seth Olney stated “John Griffin’s behavior is abhorrent”. Warren said “Pardon me”. Olney stated again “John Griffin’s behavior is abhorrent”. Warren asked if anyone else had anything to add.

Tom Murrin presented the Board with letters for their review. The Board started to look over the letters. Seth Olney asked “Do those of us in the audience get a gist of who the letter’s to, who it’s from...what it’s about...the content”. Nate Olney stated “Town of Barrington”. Seth asked “and who’s it from”. Warren stated “We got a letter from Tom Murrin...we have a letter from...I didn’t get a letter...I got an email from Tara... and I got one from Pat down here on Knapp Road”.

Seth asked “and what is this regarding”. Warren started to answer “they are in favor...” Castner spoke up and said “just talking about John and the business he does with them...we also got a couple other...two or three emails from other people here in Barrington”. Seth said “are we going to count emails...do we have to get a tally of those sent on my behalf...” Castner said “Seth, if you would calm down a lot, you know everything would go so much simpler...that’s half the problem with this whole God damn thing is because you get excited and then you don’t want to listen to anyone else...you see if you can over yell them...over rule them...over shout them. You haven’t listened to anyone since this whole deal started. We would have been in a whole better position if you would just have actually tried to get along with your neighbors...” Seth interrupted stating “I find your comments laughable Mr. Castner considering what Mr. Griffin is doing on behalf of you and your family to protect you and the things you have done illegally on your property while my father’s recused from the actions...my only beckon of light in this entire deal of sanity ... Have you seen...did you see the first video

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and how I reacted...have you seen me on NPR...or heard me on NPR...or on the Channel 8 news; how I react to all this..."

Castner said "I've heard you and you are an excellent speaker, Seth...that's the problem. I can't understand why when you can come across so darn good...you know a lot of people...you do very well...you run a nice business. None of us have disagreed with that...the thing is you didn't follow the right procedure thru the whole thing..."

There was talking over each other...

Seth stated "I've done everything that's been asked of me...okay, can I have a bar in the back...if not, why not...you can not find a law that says otherwise...Mr. Murrin says in his own words, May of 2015...that the deck and the addition would be treated as an extension of the lawn...this was in fact...this was given to me".

Tom Murrin said "That's as far as seating went, Seth...I didn't mean as far as every use you got".

Warren stopped the conversation and stated that tonight's meeting is about John Griffin and not about whether Seth has the right license or not. He further stated that they will go into executive session regarding litigation on John Griffin. He thanked everyone for their input. Seth stated "there's lots more". Warren said "I'm sure there is".

Clerk Perry wanted to clarify what they were going into executive session for whether it is regarding the litigation with John Griffin or whether it has to do with his reappointment. She explained one Nate Olney is recused from and the other he is not.

Warren stated that they are going into executive session regarding John Griffin; whether they are going to keep him on here as an employee or not.

The Board went into executive session at 6:47 pm.

A motion to come out of executive session at 7:58 pm was made by Warren and seconded by Castner.

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

A motion to adjourn at 8:00 pm was made by Olney and seconded by Castner.

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

Respectfully Submitted,

Joy L. C. Perry, RMC, Town Clerk