

Regular Meeting, Town of Barrington, June 28, 2017

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 June 28, 2017.

Present:	Fred Wright	Town Supervisor
	Nate Olney	Deputy Supervisor
	Bruce Castner	Councilman
	Calvin Castner	Councilman
	Sue Lange	Councilman
	Steve Wheeler	Highway Superintendent
	Joy L. C. Perry	Town Clerk

Also Present: Richard Buck, Town Attorney; Stanley Dobromil, Town Accountant; Robert Knapp; Rosemary Knapp; Chris Bailey; Larry Knapp; Robert H. Scharf; Jim Multer; Jerry Lange; Charlene Blanchard; Robert Mitchell; Allen Kidder; Maxine Kidder; Glen Miller; Marie Hollenbeck; Barb Blodgett; Betty Brigham; Wendy Olney; Leo Kenyon; Rachel Coon; Lynn Delaney; Don Delaney; Valerie Gardiner; Jon Hestley; Chuck Tolbert; Penny Coon; Thomas A. Meaney; Seth Olney; Randi Bergstresser; Mike Bergstresser; Bryan Yarrington; Nick Olney; Scott Shepardson; Danny Knapp; Heather Knapp; JoAnn Milazzo; Paul Murphy; Meghan Murphy; John Burritt; Dave Marchionda; Marian Walrath; Peg Ingles; Ed Netski; Diane Meaney; Ken Christensen, Jr.; Thomas Sullivan; Carol Plesa; Ron Ballard; Gary Ballard; Barbara Murphy; Jeanette Wilkior; Tom Murrin; Robert Northup; Bob Foley; Jessica Bryant, Esq.; Marilyn Manning; Devin Gan; Linda Haley; Jerry Haley

1. Call to Order

Supervisor Wright called the Town Board meeting to order at 7:00 pm with the Pledge of Allegiance. He asked everyone to shut their cell phones off or put them on silence. He stated that people may address the Board during the agenda items listed as public participation on agenda or non-agenda items. People may talk only when they are called upon. Once called upon he asked that they please state their name and address and they will have two minutes to speak. He further asked that there be no personal conversations or comments during the meeting because it is distracting for everyone. He stated that the Board takes the public's comments and concerns seriously and appreciates its participation. He asked that everyone participate respectfully.

2. Approve Minutes

A motion to approve the minutes of May 9th, 2017 was made by Castner and seconded by Crosby.

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

A motion to approve the minutes of May 23rd, 2017 was made by Lange and seconded by Olney.

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

3. Public Participation on Non-Agenda Items

Valerie Gardner introduced herself and went over some of her accomplishments since she took office as District Attorney. She has saved the office over \$106,000, has a 99% conviction rate for felonies and a 100% conviction rate for felony drug arrests. Between the three people who work in her office, they have 57 years of experience. She will be running for office again next term. She stated that the primaries are September 12th and November 7th is Election Day.

Lynn Ramsey of 844 East Lake Road stated that she has lived here five years and she would like to formally request that the Board drop the appeal against Seth Olney. She stated that she already sent an email to the Town Board which included specific reasons why. She further stated that she resents that a few taxpayers have a larger say than the rest of the community that feels differently. She also quoted from a previous Town Board meeting.

Chris Bailey of 1015 East Lake Road stated that he would like to apologize to the general people. He stated that he attended the Town Board meeting a couple months ago when the Supervisor had quit just previously. He expressed his disappointment in the lack of procedure the Board took filling the vacancy. He also pointed out that order was not kept at the meeting.

Allen Kidder of 809 East Lake Road stated that he sent a series of questions prior to the meeting. Supervisor Wright stated that he has them sitting in front of him and he will go over them if Kidder would like. Kidder agreed. The first questions was did the Town get a second opinion before deciding to appeal the judges decision regarding the Olney Place. Wright let him know that they got another opinion from another law firm. The second question was how much has the Town spent on this case so far. Wright stated that the Town has spent about \$8,500 so far since the beginning of this year. This includes other legal issues. Next question was how much the Board is willing to spend on this. Wright stated that they are not willing to spend anything. It all depends on the person that filed the lawsuit and how far he wants to go, Wright said.

Wright stated that many years ago zoning laws were put in place and the Town is obligated by law to defend these zoning regulations. That is what the Town is doing, Wright said.

Bryan Yarrington of 5580 Andrews Hill Road asked who the law firm was that they got the second opinion from. Wright stated that it is Hodgson & Russ. Yarrington asked "what if you lose the next appeal". Wright stated that there is a system that goes thru three different phases and if you lose the third phase you are done. Yarrington asked if

this is the second phase. Wright said it is. Yarrington stated that he believes the Board doesn't know how to read the zoning and that they are trying to enforce something that isn't true.

Glen Miller who owns land on Welker Road stated that the government is here to serve the people. He stated that he believes there are intelligent people right here in our community to find common ground. He further stated that he does not like out of town lawyers or judges making determinations in our town. He spoke of supporting young people who grew up in this area that are trying to make a living here.

Thomas Meaney of 767 East Lake Road stated that there is a place in town for sale for multimillions. He stated that when something for multimillions goes on sale it brings in corporations that have never been to our town. He stated that he seriously worries about the fact that this other issue has maybe drawn the attention of these multimillionaires that can come in and walk all over us and try to find a way to circumvent the codes that we currently have. He stated that he believes this issue is different than the other issue that was brought up. He said that he believes that the Board opinion is wrong. He doesn't agree that it should go as far as three strikes before the Town stops appealing.

Peg Ingles of East Lake Road in Hammondspport spoke in favor of Seth Olney's business.

Chuck Tolbert of 917 East Lake Road asked when the special meeting was held to go into executive session to appeal the judge's decision regarding the Olney Place. Lange stated that they will be going into executive session tonight. Tolbert stated that he thinks that Judge Bender did a beautiful job.

Linda Laney of 832 East Lake Road asked what the status was of the New York State audit on the Town. Crosby let her know that the audit has not been finalized yet and it's still confidential. Clerk Perry stated that once it is final it will be posted in the paper that there was an audit and everyone will have access to the results.

Laney asked the Board if they believed that all building permits or zoning regulations are consistently enforced throughout the town. Lange stated that the best that can be because sometimes people don't come to the Town and they just do it.

Carol Plesa of 829 East Lake Road stated that she believes that trailers aren't allowed in the town. She pointed out that there is one at 839 East Lake Road which has been there for about two years. The owner now has that land for sale and she wonders what the status is of the trailer. She questioned if the trailer will be sold with the land and be grandfathered in. Lange stated that the owners did come to the Town and request permission to stay there because they were going to build a house. They were granted permission for a short amount of time. Lange stated that she is unsure of the status currently but she will look into it.

Seth Olney of 823 East Lake Road and 2575 Knapp Road stated that the day he was given a permit to build an addition, friends of his, the Box brothers were also given a

permit to have live music and liquor served on their premise for a wedding venue to take place. He stated that he believes this sets a precedent that the Town is willing to do whatever it is to help the citizens come to a reasonable resolution when it comes to the sale and use of alcohol on their property whether there is a commercial license or not. He stated that he was grandfathered in with a commercial certificate of occupancy which included the service of food and beverage on premise. He stated that he also received an eating place/beer license. He further stated that when he left his business tonight people were eating food and drinking beer in the lawn, on the porch and in the store except for the 700 square feet addition which he stated he had two certificates of occupancy for.

Jessica Bryant of 62 North Main Street, Geneva and Attorney for Seth Olney asked whether the member of this Town Board being present at the Banzaf's house that are known interveners and parties to the pending lawsuit was official business or unofficial business. Lange stated that they asked her to come down. Bryant stated that if it was unofficial business then does that mean she is close friends or a confident of that person and mean she should recuse herself from the lawsuit for ethical reasons. Lange stated that she is not a close personal friend. She further stated that she represents everyone in the town and if someone asks her to come to talk about something she goes.

4. Approve Monthly Accounting

Resolution 2017-89 to approve the monthly accounting for May was made by Crosby and seconded by Castner.

Calvin Crosby Aye
Bruce Castner Aye
Fred Wright Aye
Nate Olney Aye
Sue Lange Aye

0-Noes

5. Approve Justice Audit

Resolution 2017-90 to approve the Justice audit for May was made by Olney and seconded by Castner.

Nate Olney Aye
Bruce Castner Aye
Fred Wright Aye
Calvin Crosby Aye
Sue Lange Aye

0-Noes

6. Supervisor Correspondence

Supervisor Wright went over his correspondences.

7. Indemnification Agreement with the Town of Milo

Wright gave everyone a copy of the agreement to review for the next Town Board meeting.

8. Start Budget Process for 2018

Wright stated that he will start working on the budget for 2018 and be holding budget workshops where the public will not have opportunity to speak.

9. Highway Superintendent's Comments/Concerns

Superintendent Wheeler stated that the highway crew has been helping with oil and stone in the Town of Starkey, Milo and Torrey. They are now oil and stoning in the Town of Barrington. They have changed four crossover pipes. They are on their second round of mowing and have done some ditching. He pointed out that they are having some issues with their tractor.

10. Code Enforcement/Watershed Inspector Report

Supervisor Wright went over the Code Enforcement/Watershed Inspector Report.

11. Pay General Bills

Resolution 2017-91 to pay the general bills numbered 141 thru 168 in the amount of \$10,352.48 which were audited by the Town Board was made by Olney and seconded by Castner.

Nate Olney Aye
Bruce Castner Aye
Fred Wright Aye
Calvin Crosby Aye
Sue Lange Aye

0-Noes

12. Pay Highway Bills

Resolution 2017-92 to pay the highway bills numbered 122 thru 163 in the amount of \$183,248.16 which were audited by the Town Board was made by Olney and seconded by Lange.

Nate Olney Aye
Sue Lange Aye

Fred Wright Aye
Bruce Castner Aye
Calvin Crosby Aye

0-Noes

13. Public Participation on Agenda Items

Barbara Blodgett of 805 East Lake Road questioned who sets the speed limits. Wheeler let her know the State does.

Linda Ramsey asked who the Code Enforcement Officer is. Wright stated that it's John Griffin.

13A. Executive Session

A motion to go into executive session in regards to litigation at 7:43 pm was made by Wright and seconded by Lange.

4-Ayes (Castner, Crosby, Olney, Wright) (Recused-Olney) 0-Noes

Resolution 2017-93 that the Town of Barrington appeals the decision made by Judge Bender on the Article 78 case of Olney vs. the Town of Barrington and contract with the firm of Hodgson Russ LLP for that appeal was made by Lange and seconded by Wright.

Roll Call Vote:	Fred Wright	Aye
	Bruce Castner	Aye
	Sue Lange	Aye
	Calvin Crosby	Aye

0-Noes

A motion to come out of executive session at 8:12 pm was made by Crosby and seconded by Castner.

4-Ayes (Castner, Crosby, Lange, Wright) 0-Noes

14. Next Meeting

July 26, 2017

15. Adjourn

A motion to adjourn at 8:13 pm was made by Olney and seconded by Crosby.

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

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Respectfully Submitted,

Joy L. C. Perry, RMC, Town Clerk