

Public Hearing & Regular Meeting, January 23, 2024

A public hearing and regular meeting of the Barrington Town Board was held January 23rd, 2024 at 6:00 pm at the Town Hall located at 4424 Bath Road, Penn Yan, NY and County of Yates.

Present: Bryan Yarrington Supervisor
Nate Olney Deputy Supervisor
Calvin Crosby Councilperson
Tom Petro, III Councilperson
Jeff McGinness Councilperson
Jesse Jayne Code Enforcement Officer
Helene Ribble Bookkeeper
Joy L. C. Perry Town Clerk

Absent: Steve Wheeler Highway Superintendent

Also Present: Steve Brigham, ZBA Chairperson; Christopher Bailey

1. Call to Order

Supervisor Yarrington called the Town Board meeting to order with the Pledge of Allegiance at 6:00 pm.

2. Open/Close Public Hearing on Local Law 1 of 2024-Planning Board Law

A motion to open the Public Hearing at 6:01 pm on Local Law 1 of 2024 entitled A Local Law in Regards to the Planning Board was made by McGinness and seconded by Petro.

5-Ayes (Crosby, McGinness, Olney, Petro, Yarrington) 0-Noes

There were NO COMMENTS

A motion to close the Public Hearing at 6:02 pm was made by Olney and seconded by McGinness.

5-Ayes (Crosby, McGinness, Olney, Petro, Yarrington) 0-Noes

Resolution 2024-33 to pass Local Law 1 of 2024 entitled A Local Law in Regards to the Planning Board was made by Crosby and seconded by Olney.

Roll Call Vote: Tom Petro, III Aye
Calvin Crosby Aye
Bryan Yarrington Aye
Jeff McGinness Aye
Nate Olney Aye

A Local Law in regards to the Planning Board.

Be it enacted by the Town Board of the Town of Barrington as follows:

Section 1. Relevant Planning Board Definitions

Definition: a local appointed government board charged with recommending to the Town Board the boundaries of the various zoning districts and appropriate regulations to be enforced therein and any proposed amendments thereto and shall collect data and keep itself informed as to the best practices generally in effect in the matter town planning and zoning to the end that it may be qualified to act on measures affecting the present and future movement of traffic, the segregation of residential and business districts and the convenience and safety of persons and property in any way dependent on town planning and zoning.

Section 2. Appointment and Organization

- A. The Town Board shall appoint a Planning Board in accordance with the provisions set forth in Section 267 of the New York State Town Law. The Town Board shall, each year, appoint the Chairman. The Town Board shall appoint a total of five (5) members to serve on staggered terms and in accordance with the provisions contained in the above referenced section of New York State Town Law. The Planning Board, each year, shall choose its Vice Chairman who shall preside in the absence of the Chairman. The Town Board shall appoint a Secretary to record the proceeding of all meetings and shall file said meeting records with the Town Clerk. In addition, the Board shall prescribe rules for the conduct of its affairs. The Zoning board of Appeals, each year, shall choose its Vice Chairman who shall preside in the absence of the Chairman.
- B. The Town of Barrington Planning Board is empowered, as authorized under Section 271 of Town Law of New York, to perform:
 - 1) Review and approval of permits, including Special Use, Sign and other permits as established by the Town Board
 - 2) Act on subdivision or site plans
 - 3) Conduct Environmental Reviews, Impact Assessments and complete SEQR as required
 - 4) Adopt, amend or approve activities or actions for which the Town Board has not delegated authority to another committee
- C. Alternate Planning Board Members.
 - 1) The use of and appointment by the Town Board of an alternate member(s) of the Planning Board is hereby authorized pursuant to the provisions of Article 16 of the New York State Town Law.
- D. Terms.
 - 1) After the initial appointments for terms as specified in § 609-A, all terms shall be for five (5) years, with the term of one (1) Board member expiring each year. If a

vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment by the Town Board for the unexpired term.

E. Rules of Procedure.

1. The Planning Board shall have the power to make, adopt and promulgate such written rules of procedure, bylaws and forms, as it may deem necessary for the proper execution of its duties and to secure the intent of this law. Such rules, bylaws and forms shall not be in conflict with, nor have the effect of waiving any provisions of this law or any other laws of the Town of Barrington.

F. Conflict of Interests and Ethics.

1. Planning Board members and alternate members shall hold no position in the Town of Barrington nor be permitted to act on any matter in which he/she has either directly or indirectly any personal or financial interest.
2. Code of Ethics: The Town of Barrington Planning Board members will abide by the Town of Barrington Code of Ethics, violation of which will be grounds for dismissal from the Planning Board. (Refer to Local Law 2 of 2008-A Local Law to Establish a Board of Ethics for the Town of Barrington)

G. Procedures Regarding Alternate Members.

1. The alternate member may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. No more than five (5) votes shall be cast for any matter. In the event that the alternate member shall be necessary to create a Board of five (5) members for any application, the absent regular member shall not thereafter vote in any manner with the respect to that application. (Refer to Local Law 1 of 2008-Alternate Planning Board and Zoning Board of Appeals Member Act)

H. Staff.

1. The Planning Board may employ such clerical or other staff assistants as may be necessary and prescribe their duties, provided that it shall not at any time incur expenses beyond the amount of the appropriation made and then available for that purpose.

I. Meetings.

1. All meetings of the Planning Board shall be held at the call of the Chairman.

- a) All meetings shall be open to the public.
- b) The Planning Board shall keep minutes of its proceedings, showing the vote of each member on every question, and shall keep records of all official actions.
- c) Every order, requirement, decision or determination of the Planning Board shall be within sixty-two days of the hearing and shall be filed in the office of the Town Clerk within five (5) days of finalization as per New York State Law and shall be a public record within sixty-seven days of the hearing.

J. Authority.

- 1. The Planning Board is governed by and shall act in strict accordance with procedures specified by the Town Law, this Zoning Law and its duly adopted rules, bylaws and forms and shall perform the following functions:
 - a) Decide any questions properly brought before it involving the interpretation of any provision of this law.
 - b) All Special Use permits are subject to review at any time based on:
 - a.i. Complaints
 - a.ii. Agreed upon time frames that were part of the permit's approval
 - a.iii. New identified violations
 - a.iv. Failure to provide accurate, relevant information on original, approved application
- 2. The Charman of the Planning Board, and in his/her absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses at meetings and hearings.

Section 3. Effective Date

This law shall take effect immediately upon being filed with the Secretary of State.

3. Approve Minutes

A motion to approve the minutes of December 26, 2023 was made by McGinness and seconded by Olney.

5-Ayes (Crosby, McGinness, Olney, Petro, Yarrington) 0-Noes

4. Approve Justice Audit

None Received

5. Approve Monthly Accounting

Resolution 2024-34 to approve the monthly accounting for December was made by Crosby and seconded by Petro.

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| Calvin Crosby | Aye |
| Tom Petro | Aye |
| Bryan Yarrington | Aye |
| Nate Olney | Aye |
| Jeff McGinness | Aye |

0-Noes

6. Highway Report

A Highway Report was received by all the Town Board Members.

Yarrington shared that quotes were received regarding generators for the Town. The quote for the Town Hall was \$13,500 and the one for the Town Barn was \$18,000. Yarrington tabled this until more options are reviewed. Grants may be available. Jayne suggested checking with Finger Lakes Power Systems, as well.

Resolution 2024-35 to accept the quote in the amount of \$90,566.00 from International for the purchase of a 2024 CV515 SFA truck was made by McGinness and seconded by Olney.

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| Jeff McGinness | Aye |
| Nate Olney | Aye |
| Bryan Yarrington | Aye |
| Calvin Crosby | Aye |
| Tom Petro | Aye |

0-Noes

Yarrington acknowledged all the hard work that the highway crew did during the strong winds with all the trees in the roadways. He also wanted to point out and thank Seth Olney for donating his time by going out and helping the highway crew.

7. Code Enforcement Report

A code enforcement report was received by the Board. Jayne stated that there was one minor fire and a carbon monoxide call in the last month. There was a tree that fell on a house during the high winds that he responded to. He also shared that one variance was granted by the ZBA.

8. Supervisors Comments/Concerns

Supervisor Yarrington will be attending the training in New York City coming up in February.

Resolution 2024-36 to designate Supervisor Bryan Yarrington to attend the Annual Business Session of the Association of Towns of the State of New York, to be held during February 21, 2024, and to cast the vote of the Town of Barrington, pursuant to § of Article III of the Constitution and Bylaws of said Association was made by Olney and seconded by McGinness.

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| Nate Olney | Aye |
| Jeff McGinness | Aye |
| Bryan Yarrington | Aye |
| Calvin Crosby | Aye |
| Tom Petro | Aye |

0-Noes

Yarrington stated that he signed the Dundee Fire Contract. Perry will mail it back to the Village.

Yarrington also went over the terms of the Planning Board and ZBA members

Resolution 2024-37 to appoint Tony Miller as Zoning Board Alternate A with a term ending December 31st, 2028 was made by Yarrington and seconded by Crosby.

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| Bryan Yarrington | Aye |
| Calvin Crosby | Aye |
| Nate Olney | Aye |
| Tom Petro | Aye |
| Jeff McGinness | Aye |

0-Noes

Resolution 2024-38 to appoint Larry Scofield as Zoning Board Alternate B with a term ending December 31st, 2026 was made by Yarrington and seconded by Petro.

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| Bryan Yarrington | Aye |
| Tom Petro | Aye |
| Nate Olney | Aye |
| Calvin Crosby | Aye |
| Jeff McGinness | Aye |

0-Noes

9. Public Comments/Concerns

None

10. Elected/Appointed Comments/Concerns

Steve Brigham shared that the ZBA made Paul Danielson their Vice Chairperson.

Jayne stated that he was receiving calls from the public asking questions about what may be going on with the Welker Road Gas Well. He asked if anyone knew. Noone had an answer.

McGinness shared that they have been exchanging emails regarding the updating of the general code and that it may be a good idea to appoint a committee to follow this thru and get it done. He stated that General Code is willing to review everything; our current laws and the ones we are proposing and give us the guidance we need. He stated that the committee would basically be getting everything together and sending it off.

A motion to form a zoning committee consisting of Jeff McGinness, Calvin Crosby, Jesse Jayne and Steve Brigham to move the Zoning Code forward was made by Yarrington and seconded by Petro.

5-Ayes (Crosby, McGinness, Olney, Petro, Yarrington) 0-Noes

Yarrington stated that he wanted to officially thank Steve Perry for his donations to the Town. He donated all the stone located at the lower entrance which cost \$1,100. He also paid for all the new signs in the amount of \$1,650. This is a total of \$2,750 in donations.

The Petros donated over \$3,000 in shingles and supplies for the Town Hall and were also thanked for their generous donations.

11. Pay General Bills

Resolution 2024-39 to pay the general bills numbered 1 thru 22 in the amount of \$41,912.15 which were audited by the Town Board was made by Petro and seconded by McGinness.

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| Tom Petro | Aye |
| Jeff McGinness | Aye |
| Bryan Yarrington | Aye |
| Nate Olney | Aye |
| Calvin Crosby | Aye |

0-Noes

12. Pay Highway Bills

Resolution 2024-40 to pay the highway bills numbered 1 thru 14 in the amount of \$65,128.33 which were audited by the Town Board was made by Olney and seconded by Crosby.

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| Nate Olney | Aye |
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Calvin Crosby Aye
Bryan Yarrington Aye
Tom Petro Aye
Jeff McGinness Aye

0-Noes

13. Pay Fire Abstract

Resolution 2024-41 to pay the fire abstract numbered 1 and 2 in the amount of \$199,332.84 which were audited by the Town Board was made by Olney and seconded by Petro.

Nate Olney Aye
Tom Petro Aye
Bryan Yarrington Aye
Calvin Crosby Aye
Jeff McGinness Aye

0-Noes

Budget Transfers:

Resolution 2024-42 to increase account D9060.81 for the Medical Deductible by \$266.00 and decrease account D9060.8 for Medical Insurance by \$266.00 was made by Olney and seconded by McGinness.

Nate Olney Aye
Jeff McGinness Aye
Bryan Yarrington Aye
Calvin Crosby Aye
Tom Petro Aye

0-Noes

Resolution 2024-43 to increase account A2420 for the Empire Pipeline Revenue by \$4,127.00 and increase account A9010.8 for NYS Retirement Expense by \$4,127.00 was made by Crosby and seconded by Petro.

Calvin Crosby Aye
Tom Petro Aye
Bryan Yarrington Aye
Nate Olney Aye
Jeff McGinness Aye

0-Noes

Resolution 2024-44 to increase account D9010.8 for NYS Retirement Expense by \$5,242.00 and decrease account D9060.8 for Medical Insurance by \$5242.00 was made by Petro and seconded by Olney.

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| Tom Petro | Aye |
| Nate Olney | Aye |
| Bryan Yarrington | Aye |
| Calvin Crosby | Aye |
| Jeff McGinness | Aye |

0-Noes

14. Next Regular Meeting

February 27, 2024

15. Adjourn

A motion to adjourn at 6:48 pm was made by Olney and seconded by Petro.

5-Ayes (Crosby, McGinness, Petro, Olney, Yarrington) 0-Noes

Respectfully Submitted,

Joy L. C. Perry, Town Clerk