

MONTHLY MEETING MINUTES

March 9, 2020 - 6:30 PM

Board Members Present: Supervisor Leon Cary, Donald Foster, Kevin Everly, David Shipman, and John Tryon

Guests: Daniel Eiklor, Clarence Frisbie, Julie-Rowe-Wood, Donald Barber, Michael Viselli, Dan Shay, Jim Pratt, Lonnie Archibald, Kelly Schweiger, Matt Freeze, Shane Waibel, Keith Pond

PLEDGE OF ALLEGIANCE

PRIVILEGE OF THE FLOOR

Julie Rowe-Wood passed out the following letter and read it aloud to the Town Board members. Requested a certified letter be sent to the people mentioned in letter. (Attachment at end of report)

Clarence Frisbie passed around photos of some flooding that has happened on Jones Road. Supervisor Cary had talked to the Highway Superintendent and currently, the excavator is being repaired. Within the next month, the town can look into lowering the pond. An engineer from Soil and Water will be coming down to take a look at the retention pond and diversion ditch. The town is looking to get some financial help from the state.

MINUTES: Board Member John Tryon made a **motion** to approve the minutes of the previous meeting, seconded by **Board Member Don Foster**.
5-Ayes, 0-Noes

VOUCHERS: A **motion** made by **Board Member Kevin Everly** to approve the vouchers, seconded by **Board Member Don Foster** and carried.

- General Fund \$10,680.30
- Water\Sewer \$1661.16
- Highway \$51,001.13

5-Ayes 0-Noes.

PERSONNEL:

Town Clerk, Arrah Richards

The phone lines were switched over to a new vendor effective February 19, 2020. This is saving the town over \$250 per month. The County came down on February 21, 2020 to continue the work established on the Shared Services Agreement. All computers were upgraded to Windows 10. As part of this shared service, our building will now offer free

Wi-Fi. The Board agreed to put the approved minutes out on the Town of Barton website. The Decal program was having issues last year “sweeping” (pulling) money from customer’s accounts. There will be an upcoming “sweep” in this budget year that would actually be a 2019 expense. We just received an invoice to renew our water/sewer contract. It increased \$19 from last year. The Waverly VFW sent a letter requesting our continued financial support for veteran grave flags and grave markers.

Highway Superintendent, Fred Schweiger

The excavator should be up and running this week. Rovendale should have the broom and tractor ready and in by next week.

NEW BUSINESS

1. Justice Audit of 2019 Records – That is not done at this time.
2. Signing the NYS DEC License Issuing Agent Agreement

RESOLUTION NO 03-2020

SIGNING THE NYS DEC LICENSE ISSUING AGENT AGREEMENT

WHEREAS, the NYS Department of Environmental Conservation requires a new License Issuing Agent Agreement anytime there is a new Municipal Clerk; and

WHEREAS, in the event of a change in municipal clerk from that who entered into this Agreement, NYS DEC must be notified within 30 days of such change; and

WHEREAS, to avoid a disruption in service, a new Agreement should be submitted in advance of such change signed by the new municipal clerk; and

WHEREAS, the Town of Barton Board has read the agreement and has given the License Issuing Agent the authority to sign said agreement with the NYS DEC; and

NOW THEREFORE upon a motion by **Councilperson Don Foster** and seconded by **Councilperson John Tryon** and carried; it is hereby

RESOLVED that the Town of Barton Board does hereby authorize the newly appointed Town Clerk to sign the agreement with NYS DEC to be the Town’s License Issuing Agent.

Roll Call

Leon Cary	Aye
John Tryon	Aye
David Shipman	Aye
Kevin Everly	Aye
Donald Foster	Aye

3. Cemetery Bids: Bids were opened at 6:45pm. The bids were as follows:

- Dan Shay, \$14,400 (Cemetery); \$14,400 (Building)
- K&K Law, \$21,000 for both Cemetery and Building
- Shawn Waibel, \$16,000 (Cemetery) and \$2,000 (Building)

A **motion** to set a special meeting to vote on mowing bids on Monday, March 23, 2020 at 1:00pm made by **Board Member Don Foster** and seconded by **Board Member Kevin Everly** and carried.

4. Meeting Procedure

RESOLUTION NO 04-2020

MEETING PROCEDURE

WHEREAS, during Town Board meetings, the Town of Barton wishes to promote public participation while maintaining an orderly and efficient meeting to address Town-related matters; and

WHEREAS, legally, although the Town Board is not required to provide an opportunity for public comment with the exception of a public hearing, the Town Board wishes to provide an opportunity for public participation during the regular course of Town Board meetings to allow input from the public in regard to Town-related business;

NOW THEREFORE, upon a motion by Board Member Kevin Everly, seconded by Board Member Don Foster and carried;

NOW THEREFORE, BE IT RESOLVED, that the Town of Barton Town Board adopts the following rules of procedure for Town Board meetings:

1. In order to provide for an orderly flow of a Town Board meeting, the Town Board wishes to the extent possible to provide an agenda before each regularly scheduled meeting.
2. The agenda shall designate a portion of the meeting to allow for public participation, referenced as "privilege of the floor." The purpose of this section of the meeting will be to receive public comment on Town-related business.
3. During the portion of the meeting dedicated to "privilege of the floor," an individual wishing to speak must first provide his or her name and address and state the subject matter that he or she will be addressing.
4. An individual speaking during this public portion of the meeting shall be limited to speaking three minutes in length, and such opportunity to speak will only be provided once per individual.
5. The purpose of the "privilege of the floor" is to provide the public with an opportunity to provide comments only. The Town Board and the Town Supervisor are not required to respond to such comments.

6. The Town Supervisor is the presiding officer of each Town Board meeting. If the Town Supervisor is absent, then the Deputy Supervisor will act as the presiding officer.
7. When appropriate, at the Town Supervisor's discretion, he or she may respond directly or direct questions, comments, or opinions to the appropriate Town representative for a response.
8. Discussion between speakers and attendees of the Town Board meeting is prohibited unless directed and approved by the Town Supervisor.
9. Speakers participating in the "privilege of the floor" shall make all comments and remarks in a courteous and civil manner.
10. All topics of discussion during the "privilege of the floor" must be directed to Town-related business.
11. Any audio, visual, or similar equipment to be used to support the comments or issues of the speaker must be approved by the Town Supervisor at least 24 hours before the regularly scheduled Town Board meeting.
12. A Town Board member may request the presiding officer to rule a speaker out of order, or the presiding officer may make such determination on his or her own.
13. At all times when the Town Board is in session, no member of the Board or member of the public shall be subjected to unnecessary criticism, derogatory or defamatory remarks, either directly or indirectly. If this is done or attempted to be done, any Town Board member may interrupt the speaker and ask the presiding officer to declare the speaker out of order. If the presiding officer so rules, the speaker must refrain from any continuation of objectionable remarks.
14. The presiding officer may enforce this rule, if necessary, by causing the ejection from the meeting of the offending member of the public.
15. All members of the Town Board shall conduct themselves in a civil and courteous manner.

16. Nothing contained in these rules shall be construed to limit the rights and responsibilities of the Town Board to conduct a meeting under the laws of the State of New York and the United States of America.

Roll Call Vote:

Leon Cary	Aye
John Tryon	Aye
David Shipman	Aye
Kevin Everly	Aye
Don Foster	Aye

In addition to the above resolution, resident Jim Pratt asked if the agenda be published prior to the meeting date. Supervisor Cary approved the agenda to be published on the website.

5. Amend Reorganization Term Limits and Authorize Limits and Authorize Reappointment of Planning Board Members

RESOLUTION NO 05-2020

**AMEND REORGANIZATION TERM LIMITS AND
AUTHORIZE REAPPOINTMENT OF PLANNING
BOARD MEMBERS**

WHEREAS, the Town Board of the Town of Barton approved the term limits in the Reorganization Meeting on January 13, 2020 of the Town of Barton Planning Board members; and

WHEREAS, the terms limits of the board members need to be amended; and

WHEREAS, the Town of Barton Board have voted to reappoint Mr. Patrick Elston for another five-year term; and

WHEREAS, the Town of Barton Board have voted to reappoint Mr. John Lacey for another five-year term; and

NOW THEREFORE, upon a motion by Councilperson Don Foster, seconded by Councilperson John Tryon; it is and hereby shall be

RESOLVED, that the Town of Barton Town Board has hereby appointed Patrick Elston to another four-year term, expiring December 31, 2023; and

RESOLVED, that the Town of Barton Town Board has hereby appointed John Lacey to another five-year term, expiring December 31, 2024; and

FURTHER RESOLVED, that the names and terms in office of the Town of Barton Planning Board members are as follows:

	TERM EXPIRATION DATE
Robert Palanza	December 31, 2020 reappointment every 5 years after
Frederick Schweiger	December 31, 2021 reappointment every 5 years after
Grady Updyke	December 31, 2022 reappointment every 5 years after
Patrick Elston	December 31, 2023 reappointment every 5 years after
John Lacey	December 31, 2024 reappointment every 5 years after
George Pinheiro (Alternate)	One year

Roll Call Vote

Leon Cary	Aye
Donald Foster	Aye
Kevin Everly	Aye
David Shipman	Aye
John Tryon	Aye

6. Opposition to the Adoption of the Accelerated Renewable Energy Growth and Community Benefit Act into New York State Law.

RESOLUTION NO 06-2020

OPPOSITION TO THE ADOPTION OF THE ACCELERATED RENEWABLE ENERGY GROWTH AND COMMUNITY BENEFIT ACT INTO NEW YORK STATE LAW

WHEREAS, New York State Governor Cuomo has proposed the Accelerated Renewable Energy Growth and Community Benefit Act; and

WHEREAS, adoption of this act into law would eliminate the application to local governments for large scale “renewable energy” production facilities by prospective developers; and

WHEREAS, adoption of this act into State law would eliminate approval of large scale “renewable energy” production facilities by local governments; and

WHEREAS, adoption of this act into law would likely eliminate all local government input or public comment as the application is being considered by New York State; and

WHEREAS, adoption of this act into law would likely eliminate all locally developed PILOT agreements or host community benefit agreements; and

WHEREAS, since it is vital that all local entities retain their ability to determine best uses for limited spaces that might be used for development of residential, commercial and agricultural purposes;

NOW THEREFORE, upon a motion by Councilperson John Tryon, seconded by Kevin Everly, and carried; it is and hereby shall be

RESOLVED, that the Town of Barton is opposed to the adoption of the Accelerated Renewable Energy Growth and Community Benefit Act into New York State law, and

BE IT FURTHER RESOLVED, that the Town of Barton will be opposed to any such similar action on the part of the State, regardless of the size and scope of any proposed facility.

Roll Call Vote

Leon Cary	Aye
John Tryon	Aye
David Shipman	Aye
Kevin Everly	Aye
Donald Foster	Aye

- 7. Hiring Insero & Co. to Perform Audit of Financial Statements for the Town of Barton

RESOLUTION NO 07-2020

HIRING INSERO & CO. TO PERFORM AUDIT OF FINANCIAL STATEMENTS FOR THE TOWN OF BARTON

WHEREAS, it is necessary to hire an accountant to perform an audit of the financial statements of each fund of the Town of Barton; and

WHEREAS, the Town has negotiated the services of Insero & Co. to perform the audit of the financial statements of the Town of Barton for a fee not to exceed \$9,000;

NOW THEREFORE upon a motion by Councilperson Kevin Everly, seconded by Councilperson David Shipman, and carried; therefore, be it

RESOLVED, that the Town of Barton is authorized to retain Insero & Co. to perform an audit of the financial statements of the Town of Barton for a fee not to exceed \$9,000.00.

Roll Call Vote:

Leon Cary	Aye
John Tryon	Aye
David Shipman	Aye
Kevin Everly	Aye

Don Foster Aye

8. Budget Modifications

RESOLUTION NO 08-2020

BUDGET MODIFICATIONS

WHEREAS, the Town of Barton was presented with the budget modifications for the 2020 year; and

NOW THEREFORE upon a motion by Board Member Don Foster, seconded by Board Member Kevin Everly, and carried; therefore, be it

RESOLVED, the Town of Barton's Town Board approved the budget modifications as written for the 2020 year.

From: A1410.12	Town Clerk Personnel Services	\$7,000.00
A1410.4	Town Clerk Contractual	\$2,000.00
A1620.4	Building Contractual	\$5,000.00
A5132.4	Highway Barn Contractual	\$10,000.00
A8160.4	Refuse and Garbage	\$3,500.00
A9010.8	State Retirement	\$10,000.00
A9040.8	Worker's Compensation	\$6,000.00
A9060.8	Hospital & Medical Insurance	\$3,000.00
To: A599	Appropriated Fund Balance	\$46,500.00
From: DA5130.2	Machinery Equipment	\$120,000.00
To: DA599	Appropriated Fund Balance	\$120,000.00

Roll Call Vote:

Leon Cary Aye
John Tryon Aye
David Shipman Aye
Kevin Everly Aye
Don Foster Aye

9. Appoint Sewer and Water Clerk:

Motion to go into executive session at 7:14 pm regarding the appointment of Water and Sewer Clerk made by **Councilman Don Foster** and seconded by **Councilman Kevin Everly**, and carried.

Motion to come out of executive session at 7:23pm made by **Councilman John Tryon** and seconded by **Councilman Dave Shipman**, and carried.

Appointment will be made at the March 23, 2020 special meeting.

OLD BUSINESS

1. Railroad: Supervisor Cary stated he will have quotes for the gates on Shepard Road by the next board meeting.

A **motion** to adjourn meeting at 7:35pm made by **Councilman Don Foster** and seconded by **Councilman Kevin Everly**.

Respectfully submitted,

Arrah Richards
Town of Barton Clerk

Attachment

**JULIE L. ROWE-WOOD
1141 RIDGE ROAD
LOCKWOOD, NY 14859
(607) 207-0317**

3/9/2020

**SUPERVISOR LEON "DICK" CAREY
TOWN OF BARTON COUNCIL**

MY NAME IS JULIE L. ROWE-WOOD. I AM A RESIDENT OF THE TOWN OF BARTON.

I WOULD LIKE TO DISCUSS THE TOWN'S ORDINANCE(S) REGARDING DOGS. I HAVE A NEIGHBOR WHO I HAVE BEEN TOLD HAS 14+ DOGS ON THEIR PROPERTY AND A NEW BATCH OF PUPPIES. THIS INFORMATION CAME FROM A FAMILY MEMBER OF THE NEIGHBORS.

THIS HAS BEEN AN ONGOING MATTER FOR WELL OVER A COUPLE OF YEARS. CHRIS SPAULDING HAS BEEN AT OUR PROPERTY AND THE NEIGHBORS PROPERTY AS WELL. WAYNE SEARLES HAS BEEN AT OUR PROPERTY PICKING UP ONE OF THEIR DOGS LAST YEAR. HE SAID THEY GET ONE WARNING, THEN THEY CAN GET TICKETED FROM THERE.

ON FEBRUARY 26, 2020 I LEFT A VOICE MAIL FOR WAYNE SEARLES.

ON FEBRUARY 28, 2020 WAYNE SEARLES RETURNED MY CALL. I ADVISED HIM WHAT I WAS TOLD BY THE FAMILY MEMBER. HE SAID "I WONDER IF THEY HAVE A KENNEL LICENSE." I SAID I HAVE NO IDEA. THAT IS NOT MY JOB TO FIND OUT. I ASKED HIM IF HE EVER LOOKED INTO DOG LICENSING LAST YEAR WHEN WE ASKED AND HE SAID NO. HE SAID HE WOULD LOOK INTO IT AND CALL ME THE NEXT DAY WITH AN UPDATE.

ON MARCH 5, 2020 I LEFT HIM ANOTHER VOICE MAIL LOOKING FOR AN UPDATE. HE LEFT ME A VOICE MAIL THAT IT HAS BEEN A BUSY DOG TIME BUT HE WOULD GET BACK TO ME SOON WITH AN UPDATE. HE ASKED ON THE VOICE MAIL IF I KNEW WHO WAS LIVING THERE. I HAVE NEVER REPLIED BECAUSE HE CAN LOOK UP THESE RECORDS HIMSELF.

ON MARCH 6, 2020, I LEFT A VOICE MAIL FOR DICK. AS OF THE TIME OF THIS MEETING TODAY, I HAVE HAD NO RETURNED CALLS FROM DICK.

WHAT ARE THE ORDINANCES PERTAINING TO DOGS? THE NOISE OF THE DOGS IS CRAZY. ALL DAY AND ALL NIGHT LONG BARKING AND BARKING. WE CAN'T EVEN ENJOY OUR FRONT DECK TO SIT OUT ON BECAUSE OF ALL THE BARKING. THESE DOGS STILL RUN LOOSE AND COME TO OUR PROPERTY. THIS ISSUE NEEDS TO BE ADDRESSED ASAP!

I KNOW THE TOWN HAS MANY ITEMS THAT NEED TO BE ADDRESSED AND HOPEFULLY SOON WE WILL GET SOME ANSWERS TO ALL OF OUR QUESTIONS THAT THE BOARD SEEMS TO JUST GET "KICKED DOWN THE ROAD."

ANOTHER ISSUE IS HOW MANY UNLICENSED CARS CAN ONE PROPERTY HAVE? SINCE THE LEAVES ARE DOWN, WE SEE MULTIPLE CARS NEXT DOOR (SAME PROPERTY AS DOGS). CAN SOMEONE CHECK INTO THESE ISSUES AND IF THE NEIGHBORS ARE NOT IN COMPLIANCE, HAVE THE MATTERS ADDRESSED?

I WOULD APPRECIATE A CALL BACK SOONER THAT LATER REGARDING MY QUESTIONS. MY NUMBER IS AT THE TOP OF THIS LETTER.

THANK YOU FOR YOUR TIME.

SINCERELY,



JULIE L. ROWE-WOOD

please add to the minutes.