

Town of Barre
Board Meeting
July 13, 2022

Present: Supervisor Sean Pogue
Councilman George McKenna
Councilman Kerri Richardson
Councilman Margaret Swan
Councilman David Waters

Others present: Adreinne Daniels, Deputy Town Clerk, Dale Brooks, Highway Superintendent, Bridget O'Toole, Town of Barre Attorney, Bill Eick, Orleans County Legislator, Larry Gaylard, Gary Palmer, Scott Burnside, Cindy Burnside, Tom Rivers.

Meeting was called to order at 7:05 pm by Supervisor Pogue with the salute to the flag.

A moment of silence was observed for Lee Markle, A Town of Barre resident who has recently passed away.

Minutes

The minutes for the June, 2022 Town Board meeting were submitted and approved.

SUPERVISOR'S FINANCIAL REPORT

REVENUES: Major receipts were:

Town Clerk Fees	1,400.50
Justice Fees (April)	2,946.00
Mortgage Tax	5,335.21
ORES Intervenor (Hemlock)	5,676.25
OC Snow & Ice	118,738.44
OC 1 st Mowing	4,161.01
Hemlock Ridge Escrow	30,000.00
Insurance Claim/Pole Barn	6,278.16
Metered Sales	2,675.95
Maintenance Fees	867.50
Water Penalty Fees	260.73
Other Revenues	904.46
Total receipts for the month were:	<u>\$ 179,244.21</u>

EXPENSES:

General Fund Townwide: Year to date expenses are \$347,942.89
Highway Townwide: Year to date expenses are \$458,357.26

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BILLS:

<u>Fund</u>	<u>Voucher #</u>	<u>Amount</u>
<u>AA - General</u>	Vouchers:5038--5040,5043-5045,5055, 5063,5065,5069-5072, 5076-5079,5087,5089, 5090,5094-5096,5103-5105	28,579.14
<u>DA - Highway</u>	Vouchers: 5045,5046,5048,5050-5054,5065,5066,5084,5103	24,336.53
<u>Capital Projects</u>	Voucher 5043	22.50
Special District - Water	Vouchers: 5047,5049,5068,5069,5076,5088	
001	1,154.49	
002	325.56	
003	447.65	
004	488.34	
005	427.15	
006	325.56	
007	162.77	
008	122...08	
009	651.13	
<u>SW Fund Total</u>		<u>4,104.73</u>
Grand Total		<u>57,042.90</u>

PAY BILLS

RESOLUTION #48

Pay Bills

George McKenna made a motion to approve and pay the bills, seconded by Kerri Richardson. Vote 5-0, passed.

HIGHWAY SUPERINTENDENT REPORT

Shared services with Towns of Albion, Clarendon, Shelby, Carlton, Villages of Albion and Medina and Orleans County DPW. Park – completed Pole barn with exception of concrete floor. All stake outs completed. Water samples and readings acquired, mowing roadsides, 2nd round, accomplishing true and level procedures for preparation of Chip sealing.

TOWN CLERK'S REPORT

The monthly report was submitted to Supervisor Pogue prior to the meeting, along with the check for the local share.

ASSESSOR'S REPORT

No Report.

ZONING OFFICER'S REPORT

There were 5 building permits issues in the month of June. There was one complaint letter regarding too many chickens on Culver Road.

BOOKKEEPER'S REPORT

Account	Ending Balance
General Fund	\$365,796.77
Highway Fund	980,273.97
Highway Equip.	98,245.09
Water Dist. #1 Oper,	279,451.29
Water Dist. #2 Oper,	18,716.84
Water Dist. #3 Oper,	13,197.12
Water Dist. #4 Oper,	46,060.73
Water Dist. #5 Oper	49,499.69
Water Dist. #6 Oper.	33,449.88
Water Dist. #7 Oper.	16,557.21
Water Dist. #8 Oper.	12,581.36
Water Dist. #9 Oper.	4,432.39

OLD BUSINESS

Local Law #1 of 2022

RESOLUTION #49 Local Law #1/Videoconferencing/SEQRA
George McKenna made a motion to accept Parts 2 & 3 of the SEQRA for the Proposed Local Law #1 of 2022, **Town of Barre Law Creating a Policy to Allow for Meetings to be Held via Videoconferencing in Certain Circumstances**", seconded by Margaret Swan. Vote 5-0, passed.

Local Law #1 of 2022

RESOLUTION #50 Local Law #1/Video meetings/Neg Declaration
Kerri Richardson made a motion to accept the following resolution,
seconded by George McKenna. Vote 5-0, passed.

“Local Law Number 2 of 2022, Town of Barre Law Creating a Policy to Allow for Meetings to be Held via Videoconferencing in Certain Circumstances”

ADOPTION BY THE TOWN BOARD OF THE TOWN OF BARRE OF A RESOLUTION ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE PROPOSED LOCAL LAW ENTITLED “Local Law Number 1 of 2022, Town of Barre Law Creating a Policy to Allow for Meetings to be Held via Videoconferencing in Certain Circumstances” UNDER SEQRA

WHEREAS, on or about June 8, 2022, the Town Board of the Town of Barre (the “Town Board”) introduced a proposed local law entitled “Local Law Number 1 of 2022, Town of Barre Law Creating a Policy to Allow for Meetings to be Held via Videoconferencing in Certain Circumstances,” and **WHEREAS**, the Town Board recognizes extraordinary circumstances within the meaning of New York Open Meetings Law Section 103-a, and **WHEREAS**, the Town of Barre’s current Town Code does not adequately meet the Town’s objectives, which include allowing for a town board member to participate via videoconference under extraordinary circumstances, and **WHEREAS**, on June 8, 2022 the Town Board of the Town of Barre referred the Local Law to the Orleans County Planning Board pursuant to GML §239-m, and **WHEREAS**, more than 30 days have elapsed and the Orleans County Planning Board failed to submit a report, and **WHEREAS**, the Town Board adopted a Resolution on June 8, 2022, which classified the Local Law as an Unlisted Action under the New York State Environmental Quality Review Act (“SEQRA”), and **WHEREAS**, the Town Board has prepared a Short Environmental Assessment Form (“SEAF”) which is attached hereto, and **WHEREAS**, the Town Board assumed lead agency status pursuant to 6 NYCRR 617.6(b)(1); **WHEREAS**, The Town Board has considered the content of the proposed, Local law, the SEAF, communications from interested agencies, and **WHEREAS**, The Town Board has considered any relevant public input, and **WHEREAS**, the Town Board has thoroughly analyzed the relevant concerns discussed in the attached negative declaration of environmental significance, and has determined that no significant adverse environmental impacts will result from the proposed Local Law, and **NOW, THEREFORE**, the Town Board hereby finds that enactment of the proposed Local Law will not have any significant adverse impacts on the environment. **AND THEREFORE**, the Town Board further resolves to adopt a negative declaration of environmental significance with respect to the adoption of the proposed Local Law. **AND THEREFORE**, the Town Board hereby adopts the attached negative declaration of environmental significance and incorporates it herein. **AND THEREFORE**, the Town Clerk is hereby directed to enter this resolution and the attached negative declaration of environmental significance in the minutes of this meeting. **AND THEREFORE**, the Town Clerk is hereby directed to transmit this negative declaration and resolution to the appropriate agencies in accordance with the requirements of 6 NYCRR 617.12(b).

Local Law #1 of 2022

RESOLUTION #51 Local Law #1/Videoconferencing
Margaret Swam made a motion to adopt the following Local Law #1 of 2022, seconded by David Waters. Vote 5-0, passed.

**Town of Barre Law Creating a Policy to Allow for
Meetings to be Held via Videoconferencing Certain Circumstances**

Section 1. Authority This Local Law relating to implementation of the Open Meetings Law is adopted pursuant to New York State Municipal Home Rule section 10(ii)(a)(12) which authorizes the Town of Barre to adopt and amend local laws that are not inconsistent with the State Constitution nor general law and that are related to the government, protection, order, conduct, safety, health, and well-being of persons or property of the Town. In the alternative, this local law is adopted pursuant to the Town's general power to enact local laws relating to the government, protection, order, conduct, safety, health, and well-being of persons or property within a municipality granted directly to local governments by the People of the State of New York through Article IX, Sections 1(a), 2(c), and 3(c) of the New York State Constitution. The law is also adopted pursuant to the supersession authority granted by New York Municipal Home Rule Law, § 10, Subdivision (1)(ii)(d)(3), New York Town Law sections 261-263, and New York Open Meetings Law section 103-a. **Section 2. Statement of Purpose** The people's right to witness and observe the governmental decision-making process in action is basic to our society. Access to public portions of meetings of public bodies must be protected and maintained. This Local Law is adopted to advance and protect the public health, safety, and welfare of Town of Barre by creating criteria for "extraordinary circumstances" which authorize the limited use of videoconferencing for Town Board members to attend meetings in accordance with New York Open Meetings Law section 103-a(2). Therefore, the Town of Barre hereby enacts this local law to ensure access to public meetings of the Town Board via videoconferencing as provided for herein and by law. **Section 3.** A new chapter is hereby added to Part II of the Town of Barre Town Code to read as Follows: Part II, Chapter 351- Meetings Article I Videoconferencing §351-1. Title The title of this article shall be Videoconferencing §351-2. Purpose. The people's right to witness and observe the governmental decision-making process in action is basic to our society. Access to public portions of meetings of public bodies must be protected and maintained. This Local Law is adopted to advance and protect the public health, safety, and welfare of Town of Barre by creating criteria for "extraordinary circumstances" which authorize the limited use of videoconferencing for Town Board members to attend meetings in accordance with New York Open Meetings Law section 103-a(2). §351-2. Statutory Authority. This article is enacted pursuant to New York State Municipal Home Rule section 10(ii)(a)(12) which authorizes the Town of Barre to adopt and amend local laws that are not inconsistent with the State Constitution nor general law and that are related to the government, protection, order, conduct, safety, health, and well-being of persons or property of

Local Law #1 of 2022 Con't

RESOLUTION #51 Local Law #1/Videoconferencing

the Town. In the alternative, this local law is adopted pursuant to the Town's general power to enact local laws relating to the government, protection, order, conduct, safety, health, and well-being of persons or property within a municipality granted directly to local governments by the People of the State of New York through Article IX, Sections 1(a), 2(c), and 3(c) of the New York State Constitution. The law is also adopted pursuant to the supersession authority granted by New York Municipal Home Rule Law, § 10, Subdivision (1)(ii)(d)(3), New York Town Law sections 261-263, and New York Open Meetings Law section 103-a. §351-3. Definitions

Extraordinary Circumstances The following will be considered “extraordinary circumstances” allowing a town board member to participate via videoconference within the meaning of New York Open Meetings Law section 103-a: Disability, Illness, Caregiving responsibilities, Inclement weather, Traveling out of the area which prevents in-person attendance, or Any other significant unexpected factor or event which precludes the member’s physical attendance at such meeting.

Videoconference A conference in which participants in different locations are able to communicate with each other in sound and vision. §351-4.

Procedure for Appearance via Videoconference As authorized by the newly enacted New York Public Officers Law § 103-a, meetings of the Town Board may be conducted using videoconferencing to conduct meetings, provided that all requirements of Public Officers Law § 103-a are met. A quorum of members of the Town Board must be physically present at all meetings where videoconferencing will be used. The Town Board shall provide an opportunity for the public to view the meeting and participate both in person and via video conferencing in real time. The Town Board shall ensure its members can be heard, seen, and identified during the meeting, especially when any matter is being formally discussed and/or voted upon. The meeting minutes shall identify the names of the members who participated remotely and the names of the members who participated physically in person. The public notice of the meeting shall inform the public where to view and participate in the meeting virtually, where to participate and attend physically, and where records will be made available. Transcriptions of a public meeting shall be made available only upon request. All videoconferencing shall use technology consistent with the 1990 Americans with Disabilities Act. Town Board members intending to attend a meeting via videoconferencing shall, to the extent practicable, give notice to the Town Clerk advising of their intent to do so at least 24 hours in advance of the meeting. Attendance via videoconference shall be allowed only under extraordinary circumstances as defined in §351-3(1) of this Article. All other boards and committees of the Town are similarly permitted to conduct meetings using videoconferencing provided that all requirements of Public Officers Law § 103-a are met, if applicable. Although the Public Officers Law expressly allows members of a public body to attend and participate in meetings using videoconferencing, Town Law § 62(2) states that town board meetings must take

Local Law #1 of 2022 Con't

RESOLUTION #51 Local Law #1/Videoconferencing
place within the town thereby making it unclear if a town board member may participate via videoconference from a location outside the town's boundaries. This local law is meant to expressly provide that authority to members of the Town Board. This local law hereby supersedes Town Law § 62(2) to expressly allow Town Board members to participate in Town Board meetings using videoconferencing from locations that fall outside the geographical limitations of the Town. After June 8, 2022, virtual meetings without physical presence shall be held only during a State of Emergency declaration by a state, county, or local municipal governing authority, and only where the disaster circumstances would affect the ability to meet safely in person. **Section 4.** Repeal. All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed. **Section 5.** Severability If any provision of this law or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances. **Section 6.** Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State.

NEW BUSINESS

Budget Line Transfers

Margaret Swan made a motion to make the Budget Line Transfers, there was no second. Discussion followed. Kerri Richardson made a motion to table the Budget Line Transfers until the August Town Board meeting, motion seconded by George McKenna. Vote 3-2, (Pogue, Swan). Motion passed.

Town Park

Discussion regarding National Grid prepay for electric in park.
RESOLUTION #52 National Grid/Electric in park
Kerri Richardson made a motion to table the prepay for National Grid electric to the park, seconded Geroge McKenna. Vote 3-2, (Pogue, Swan). Motion passed.

COMMITTEES

Utilities

Charging Stations - George McKenna has been researching these.

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Presentation

Tyler Deeble made a presentation regarding "TextMyGov" on Zoom to everyone present. This will help residents with alerts, reports and other messages from the Town. Cost will be \$3,200.00 annually.

Kerri Richardson made a motion to adjourn the Town Board meeting, seconded by Margaret Swan.

Meeting Adjourned at 8:55pm.

Respectfully submitted,

Adrienne Daniels, Deputy Town Clerk