

**Town of Barre**  
**Board Meeting**  
September 14, 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 Attorney, Tom McCabe, Kriss Sniffen, Beth Wood, Bill Eick, Orleans County Legislator, Carmen O' Keefe.

Meeting was called to order at 7:00 pm by Supervisor Pogue with the salute to the flag.

Minutes

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

SUPERVISOR'S FINANCIAL REPORT

REVENUES: Major receipts were:

Town Clerk Fees	1,228.78
Justice Fees (April)	656.00
Interest & Penalties	4,521.23
Traffic Diversion (Q2)	2,316.00
AES Baird Project-Escrow Acct	5,000.00
Orleans County 3 <sup>rd</sup> Mowing	4,161.01
Metered Sales	12,206.54
Maintenance Fees	3,054.38
Water Penalty Fees	206.91
Other Revenues	<u>544.21</u>

Total receipts for the month were:     \$ 33,895.06

EXPENSES:

General Fund Townwide: Year to date expenses are \$434,304.57

Highway Townwide: Year to date expenses are \$716,104.13

HIGHWAY SUPERINTENDENT REPORT

Shared services with Towns of Gaines, Murray Clarendon, Shelby, Albion, Ridgeway, Carlton, Village of Albion, Village of Medina and Orleans County DPW. Prepared and Chip sealed Pask Road, (Wilkins to Townline Road, Johnson Road, (all), Bragg School House (North), Culver (through woods), Angevine (all) McNamar (all), Transit (all) Culver (1 mile south of East Barre). Equipment repairs completed. All stake outs, Water sampling and reading completed.

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BILLS:

<u>Fund</u>	<u>Voucher #</u>	<u>Amount</u>
<u>AA - General</u>	Vouchers: 5156-5160, 5165, 5175, 5180-5181, 5184, 5187, 5190-5195, 5197-5198, 5202, 5212	79,541.82
<u>DA - Highway</u>	Vouchers: 5159, 5161, 5163, 5165, 5167-5170, 5173, 5175, 5178, 5180, 5207, 5210	219,581.70
Special District - Water	Vouchers: 5175, 5180, 5206, 5181, 5184, 5213, 5171	
001	1,605.05	
002	547.53	
003	603.08	
004	712.34	
005	568.46	
006	547.53	
007	219.29	
008	164.47	
009	659.38	
<u>SW Fund Total</u>		<u>5,627.13</u>
<u>Grand Total</u>		<u>304,750.65</u>

PAY BILLS

RESOLUTION #63

Pay Bills

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

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

Barry Flansburg submitted a letter to the Barre Town Board giving his resignation as Town of Barre Assessor, effective September 30, 2022.

ZONING OFFICER'S REPORT

There were 7 building permits issues in the month of August.

BOOKKEEPER'S REPORT

Account	Ending Balance
General Fund	\$440,405.09
Highway Fund	731,427.37
Highway Equip.	98,305.65
Water Dist. #1 Oper,	281,413.01
Water Dist. #2 Oper,	10,883.35
Water Dist. #3 Oper,	13,686.51
Water Dist. #4 Oper,	47,451.43
Water Dist. #5 Oper	22,057.50
Water Dist. #6 Oper.	34,014.54
Water Dist. #7 Oper.	16,154.04
Water Dist. #8 Oper.	13,126.32
Water Dist. #9 Oper.	2,654.20

OLD BUSINESS

Hemlock Ridge Solar – There will be a meeting soon on the PILOT. After that meeting, we would like to meet with EDA and the new project manager in person.

NEW BUSINESS

RESOLUTION #64 Standard Work Day/Reporting Resolution  
Supervisor Pogue made a motion to pass the following resolution for the Standard Work Day/Reporting Resolution for Councilpersons and CEO, second by David Waters. Be It Resolved, that the Town of Barre hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities: Councilperson 1 day per week – 6 hours per day, CEO 2 days per week – 6 hours per day. Vote 5-0, passed. Passed.

RESOLUTION #65 Noise Ordinance  
Supervisor Pogue made a motion to direct the Town of Barre Planning Board to investigate and report back to the Town Board about the possible enactment of a noise ordinance for the Town of Barre, seconded by George McKenna. Vote 5-0, passed.

NEW BUSINESS, Con't

RESOLUTION #66 Multi-Purpose Field/Town Park  
Supervisor Pogue made a motion to approve the construction of a multi-purpose field at the Town Park, seconded by David Waters. Discussion followed. Motion tabled.

RESOLUTION #67 Tiling of the Town Park  
Kerri Richardson made a motion, after getting estimates, to install drainage tile the Town Park, seconded George McKenna. Vote 5-0, passed.

RESOLUTION #68 Line Transfer/Tiling for Park  
Supervisor Pogue made a motion to approve the Line Transfer in the Town of Barre Budget, transferring \$20,000.00 from Budget Line AA.1620.2, (Buildings) to Budget Line AA.7110.2, (Parks). Motion was seconded by Margaret Swan. Vote 5-0, passed.

RESOLUTION #69 COVA Assistance  
Kerri Richardson made a motion to table to resolution on COVA, seconded by George McKenna. Vote 5-0, passed.

RESOLUTION #70 Introduction of Proposed LL #3/Tax Cap Levy  
Supervisor Pogue made a motion to approve the Introduction of the Proposed Local Law #3 of 2022, "**Town of Barre Law Overriding the Tax Levy Limit**". Motion seconded by Margaret Swan. Vote 5-0, passed.

**WHEREAS**, on September 14, 2022 the Town Board of the Town of Barre introduced a proposed local law entitled "**Local Law Number 3 of 2022, Town of Barre Law Overriding the Tax Levy Limit**," **WHEREAS**, the Town Board of the Town of Barre recognizes the need to override the limit on the amount of real property taxes that may be levied by the Town of Barre pursuant to General Municipal Law §3-c, and **WHEREAS**, the Town of Barre's current Code does not adequately meet the Town's objectives, which include allowing the Town of Barre to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c, and **WHEREAS**, consideration is warranted of a proposed local law to allow for the need to override the limit on the amount of real property taxes that may be levied by the Town of Barre pursuant to General Municipal Law §3-c, and **WHEREAS**, Section 20, subsection 4 of New York State's Municipal Home Rule Law allows for the introduction of a proposed local law by a member of a Town Board, and **NOW, THEREFORE** proposed "**Local Law Number 3 of 2022, Town of Barre Law Overriding the Tax Levy Limit**" is attached hereto and made a part hereof.

NEW BUSINESS, Con't

RESOLUTION #71 SEQRA for Local Law #3 of 2022

Supervisor Pogue made a motion that to approve the following resolution, seconded by David Waters. Vote 5-0, passed. **THAT ENACTMENT OF THE PROPOSED LOCAL LAW ENTITLED “Local Law Number 3 of 2022, Town of Barre Law Overriding the Tax Levy Limit” IS SUBJECT TO SEQRA AND CLASSIFYING CONSIDERATION OF THE PROPOSED LOCAL LAW AS AN UNLISTED ACTION UNDER SEQRA WHEREAS**, on September 14, 2022 the Town Board of the Town of Barre introduced a proposed local law entitled “**Local Law Number 3 of 2022, Town of Barre Law Overriding the Tax Levy Limit,**” and **WHEREAS**, the adoption of the proposed local law is subject to SEQRA as it would involve the Town adopting a local law that may impact the environment, and **WHEREAS**, on September 14, 2022, the Town Board of the Town of Barre prepared a Short Environmental Assessment Form for the proposed Action, and **NOW THEREFORE**, the Town Board of the Town of Barre hereby declares itself lead agency for purposes of SEQRA review. **AND THEREFORE**, the Town Board of the Town of Barre finds that the adoption of the current version of the proposed local law entitled “**Local Law Number 3 of 2022, Town of Barre Law Overriding the Tax Levy Limit,**” would qualify as an Unlisted action under SEQRA because it involves an action that does not fall under 6 NYCRR 617.4 or 6 NYCRR 617.5. **AND THEREFORE**, the Town Board of the Town of Barre further resolves that the proposed action is classified as an Unlisted Action under SEQRA. **NOW THEREFORE**, the Town Board of the Town of Barre further resolves that a public hearing on the proposed action shall be held on November 9, 2022 at 6:30 PM at the Barre Town Hall.

RESOLUTION #72 Local Law #3 of 2022/County Planning Board

Supervisor Pogue made a motion that to approve the following resolution, seconded by George McKenna. Vote 5-0, passed. **WHEREAS**, the Town Board of the Town of Barre has introduced a proposed local law entitled “**Local Law Number 3 of 2022, Town of Barre Law Overriding the Tax Levy Limit**” **THEREFORE**, the Town Board of the Town of Barre further resolves that the proposed action is classified as an Unlisted Action under SEQRA, and **WHEREAS**, on September 14, 2022 the Town Board of the Town of Barre declared itself lead agency for purposes of SEQRA review of the proposed action and completed the Short Environmental Assessment Form, and **WHEREAS**, the Town Board of the Town of Barre is required to refer any adoption or amendment of a zoning ordinance or local law to the County Planning Board pursuant to GML 239-m. **NOW, THEREFORE**, Town Board of the Town of Barre hereby refers the proposed local law entitled “**Local Law Number 3 of 2022, Town of Barre Law Overriding the Tax Levy Limit**” to the Orleans County Planning Board for a report and recommendation thereon, a copy of which is attached hereto and made a part thereof. **AND IT IS FURTHER RESOLVED**, that the Town Clerk shall transmit a copy of this resolution and the completed portions of the Short Environmental Assessment Form to the Orleans County Planning Board. **AND IT IS FURTHER RESOLVED**, that failure of the Orleans County Planning Board to provide said report and recommendation to the Town Board within thirty (30) days after receipt of the referral by the Town Board shall be deemed approval of the proposed local law.

NEW BUSINESS, Con't

Local Law No. 3 of the year 2022 of Town of Barre, County of Orleans

**A local law to override the tax levy limit established in General Municipal Law §3-c.**

**Be it enacted by the town board of the Town of Barre as follows:**

**Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Barre pursuant to General Municipal Law §3-c, and to allow the Town of Barre to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal law §3-c, which expressly authorizes the town board to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Barre, County of Orleans is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c.

**Section 4. Severability**

If any clause, sentence, paragraph, subdivision, or part of the Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION #73                      Resignation/S. Karas/Zoning Board  
Kerri Richardson made a motion to accept the Resignation of Steven Karas from the Town of Barre Zoning Board, seconded by Margaret Swan. Vote 5-0, passed.

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Comments/Speakers

Beth Wood spoke to the Town Board regarding the lack of cell signal in our area. We need to restore reliable service and rebates on bills.

RESOLUTION #74 Letter to Verizon regarding cell service  
Supervisor Pogue made a motion to authorize Kerri Richardson to draft a letter to Verizon with the assistance of the Town Attorney regarding the lack of cell service in our area, seconded by Margaret Swan. Vote 5-0, passed.

Margaret Swan made a motion to adjourn the Town Board meeting, seconded by George McKenna.

Meeting Adjourned at 8:25pm.

Respectfully submitted,

Adrienne Daniels, Deputy Town Clerk