

**Town of Barre**  
**Board Meeting**  
May 10, 2017

Present: Supervisor Mark Chamberlain  
Councilman Richard Bennett  
Councilman Lynn Hill  
Councilman Larry Gaylard  
Councilman Tom McCabe

Others present: Maureen Beach, Town Clerk; Dale Brooks, Highway Superintendent; Lee Preston, Bookkeeper; Sean Pogue, Robin Nacca, Kirk Mathes, Ben Yazman, Apex; Bill Eick, Orleans County Legislator.

Meeting was called to order at 7:10pm by Supervisor Chamberlain with the salute to the flag.

Minutes

The minutes for the April, 2017 Town Board meeting was submitted and approved.

SUPERVISOR'S FINACIAL REPORT

REVENUES: Major receipts were:

Town Clerk Fees	1,802.50
Justice Fees	1,418.00
Zoning Inspections	300.00
Sales Tax	16,679.88
Metered Sales	6,511.84
Unmetered Water Sales	2,760.00
Maintenance Fees	2,193.50
T/O Albion Cost Share	2,301.76

Total receipts for the month were: \$30,998.46

EXPENSES:

General Fund Townwide: Year to date expenses are \$153,626.00

Highway Townwide: Year to date expenses are \$446,486.00

HIGHWAY SUPERINTENDENT REPORT

Water samples and readings appropriated, stake out request completed, maintained all equipment and vehicles, Snow and Ice operations completed as needed, pot hole repairs (mainline), shoulder patching, sign repairs. Pumphouse standby generator pad prepped and poured, Gravel roads graded. Attended Orleans County sponsored trainings, had some flooding conditions (water crossing rds), removed plows and salters from trucks, ditching on Cushing Rd, repairing lawn damage from snow plowing operations.

TOWN CLERK'S REPORT

The monthly report was submitted to Supervisor Chamberlain, along with the check for the local share. The 2017 tax collection period for the Town Barre has ended, all taxes have been balanced and will be returned to the County tomorrow.

ZONING OFFICER'S REPORT

No Report

ASSESSOR'S REPORT

No Report

PARK REPORT

Jeff Holler submitted a list of dates in May and June and Barre town park fields that will be reserved for the 2017 Darien Lake tournament. Resolution #26 Park Fields Use  
Richard Bennett made a motion to approve the reserving of the ball fields for the 2017 Darien Lake Tournament, seconded by Larry Gaylard. Vote 5-0, passed.

BOOKKEEPER/BUDGET REPORT

<u>Account</u>	<u>Fund Balance</u>
General Fund	\$286,202.70
Highway Fund	36,692.36
Water Dist. #1 Oper.	229,053.02
Water Dist. #2 Oper.	1,407.11
Water Dist. #3 Oper.	(10,233.10)
Water Dist. #4 Oper.	7,715.17
Water Dist. #5 Oper.	(10,313.68)
Water Dist. #6 Oper.	35,809.93
Water Dist. #7 Oper.	16,426.96
Water Dist. #6 Capt.	(7,442.83)
Water Dist. #7 Capt.	74,913.75
Water Dist. #8 Capt.	31,243.04
Capital Account	26,033.38
Trust	23,215.28

Supervisor's Report

Shared Services

Supervisor Chamberlain read the following letter from the Orleans County Chief Administrative Officer, Charles Nesbitt, Jr.:

To Orleans County Mayors and Supervisors:

I have over the last few months presented twice at the Orleans County Association of Municipalities, at those meetings; we discussed the Governor's proposed mandate that counties present a Shared Services Property Tax Savings plan with the participation of town and village governments. Many of your towns and villages were represented at these meetings, a few were not.

That proposal became law with the adoption of New York's FY2017-2018 State Budget (Attachment A). New York's Department of State is the lead agency tasked with supporting local governments as they proceed under the Countywide Shared Services Initiative. The Initiative's stated goal is to identify collaborative opportunities for shared services which will yield property tax savings for County residents. Attached is the County-wide Shared Services Initiative Guidance Document (Attachment B) recently released by the Department of State. Key to this process is a Shared Services Panel composed of the Chief Executive Officer of the County (in Orleans County, that is being interpreted as the Chief Administrative Officer), the Mayors of every Village and City, and the Supervisors of each Town within the County. By law, the CEO of the County serves as Chair of the Panel.

The new mandate sets an August 1, 2017 deadline for creation of the proposed Shared Services Plan and its submission to the County Legislature, giving us a window of approximately 90 days.

Based on my review of meeting calendars for Orleans County Towns and Villages, May 17<sup>th</sup> is the first reasonable date without any regular Town or Village Meeting.

According, I am making arrangements to convene the first meeting of the Orleans County Shared Services Panel from 6:00pm to 8:00pm on Wednesday May 17<sup>th</sup> at the Trolley Building on the Orleans County Fairgrounds.

Due to the rapidly changing circumstances under which the mandate's final version was adopted, many questions remain about our responsibilities. These include: applicability of the Open Meetings Law: the Panel's ability to operate toward a 2018 deadline, rather than a 2017 deadline; authority of Panel members to remove items from the draft plan; a municipality's ability to designate participants in place of the Supervisor or Mayor; and other issues.

Supervisor's Report, Cont.

Shared Services Con't

Counties are seeking guidance on these' and other, points from the Department of State, which maintains a dedicated website at:

[https://www.dos.ny.gov/lg/countywide\\_services.html](https://www.dos.ny.gov/lg/countywide_services.html)

Between now and May 17<sup>th</sup>, and as we await clarification on the points above, I'd like to request that you give some thought to possible shared services initiatives and consolidation ideas.

Included with this letter is a New York State Association of Counties publication called "Working Together", setting forth examples of initiatives already underway or accomplished around the State (Attachment C).

Areas of Collaboration the Panel may wish to explore include, assessment, code enforcement, and management of water and wastewater assets, purchasing, and information technology. Please note that I offer these subjects only as a prompt for discussion. Their inclusion here does not constitute a recommendation or request for specific action.

As a strong supporter of Home Rule, I was glad to note that the final version of this legislation prevents any solution from being imposed over the objections of the parties involved.

As the state legislature moved toward budget adoption, NYSAC, the Conference of Mayors and the Association of Towns eloquently expressed the reservations many of us felt about this proposal. Certainly, we work under a broad array of unfunded state mandates that have a greater impact on our tax levy than the savings to be realized from these plans.

Nevertheless, this task is now ours to carry out. I ask that you join me in applying our best efforts to develop a plan worthy of your support and meaningful for our taxpayers, and I look forward to working with you all in the months to come.

Please feel free to contact me with any questions or concerns you may have. Sincerely, Charles H. Nesbitt, Jr.

Town of Albion Water Agreement

Supervisor Chamberlain and Councilman Bennett met with the Town of Albion and discussed the changes that were made to the agreement.

Water District #9

Councilman Bennett submitted petitions for this district and the Supervisor discussed several issues with Assessor, Barry Flansburg.

NEW BUSINESS

RESOLUTION #27                      WD#8/LOAN RESOLUTION for USDA

Lynn Hill made a motion to approve the following resolution:

A RESOLUTION OF THE Town Board OF THE Town of Barre AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS Water FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE. WHEREAS, it is necessary for the Town of Barre (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$604,000.00 pursuant to the provisions of Subject to NYS Municipal Finance Law and WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (Herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association: NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of 510,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare, the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed \$490,000.00 under the terms offered by the Government; that the Town Supervisor and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s). The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee. Richard Bennett seconded the motion. Vote 5-0, passed.

PESH Inspection

The New York State Department of Labor, Public Employee Safety & Health (PESH) conducted an inspection of the Town of Barre Town Hall on April 7, 2017. The following violations were noted:

1. The employer did not develop and implement a written workplace violence policy statement.
2. The employer did not evaluate the workplace to determine the presence of factors which may place employees at risk of workplace violence.
3. The employer failed to provide information and training on the risks of workplace violence in the workplace.
4. The employer failed to establish and maintain a recordkeeping system for reporting workplace violence incidents.
5. Safeguard(s) designed to protect employees during an emergency (exit lighting) were not in proper working order at all times.

Town officials are working on correcting the violations.

BILLS

General Funds	#215-248	22,543.10
Highway	#249-242	16,615.22
Barre Water	#226,239,265-269	66,170.16
Barre Water #8	#270-272	4,200.00
		<u>109,528.48</u>

PAY BILLS

RESOLUTION #28

Pay Bills

Tom McCabe made a motion to approve and pay the bills, seconded by Larry Gaylard. Vote 5-0, passed.

PLANNING BOARD

Discussions:

Old barns – J. Neal stated that they could be burned, but not the shingles or there will be a fine from the DEC. The CEO has stated that they cannot bury according to our Town Codes.

Solar Farms – a moratorium was discussed in the event of a Solar Farm contacting any resident.

Legion of Christ Arch – the Town of Barre will maintain ownership of road, Drake Island Road Extension. The archway is in the road right-of-way. After discussion the following resolution was passed.

Resolution #29 Drake Island Rd Ext. Archway/Demolition  
Supervisor Mark Chamberlain made a motion that after consultation with the Town of Barre's attorney, Lance Mark, Esq., the Highway Superintendent, Dale Brooks is directed to remove the archway located on Drake Island Road Extension. The motion was seconded Larry Gaylard. Vote 5-0, passed.

Correspondence/Discussion

SUPERVISOR'S/LEGISLATOR'S MEETING

The next meeting of the Orleans County Association of Municipalities will be May 23, 2017 at Tillman's Village Inn at 6:30pm.

Governor Cuomo has created mobile centers to assist with insurance claims for lakefront damage.

Orleans County Legislator Bill Eick reported that the flooding of Lake Ontario is the main problem. The county is helping with permits for residents.

Meeting Adjourned at 9:07pm

Respectfully submitted,

Maureen Beach, Town Clerk

