

Town of Barre
Board Meeting
June 8, 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, Tom McCabe, Andrea Rebeck, Steve Harling, Kelly Dudley, Gary Palmer, Susan Gaylard, Larry Gaylard, Alice Mathes, Kirk Mathes.

Meeting was called to order at 7:08pm by Supervisor Pogue with the salute to the flag.

A moment of silence was observed for fallen victims across US and the Town of Ridgeway Supervisor's wife who have recently passed away.

Minutes

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

SUPERVISOR'S FINANCIAL REPORT

REVENUES: Major receipts were:

Town Clerk Fees	761.55
Justice Fees (April)	4,272.00
Park Electric Donation	1,000.00
Traffic Diversion(1 st Qtr)	639.33
ORES Intervenor (Heritage)	1,657.50
ORES Intervenor (Hemlock)	9,898.45
Metered Sales	9,701.17
Maintenance Fees	3,241.00
Water Penalty Fees	209.93
Albion Cost Share(1 st Qtr)	2,614.18
Other Revenues	69.54
Total receipts for the month were:	<u>\$ 34,064.65</u>

EXPENSES:

General Fund Townwide: Year to date expenses are \$275,667.52
Highway Townwide: Year to date expenses are \$433,602.70

BILLS:

<u>Fund</u>	<u>Voucher #</u>	<u>Amount</u>
<u>AA - General</u>	Vouchers: 4958,4959,4960-4961,4963-4967,4971-4977, 4980-4981,4985,4988-4989,4991,4994,4998- 5000,5002,5005,5010,5012-5013,5016-5017, 5021-5023,5036	57,326.34
<u>DA - Highway</u>	Vouchers: 4967,4969,4982,4984,4993,4995,5005-5006	8,253.77
<u>Capital Projects</u>	Voucher 5036	67.50
Special District - Water	Vouchers: 4930,4977,4986,4998	
001	369.54	
002	105.57	
003	145.18	
004	158.37	
005	153.00	
006	105.57	
007	52.79	
008	39.59	
009	211.16	
<u>SW Fund Total</u>		<u>1,340.77</u>
Grand Total		66,988.38

PAY BILLS

RESOLUTION #37

Pay Bills

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

HIGHWAY SUPERINTENDENT REPORT

Shared services with Towns of Albion, Clarendon, Shelby, Elba, Villages of Albion and Medina and Orleans County DPW. Park - Pole barn continues to be erected. Install conduit partially where we are able due to National Grid's absence, Grading and seeding around new pole building and parking lot. Equipment repairs completed as needed, all stake outs completed. Hydrant repair completed at Quaker Hill and Root Road. Water samples acquired, mowing roadsides, tap and install made for 5180 Eagle harbor Road.

TOWN CLERK'S REPORT

The monthly report was submitted to Supervisor Pogue after 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 May.

BOOKKEEPER'S REPORT

Account	Ending Balance
General Fund	\$389,166.01
Highway Fund	882,236.31
Highway Equip.	98,245.09
Water Dist. #1 Oper,	279,601.69
Water Dist. #2 Oper,	18,854.31
Water Dist. #3 Oper,	13,555.89
Water Dist. #4 Oper,	46,190.08
Water Dist. #5 Oper	49,738.37
Water Dist. #6 Oper.	33,932.78
Water Dist. #7 Oper.	16,637.77
Water Dist. #8 Oper.	30,462.51
Water Dist. #9 Oper.	25,018.39

OLD BUSINESS

ORES will be holding a Public Hearing on June 29 at 5pm, here at the Town of Barre Town Hall, informational only.

NEW BUSINESS

Local Law #1 of 2022

RESOLUTION #38

Margaret Swan made a motion to accept the following resolution, seconded by David Waters. Vote 5-0, passed.

“Local Law Number 1 of 2022, Amending Town of Barre Uniform Construction Codes”
WHEREAS, on June 8, 2022 the Town Board of the Town of Barre introduced a proposed local law entitled **“Local Law Number 1 of 2022, Amending Town of Barre Uniform Construction Codes,”** **WHEREAS**, the Town Board of the Town of Barre recognizes the need to update its current law to conform with New York State recommendations, and

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WHEREAS, the Town of Barre's current law does not adequately meet the Town's objectives, which includes enforcing the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code, and **WHEREAS**, amendment of this local law may be necessary to conform with New York State's recommendations and objectives of the Town and its residents, and **WHEREAS**, consideration is warranted of a proposed local law to amend the current uniform construction codes of the Town of Barre to establish construction codes that protect and promote the health, safety and welfare of the community, 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 1 of 2022, Amending Town of Barre Uniform Construction Codes**" is attached hereto and made a part hereof.

RESOLUTION #39

Margaret Swan made a motion to accept the following resolution, seconded by David Waters. Vote 5-0, passed.

TOWN OF BARRE TOWN BOARD RESOLUTION THAT ENACTMENT OF THE PROPOSED LOCAL LAW ENTITLED "Local Law Number 1 of 2022, Amending Town of Barre Law Uniform Construction Codes" IS SUBJECT TO SEQRA AND CLASSIFYING CONSIDERATION OF THE PROPOSED LOCAL LAW AS AN UNLISTED ACTION UNDER SEQRA **WHEREAS**, on June 8, 2022 the Town Board of the

Town of Barre introduced a proposed local law entitled "**Local Law Number 1 of 2022, Amending Town of Barre Uniform Construction Codes,**" 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 June 8, 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 1 of 2022, Amending Town of Barre Uniform Construction Codes,**" 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 July 13, 2022 at 6:30 PM at the Town of Barre Town Hall.

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RESOLUTION #40

Margaret Swan made a motion to accept the following resolution, seconded by Kerri Richardson. Vote 5-0, passed.

**TOWN OF BARRE TOWN BOARD RESOLUTION
TO REFER THE TOWN OF BARRE PROPOSED LOCAL LAW ENTITLED
“Local Law Number 1 of 2022, Amending Town of Barre Uniform Construction Codes”
TO THE ORLEANS COUNTY PLANNING BOARD PURSUANT TO GML 239-M**

WHEREAS, the Town Board of the Town of Barre has introduced a proposed local law entitled “**Local Law Number 1 of 2022, Amending Town of Barre Uniform Construction Codes**” to amend the current Uniform Construction Codes section to conform with New York State’s recommendations, and **WHEREAS**, on June 8, 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 1 of 2022, Amending Town of Barre Uniform Construction Codes**” 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 the Town Clerk is hereby directed to enter said proposed local law into the minutes of this meeting. **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.

Local Law #2 of 2022

RESOLUTION #41

George McKenna made a motion to accept the following resolution, seconded by David Waters. 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”

WHEREAS, on June 8, 2022 the Town Board of the Town of Barre introduced a proposed local law entitled “**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**,” **WHEREAS**, the Town Board of the Town of Barre recognizes extraordinary circumstances within the meaning of New York Open Meetings Law Section 103-a, and **WHEREAS**, the Town of Barre’s current Code does not adequately meet the Town’s objectives, which include allowing for a town board

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member to participate via videoconference under extraordinary circumstances, and **WHEREAS**, adoption of this local law may be necessary to allow for the use of video conferencing under extraordinary circumstances while meeting the objectives of the Town and its residents, and **WHEREAS**, consideration is warranted of a proposed local law to allow for the limited use of videoconferencing by Town Board members for extraordinary circumstances in order to protect and promote the health, safety and welfare of the community and the efficient administration of the Town Board's duties, 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 2 of 2022, Town of Barre Law Creating a Policy to Allow for Meetings to be Held via Videoconferencing in Certain Circumstances**" is attached hereto and made a part hereof.

RESOLUTION #42

Margaret Swan made a motion to accept the following resolution, seconded by Kerri Richardson. Vote 5-0, passed.

TOWN OF BARRE TOWN BOARD RESOLUTION THAT ENACTMENT OF THE PROPOSED LOCAL LAW ENTITLED "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" IS SUBJECT TO SEQRA AND CLASSIFYING CONSIDERATION OF THE PROPOSED LOCAL LAW AS AN UNLISTED ACTION UNDER SEQRA

WHEREAS, on June 8, 2022 the Town Board of the Town of Barre introduced a proposed local law entitled "**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,**" 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 June 8, 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 2 of 2022, Town of Barre Law Creating a Policy to Allow for Meetings to be Held via Videoconferencing in Certain Circumstances,**" 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 July 13, 2022 at 6:30 PM at the Town of Barre Town Hall.

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RESOLUTION #41

Margaret Swan made a motion to accept the following resolution, seconded by Kerri Richardson. Vote 5-0, passed.

TOWN OF BARRE TOWN BOARD RESOLUTION TO REFER THE TOWN OF BARRE PROPOSED LOCAL LAW ENTITLED “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” TO THE ORLEANS COUNTY PLANNING BOARD PURSUANT TO GML 239-M WHEREAS, the Town Board of the Town of Barre has introduced a proposed local law entitled “**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**” **THEREFORE**, the Town Board of the Town of Barre further resolves that the proposed action is classified as an Unlisted Action under SEQRA.” to recognize extraordinary circumstances within the meaning of New York Open Meetings Law Section 103-a, and **WHEREAS**, on June 8, 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 2 of 2022, Town of Barre Law Creating a Policy to Allow for Meetings to be Held via Videoconferencing in Certain Circumstances**” 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.

Agreement with RTO

RESOLUTION #42

Margaret Swan made a motion to accept the following resolution, seconded by David Waters. Vote 5-0, passed.

TOWN OF BARRE TOWN BOARD RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LEASE WITH RTO WIRELESS, LLC ON BEHALF OF THE TOWN OF BARRE WHEREAS, the Town of Barre (the “Town”) and RTO Wireless, LLC, a Delaware limited liability company, whose corporate address is 945 Concord Street, Framingham, MA 01701 (hereinafter “Tenant” or “RTO”), wish to enter into a Tower and Ground Space Lease Agreement (the “Lease Agreement”) for the attachment of certain communication equipment to a Water Tank Tower (the “Tower”) owned by the Town and

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located on a parcel of land (the "Site") situated at 4709 Oak Orchard Road, in the Town of Barre, Orleans County, State of New York, and **WHEREAS**, Tenant desires to occupy, and Town is willing to provide, attachment locations upon the Tower and ground space at the Site for Tenant's provision of communications services, and **WHEREAS**, the Town believes that entering into the Lease will expand opportunities for reliable internet access for residents, businesses and visitors within the Town of Barre, and **WHEREAS**, according to the terms of the Lease Agreement the Tenant shall pay Base Rent to the Town in the amount of Five Hundred (\$500.00) per month with a two percent (2%) annual escalator, and **WHEREAS**, according to the terms of the Lease Agreement the initial term of the Lease Agreement shall be five years with an option to renew for four five-year terms, and **WHEREAS**, according to the terms of the Lease Agreement either party may terminate the Lease Agreement upon notice as provided in the Lease Agreement, and **NOW THEREFORE**, the Supervisor is directed to execute the Lease Agreement, a copy of which is attached hereto, and **THEREFORE**, the Lease Agreement shall be deemed effective upon execution by the Supervisor and the Tenant.

RESOLUTION #43

Margaret Swan made a motion to accept the following resolution, seconded by David Waters. Vote 5-0, passed. This Agreement ("Document") made this 8th day of June 2022 (the "Effective Date"), between Town of Barre, NY, whose mailing address is 14317 West Barre Road, Albion, NY 14411 (hereinafter "Landlord"), and RTO Wireless, LLC, a Delaware limited liability company, whose corporate address is 945 Concord Street, Framingham, MA 01701 (hereinafter "Tenant"). The Landlord and Tenant are at times collectively referred to hereinafter as the "Parties" or individual as the "Party". NOW, THEREFORE, in consideration of the mutual promises, conditions, and other good and valuable consideration of the Parties hereto, the Parties covenant and agree as follows:

- **Galvanized Steel Conduit/Bonus.** Landlord shall be entitled to a One Thousand Dollar (\$1000.00) "Bonus" to be paid to Landlord by the Tenant within thirty (30) days after the full execution of the Tower Lease and Ground Space Agreement and once the Tenant has secured all necessary Federal, State, County and Municipal permits which allows for the start of construction. This Document's "Bonus" intent is for the Landlord to purchase a One Hundred Twenty Foot (120') One Inch (1") Galvanized Steel Conduit. The Tenant will install the Landlord's above mentioned Conduit to the height of One Hundred Feet (100') adjacent to the Tenant's Conduit during the Tenant's installation. The Tenant will incur the cost of the One Thousand Dollar (\$1000.00) installation fee.

Utilities. The Tenant shall pay the Landlord a one-time annual fee (Lease Year One) for Utilities (National Grid) in the sum of One Thousand Eight Hundred Dollars (\$1800.00). This fee represents an estimated One Hundred Fifty Dollars (\$150.00)

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- per month Utility cost for the operation of the Tenant's Communication Service. The Tenant will install a measuring instrument to gauge the amount of power used. The measuring instrument and the Landlord's monthly Utility bill at the Site will provide an accurate Tenant's Utility cost. This cost will be adjusted annually according to the aforementioned process.
- **Wi-Fi Service.** The Tenant shall attempt to provide, to the best of its capabilities without guarantee, WiFi service to a certain section of property owned by the Landlord adjacent to or near Oak Orchard Road and Rice Road. Tenant will provide the WiFi device and monthly connectivity service at no charge to the Landlord (complimentary) for the term of the Lease and any renewal periods.

IN WITNESS WHEREOF, the Landlord and the Tenant have hereunto set their hands and seals by their heretofore duly authorized officers as of the day and year first above written

RESOLUTION #44

David Waters made a motion to accept the following resolution, seconded by Margaret Swan. Vote 5-0, passed. **TOWN OF BARRE TOWN BOARD RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH RTO WIRELESS, LLC ON BEHALF OF THE TOWN OF BARRE. WHEREAS**, the Town of Barre (the "Town") and RTO Wireless, LLC, a Delaware limited liability company, whose corporate address is 945 Concord Street, Framingham, MA 01701 (hereinafter "RTO"), wish to enter into an agreement in addition to, and related to, the Tower and Ground Space Lease Agreement (the "Lease Agreement"), and **WHEREAS**, RTO is willing to provide additional amenities to the Town in excess of the terms of the Lease Agreement (the "Agreement"), and **WHEREAS**, by entering into the Agreement with RTO, the Town will be entitled to certain amenities that it may not otherwise be entitled to, and **WHEREAS**, under the terms of the Agreement, RTO shall provide to the Town: 1. A \$1000 bonus to be paid to the Town for purchase of 120 feet of 1-inch galvanized steel conduit to be installed on the Water Tower; 2. Advance payment of \$1800 for anticipated utility costs associated with the Lease Agreement; and 3. A commitment from RTO to attempt to provide complimentary WiFi service to a certain section of property owned by the Landlord adjacent to or near Oak Orchard Road and Rice Road for the term of the Lease Agreement and any renewal periods. **NOW THEREFORE**, the Supervisor is directed to execute the Agreement, a copy of which is attached hereto.

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RESOLUTION #44

Kerri Richardson made a motion to instruct the Town of Barre Assessor Barry Flansburg, to notify the State of New York that the Town of Barre will continue at 100% assessed value, seconded by George McKenna. Vote 5-0, passed.

Councilmen McKenna suggested that the Town of Barre sent out a letter regarding the new wind turbines, to reach out to the public for public vote, putting it on the ballot for November.

COMMITTEES

Planning Board

June monthly meeting is cancelled.

Better Barre Committee

The BBC will hold a square dance on June 18, 2022 at 6PM. A special thank you for the \$1,000.00 donation from the BBC to help run electric to the town park.

Public Comments

Gary Palmer – asked about IT at the Town Hall and asked about applying for a Home Town Hero banner.

Margaret Swan made a motion to adjourn the Town Board meeting, seconded by David Waters.

Meeting Adjourned at 8:30pm.

Respectfully submitted,

Maureen Beach, Town Clerk