

**TOWN OF BARRE
PLANNING BOARD
AUGUST 8, 2022**

CALL TO ORDER: The board met at the Town Hall and the meeting was called to order at 6:48 pm by co-chair Mr. Keeler due to issues with YouTube streaming.

BOARD MEMBERS PRESENT

Wes Miller	Jean Depatie
Kurt Dudley	Stephen Harling
Kirk Mathes	Jean Peglow

EXCUSED BOARD MEMBERS

Tom Keeler	Anna Shuknecht (Alt.)
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ABSENT BOARD MEMBERS

Eric Watson (Alt.)

Others present: Bridget Cook (by phone)

I. APPROVAL OF MEETING MINUTES

Mr. Harling made a motion to approve the July 11th regular meeting with a correction of the meeting date change. Motion was seconded by Mr. Depatie and carried. (6-0)

II. NEW BUSINESS

Ms. Cook spoke about the adoption of a policy to allow for meetings to be held via videoconferencing in certain circumstances. Currently under the COVID governor's executive order, we are allowed to conduct meeting via videoconferencing. The executive order is due to expire mid-August unless the order is extended. New York State wants all municipalities to adopt a local law creating a policy to allow meetings to be held via videoconferencing in certain circumstances. The Barre Town Board adopted a law concerning this on July 13th. Questions were asked regarding this policy:

- Must be completely in person, however some may participate virtually
- What precipitated this – State recommends defining the certain situations,
- Some want to continue as virtual
- Participation is more flexible
- Board members must be seen
- This has not been discussed at the County level – some members can only be online (heard) and are not visible because of their capabilities

Resolution 14-2022

Introduced by: Steve Harling
Seconded by: Kurt Dudley

WHEREAS, the Planning Board of the Town of Barre (“Planning Board”) recognizes extraordinary circumstances within the meaning of New York Open Meetings Law Section 103-a, and

WHEREAS, the Planning Board acknowledges that the people’s right to witness and observe the governmental decision-making process in action is basic to our society, and

WHEREAS, the Planning Board recognizes the need to create criteria for “extraordinary circumstances” to authorize the limited use of videoconferencing for Planning Board members to attend meetings in accordance with New York Open Meetings Law section 103-a (2), and

WHEREAS, the Planning Board will consider the following to be “extraordinary circumstances” allowing a planning board member to participate via videoconference within the meaning of New York Open Meetings Law section 103-a:

- A. Disability,
- B. Illness,
- C. Caregiving responsibilities,
- D. Inclement weather,
- E. Traveling out of the area which prevents in-person attendance, or
- F. Any other significant unexpected factor or event which precludes the member’s physical attendance at such meeting, and

WHEREAS, the Planning Board defines videoconference as a conference in which participants in different locations are able to communicate with each other in sound and vision, and

WHEREAS, the Planning Board recognizes the following criteria for the procedures for appearance via videoconference, and

1. As authorized by the newly enacted New York Public Officers Law § 103-a, meetings of the Planning Board may be conducted using videoconferencing to conduct meetings, provided that all requirements of Public Officers Law § 103-a are met.
2. A quorum of members of the Planning Board must be physically present at all meetings where videoconferencing will be used.
3. The Planning Board shall provide an opportunity for the public to view the meeting and participate both in person and via video conferencing in real time.
4. The Planning 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.

5. The meeting minutes shall identify the names of the members who participated remotely and the names of the members who participated physically in person.
6. 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.
7. Transcriptions of a public meeting shall be made available only upon request.
8. All videoconferencing shall use technology consistent with the 1990 Americans with Disabilities Act.
9. Planning 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.
10. Attendance via videoconference shall be allowed only under extraordinary circumstances as defined in this Resolution.
11. After August 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.

NOW, THEREFORE, it is resolved that the Planning Board hereby recognizes extraordinary circumstances within the meaning of New York Open Meetings Law Section 103-a.

UPON ROLL CALL VOTE:

Mr. Miller – Aye
Mr. DePatie – Aye
Mr. Dudley – Aye
Mr. Harling – Aye
Mr. Mathes – Aye
Mrs. Peglow – Aye

The resolution passed.

A Town Resident has reached out to a Town Board member in an attempt to get some relief from a continuous problem that he/she has been experiencing for the past 3 or more years. This stems from a situation with his/her neighbor who has on a regular basis causing a disturbance with his/her neighbors, where the police have been asked or have gotten involved over 36 times (I believe this is the number that the Town Resident with me over the past 3 years). Unfortunately,

currently we do not have any ordinances/ local laws that provide the police with any ability to take action. The resident has done some research and found noise ordinances for the Town of Hamlin and the city of Buffalo that they have highlighted some key areas as possible starting points for the Town of Barre, along with information from the State (information was not available to the board). The resident would like to make clear, that they do not have a problem with the agricultural noise, or ATV noise of the ATV or Snowmobile clubs. The Town Resident believes that this could be a good opportunity to create an ordinance that will still allow everyone to enjoy our way of life without the constant disturbance of "unreasonable noise". The board member reached out to Mr. Keeler who in turn asked Mrs. Preston to look into nearby towns for noise ordinances and pass the information unto the planning board. Information from Villages of Albion and Oakfield, Towns of Albion, LeRoy, Royalton and Somerset were emailed to the members. Discussion took place:

- Eliminate villages
- Somerset has vehicles listed over 10,000 lbs.
- Some towns have signs saying no jack break use
- Police/sheriff have no teeth without an ordinance
- Farm animals separate
- What about grain dryers, stone quarries etc.
- Town of LeRoy lists sound decibels and times
- Some ordinances are vague and others more specific
- Royalton lists a distance from neighboring residents
- We should protect farms and their operations
- Royalton and Town of Albion are similar
- Keep ordinance simple
- A planning member felt it should come from the entire town board and not just one board member

The board will work with this next month working off of the Town of Royalton and Town of Albion.

The proposed town fees were reviewed for the planning board's input.

- Under building permits, why are agriculture buildings \$300 and Commercial/Industrial buildings only \$250.00.
- Silos and grain buildings should be exempt.
- Why a fee for lagoons/slurry ponds? We could set ourselves up for problems down the road.
- The town has no teeth according to Ag & Markets. Mr. Flansburg has said to obtain a building permit or there would be no Ag exemption.
- Food vendors under Park fees – is this just for the town park or everywhere?
- What is the wind overly fee? Are we charging for a zone like a residential zone? Need a better definition.

Mr. Pogue sent an email to Mr. Miller regarding the 2022 Regional Fall Planning & Zoning training: September 13 in Town of Hyde, September 28 in Canandaigua or October 6th in Lake Placid.

III. OLD BUSINESS

There is not any old business to discuss at this time.

IV. COMMUNICATION

ORLEANS COUNTY PLANNING BOARD

The July meeting saw two zoning referrals.

- Town of Shelby's request for a Special Use Permit and Site Plan Review for a 10 mw Wind Energy System on South Gravel Road was approved with conditions on both the special use permit and site plan review. No one from the audience asked to speak on this issue.
- Town of Albion's request for a Site Plan Review for a 25-bed women and children community residence on Butts Road was approved. The railroad safety issue will be addressed.

Other business discussed was:

- Household hazardous Waste event is August 13th at the County Highway Garage with hours of 8 am to 12:45 pm. Also 8 am to 11:45 am is for tires only. Appointments are required.
- Update of attending meeting remotely – meetings will continue remotely however only members in person will count towards a quorum
- In-Person training session at Hoag Library follow up was discussed.
- During last month's Department of State in Person Training classes it was mentioned that websites need to be updated per the Open Meeting Laws as much as possible with emails, phone numbers and employees.

V. ADJORNMENT

Mr. Mathes made a motion to adjourn the meeting at 7:37 pm; seconded by Mrs. Peglow and carried (6-0).

Lee A. Preston, Clerk