

VILLAGE OF BARKER BOARD OF TRUSTEES

REGULAR MEETING MINUTES



August 8, 2022 7:00PM
@ Barker Fire Hall

Mayor Aaron Nellist
Deputy Mayor Seanna Corwin-Bradley
Trustee Aaron Davis
Trustee Melanie Hirschman
Trustee David Quiett

In **Attendance:** Daniel Seaman, Deputy Clerk-Treasurer Ruth Dent, Kathie Smith, Jim Baker, Eileen Graap, Mackenzie O'Connor, Herbert Meyer, Robert Longstreet, Ashley & Tayler Bonaventura, Cathleen Davis, Beth Schaffer, Mark Dudkowski, Patricia Fuller, Juli Wilson, Kent Wakefield, Phyllis Hildebrant, Neal Gordon, Bob & Dori Walsh, Jacob Fries from the Union Sun & Journal

At 7:00pm meeting was called to order by Mayor Nellist by administering the Pledge of Allegiance.

The **Sales tax** received for July 2022 was \$ 16,989.09 a decrease of \$2,622.32 from July 2021.

The **Approval of Minutes** for the monthly board meeting held July 11, 2022 was motioned for approval by Deputy Mayor Corwin-Bradley and was seconded by Trustee Hirschman.

The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis,Hirschman,Quiett NAYS-0/None Motion Carried.

Local Law #2-2022 Allowing the Harboring of Hen Chickens withing the Village of Barker

Public Comment was offered by:

Cathleen Davis: Stated she is in favor of the chicken law being passed, having 6 hen chickens is not too many and only a handful of residents will get them. She felt the law is written in a way to protect those who don't want chickens to be protected by the permitting process being renewed annually. Allowing chickens would be a great educational opportunity for young families. Due to roosters being banned the noise shouldn't be an issue because hens lay eggs late morning early afternoon and would not be in violation of the noise ordinance. The law also stipulates that the runs must be at least 10ft away from property lines to protect neighbors. Overall, she felt there were no negatives to allowing chickens in the Village.

Eileen Graap: Stated allowing chickens in the Village was a great opportunity for kids to get into 4-H and agrees that roosters are noisy. She stated the property that she resides at has 14 acres and this should allow her to have a larger run for the chickens. The chickens eat bugs and ticks so a larger area would make sense, but she understands for smaller parcels of property that there would be restrictions. She stated that the smell would not be bad from 6 hen chickens if they were cleaned often, if people are so concerned about the smell/noise something should be done about the feral cats in the Village and the barking dogs as well.

Herbert Meyer: Stated when he was Mayor allowing chickens was considered and voted down for many reasons. He stated that chickens should not be allowed in the Village, as well as any other farm animal. If people want to raise chickens, they should buy a parcel of land outside the Village and raise them. Mr. Meyer also stated if we allow chickens what will be next? Cows? He concluded by stating chickens are not domestic animals.

Robert Longstreet: Stated he is not totally against allowing chickens because the local law written well. He would have to wait and see how it played out.

Kathie Smith: Stated she has already given her opinion at the prior public hearing.

Mark Dudkowski: Stated he is ok either way the vote goes, but stated enforcement is going to be a huge issue. Is 80ft going to be adhered to? "I have a neighbor with chickens 10ft outside by bedroom window". Nothing has been done to date to remedy this situation.

Mayor Nellist stated this complaint would fall under Code Enforcement duties. Trustee Davis stated there was a problem on West Somerset Road with chickens and it was remedied. Trustee Davis also reminded everyone that people wishing to have chickens must appear before the Board and obtain a permit if they are deemed worthy of the responsibility. The permit would need to be renewed every year.

Patricia Fuller: Stated the Village is only 1 square mile, and the entire Town is all farmlands. She stated the setbacks should be at least 20ft from property lines because if she was in her back yard with company, the chickens would create a lack of enjoyment due to the smell and noise. She would have to spray her back yard because of the smell because 10ft is not enough of a setback.

Ashley Bonaventura: Stated she is concerned about the enforcement of the law, as well. She stated she has changed her opinion on the matter from the first public hearing and feels it could bring positive attributes. She concluded by stating she was on the fence.

Tyler Bonaventura: Stated the Board did a good job with the law and had concerns about how well Code Enforcement would be enforced. He concluded by stating he was in favor more than last time he attended.

Mayor Nellist stated that there are logistical details that would need to be ironed out, but the desire is for them to be handled easily.

Phyllis Hildebrant: Stated she is opposed to chickens due to the smell especially when the wind blows. The survey results should be heavily considered, 62.5% opposed and 32.5% in favor. All voices should be heard and considered.

Bob Walsh: Stated he moved into the Village to get away from smells in the Town from farms and farm animals and now you want to allow it here. People should raise chickens and farm animals outside the Village because people live in the village to get away from the farm atmosphere.

Dori Walsh: Stated she felt the same as her husband and didn't want chickens coming into her yard. She also stated the smell would be a problem.

Kent Wakefield: Stated he is opposed to allowing chickens in the Village, but did understand why some would want them for 4-H etc. If out-buildings have to be 16 feet from property line, then the chickens should be also. He also had reservations about how this would be enforced, how many strikes before the you are banned from chickens etc. The

Code Enforcement logistics would be huge, and Mark is currently over worked. Village parcel sizes are approximately a third of an acre. In the Town you must have 6 acres to have chickens.

Mayor Nellist inquired from counsel if the set back could be changed from 10ft to 16 ft, Counsel advised that an amendment could be made, but it would require another public hearing. An amendment could always be made to the local law once it was passed.

Local Law #2-2022

Allowing the Harboring of Hen Chickens within the Village of Barker

The purpose of this Local Law is to eliminate the outright prohibition of ownership and harboring of hen chickens within the corporate boundaries of the Village of Barker, and to allow for such harboring through a permitting process. This Local Law is designed to protect the rural residential character of the Village, as well as reduce an overly burdensome restriction on Village residents' property rights.

Be it enacted by the Board of Trustees of the Village of Barker as follows:
Chapter 81, Article II of the Code of the Village of Barker is hereby amended to include the following:

§ 81-9.1. Permitting of hen chickens.

- A. Any person, firm or corporation may harbor, keep, raise, or maintain a maximum of six hen chickens within the limits of the Village of Barker by obtaining a chicken harboring permit.
- B. Applicants for a chicken harboring permit must demonstrate adequate shelter and fencing for chickens to be harbored in accordance with the standards listed below:
 - i. Chicken coops shall be located in the rear yard, a minimum of 80 feet from any dwelling and set back a minimum of 10 feet from any lot line. Coops shall be no larger than 20 square feet in size.
 - ii. Chicken runs shall be attached to a chicken coop, located in the rear yard. Chicken runs shall be located a minimum of 80 feet from any dwelling and set back a minimum of 10 feet from any lot line. Chicken runs shall be no larger than 50 square feet in size.
 - iii. Chickens' quarters shall be constructed of suitable construction materials consisting of wood frame shelters.
 - iv. Fencing and/or other restraint systems shall be sufficient to confine chickens to the coop and run.
- C. Upon successful application, including payment of the permit fee and providing proof of adequate shelter and fencing, the Code Enforcement Officer shall issue the applicant a permit to allow for the harboring of up to six hen chickens. Chicken harboring permits shall expire on June 1 of every year and must be renewed on an annual basis by the applicant. Permit fees shall be established by the Village Board of Trustees by resolution.
- D. Chickens shall remain enclosed at all times and shall not be permitted to free roam outside of the coop or run. Loose chickens observed or photographed anywhere other than the rear yard of the applicant's premises shall be considered prima facie evidence of inadequate enclosure.
- E. Chicken enclosures shall be kept in a clean and sanitary condition and shall be cleaned on a regular basis to prevent the accumulation of animal waste. Pending disposal, all animal waste shall be kept in a covered container and shall not emit noxious odors.
- F. Coops shall be covered, predator resistant, and well-ventilated to provide adequate space for each hen chicken.
- G. Chickens shall be kept for personal use only. The sale of chicken eggs generated on the premises or chickens shall be prohibited inside the corporate limits of the Village of Barker.
- H. Failure to comply with the provisions of this subsection shall be grounds for revocation of a chicken harboring permit.
- I. A violation of any provision of this subsection is punishable by a fine not to exceed \$250 or imprisonment of not more than 15 days, or both. This Local Law shall take effect immediately upon the filing with the Secretary of State.

Board Discussion regarding Local Law Allowing the Harboring of Hen Chickens in the Village:

Deputy Mayor Corwin-Bradley: Stated that she originally thought chickens in the Village was a good idea, then against after research she is now in favor of allowing chickens. She stated democracy rules and people's voices should be heard. She stated it had positive impacts for residents and hen chickens are clean and quiet. She stated there could be issues with Code Enforcement, but we live in a right to farm community.

Trustee Hirschman: Stated she likes chickens and the educational component to raising chickens but based on comments and survey results she needed to listen to the majority.

Trustee Quiett: When he ran for Village Trustee, he told people he would vote with there opinions, he must vote no.

Trustee Davis: Read the following statement: After listening to the citizens present and not present, looking at the data from the google form and looking at the law and data I think that the citizens of the Village of Barker have the right to manage and maintain their property so long as it doesn't cause harm to others. New and existing resident should be able to raise 6 hen chickens to help provide food for their families. And to know where their food comes

Mayor Nellist: Stated there are a lot of people for and against and the concerns are valid.

Trustee Quiett- NAY

The previous was ADOPTED. AYES-5-Nellist, Corwin-Bradley, Davis, Hirschman, Quiett NAYS-0/None Resolution Adopted, motion carried.

NYSEG natural gas safety notice

Charter Communications-Upcoming programing changes-July 15, 2022
Charter Communications-Upcoming programming changes-August 1, 2022
Charter Communications-Upcoming programming changes-August 5, 2022
NYS Dept. of Health-Mark Remington Class D water license renewal good through 7/31/2025
NC Gallonage Report

Approval of Claims and Bill Payment: Abstract 003 Voucher #'s 65-93
General Fund-\$30,474.75 Water Fund-\$405.71 T&A Fund-\$2,100.00 TOTAL \$32,980.46
A motion to approve the above claims and bill payment audited by the entire Board of Trustees was made by Trustee Hirschman and was seconded by Trustee Quiett.
The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis,Hirschman,Quiett NAYS-0/None Motion carried.

Budget Transfer: A1990.4 Contingency \$365.00 to A1910.4 Insurance
A motion to approve the above budget transfer was made by Trustee Hirschman and seconded by Trustee Quiett.
The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis,Hirschman,Quiett NAYS-0/None Resolution Adopted, motion carried.

Public Comment was offered by:
Phyllis Hildebrant: Requested a microphone & speaker because it's been difficult to hear the conversation and opinions
Pat Fuller: Inquired about the new Village Hall & Library building. Mayor Nellist stated phase I is getting close to completion and working with engineer to get phase II out to bid. No date for final completion yet.
Eileen Graap: Is Code Enforcement going to stop the residence on Main Street that has too many dogs and cats? This needs to be enforced for the safety of neighboring residents.
Cathleen Davis: Inquired about who enforces feral cats? Mayor Nellist stated the Village had a program 5 or 6 years ago with Feral Cat Focus and the Village has done everything it can. Residents who are feeding feral cats need to stop because cats will move on until they find food. Local Law addresses harboring cats, which means feeding, taking care of, and providing housing. A formal complaint needs to be filed with Code Enforcement Officer then the CEO addresses the complaint and if not remedied then an appearance ticket would be issued.
Kathie Smith: What time is the mayor in the dunk tank at the Corn Fest on Saturday? Mayor Nellist-early in the day.

No **Board Comment** was offered.

A **motion to enter executive session at 7:58pm** on the grounds of conferring with Legal Counsel present was made by Trustee Hirschman and was seconded by Deputy Mayor Corwin-Bradley.
The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis,Hirschman,Quiett NAYS-0/None Motion carried.

In attendance during executive session: All 5 member of the Board of Trustees, Attorney Daniel Seaman, Clerk-Treasurer Amanda Detschner, Deputy Clerk-Treasurer Ruth Dent and Kathie Smith, Library President.

A **motion to exit executive session was made at 8:14pm** by Deputy Mayor Corwin-Bradley and was seconded by Trustee Quiett.
The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis,Hirschman,Quiett NAYS-0/None Motion carried.

A **motion to accept the drafted response to Barton & Loguidice's phase II building proposal** was made Trustee Hirschman and was seconded by Trustee Davis.
The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis,Hirschman,Quiett NAYS-0/None Resolution Adopted, motion carried.

A motion for **Adjournment was made at 8:15pm** by Trustee Quiett and was seconded by Trustee Davis.
The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis,Hirschman,Quiett NAYS-0/None Motion carried.

Next work session scheduled for Monday, September 5th, 2022 is CANCELED due to the Labor Day Holiday.

Next scheduled Board Meeting will be Wednesday, September 7th at 7:00pm at the Barker Fire Hall
*****note change in date and time***

Respectfully submitted,

Amanda M. Detschner, CMC, RMC, CMFO
Clerk-Treasurer