

This special meeting was scheduled on March 14, 2022, published in the Union Sun & Journal, posted on Facebook, on the village website, on the community board at the Village Hall and an article was in the Spring 2022 village newsletter notifying residents.

VILLAGE OF BARKER BOARD OF TRUSTEES SPECIAL MEETING MINUTES

May 2, 2022 6:00pm
@ Barker Fire Hall



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

In **Attendance:** DPW Superintendent Mark Remington, Deputy Clerk-Treasurer Ruth Dent, Pat Fuller, Kathie Smith, Phyllis Hildebrant, Cathleen Davis, Sarah Devine, Leslie Wolbert, Taylor & Ashley Bonaventura, Jacob Fries of the Union Sun & Journal, Neal Gordan arrived at 6:45pm.

At 6:02pm meeting was called to order by Mayor Nellist by administering the Pledge of Allegiance.

Trustee Davis read the proposed local law aloud to those in attendance.

A Local Law Allowing for 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.

The PUBLIC HEARING was OPENED at 6:06pm.

The following comments were made during the public hearing:

Phyllis Hildebrant: 8702 High Street: Stated she was not in favor of harboring chickens in the Village and that harboring chickens is better suited for the Town of Somerset. Mrs. Hildebrant stated chickens are a dirty animal and have a smell. Mayor Nellist asked Mrs. Hildebrant if there was something that could be changed in the law to make it better? Mrs. Hildebrant stated that chickens are loud and with the tight proximity of the houses in the Village it doesn't seem like a good idea. At one time the Village did allow chickens but had to rescind the law due to neglect and complaints. It only takes a small percentage of people not to abide by the rules to make a larger problem.

Kathie Smith: 1709 Pallister Avenue: Stated she agreed with Phyllis's concerns. Enforcement is difficult and trying to correct loopholes or problems once the law is adopted is costly and drawn out. Mrs. Smith stated the Village is for pets, not farm animals. If you allow chickens then that's just the beginning, people will ask for other farm animals, it's just the beginning. Mrs. Smith also stated she didn't want to be put in a position that would require her neighbors to gain her permission to have chickens.

Ashley Walker: 8520 West Somerset Road: Stated she also agreed with the previous two statements about allowing the harboring of chickens. Currently, she is dealing with an issue with a neighbor that is harboring farm animals and chickens with a rooster illegally being harbored within the Village. It's unpleasant to live next to. They are noisy, attract coyotes and other predators, as well as stinks in the warm weather. Ms. Walker stated they moved her to avoid the nuisances of farms and they were drawn to the Village because it was a quiet place. As for the getting your neighbors permission to have chickens would result in neighbor disputes, which as a Somerset PD Officer she would have to respond. Not all neighbors would be respectful of each other's opposing opinions.

Cathleen Davis: 1711 Quaker Road: Stated she is for the harboring of chickens. She felt the law proposed was fool proof and suggested each chicken be banded and tracked so if they were to get loose the chickens could be returned to their owners. Mrs. Davis stated she is conscious of where her groceries are sourced from and would like to have that freedom with chickens for the production of eggs to become self-sufficient. Harboring chickens can be done respectfully and responsibly. She stated that chickens do make noise when they lay eggs, but how is that any different than listening to barking dogs.

Pat Fuller: 8706 High Street: Stated her husband was on the Board of Trustees over 20 years ago, at that time the Village was in the process of rescinding the harboring of chickens due to animal neglect and numerous complaints regarding noise violations. Ms. Fuller stated on High Street most parcels back up to woods and are further apart than in the heart of the Village. With that said Ms. Fuller is not in favor of allowing chickens in the Village. A concern is if the chickens get out and come on her property, further what happens if her dog were to attack one on her own property. Ms. Fuller stated anyone who would like to have chickens should get property outside the Village to raise their chickens or rent from a farmer.

Amanda Detschner: 1881 Pallister Avenue: Read aloud a prepared statement opposing the harboring of chickens. Sharing her opinion that the harboring of chickens in the Village would change the dynamic of our quaint, quiet Village and is burdensome to the taxpayers to administer such a program.

Sarah Devine: 1707 Quaker Road: Read off a list of large cities that allow chickens. She asked to have the harboring of chickens allowed within Village limits. Mrs. Devine stated that maybe the ordinance could be changed to alleviate people's reservations.

Leslie Wolbert: 1879 Pallister Avenue: Stated she has just moved back to the Village and would like to be able to have chickens to aid in teaching her homeschooled children, and her husband's dream is to have chickens. Mrs. Wolbert suggested requiring permission from neighbors before harboring permits would be issued.

A motion to CLOSE the PUBLIC HEARING was made at 6:32pm 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.

Board Discussion ensued about the comments made at the Public Hearing:

Trustee Hirschman: Stated she can see both sides of the chicken harboring. On one hand chickens would be used to teach/educate young, homeschooled children and on the other hand worried about negative impacts on residents

Deputy Mayor Corwin-Bradley: Stated she also sees both sides but feels that property owners should be able to make decisions about their property. She also stated that lots are deep, and it wouldn't be a problem to have chickens in her back yard. Her kids have two rabbits, and they produce a lot of feces and attract vermin.

Trustee Davis: Stated property owners should be able to make their own decision on whether or not they have chickens. He stated the question what's the difference letting cats out during the day and letting them wander the Village? Trustee Davis wants residents to have to come to the Village Board in order to obtain a permit to make it harder, also the fines and fees will cover, and costs associated with the CEO having to do inspections. The permit would need to be renewed every year, so if there were issues the permit could be revoked then. He stated if everyone does their job appropriately the law wouldn't be broken.

Trustee Quiett: Stated he was on the fence about making a decision at that time. There were some hardcore points brought forth and would like time to look into them.

Mayor Nellist: stated that there's contention with allowing the harboring of hen chickens and would be open to tabling the vote to address concerns/issues. Stated a lot of work went into writing this law and was well thought out.

A motion to table the vote on Local Law #2-2022 Allowing the harboring of hen chickens within the Village was made 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.

The possible **BCS Yorker House** transfer of ownership was brought to the attention of Mayor Nellist by a phone call from BCS Superintendent Jacob Reimer. The school no longer wishes to hold onto the property and inquired if the Village would have any interest in the property. Superintendent Reimer stated that the Yorker House needs extensive repairs. Mayor Nellist stated that maybe a partnership between the Somerset Historical Society and the Village could benefit both parties, but doesn't think owing the Yorker House solely has any benefit to the Village.

A brief **NYPA LED Street Lighting Project Update** was given by Trustee Davis. Final documents should be in place soon to allow for the scheduling of the closing of street lighting assets that must close by June 15th, 2022.

A motion to **accept the resignation** of April Roessler as DPW laborer effective April 20, 2022 was made by Trustee Davis and was seconded by Trustee Hirschman.
The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis,Hirschman,Quiett NAYS-0/None Motion Carried.

Public Comment was offered by:

Pat Fuller: Stated that the tree in front of the old Barker Store has old Christmas lights around it, that if they aren't removed will grow into the tree.

Phyllis Hildebrant: Our Village is in disarray in many places. She noticed a big difference in the appearance of the Village since leaving for Florida last October. It's very discouraging.

Mayor Nellist stated that this needs to be addressed and it is sad to see many of the buildings in disrepair. Code Enforcement Officer Mark Remington stated that several violations have been sent and are now in the courts hands since they weren't remediated in the time stated. Next court date is May 26, 2022 for the Town of Somerset.

Board Comment was offered by:

Trustee Quiett: Stated he was in agreement that a lot of properties are going south in the Village, need these properties to be remediated so that the Village looks better. Summons are issued to the land owner not the tenant.

Trustee Davis: Stated he wants to move forward with some kind of fencing/planter at the west/southwest corner of the park to mark property lines

Deputy Mayor Corwin-Bradley: Stated she echoes Dave's concerns regarding property maintenance in the Village. Several discouraging commercial buildings and other dilapidated apartment buildings are discouraging. A group of civic volunteers is being created by Heidi Durgal, Seanna Bradley and Ruth Dent to help with various community activities. She stated its encouraging for so many people offering to help where needed.

Trustee Hirschman: Dollar General has done much better about cleaning up debris, but now needs to cut the grass because its overgrown. A permanent solution of a cardboard dumpster and/or a fenced in area behind the store to debris from going everywhere needs to be installed. Stated that a company called Solar for Earth has been soliciting without permits in the Town and in the Village. Trustee Hirschman gave the business card of the representative that stopped by her house, so that the Clerk-Treasurer can notify him that they must obtain a soliciting permit before doing door to door.

A motion for **Adjournment was made at 7:02pm** by Trustee Davis and was seconded by Trustee Quiett.
The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis,Hirschman,Quiett NAYS-0/None Motion Carried.

Next regularly scheduled meeting will be Monday, May 9, 2022 at 7:00pm at the Barker Fire Hall.

Respectfully Submitted,

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