

Public Hearing, Regular Meeting, November 25, 2025

A public hearing and regular meeting were held by the Barrington Town Board on November 25th, 2025 at 6:00 pm at the Barrington Town Hall located at 4424 Bath Road, Penn Yan, New York and County of Yates.

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| Present: | Bryan Yarrington | Supervisor |
| | Nate Olney | Deputy Supervisor |
| | Calvin Crosby | Councilperson |
| | Tom Petro, III | Councilperson |
| | Mary Jayne | Councilperson |
| | Steve Wheeler | Highway Superintendent |
| | Tom Grady | Code Enforcement Officer |
| | Terry Grady | Assessor |
| | Helene Ribble | Bookkeeper |
| | Steve Brigham | ZBA Chairperson |

1. Call to Order

Supervisor Yarrington call the meeting to order at 6:00 pm with the Pledge of Allegiance.

2. Open/Close Public Hearing on Proposed Law

A motion to open the public hearing on the proposed local law to supersede the Whitehall Doctrine was made by Petro and seconded by Jayne.

5-Ayes (Crosby, Jayne, Olney, Petro, Yarrington) 0-Noes

Yarrington explained the local law. There were no comments from the public.

A motion to close the public hearing at 6:02 pm was made by Olney and seconded by Jayne.

5-Ayes (Crosby, Jayne, Olney, Petro, Yarrington) 0-Noes

Resolution 2025-119 to pass Local Law 3 of 2025 to supersede the Whitehall Doctrine was made by Crosby and seconded by Olney.

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| Roll Call: | Calvin Crosby | Aye |
| | Nate Olney | Aye |
| | Bryan Yarrington | Aye |
| | Tom Petro | Aye |
| | Mary Jayne | Aye |

Town of Barrington
Local Law No. 3 of 2025 to Supersede the Whitehall Doctrine

Be it enacted by the Town Board of the Town of Barrington as follows:

Section I. Title.

A local law to supersede the common law Whitehall Doctrine and Doctrine of Incompatibility.

Section II. Background.

Whitehall Doctrine: Pursuant to the common law doctrine established in *Wood vs. Town of Whitehall*, it is the general rule that a body having the power of appointment may not appoint one of its own members in the absence of precise statutory authority to do so (*Macrum vs. Hawkins*, 141 Misc. 358, affd. 235 App. Div. 370, rev. on other grounds, 261 N.Y. 193, rearg. den. 261 N.Y. 691; *Wood vs. Town of Whitehall*, 120 Misc. 124, affd. 206 App. Div. 786).

Doctrine of Incompatibility: The common law doctrine of incompatibility declares to be incompatible any town public offices in which there exists an inconsistency of function or where the holder of one would be required to account or to be subordinate in some way to the other (*People ex rel Ryan vs. Green*, 58 NY 295; *Corsall vs. Gover*, Atty. Gen. (Inf.) 231).

The Attorney General's Office has, however, opined that upon a finding that the public interest would be served, a local legislative body may enact a local law overcoming incompatibility and the Whitehall doctrine. Incompatibility and the Whitehall doctrine are court-made rules of law based upon public policy concerns. We (Attorney General's Office) have expressed the opinion that these doctrines can be overcome by local law (1983 Op Atty Gen [Inf] 157; 1960 Op Atty Gen [Inf] 198). A local government is authorized to adopt and amend local laws, consistent with the Constitution and general State law, relating to the powers, duties and qualifications of its officers and employees (Municipal Home Rule Law,

§10 [1] [ii] [a] [1]). Provided there is a finding by the local legislative body that such a local law would be in the overall public interest, it could enact a local law overcoming the Whitehall doctrine and incompatibility (1983 Op Atty Gen [Inf] 157). We (Attorney General's Office) must emphasize, however, that the local legislative body, based upon local conditions, must first find that the overall public interest would be served by the local law. (1987 N.Y. Op. Atty. Gen. [Inf.] 109).

Section III. Authority.

This local law is adopted pursuant to Municipal Home Rule Law, §10 [1] [ii] [a] [1], which grants to local governments the authority to enact local laws regarding the qualifications of local officers.

Section IV. Finding of Public Interest

The Town Board of the Town of Barrington hereby finds that the public interest would be served in that:

- The Town of Barrington is in a rural area where it has often been difficult to fill vacancies and to find dual expertise for many positions.

- The current Zoning Board of Appeals (ZBA) Chairperson and Board of Assessment Review (BOAR) Member has been a great asset to the Town attending most all Town meetings, keeping up on required training and showing strong public relation and accounting skills.

- In the event of being elected to the Town Board the current Town Board doesn't want the appointed Board member of the ZBA and BOAR to resign.

- In the event of a conflict-of-interest involving authority on different boards, the board member must recuse themselves from the vote on that matter. Recusal is an appropriate remedy where there are occasional conflicts between two positions.

Section V. Supersession.

This local law shall supersede the common law Doctrine of Incompatibility and the common law Whitehall Doctrine with respect to, but not limited to the offices of Town Council, Zoning Board of Appeals and Board of Assessment Review.

Section VI. Inconsistency.

All other local laws and ordinances of the Town of Barrington that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulation and governing the subject matter covered by this local law.

Section VII. Savings Clause.

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VIII. Effective Date.

This law shall become effective upon filing with the Secretary of State.

3. Approve Minutes

A motion to approve the Town Board minutes of October 28th, 2025 was made by Olney and seconded by Crosby.

5-Ayes (Crosby, Jayne, Olney, Petro, Yarrington) 0-Noes

4. Approve Justice Audit

Resolution 2025-120 to approve the Justice audit for September and October was made by Olney and seconded by Petro.

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| Nate Olney | Aye |
| Tom Petro | Aye |
| Bryan Yarrington | Aye |
| Mary Jayne | Aye |
| Calvin Crosby | Aye |

0-Noes

5. Approve Monthly Accounting

Resolution 2025-121 to approve the monthly accounting for October was made by Jayne and seconded by Petro.

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| Mary Jayne | Aye |
| Tom Petro | Aye |
| Bryan Yarrington | Aye |
| Nate Olney | Aye |
| Calvin Crosby | Aye |

0-Noes

6. Highway Report

Wheeler handed out his report. He stated that they have sanded the roads six times already. They are full on salt and sand and have finished up all the mowing. The snow fence has been put up.

7. Code Enforcement Report

Grady handed out his monthly report. He stated that there are contradicting parts in the zoning law regarding flag lots.

Resolution 2025-122 to set a public hearing on a local law to correct conflicting areas of the Zoning Law in regards to flag lots was made by Yarrington and seconded by Petro.

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| Bryan Yarrington | Aye |
| Tom Petro | Aye |
| Nate Olney | Aye |
| Calvin Crosby | Aye |
| Mary Jayne | Aye |

0-Noes

Grady stated that he sent an order to remedy to Mervin Wenger, but he wouldn't accept it or pick it up from the post office. He said that he will have someone deliver it. He shared that the planning board needs more members. Ed Zimmerman has resigned and Bebette Yunis will be resigning after the December meeting.

Steve Brigham stated that Larry Scofield would like to take a temporary leave from the ZBA to take care of person business.

Resolution 2025-123 to switch Steve Wheeler from ZBA alternate to regular and Larry Scofield from regular ZBA member to alternate temporarily was made by Olney and seconded by Crosby.

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| Nate Olney | Aye |
| Calvin Crosby | Aye |
| Bryan Yarrington | Aye |
| Tom Petro | Aye |
| Mary Jayne | Aye |

0-Noes

8. Supervisor Comments/Concerns

Yarrington shared that Justice Hicks needs the board to audit his books.

Resolution 2025-124 to accept the Animal Control agreement with Yates County for 2026 was made by Petro and seconded by Jayne.

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| Tom Petro | Aye |
| Mary Jayne | Aye |
| Bryan Yarrington | Aye |
| Nate Olney | Aye |
| Calvin Crosby | Aye |

0-Noes

9. Public Comments/Concerns

Helene Ribble shared that the Town didn't receive money during Stephanie Holtz's term that is normally received by the Town. It is approximately \$3,000. Assessor Grady said that she will check into it.

10. Appointed/Elected Official's Comments/Concerns

None

11. Pay General Bills

Resolution 2025-125 to pay the general bills numbered 64 thru 84 in the amount of \$14,866.92 which were audited by the Town Board was made by Petro and seconded by Crosby.

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| Tom Petro | Aye |
| Calvin Crosby | Aye |
| Bryan Yarrington | Aye |
| Nate Olney | Aye |
| Mary Jayne | Aye |

0-Noes

12. Pay Highway Bills

Resolution 2025-126 to pay the highway bills numbered 201 thru 228 in the amount of \$29,313.76 which were audited by the Town Board was made by Olney and seconded by Jayne.

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| Nate Olney | Aye |
| Mary Jayne | Aye |
| Bryan Yarrington | Aye |
| Calvin Crosby | Aye |
| Tom Petro | Aye |

0-Noes

13. Next Meeting

December 23, 2025

14. Adjourn

A motion to adjourn at 7:06 pm was made by Olney and seconded by Petro.

5-Ayes (Crosby, Jayne, Olney, Petro, Yarrington) 0-Noes

Respectfully Submitted,

Joy L. C. Perry, Town Clerk