

**BYRON TOWN BOARD MEETING**

October 10, 2012

The Byron Town Board Meeting was called to order by Deputy Supervisor Heins at 7:00 p.m. with the following people present:

Deputy Supervisor/Highway Superintendent.....	George Heins
Councilmen.....	Jeff Thompson
	Jack Redick
	Scott Wooton
	Harold Austin
Town Clerk.....	Debra Buck-Leaton
Assessor.....	Barry Flansburg
Absent.....	Supervisor Robert Crnkovich

Invited Guests:.....Town Attorney Paul Boylan

Public:

Carrie Capostagno.....	Caswell Road, Byron
Pete Yasses.....	Rte. 237, Byron
Eric Zuber.....	Tower Hill Road, Byron
Eleanor Bater.....	Walkers Corners Road, Byron
Sue Fuller.....	Cockram Road, Byron
Bill and Barb Emerson.....	Terry Street, Byron
David Chupp.....	Tripp Road, Byron
Mickey Truax.....	Swamp Road, Byron
Steve Lockner.....	Rte. 237, Byron
George Squires.....	McElver Street, Byron
Jim Cudney.....	Rte. 237, Byron

## PLEDGE TO THE FLAG:

Deputy Supervisor Heins led the people in attendance in the Pledge of Allegiance.

**MINUTES:**

A **motion** was made by Councilman Austin to approve the Byron Town Board minutes of September 12, 2012, and the Special Byron Town Board meeting minutes of September 21<sup>st</sup> and October 3, 2012 as written. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote:           Ayes: 4                   Nays: 0

**PLANNING BOARD – Planning Board Chairman Eric Zuber:**

·Planning Board continues to make modifications to Zoning Ordinance, and Chairman Zuber feels they are almost ready to present it at a public meeting.

·Town Attorney Paul Boylan will review changes and get completed language to the Town Board and Planning Board for review before scheduling an informational meeting.

A **motion** was made by Councilman Thompson to approve the Planning Board Report as given. The motion was seconded by Councilman Redick and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

**HIGHWAY SUPERINTENDENT’S REPORT – George Heins:**

- State will not be doing bridge work on Rte. 237 until summer of 2013
- Doing roadwork and getting trucks ready for snow
- Pumped septic tanks on 4 year rotation, and VRI continues to do maintenance on pumps

A **motion** was made by Councilman Wooton to approve the Highway Report as given. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

**SEWER PROTEST:**

·The Town Clerk received a sewer protest form from David and Jane Swinton for 6266 Walkers Corners Road, Tax Map No. 9-2-3.11, to have the number of sewer units reduced to 1 from its current 2 units.

·According to Ken Kuter, the CEO/ZEO, Article V, Section 82, Classification of Users, property 9-2-3.11 is a Class A Residential Single Family Home with an apartment and should continue with a sewer charge of two (2) units. The CEO/ZEO has tried to contact Mr. Swinton to discuss this issue to no avail. Therefore, the CEO/ZEO denies the unit change as requested.

A **motion** was made by Councilman Wooton not to approve the Sewer District Protest Request of David and Jane Swinton for 6266 Walkers Corners Road, Tax Map No. 9-2-3.11, because the property is a Residential Single Family Home with an apartment, and is currently properly being charged for two (2) sewer units. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

**CEO/ZEO REPORT:**

Number of Inspections: 22  
Number of Zoning/Building Permits Issued: 9  
Number of Land Separations: 1  
Number of Building C.O./C.C. Issued: 1  
Number of Zoning Complaints Filed: 0  
Number of Zoning Complaints Resolved: 1  
Total Hours for the Month: 80

·Continue to work with the Planning Board as a resource on the Zoning Ordinance update.

A **motion** was made by Councilman Austin to approve the CEO/ZEO Report as written. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

## **PARK COMMITTEE REPORT – Councilman Redick:**

·No meeting due to lack of attendance.

Deputy Supervisor Heins asked for a moment of silence for Bob Eichenberger who recently passed away. Bob was a very dedicated member of the Park Committee and did a lot of work in our Town parks. He will be sadly missed.

## **ABSTRACTS**

### **RESOLUTION #55:**

Councilman Thompson offered the following resolution and moved for its adoption:

***Resolved***, that the Byron Town Board pay the following abstracts:

<b><i>Fund:</i></b>	<b><i>Abstract:</i></b>	<b><i>Vouchers:</i></b>	<b><i>Amount:</i></b>
General Fund	#10	#248 - #266	\$ 5,983.78
Highway Fund	#10	#151 - #160	\$39,703.78
Sewer Fund	#10	#60 - #64	\$11,120.75
General Fund	#PA-11	#40 - #43	\$ 994.71
Sewer Fund	#PA-10	#12	\$ 506.25

Councilman Redick seconded the resolution which was adopted by the following vote:

Vote:           Ayes: 4           Nays: 0

## **TOWN CLERK'S REPORT:**

Paid to the Byron Park Committee for Pavilion Rental.....	\$ 30.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 65.00
Paid to DEC for Hunting/Fishing Licenses.....	\$4,465.33
Paid to the Town of Byron Supervisor.....	\$3,318.67
Total Disbursed for September 2012.....	\$7,879.00

A **motion** was made by Councilman Austin to approve the Town Clerk's Report as given for September, 2012. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

## **FINANCIAL REPORT:**

·The Financial Reports for September 2012 were just received, and the Town Board has not had an opportunity to review them.

A **motion** was made by Councilman Redick to table the approval of the Financial Reports until the November meeting. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

## **SUPERVISOR'S REPORT:**

·Received Mercy EMS August 2012 Response Time Report.  
·Received check in the amount of \$9,516.99 from Time Warner Cable.  
·The Swamp Road Water District Informational Meeting is set for October 17, 2012 at 7:00 p.m. at the Town Hall. Letters have gone out to all the residents of the proposed district, and a notice

was placed in the Daily News. Paul Chatfield and Stu Brown will be here to give an overview of the proposed project, costs and to answer questions.

·There is a Postal Service meeting set for October 30, 2012 at 6:00 p.m. at the Town Hall regarding the Byron Post Office and what options are available to keep it open.

A **motion** was made by Councilman Wooton to approve the Supervisor's Report as given. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

#### **OTHER BUSINESS:**

##### **2013 BUDGET:**

Councilman Redick: Why has the cost of a court clerk been added? And how are we paying for it?

Deputy Supervisor Heins: Judge DiMatteo has requested that a court clerk be added. It is just a line item that has been added.

Councilman Redick: 2% raises should be consistent across the board.

Councilman Redick: Why did attorney fees jumped from \$5,000-\$10,000?

Deputy Supervisor Heins: Because of the future water districts.

Councilman Redick: Sewer Administration Fees are \$6,000? Who gets that money?

Deputy Supervisor Heins: The Town Clerk gets \$3,000 for sewer billing and collecting and the Highway Superintendent gets \$3,000 for paying the sewer bills, pumping tanks, locating stakeouts and being on call.

A **motion** was made by Councilman Wooton to approve the 2013 Preliminary Budget as presented. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 2                      Nays: 2 (Councilmen Thompson and Redick)

A **motion** was made by Councilman Redick to approve the 2013 Preliminary Budget except that salaried and elected employees (Assessor, Town Clerk, Highway Superintendent, Justice and CEO/ZEO) shall all receive a 2% increase across the board. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

A **motion** was made by Councilman Wooton to set the Public Hearing on the 2013 Preliminary Budget and Fire Protection Contracts for October 24, 2012 at 7:00 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

#### **PUBLIC COMMENTS:**

Pete Yasses: Wanted to know who created table regarding fire departments

Councilman Wooton: He did with the help of the Assessor

Pete Yasses: He believes there are some discrepancies in the chart

Councilman Thompson: It is up to the fire departments to disprove the information contained in the chart.

**ADJOURN:**

A **motion** was made by Councilman Wooton to adjourn the Byron Town Board Meeting at 8:08 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk