

SPECIAL BYRON TOWN BOARD MEETING

October 24, 2012

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

Supervisor.....	Robert Crnkovich
Councilmen.....	Jeff Thompson
	Jack Redick
	Scott Wooton
	Harold Austin
Highway Superintendent.....	George Heins
Town Clerk.....	Debra Buck-Leaton
Assessor.....	Barry Flansburg
Invited Guests.....	Attorney Paul Boylan

Public:

Jim Cudney.....	7072 Rte. 237, Byron
Dwane Weatherell.....	6399 Mill Pond Road, Byron
Elizabeth and Robert Wilson.....	6451 Mill Pond Road, Byron
Jim and Sandee McKenzie.....	7001 Clinton Street Road, Bergen
Chris Hilbert.....	7060 Lyman Road, Byron
Jeffrey Starowitz.....	Rte. 237, Stafford
Chase Cone.....	6380 Clinton St. Road, Bergen
John Tabb.....	7582 Rte. 237, S. Byron
Scott Blossom.....	7582 Rte. 237, S. Byron
Sue Fuller.....	Cockram Road, Byron
John Durand.....	6383 Townline Road, Byron
Bob Fite.....	Rte. 237, Byron
Steve Lockner.....	6332 Rte. 237, Byron
Pete and Jacob Yasses.....	6556 Rte. 237, Byron
Ken McKenrick.....	7261 Swamp Road, Byron
Dan Stevens.....	6461 Swamp Road, Byron
Carrie Capostagno.....	7400 Caswell Road, Byron
John Sackett.....	Townline Road, Byron
David Chupp.....	Tripp Road, Byron
Mickey Truax.....	Swamp Road, Byron

PLEDGE TO THE FLAG:

Supervisor Crnkovich led the people in attendance in the Pledge of Allegiance.

PUBLIC HEARING – FIRE PROTECTION AND EMERGENCY SERVICES CONTRACTS:

A **motion** was made by Councilman Thompson to open the Public Hearing for the fire protection and emergency services contracts at 7:00 p.m. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 5 Nays: 0

LEGAL NOTICE PUBLIC HEARING TOWN OF BYRON

PLEASE TAKE NOTICE, that the Town Board of the Town of Byron will hold a Public Hearing on Wednesday, October 24, 2012 at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York to consider entering into contracts with the Byron Fire Department No. 1, Inc. and the South Byron Volunteer Fire Company, Inc. for a period of three (3) years. Pursuant to the proposed contracts, the amount to be paid to each corporation during 2013 is \$74,000, during 2014 \$64,000, and in 2015 it is proposed that \$108,000 be paid to one corporation. Copies of the proposed contracts are on file in the Town Clerk's Office, and may be examined at any time during her regular business hours..

By Order of the Byron Town Board

Debra Buck-Leaton, Byron Town Clerk

PUBLIC COMMENTS:

Chris Hilbert – Why was there no correspondence or meetings with the Town with regard to the fire department budgets? He believes this is a breach of contract. The money they get now from the Town isn't even enough to run their departments. They still need to fundraise to pay their bills.

Councilman Wooton – Discussions with the fire departments would be a mute point with what financials showed. The amount that the Town Board is offering the fire departments is comparable to what other towns are receiving for fire protection.

Chris Hilbert – The Town Board has to compare apples to apples – do the other fire departments purchase their own equipment or do the town boards purchase equipment for the fire departments.

Pete Yasses – How were the budget figures derived by the Town Board?

Councilman Wooton – It was mentioned last year that something had to happen to get the fire departments to consolidate. This is not anything new to the fire companies. The minutes from previous years show that the Town Board has been working on this for several years.

Pete Yasses – Was it brought up in executive session, and was it legal?

Attorney Paul Boylan – Yes, it was legal, it was a discussion of the terms of a contract.

Councilman Thompson – He believes this specific plan was not discussed in executive session

Councilman Wooton – Yes, it was. There were two options discussed and this was the fairest option.

Councilman Redick – He would like to see consolidation, and so would the taxpayers. He agrees that there should have been a meeting in August. He was not here during the discussion in executive session.

Councilman Thompson – There have been several meetings in the past with no action.

Pete Yasses – He hasn't heard any town residents complaining about the fire tax rate.

Councilman Wooton – He has heard several farmers complain.

Jim McKenzie – When a farmer's field catches on fire because they put a match on a pile of papers we're the ones who have to respond.

Councilman Thompson - Are both departments willing to consolidate if study says they should?

Councilman Wooton – Why is a study needed? Why can't the fire departments do it themselves? What assurance does the Town Board have that the fire departments will adhere to the study if the finding are for consolidation?

John Durrand – They are not qualified, and he has a conflict of interest.

Pete Yasses – He feels as if the fire depts. are being bullied.

Councilman Wooton – How do they feel bullied when they are at the top as far as what they are getting from the town. Why do the fire departments feel they need duplication of services? Why do they need two of everything?

Jim McKenzie – If your house was on fire and they jumped in their pumper and it didn't start, wouldn't you want to know that there was a backup? Or if your child was choking, and you needed the fire department to get there? They need a backup in case something happens to the first one. They also need to comply with insurance company for coverage.

Chris Hilbert – All equipment owned by the S. Byron Fire Department is paid for. If they were to consolidate with Byron Fire Department they would need to expand the S. Byron Fire Department truck bays to house the Byron Fire Department trucks. This would reduce any cost savings.

John Durand – It will be extremely difficult, if not impossible, for the Byron Fire Department to sign the contract as it is.

Dan Stevens – The fire departments should be working together. Wouldn't it be worth it for the Town to help pay for the study?

Chris Hilbert – The fire departments can't apply for a grant, it needs to be a municipality.

John Durand – Most of the people in Byron Fire Department are willing to move forward with CGR's findings. There will be hard feelings between the fire departments if one fire department is selected and not the other.

Attorney Boylan – He believes it has been 44 years that the Town has been trying to get the fire departments to consolidate. The Town can raise the budgeted amount to the fire departments to include money to do study, but they can't pay for the study outright.

Chris Hilbert – CGR would charge \$20,500, not including legal fees, and would take 195 hours to complete the study. Would like to split it three ways, and get together periodically to update status. He would like to see the contracts changed to reflect this.

Attorney Boylan – There would need to be another public hearing to discuss a new contract.

Assessor Flansburg – There is a limit on the amount the budget can be increased. There has been no public hearing to increase the 2% tax cap by the Town.

Pete Yasses – Can money be trimmed somewhere else in the budget to pay for the study?

Attorney Boylan – Then taxpayers would need to come up with the \$20,500 to fund the study.

Councilman Wooton - Average is \$.81/thousand, and the Town of Byron is at \$1.41 currently.

Attorney Boylan – The Town Board just needs to know a lump sum amount to put in the budget, as long as it doesn't go over the 2% cap, but they will need to have another public hearing regarding the contracts if they are changed. They need to have a contract by December 31, 2012.

A **motion** was made by Councilman Wooton to close the Public Hearing at 8:11 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC HEARING – 2012BUDGET:

A **motion** was made by Councilman Wooton to open the Public Hearing on the 2013 Budget at 8:12 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

***LEGAL NOTICE
TOWN OF BYRON
2013
PRELIMINARY BUDGET***

PLEASE TAKE NOTICE, that the Preliminary Budget for the Town of Byron, the Preliminary Budget and Assessment Roll for the Byron Sewer District and the Preliminary Budgets and Assessment Rolls for the Byron Water District No. 1, Byron Water District No. 2, Byron Water District No. 3 and Byron Water District No. 4 for the fiscal year beginning January 1, 2013 have been completed and filed in the office of the Byron Town Clerk, 7028 Rte. 237, Byron, New York where they are available for public inspection during regular business hours. Further notice is hereby given, that said Preliminary Budget, the Preliminary Budget and Assessment Roll of said Sewer District and the Preliminary Budgets and Assessment Rolls for the Byron Water District No. 1, Byron Water District No. 2, Byron Water District No. 3 and Byron Water District No. 4 will be reviewed at a Public Hearing to be conducted by the Town Board of Byron at the Byron Town Hall, 7028 Rte. 237, Byron, NY on Wednesday the 24th day of October, 2012 at 7:00 p.m., at which time all interested persons will be heard and objection to said Assessment Rolls considered, pursuant to Section 108 of Town Law. The proposed salaries of the following Town of Byron Officials are as follows:

<i>Supervisor</i>	<i>\$ 11,000</i>
<i>Deputy Supervisor</i>	<i>\$ 1,000</i>
<i>Councilmen (4/each)</i>	<i>\$ 3,000</i>
<i>Town Justice</i>	<i>\$ 11,220</i>
<i>Town Justice</i>	<i>\$ 10,000</i>
<i>Highway Superintendent</i>	<i>\$ 47,940</i>
<i>Town Clerk</i>	<i>\$ 26,026</i>
<i>Tax Collector</i>	<i>\$ 4,366</i>
<i>Registrar of Vital Statistics</i>	<i>\$ 428</i>

By Order of the Byron Town Board

Debra Buck-Leaton, Byron Town Clerk

Highlights of the 2013 Preliminary Budget:

- Amount to be raised by taxes is \$205,750.00
 - General and Highway Funds: The estimated tax rate is \$1.98/\$1,000, same as 2012.
 - Sewer District: \$0 to be raised by taxes. O&M will be \$90.00/unit and debt service will be \$0.
- There are 312.50 units.
- Water District #1: \$100,000.00 (301.5 units) is the amount to be raised by taxes

- Water District #2: \$65,471.00 is the amount to be raised by taxes, with the Town of Byron having 164.5 units and the Town of Stafford having 24 units for \$9,139.00.
- Water District #3: \$5,886.00 (9 units) is the amount to be raised by taxes.
- Water District #4: \$5,137.00 (11 units) is the amount to be raised by taxes.

PUBLIC COMMENTS:

John Sackett – How much is left over in Water District No. 1

George Heins: \$135,000 is in Water District No. 1.

John Sackett – Why was there an increase under Justices?

Councilman Thompson – For the addition of a court clerk.

John Sackett – Why is there \$10,000 budgeted for attorney?

George Heins – For legal advice for proposed Zoning Ordinance.

John Sackett – Why is there a line item for the library?

Councilman Thompson – Because a lot of residents are using the Byron-Bergen Library.

Sue Fuller – Payroll for safety inspections – pay was \$18,077 and there was a one time \$5,000 additional salary that is now included in the actual salary and 2% increase is included with that. Why is the one time incentive now his permanent salary.

Councilman Thompson – That is exactly what happened. Had to put in more hours to catch up, and that's why it was given. It was supposed to be one time deal.

John Sackett – Why is the Research account increased to \$18,000

Town Clerk – It is for future water districts.

John Sackett – Why is the audit for water \$5,000 for next year?

Town Clerk – The Town needs to have a full town audit instead of just on the water districts.

John Sackett – Why was there an increase in SS8110.4?

Councilman Thompson – Where else does the highway superintendent salary come from? Sewer? Why are we not using Brian in the sewer? He is paid extra per the union contract, and he specifically has a license to do that.

George Heins – There is no work in the sewer for him to do. He has highway work to do. His license is for testing only, not for sewer work.

Attorney Paul Boylan – If the Town Board decides to change the budget they don't need to have another public hearing, as long as they're not increasing the budget.

Councilman Thompson – He thinks the Town Board should meet with the fire departments before scheduling another public hearing, and he would like to look into the CEO/ZEO salary being cut by \$5,000. The \$5,000 increase was only for outstanding permits and now his hours have dropped significantly.

Councilman Redick – He would like to go back and look at the minutes before making any cuts to the CEO/ZEO salary.

A **motion** was made by Councilman Redick to close the Public Hearing at 8:11 p.m. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

2013 TOWN OF BYRON BUDGET

RESOLUTION #59:

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

Resolved, that the Byron Town Board adopts the 2013 Town of Byron Preliminary Budget as presented.

Councilman Austin seconded the resolution which was not adopted. The vote was as follows:

Supervisor Crnkovich:	Aye
Councilman Wooton:	Nay
Councilman Austin:	Nay
Councilman Redick:	Nay
Councilman Thompson:	Nay

ADJOURN:

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 8:49 p.m. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk