

**BYRON TOWN BOARD MEETING**

November 14, 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
	Scott Wooton
	Harold Austin
Highway Superintendent.....	George Heins
Assessor.....	Barry Flansburg
Town Clerk.....	Debra Buck-Leaton
Absent.....	Jack Redick
Invited Guests.....	Attorney Paul Boylan

Public:

Jeanne Freeman.....	Hessenthaler Road, Byron
Andrew McKenrick.....	Swamp Road, Byron
Jim Cudney.....	Rte. 237, Byron
John Sackett.....	Townline Road, Byron
Jeffrey Starowitz.....	Rte. 237, Stafford
Eric Zuber.....	Tower Hill Road, Byron
Rita Reding.....	Freeman Road, Byron
Cory Russell	
Charles Durkee, Sr.	
Charles Durkee, II	
Don Strong	
Roger Jaczynski	
Dwane Weatherall	
Carrie Capostagno	
Sue Fuller	
Bob Fite	
John Durand	
Pete Yasses	
Doug Barnard	
Kevin Thomas	

## PLEDGE TO THE FLAG:

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

**MINUTES:**

A **motion** was made by Councilman Wooton to approve the Byron Town Board minutes of September 12, September 21, October 3, October 10, Public Information Meeting on the Swamp Road

Water District of October 17, and October 24, 2012 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

**PLANNING BOARD – Eric Zuber:**

- Land Separation for CY Farms on Gillett Road
- Reviewing Subdivision Law of 1991 to see if it should be updating with proposed Zoning Ordinance
- The Planning Board would like the Town Board to review the Proposed Zoning Ordinance and then they will proceed with the necessary steps to enact it.

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

Vote: Ayes: 4 Nays: 0

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

- Almost done putting up snow fence
- Trucks are ready for snow
- Cutting up trees that fell during wind storm
- Bringing reflective signs up to national code.

A **motion** was made by Councilman Wooton to approve the Highway Report as given. 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: 5  
Number of Land Separations: 1  
Number of Building C.O./C.C. Issued: 7  
Number of Zoning Complaints Filed: 0  
Number of Zoning Complaints Resolved: 3  
Total Hours for the Month: 89

- Land separation #PBA-2012-008 application submitted from CYFarms, LLC approved by Planning Board.
- Working with AT&T on cell tower upgrades at Freeman Road site.
- Continue to work with the Planning Board as a source on the zoning ordinance update.

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

Vote: Ayes: 4 Nays: 0

**ABSTRACTS**

**RESOLUTION #60:**

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

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

<b><u>Fund:</u></b>	<b><u>Abstract:</u></b>	<b><u>Vouchers:</u></b>	<b><u>Amount:</u></b>
General Fund	#11	#248 - #294	\$ 9,550.74
Highway Fund	#11	#161 - #181	\$31,265.08
Sewer Fund	#11	#65 - #74	\$ 6,830.14
General Fund	#PA-12	#44 - #49	\$ 1,433.19
Sewer Fund	#PA-11	#14	\$ 443.20

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

Vote:           Ayes: 4           Nays: 0

**TOWN CLERK'S REPORT:**

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 61.00
Paid to DEC for Hunting/Fishing Licenses.....	\$ 751.20
Paid to NYS Comptroller for Games of Chance License.....	\$ 15.00
Paid to the Town of Byron Supervisor.....	\$2,831.30
Total Disbursed for October 2012.....	\$3,658.50

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

Vote:           Ayes: 4           Nays: 0

**APPROVAL OF OFFICIAL UNDERTAKING FOR TAX COLLECTOR**  
**RESOLUTION #61:**

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

**Resolved**, that the Town Board of the Town of Byron, County of Genesee, State of New York, does hereby approve the undertaking or bond issued by Tompkins Insurance Agencies, Inc. as to its form, manner of execution, amount and sufficiency thereof, and to the sureties named thereon. Said undertaking or bond shall be conditioned that the collector of the taxes shall well and truly keep, pay over and account for all moneys and property coming into her hands as such collector.

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

Vote:           Ayes: 4           Nays: 0

**FINANCIAL REPORT:**

·The Financial Reports for September were reviewed.

A **motion** was made by Councilman Thompson to approve the September Financial Report as written. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

**SUPERVISOR'S REPORT:**

·Received Mercy EMS Response Time Report

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

Vote:           Ayes: 4           Nays: 0

**OTHER BUSINESS:**

## **2013 TOWN OF BYRON BUDGET**

### **RESOLUTION #62:**

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

**Resolved**, that the Byron Town Board does hereby approve the 2013 Town of Byron Budget as presented.

Councilman Austin seconded the resolution which was not adopted with the following vote:

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

### **PUBLIC COMMENTS:**

**Sue Fuller:** Was anything changed in the budget, including the CEO/ZEO salary, since the last meeting?

**Councilman Wooton:** Ken Kuter's pay was combined by the Board in 2009.

**Town Clerk Leaton:** Read the minutes of October 21<sup>st</sup> and October 29, 2009 with regard to the CEO/ZEO salary.

**Town Board:** It was decided that it was the Town Board's intent to give the CEO/ZEO a \$5,000 increase in salary and that it was to be permanent.

**John Durand:** Reviewed with Chris Hilbert, S. Byron Fire Department President, the email that was sent by Michael Dallessandro and Associates to do consolidation review. Talked to coordinator's office and checked around but no one has heard of him. They haven't found that he's done anything like what the two fire departments would need done. They could not verify his references. Dallessandro's proposal is for the first part of CGR's proposal and CGR is cheaper.

**Attorney Paul Boylan:** The fire contracts need to be signed by December 31, 2012, and 2013 budget needs to be approved by November 20, 2012.

**Assessor Flansburg:** The budget is only a guideline for spending during the year.

**Eric Zuber:** He has lived here since 1978 and he believes the firemen need to get the mindset that they're going to merge, and without that nothing is going to happen. Financially the town can't afford funding two fire departments.

**Councilman Wooton:** He is against giving the fire departments any money for a study.

**Rita Reding:** She is against spending money on a study. The two fire departments have been fighting for at least 60 years. With the state of the economy as it is today, the fire departments should be happy with what they get and start the process of merging. She was told by Bob Fite that the S. Byron Rec Hall could be easily renovated to house additional fire trucks.

**Jeff Starowitz:** Definitely can't be done.

**Pete Yasses:** S. Byron Fire Department will absolutely not sign the contract as presented, and it has been thrown in the garbage.

**John Sackett:** How many firemen are available during the day to drive fire trucks?

**Pete Yasses:** That is an unfair question.

**John Durand:** Byron Fire Department probably will not sign contract.

It was agreed that the fire departments would submit proposals to the Town Board to review prior to December 5, 2012. A legal notice for a Public Hearing will need to be published if any

changes are made to the contracts, therefore, there needs to be time prior to the December 12<sup>th</sup> meeting to put the notice in the newspaper. The budgeted amount will be \$148,000 for 2013 whether it's for one or two fire departments, the Public Hearing will determine the term of the contract(s).

### **2013 TOWN OF BYRON BUDGET**

#### **RESOLUTION #63:**

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

***Resolved***, that the Byron Town Board does hereby approve the 2013 Town of Byron Budget as presented.

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

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

#### **PUBLIC HEARING FOR FIRE CONTRACTS:**

A **motion** was made by Councilman Thompson to hold a Public Hearing on the fire contracts at 7:00 on December 12, 2012. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote:	Ayes: 4	Nays: 0
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#### **ADJOURN:**

A **motion** was made by Councilman Wooton to adjourn the Byron Town Board Meeting at 8:27 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:	Ayes: 4	Nays: 0
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Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk