

BYRON TOWN BOARD MEETING

November 9, 2011

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.....	Jeanne Freeman
	Jeff Thompson
	Jack Redick
	John Ivison
Highway Superintendent.....	George Heins
Town Clerk.....	Debra Buck-Leaton
Invited Guests.....	Attorney Paul Boylan

Public:

Jim Cudney.....	Rte. 237, Byron
John Sackett.....	Townline Road, Byron
Wayne Austin.....	Ivison Road, Byron
Scott Wooton.....	Swamp Road, Byron
Steve Hohn.....	Cockram Road, Byron
Chris Hilbert.....	Lyman Road, Byron
Harold Austin.....	Ivison Road, Byron
John Durand.....	Townline Road, Byron

PLEDGE TO THE FLAG:

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

MINUTES:

A **motion** was made by Councilman Ivison to approve the Byron Town Board minutes of October 12, 2011 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC HEARING – FIRE PROTECTION AND EMERGENCY SERVICES CONTRACTS:

A **motion** was made by Councilwoman Freeman to open the Public Hearing for the fire protection and emergency services contracts at 7:00 p.m. The motion was seconded by Councilwoman Freeman 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, November 9, 2011 at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York to consider extending the current fire protection and other emergency services contract, including emergency medical services, with the Byron Fire Dept. No. 1, Inc. for 2012 in the amount of \$74,000. And also to consider extending the current fire protection and other emergency services contract with the South Byron Vol. Fire Co. Inc. for 2012 in the amount of \$74,000. A copy of the complete contract is on file in the Town Clerk's Office and may be examined at any time during regular business hours.

By Order of the Byron Town Board
Debra Buck-Leaton, Byron Town Clerk

Public Comments:

John Sackett: Believes independent audit should be done of fire departments.

John Durand (Byron Fire Dept.): The fire department would like at least a 2 % increase. Would like paragraph regarding jurisdiction included in the contracts as well.

A **motion** was made by Councilman Ivison to close the Public Hearing at 7:15 p.m. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

APPROVAL OF FIRE PROTECTION AND EMERGENCY SERVICES CONTRACTS FOR 2012 FOR BYRON FIRE DEPT. NO. 1 AND SOUTH BYRON VOL. FIRE CO.
RESOLUTION #56:

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

Resolved, that the Byron Town Board hereby approves the fire protection and other emergency services contract with the Byron Fire Dept. No. 1, Inc. for 2012 in the amount of \$74,000. The Town Board also approves the fire protection and other emergency services contract with the South Byron Vol. Fire Co. Inc. for 2012 in the amount of \$74,000.

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

Vote: Ayes: 5 Nays: 0

PUBLIC HEARING – 2012BUDGET:

A **motion** was made by Councilwoman Freeman to open the Public Hearing on the 2012 Budget at 7:16 p.m. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

***LEGAL NOTICE
TOWN OF BYRON
2012
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, 2012 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 9th day of November, 2011 at 7:15 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>\$ 11,000</i>
<i>Town Justice</i>	<i>\$ 10,000</i>
<i>Highway Superintendent</i>	<i>\$ 47,000</i>
<i>Town Clerk</i>	<i>\$ 25,516</i>
<i>Tax Collector</i>	<i>\$ 4,280</i>
<i>Registrar of Vital Statistics</i>	<i>\$ 420</i>

By Order of the Byron Town Board
Debra Buck-Leaton, Byron Town Clerk

Highlights of the 2012 Preliminary Budget:

- Amount to be raised by taxes is \$201,200.00
- General and Highway Funds: The estimated tax rate is \$1.98/\$1,000.
- 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 \$9,154.00.
- 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.

WATER DISTRICT NO. 3 LOAN FROM GENERAL FUND

RESOLUTION #57:

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

WHEREAS, Water District No. 3 has exhausted its available funds and there remains a shortage of Six Thousand Six Hundred Thirty and 84/100 Dollars (\$6,630.84) due to the fact that Municipal Solutions in preparing the final request for funds failed to include in the request that amount which represents funds advanced from the Town General Fund prior to the formation of the District,

NOW THEREFORE, it is hereby resolved that Water District No. 3 is hereby authorized to borrow from the Town of Byron General Fund the sum of Six Thousand Six Hundred Thirty and 84/100 Dollars (\$6,630.84) at one per cent (1%) interest per annum and to repay the principal and interest over a period of seven (7) years beginning in the year 2012, and be it further resolved that said General Fund is hereby authorized and directed to loan such money to Water District No. 3 on said terms and conditions.

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

Vote: Ayes: 4 Nays: 1 (Councilman Ivison)

WATER DISTRICT NO. 4 LOAN FROM GENERAL FUND

RESOLUTION #58:

Councilwoman Freeman offered the following resolution and moved for its adoption:

WHEREAS, Water District No. 4 has exhausted its available funds and there remains a shortage of Three Thousand Eight Hundred Eighty-Two and 38/100 Dollars (\$3,882.38) due to the fact that Municipal Solutions in preparing the final request for funds failed to include in the request that amount which represents funds advanced from the Town General Fund prior to the formation of the District,

NOW THEREFORE, it is hereby resolved that Water District No. 4 is hereby authorized to borrow from the Town of Byron General Fund the sum of Three Thousand Eight Hundred Eighty-Two and 38/100 Dollars (\$3,882.38) at one per cent (1%) interest per annum and to repay the principal and interest over a period of seven (7) years beginning in the year 2012, and be it further resolved that said General Fund is hereby authorized and directed to loan such money to Water District No. 4 on said terms and conditions.

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

Vote: Ayes: 4 Nays: 1 (Councilman Ivison)

Public Comments:

Councilwoman Freeman: Believes that tax rate can be cut further.

Councilman Ivison: Believes there is room in the budget to decrease spending. He believes revenue for sales tax should be looked at.

Steve Hohn: Wonders why the Byron-Bergen Library is receiving \$4,000.

Supervisor Crnkovich: It was voted on at the last meeting to give the Byron-Bergen Library \$4,000 in the 2012 budget

A **motion** was made by Councilman Ivison to make an Amendment to the 2012 budget to reduce the Byron-Bergen Public Library line item by \$3,000, to reduce the Gillam-Grant Adult Services by \$500, and to reduce the Highway Snow Removal line item by \$4,500. The motion was not seconded

2012 TOWN OF BYRON BUDGET

RESOLUTION #59:

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

Resolved, that the Byron Town Board adopts the 2012 Town of Byron Preliminary Budget as presented.

Councilwoman Freeman seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 1 (Councilman Iverson)

TIME WARNER CABLE CONTRACT:

·Attorney Paul Boylan discussed with the Board options with regard to Steve Hohn and Time Warner's refusal to extend service to his new house at Time Warner's cost. It would cost Steve approximately \$9,000 if he has to pay for connection. Steve believes the Town needs to enforce all residents on all roads to be hooked up. Paul Boylan would recommend sending a letter to the public service commission to see how they interpret the Town of Byron's contract with Time Warner. The Public Service Commission is in Albany and it would be very expensive for Paul Boylan to try a case in Albany.

A **motion** was made by Councilman Iverson to authorize Attorney Paul Boylan to write a letter to the Public Service Commission with regard to running service to Steve Hohn's new property on Cockram Road. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 1 (Supervisor Crnkovich)

PLANNING BOARD REPORT:

- Reviewed Zoning Ordinance changes
- Discussed kennel licenses

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT – George Heins:

- Doing drainage work
- Putting up snow fence
- Ready for snow

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 20
Number of Zoning/Building Permits Issued: 18
Number of Land Separations: 0
Number of Building C.O./C.C. Issued: 3
Number of Zoning Complaints Filed: 2
Number of Zoning Complaints Resolved: 1
Total Hours for the Month: 86

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

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #60:

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

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

<i>Fund:</i>	<i>Abstract:</i>	<i>Vouchers:</i>	<i>Amount:</i>
General Fund	#11	#258 - # 279	\$ 9,808.61
Highway Fund	#11	#154 - #168	\$24,408.80
Sewer Fund	#11	#65 - #75	\$15,660.35
General Fund	#PA-12	#39 - #42	\$ 623.52
Sewer Fund	#PA-10	#10	\$ 525.07

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

Vote: Ayes: 5 Nays: 0

TOWN CLERK'S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 70.00
Paid to NYS Environmental Conservation.....	\$ 964.73
Paid to the NYS Department of Health for Marriage Licenses.....	\$ 45.00
Paid to the State Comptroller for Games of Chance.....	\$ 15.00
Paid to the Town of Byron Supervisor.....	\$3,856.92
Total Disbursed for October 2011.....	\$4,951.65

A **motion** was made by Councilman Ivison to approve the Town Clerk's Report as given for October 2011. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The Financial Reports for October 2011 were reviewed.

A **motion** was made by Councilman Ivison to approve the October 2011 Financial Report as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

·Received sales tax check in the amount of \$163,122.94. Budgeted \$535,000 for 2011 and have received \$574,001.70, \$39,001.70 over budgeted amount.

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

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

John Sackett: There should be a provision in the Town ordinance that property can never be switched to non-profit organization status.

ADJOURN:

A **motion** was made by Councilman Ivison to adjourn the Byron Town Board Meeting at 8:31 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk