

**BYRON TOWN BOARD MEETING**

December 11, 2013

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
Invited Guests.....	Town Attorney Paul Boylan

Public:

Jim Cudney.....	Rte. 237, Byron
Don Jack.....	Coward Road, Byron
Carrie Capostagno.....	Caswell Road, Byron
Sue Fuller.....	Cockram Road, Byron
Joe and Rita Kuzma.....	Rte. 237, Byron
Kathi Gallup.....	Merrill Road, Byron
Candace Hensel.....	Rte. 237, Byron
Mickey Truax.....	Swamp Road, Byron
Pete Yasses.....	Rte. 237, Byron
Bill and Barb Emerson.....	Terry Street, Byron
Holly Partridge.....	Rte. 237, Byron
John Sackett.....	Townline Road, Byron
Gerald Birge.....	S. Byron

## PLEDGE TO THE FLAG:

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

**PUBLIC HEARING – DOG CONTROL LAW OF THE TOWN OF BYRON:**

A **motion** was made by Councilman Redick to open the Public Hearing for the Dog Control Law of the Town of Byron at 7:31 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

*NOTICE OF PUBLIC HEARING  
TOWN OF BYRON  
Wednesday, December 11, 2013*

*PLEASE TAKE NOTICE that the Town Board of the Town of Byron, Genesee County, New York will hold a Public Hearing on Wednesday, December 11, 2013, at 7:30 p.m. at the Town Hall, 7028 Rte. 237 in the Town of Byron to hear all persons present regarding a proposed amended and revised Dog Control Law, which proposed Local Law places restrictions and penalties on the number of dogs which can be housed, kept or maintained on property in areas zoned R-1, and imposes penalties in the event the dogs create noise for certain periods of time, together with licensing requirements for kennels and persons conducting a business for the sale, breeding, kenneling or harboring of dogs.*

*Copies of the proposed Local Law are available at the office of the Town Clerk during her regular business hours.*

*BY ORDER OF THE TOWN BOARD  
TOWN OF BYRON  
Debra Buck-Leaton, Town Clerk*

## **PUBLIC COMMENTS:**

**Town Attorney Paul Boylan:** Has drafted a totally new Dog Control Law. He reviewed the proposed new law (a copy of which is attached hereto) with all those present. The new Dog Control Law defines kennel requirements and added R-1 District as prohibited district. He reviewed licensing requirements, penalties and variances.

**John Sackett:** Believes the size of enclosures should be specified.

**Holly Partridge:** She breeds and sells dogs, but not all the time, how will this be determined. Her fence does not meet the requirements, but to move it will be very expensive. What would be the fee for a Kennel License? When do kennel owners need to comply?

**Attorney Paul Boylan:** If dogs are offered for sale it comes under definition for commercial kennel. You can breed if you don't sell them, then it would be a private kennel. There is a provision to make an application to the Town Board for a variance where the facilities already exist. Under Section V (B)(8) you can appeal to the Town Board. The Town Board has to determine what the Kennel License Fee will be. Need to comply within six months of the date of effect of the filing of the proposed law.

**Kathi Gallup:** She has a Purebred License and is inspected annually by Ag and Market, who from the Town will be inspecting her kennel?

**Attorney Paul Boylan:** The Dog Control Officer will inspect it once a year according to the Proposed Law. State Law supersedes Local Law. He would recommend the Town Board not adopt the Proposed Law tonight, but review it further and discuss the Kennel License Fee and approve it at another meeting. The Town Board does not need to have another Public Hearing unless there are substantial changes to the proposed law. Variances will be made by the Town Board, not the Planning Board because it's a licensing statute. Current language in an existing variance supersedes anything in the proposed law.

A **motion** was made by Councilman Austin to close the Public Hearing for the Dog Control Law of the Town of Byron at 8:14 p.m. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

## **MINUTES:**

A **motion** was made by Councilman Austin to approve the Byron Town Board minutes of November 6 and November 13, 2013 as written. The motion was seconded by Councilman Redick and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

### **HIGHWAY SUPERINTENDENT'S REPORT: – Superintendent Heins**

- Started winter sand and salt season early
- Trimming dead trees and removing brush
- Would like to discuss insurance issue: Received report from NY Municipal Insurance

Reciprocal, the Town's insurance company, who recently performed an underwriting survey for the Town, and most of the recommendations are repairs to be done at the playground (mulch, etc.) and the Trestle Park bridge. Superintendent Heins had Tim Hens, an engineer come out to inspect the bridge and he says it is still structurally sound. He made some recommendations, but nothing major for the Town to repair. He advised that the Town ask the snowmobile club to repair bridge trusses.

A **motion** was made by Councilman Redick to approve the Highway Superintendent's Report as written. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

### **CEO/ZEO REPORT:**

- Number of Inspections: 22
- Number of Zoning/Building Permits Issued: 6
- Number of Land Separations: 1
- Number of Building C.O./C.C. Issued: 4
- Number of Zoning Complaints Filed: 0
- Number of Zoning Complaints Resolved: 0

- Attended Regional Federation of Planning Training on November 15, 2013.

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: 5                      Nays: 0

### **PARK COMMITTEE REPORT: - Jack Redick**

·Only concern the Park Committee has is regarding the 4-wheeler noise, it is getting worse. Councilman Redick told them that there is no Noise Ordinance in the Town, but he will discuss it with the Town Board. Signs are up at Bergen end of railroad trestle. Councilman Thompson will contact the Town of Bergen to see what they have done, or signage they have put up.

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

Vote:                      Ayes: 5                      Nays: 0

### **ABSTRACTS**

#### **RESOLUTION #73:**

Councilman Austin 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	#14	#269 - #291	\$16,889.40
Highway Fund	#12	#168 - #178	\$17,145.80
Sewer Fund	#12	#64 - #71	\$ 8,990.87

General Fund	PA#16	#75 - #77	\$ 1,011.09
General Fund	PA#17	#78	\$ 622.00
General Fund	PA#18	#79 - #80	\$30,600.85
Sewer Fund	PA#15	#15	\$ 457.34
Sewer Fund	PA#16	#16	\$ 3,650.00
Highway Fund	PA#7	#7	\$27,073.00

Councilman Wooton 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.....	\$ 168.00
Paid to the DEC for hunting/fishing licenses.....	\$ 891.52
Paid to NYS Dept. of Health for Marriage Licenses.....	\$ 22.50
Paid to the Town of Byron Supervisor.....	\$2,931.78
Total Disbursed for November 2013.....	\$4,013.80

A **motion** was made by Councilman Austin to approve the Town Clerk's Report as given for November, 2013. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

### **SEWER RELEVY RESOLUTION #74:**

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

***Resolved***, that the Byron Town Board approves the relevy of all unpaid sewer bills in the amount of Twenty-Two Thousand Seven Hundred Thirty-Six and 40/100 (\$22,736.40) onto the 2014 Town/County tax bills.

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

Vote: Ayes: 5 Nays: 0

### **FINANCIAL REPORT:**

·The Financial Report for November 2013 was reviewed.

A **motion** was made by Councilman Wooton to approve the November 2013 Financial Reports as written. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 5 Nays: 0

### **SUPERVISOR'S REPORT:**

·Received Mercy EMS Response Time Report for October 2013.

### **OTHER BUSINESS:**

#### **WATER DISTRICTS:**

·Health Department is in the process of doing Swamp Road well surveys. This will enable the Health Department to send letters to USDA if wells are contaminated, which will increase chances of grant funding.

**SEWER UPDATE:**

Report came today for phosphorus levels. It showed the phosphorus levels were low.

**SECURITY CAMERAS:**

A **motion** was made by Councilman Wooton to install video surveillance cameras based on Judges and insurance carrier recommendations in and around Town of Byron Highway and Town Hall Buildings for the liability protection and safety and security of Town of Byron personnel, property and the citizens for the cost of approximately \$1,200.00. The units to be placed according to the security personnel knowledge of the best areas for coverage. A grant may be applied for with further court room security updates. The motion was seconded by Supervisor Crnkovich and was not carried with the following vote:

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

Pete Yasses: Spoke with Justice Smith regarding need for cameras in the courtroom. She believes it is up to the Judges to decide where the cameras should be, and to apply for a grant to purchase them and have them installed.

**END OF YEAR MEETING:**

A **motion** was made by Councilman Thompson to set the end of year meeting for December 30, 2013 at 4:00 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

**ORGANIZATIONAL MEETING:**

A **motion** was made by Councilman Thompson to set the Organizational Meeting for January 8, 2014 at 7:00 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

**HISTORICAL SOCIETY:**

A couple of months ago Jeanne Freeman and Dick Glazier, members of the Historical Society, asked the Town Board to consider making a resolution to dispose of items at the museum that were in disrepair and no longer suitable to be displayed or preserved. The Town Board asked for a list of items to be disposed of, and the Historical Society has provided a listing.

**DISPOSAL OF MUSEUM ITEMS**

**RESOLUTION #75:**

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

***Resolved***, that the Byron Town Board approves of the removal and disposition of the Town of Byron Museum items which have deteriorated to the point where they are no longer suitable to be displayed or preserved, which items are attached hereto and made a part of these minutes.

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

Vote:                      Ayes: 5                      Nays: 0

**FRACKING COMMITTEE:**

Rita Kuzma: You have copies of the maps requested on what Towns have moratoriums. Stafford is moving forward, and working with attorney on zoning.

Sue Fuller: Had a meeting in Stafford with attorney that put on a presentation. They are not concerned with fracking coming to New York, but are worried about brine coming to this area.

**PUBLIC COMMENTS:**

Pete Yasses: He would like to thank Jack Redick for all that he's done for our Town as a member of the Town Board.

**ADJOURN:**

A **motion** was by Councilman Wooton to adjourn the Byron Town Board Meeting at 8:15 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk