

BYRON TOWN BOARD MEETING

December 12, 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
Assessor.....	Barry Flansburg
Deputy Town Clerk.....	Krista Fairbanks
Absent.....	Town Clerk Debra Buck-Leaton

Invited Guests.....Attorney Paul Boylan

Public:

Steve Lockner.....	Rte. 237, Byron
Dave Chupp.....	Tripp Road, Byron
Pam and Mickey Truax.....	Swamp Road, Byron
Jim Cudney.....	Rte. 237, Byron
Justin Burger.....	Freeman Road, S. Byron
Jeanne Arnold.....	Lyman Road, S. Byron
Charles Durkee.....	Transit Road, Byron
Betty Murphy.....	Coward Road, Byron
Barbara Stein.....	Coward Road, Byron
Wendy and Chris Hilbert.....	Lyman Road, Bergen
Laurel Smith.....	Mill Pond Road, Byron
George Hillabush.....	E. Bird Road, Byron
Edward Sharp.....	N. Bergen Road, Byron
Richard Glazier.....	Byron Road, Byron
Sue Fuller.....	Cockram Road, Byron
Kevin Thomas	
Sherry Steinmetz.....	N. Bergen Road, Byron
Paula Stone.....	Swamp Road, Byron
Paul Carr.....	Coward Road, Byron
Laura Platt.....	E. Main Street, Byron
Andy McKenrick.....	Swamp Road, Byron
Bob Fite.....	Rte. 237, S. Byron
Carrie Capostagno.....	Caswell Road, Byron
Rita Reding.....	Freeman Road, S. Byron
Tammy Wells.....	Mill Pond Road, Byron
Al Burfeindt.....	Mill Pond Road, Byron

Jeanne Freeman.....Hessenthaler Road, Byron
 Zack Merica
 Pete Yasses.....Rte. 237, Byron
 Tim Yeager.....Genesee County Emergency Management
 Tom Felton.....E. Main Street, Byron
 Robert Wilson.....Mill Pond Road, Byron
 John Tabb.....Rte. 237, S. Byron
 Scott Blossom.....Rte. 237, S. Byron
 Keith Carlson.....Hessenthaler 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 Wooton to approve the Byron Town Board minutes of November 14, 2012 as written. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD – Eric Zuber:

·The Planning Board would like to know if the Town Board would like them to set up public comment meetings for the proposed new zoning local law. Chairman Eric Zuber will move forward with setting up those meetings.

·Discussion on application from William Corson for Planning Board member. Chairman Zuber stated he would like to have Jim Cudney placed on the Planning Board as a permanent member, and not just an alternate, instead of William Corson. Attorney Boylan stated it is legal for Jim Cudney to serve on both the Planning Board and Zoning Board of Appeals. Jim Cudney would like to be a permanent member of the Planning Board. The Town Board will discuss the appointment of a permanent member of the Planning Board at their next meeting.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – George Heins:

·Would like the Town Board to pass a resolution for the Snow and Ice Agreement and the purchase of the truck and body and snow plow equipment for the 2013 Mack truck.

JOINT AGREEMENT OF SNOW & ICE AND MOWING ON COUNTY ROADS

RESOLUTION #64:

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

Resolved, that the Byron Town Board hereby approves the Joint Agreement with the Genesee County Highway Department for Snow & Ice and Mowing on County Roads for two (2) years commencing January 1, 2013.

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

Vote: Ayes: 5 Nays: 0

PURCHASE OF TRUCK BODY AND SNOW PLOW EQUIPMENT FOR 2013 MACK TRUCK

RESOLUTION #65:

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

RESOLVED, that the Byron Town Board authorizes the purchase of a truck body and snow plow equipment for 2013 Mack tandem axle truck from Valley Fab and Equipment in Boston, NY, piggybacked on the Oneida County bids for the total purchase price of Seventy-Five Thousand Three Hundred Fifty and 50/100 Dollars (\$75,350.50), and be it further

RESOLVED, that the funds to pay for the above purchase be withdrawn from the Town of Byron Highway Equipment Reserve Fund, and be it further

RESOLVED, that both of the above resolutions be and they are hereby adopted subject to a Permissive Referendum as provided in Article 7 of the Town Law.

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

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 15
Number of Zoning/Building Permits Issued: 0
Number of Land Separations: 0
Number of Building C.O./C.C. Issued: 4
Number of Zoning Complaints Filed: 0
Number of Zoning Complaints Resolved: 0
Total Hours for the Month: 83

- Working on expired building permits to close out the year.
- Continue to work with the Planning Board as a source 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 Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Councilman Redick:

- June Eichenberger would like to purchase a plaque to be placed in Trestle Park in honor of her husband, Bob Eichenberger.
- There remains concerns with regards to 4-wheelers on the railroad trestle.
- This Spring the Park Committee and Highway Superintendent will be looking into weed control around playground.

A **motion** was made by Councilman Wooton 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 #66:

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	#12	#295 - #307	\$ 9,132.41
Highway Fund	#12	#182 - #190	\$2,578.52
Sewer Fund	#12	#75 - #78	\$5,333.01
General Fund	#PA-13	#50	\$ 351.92
General Fund	#PA-14	#51	\$ 776.88
Sewer Fund	#PA-12	#15	\$ 496.28
Highway Fund	#PA-6	#6	\$ 144.59

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

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

TOWN CLERK'S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 82.00
Paid to DEC for Hunting/Fishing Licenses.....	\$ 602.85
Paid to the Town of Byron Supervisor.....	<u>\$2,369.65</u>
Total Disbursed for November 2012.....	<u>\$3,054.50</u>

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

Vote: Ayes: 5 Nays: 0

SEWER RELEVY

RESOLUTION #67:

Councilman Austin 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 Thousand Four Hundred Ninety-Two and 07/100 (\$20,492.07) onto the 2013 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 Reports for October was reviewed.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

·Received Mercy EMS Response Time Report

·Received check in the amount of \$7,360.50 from the Genesee County Treasurer for mortgage tax. This check puts the mortgage tax revenue \$10,127.62 over the budgeted amount for 2012. It is also an increase of \$3,033.86 over 2011.

·Received letter from Town resident, Debbie Mulcahy, with regard to the holiday decorations, and how pleased she was that they were put up.

A **motion** was made by Councilman Wooton 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

OTHER BUSINESS:

END-OF-YEAR MEETING:

A **motion** was made by Councilman Wooton to set the end-of-year meeting for December 28, 2012 at 4:30 p.m.. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

2013 ORGANIZATIONAL MEETING:

A **motion** was made by Councilman Wooton to set the 2013 Organizational meeting for January 2, 2013 at 4:30 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FIRE CONTRACTS:

The Town has received a signed contract from the Byron Fire Department, but has not received one from the South Byron Fire Department as of today's date.

FIRE CONTRACT FOR 2013-2015

RESOLUTION #68:

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

Resolved, that the Byron Town Board does hereby authorize and direct the Town Supervisor to sign the Contract For Emergency Services with Byron Fire Department No. 1 for the years 2013, 2014 and 2015 as presented at the Public Hearing held on October 24, 2012.

Supervisor Crnkovich seconded the resolution which was adopted with the following vote:

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

PUBLIC COMMENTS:

Attorney Paul Boylan: He has been approached by a few individuals to pay for a study by CGR in the amount of \$20,500 on the condition that the fire departments and the Town will be bound by the terms of the Agreement. He has a copy of the study for review. The study will take seven (7) months

to complete. If the Town and fire departments will agree to begin the study within the next 30 days the study can be finished by August and put in place by the beginning of next year. The contracts can be amended and the Town is obligated to have fire protection.

Chris Hilbert: Is the Town willing to make the necessary changes and support whatever decision that a study by CGR determines? For example, funding for new buildings, trucks, etc.

Town Board: They would be willing to support whatever decision that the study finds.

Jeanne Freeman: There will be limits because there needs to be a public hearing for the taxpayers to determine what can be purchased, constructed, etc. if that is what is determined by the study. Are there grants available?

Attorney Paul Boylan: There may be, but it would take a lot longer to get the money. The two fire departments should have a meeting to determine whether they would like to sign the Agreement with regard to CGR.

Chris Hilbert: This Agreement has a good chance of going through. There needs to be more communication.

Jeanne Freeman: Can the Town Board accept S. Byron's Fire contract even though they haven't signed it yet.

Attorney Paul Boylan: Yes, they can.

Jeanne Freeman: She believes a lot of this stems from poor leadership. The leadership has to change. Everyone needs to be treated equally. It rests solely on the Town Board and Town Clerk to treat everyone the same.

Attorney Paul Boylan: It will be up to the two fire companies to hold a meeting to accept the Agreement, and the Town Board to accept the Agreement.

Councilman Thompson: Should the Town Board pass a motion to have the Supervisor sign the fire contract with S. Byron Fire Department if they bring in a signed contract?

Supervisor Crnkovich: He will not sign the contract.

Attorney Paul Boylan: If the Town Board passed a resolution authorizing you to sign the contract, you must legally sign the contract.

FIRE CONTRACT FOR 2013-2015

RESOLUTION #69:

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

Resolved, that the Byron Town Board does hereby authorize and direct the Town Supervisor to sign the Contract For Emergency Services with S. Byron Fire Department for the years 2013, 2014 and 2015 as presented at the Public Hearing held on October 24, 2012.

Councilman Wootn seconded the resolution which was adopted with the following vote:

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

ADJOURN:

A **motion** was by Councilman Wooton to adjourn the Byron Town Board Meeting at 8:25 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