

BYRON TOWN BOARD MEETING

February 13, 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
CEO/ZEO.....	Ken Kuter
Assessor.....	Barry Flansburg
Town Clerk.....	Debra Buck-Leaton

Public:

Sue Fuller.....	Cockram Road, Byron
Jim Cudney.....	Rte. 237, Byron
Eric Zuber.....	Tower Hill Road, Byron
Doug Barnard.....	Gillett Road, Byron
John Durand.....	Townline Road, Byron
Laura Platt.....	Townline Road, Byron
Pete Yasses.....	Rte. 237, Byron
George Squires.....	McElver Street, Byron
Bill and Barb Emerson.....	Terry Street, 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.

MINUTES:

A **motion** was made by Councilman Austin to approve the Byron Town Board minutes of January 9, 2013 as written. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD – Eric Zuber:

- Proposed Zoning Law public comment meetings were held on February 6th and 12th .
- The most disputed section was regarding automobile repair facilities. Roger Jaczynski also stated that he picks up abandoned vehicles, as requested by the Sheriff's Department, from several towns and stores them at Fly By Nights in Byron. The Planning Board will refer the issue to the Town Board on whether the Town should have a Local Law regarding abandoned vehicles. The Town is

obligated to pick up abandoned vehicles on Town roads, but the Planning Board would like the Town Board to be aware that Roger storing these vehicles at Fly By Nights may be an issue.

·Per the CEO/ZEO, he needs to have a signed/written complaint to act upon it, unless it's a life safety issue, a fire, etc. He also stated that he could get arrested for trespassing if he does not have a signed/written complaint.

·The next step in the process, if no changes will be made by the Planning Board, is to have the Planning Board present the proposed local law to the Town Board, and the Town Board submits that proposal to the County Planning Board for its review and comments. The County Planning Board reviews the proposal and makes one of three determinations: 1. It recommends approval; 2. It recommends approval with conditions; 3. It recommends disapproval and sends the proposal back to the Town Board for final action. In order to act contrary to the County Planning Board's recommendations, if any, the Town Board must do so by a vote of a majority PLUS one (4 to 1). Then the Town Board holds a formal Public Hearing and following the hearing votes to adopt the local law (or votes not to do so).

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT – George Heins:

·Had a meeting today of the County Highway Superintendents. They were told that ARC may be interested in collecting trash at transfer stations throughout the County. The Town's contract with Waste Management will expire at the end of 2013, and the Highway Superintendent believes ARC may be a viable option for the Town. He will keep the Town Board informed of any new information he receives regarding this matter.

Working on playground at Firemen's Park to remove weeds, and they will be putting down rubber mulch paid for with Park Committee funds.

TRASH BAGS/NEW STICKER TAGS:

·Beginning March 9, 2013 the Town will begin selling stickers/tags instead of selling garbage bags. A sheet of 10 stickers will cost \$20 and can be purchased at the Transfer Station and the Town Clerk's Office. Residents will need to use their own store purchased garbage bags, up to 30 gallon capacity, and adhere a sticker to the bag where it is easily observed.

SALE OF SEWER SURPLUS GENERATORS

RESOLUTION #33:

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

Resolved, that the Byron Town Board approves the sale of two (2) surplus sewer generators at Teitsworth Auction.

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

Vote: Ayes: 5 Nays: 0

NYS DEPARTMENT OF TRANSPORTATION UNDERTAKING

RESOLUTION #34:

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

Resolved, that the Byron Town Board approves, and authorizes the Supervisor to sign, the Undertaking for the benefit of the New York State Department of Transportation in connection with work affecting state highways attached hereto.

Councilman Austin 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 Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 8
Number of Zoning/Building Permits Issued: 3
Number of Land Separations: 1
Number of Building C.O./C.C. Issued: 3
Number of Zoning Complaints Filed: 1
Number of Zoning Complaints Resolved: 0

- Filed 2012 NYS Annual Report for Town of Byron.
- Continue to work with the Planning Board as a source on the Zoning Ordinance update.
- With regard to Gillett Road property next to Doug Barnard's house, the property has been in foreclosure and has been condemned by the CEO/ZEO. The CEO/ZEO has had contact with the new owner, and he will be demolishing the current structure and probably be rebuilding on the current foundation. He believes there has been some miscommunication with Mr. Barnard about what has/hasn't been done as per Mr. Barnard's statements at last month's Town Board meeting. The CEO/ZEO has made great progress with the owner to come into compliance with the Town code.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Councilman Thompson:

- The Park Committee will be having a picnic on Sunday, May 12th at noon at Trestle Park to dedicate a plaque in honor of Bob Eichenberger.
- The Highway Superintendent and the Park Committee are discussing adding cushioning to improve safety and to reduce thistle weeds at the playground area at Firemen's Park. The rubber pellets are \$700 per one ton bag. Superintendent Heins estimates that 5 bags would, be needed to cover three inches deep. The Committee discussed putting in a layer of wood chips under the rubber pellets to raise the bed, but Councilman Thompson suggested that #1 or #2 round stone would be better because it would not deteriorate into new soil for weeds. The Town Clerk contacted the Town's insurance company and as per NYMIR, a minimum of 6 inches of loose fill rubber mulch will protect against falls up to 10 foot in height. Falls greater than that require additional materials, but the Town should check with the surfacing manufacturer.
- The Park Committee also inquired whether the Highway Department could plow the entrance to Trestle Park during the winter. The Highway thought this would not be a good idea because of snowmobilers.

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #35:

Councilman Wooton 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	#2	#28 - #54	\$27,928.41
Highway Fund	#2	#7 - #28	\$45,697.57
Sewer Fund	#2	#3 - #7	\$ 4,807.59
General Fund	PA#1	#1 - #7	\$ 2,359.42
General Fund	PA#2	#8 - #13	\$ 2,335.82
Highway Fund	PA#1	#1	\$19,710.00
Sewer Fund	PA#1	#1	\$ 636.18
Fire District #1	#1	#1	\$74,000.00
Fire District #2	#1	#1	\$74,000.00

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

Vote: Ayes: 3 Nays: 2 (Councilman Redick and
Councilman Thompson)

TOWN CLERK'S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 117.00
Paid to DEC for Hunting/Fishing Licenses.....	\$ 41.56
Paid to the Town of Byron Supervisor.....	<u>\$3,076.24</u>
Total Disbursed for January 2013.....	\$3,234.80

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The Financial Report for December 2012 and January 2013 were reviewed.

A **motion** was made by Councilman Wooton to approve the December 2012 and January 2013 Financial Reports as written. The motion was seconded by Councilman Austin and carried with the following vote:

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

SUPERVISOR'S REPORT:

·Received Mercy EMS Response Time Report for December 2012.

·Received a check in the amount of \$157,619.95 from the Genesee County Treasurer for the 1st quarter sales tax. This is an increase of \$16,647.58 over the 1st quarter of 2012.

A **motion** was made by Councilman Redick 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:

AG DISTRICT RENEWAL:

The following parcels are currently in the ag district: Parcel 4-1-32.1 Railroad Bed – Byron Road to Chapell Road; Parcel 5-1-114 Trestle Park; Parcel 8-1-36 Sodom Cemetery. NYS requires that each parcel be re-enrolled in the ag district every eight years.

RE-ENROLLMENT OF TOWN OWNED PARCELS IN THE GENESEE COUNTY

AGRICULTURAL DISTRICT NO. 4

RESOLUTION #36:

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

Resolved, that the Byron Town Board approves the re-enrollment of the following parcels in the Genesee County Agricultural District No. 4: Parcel 4-1-32.1 Railroad Bed – Byron Road to Chapell Road; Parcel 5-1-114 Trestle Park; and Parcel 8-1-36 Sodom Cemetery

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

Vote: Ayes: 5 Nays: 0

APPOINTMENT OF TWO TOWN BOARD MEMBERS TO STEERING COMMITTEE FOR FIRE PROTECTION STUDY:

A **motion** was made by Councilman Thompson to appoint Councilman Thompson and Councilman Redick to the steering committee for the fire protection study. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

Pete Yasses: Would like to see the Supervisor poll the Town Board for their votes when there is a resolution presented, as is protocol.

Councilman Thompson: Where does the Town stand with the Union Negotiations?

Supervisor Crnkovich: The Town is at an impasse with the Highway Department, so the attorney is preparing paperwork to take the matter to arbitration.

Councilman Thompson: Have the fire departments signed the Agreements with CGR?

Pete Yasses: S. Byron is ready to sign Agreement and has most of the information requested by CGR.

John Durand: Byron Fire Department met with CGR two weeks ago, and at their last meeting they agreed to go along with the process. They are having their attorney review the Agreement. At their next meeting (March) they will appoint members to be on the steering committee. They are working on getting paperwork to CGR.

Councilman Thompson: Why was the Judge's bench moved and what are we doing with the rug where it's torn up?

Supervisor Crnkovich: We are in the process of getting estimates for the rug. The Judge's bench needed to be moved to protect the Judges so they could see who was coming in the door during court.

Assessor Flansburg: There are grants available to pay for court upgrades

Councilman Thompson: The Town Board needs to get the Justices to apply for available grants.

Highway Superintendent: The Town Clerk, Supervisor and Highway Superintendent worked for months with the State auditors, and they found no problems with the General, Sewer, Highway and Water Funds. The minor issues they found with the Justice's was nothing the Town Board could have foreseen by doing their yearly audit because it had to do with outstanding tickets and that's not something the Town Board looks for.

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 Redick and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk