

BYRON TOWN BOARD MEETING

March 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
Assessor.....	Barry Flansburg
Town Clerk.....	Debra Buck-Leaton

Public:

Sue Fuller.....	Cockram Road, Byron
Charles Durkee.....	Transit Road, Byron
Bill and Barb Emerson.....	Terry Street, Byron
Bob Wilson.....	Mill Pond Road, Byron
Mickey Truax.....	Swamp Road, Byron
David Chupp.....	Tripp Road, Byron
Chris Hilbert.....	Lyman Road, Byron
Jim Cudney.....	Rte. 237, Byron
Pete Yasses.....	Rte. 237, Byron
Eric Toal.....	Warboys Road, Byron
Jim, Kyle and Brandon Lewis.....	

PLEDGE TO THE FLAG:

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

MINUTES:

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT – George Heins:

- Placing more road and traffic control signs on Town roads as the County gets them ready
- Doing tree trimming

·Terry Platt contacted the Highway Superintendent regarding the dam on Mill Pond Road. He would like to give the dam to the Town. Mr. Platt is doing so because the DEC has stated that the dam needs to be repaired at the landowner's expense. Mr. Platt does not want to do so, so he is proposing to gift it to the Town. Upon discussing this matter, the Town Board decided they will discuss this

matter further with the Town Attorney to see if it would be possible to get a grant to repair the dam or what the Town's options are.

·There was a discussion between Highway Superintendent Heins and Councilman Thompson regarding the cost of fixing Fairgrounds Road last year.

A **motion** was made by Councilman Wooton to approve the Highway Superintendent report as given. The motion was seconded by Supervisor Crnkovich and was not carried with the following vote:

Vote: Ayes: 2

Nays: 3 (Councilman Thompson, Councilman Redick and Councilman Austin)

CEO/ZEO REPORT:

Number of Inspections: 15

Number of Zoning/Building Permits Issued: 7

Number of Land Separations: 1

Number of Building C.O./C.C. Issued: 4

Number of Zoning Complaints Filed: 2

Number of Zoning Complaints Resolved: 1

·Application for a Special Use Permit for a home occupation to allow in house hair salon has been submitted to Planning Board for review and approval.

·Will be attending required training on March 18th through March 21st in Henrietta.

·Continue to work with the Planning Board as a resource on the zoning law update.

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

Vote: Ayes: 5

Nays: 0

PARK COMMITTEE REPORT – Councilman Redick:

·The Committee is concerned about the cost of the rubber pellets for the playground. ½ inch rubber will be used to separate the ground from the rubber pellets. The Highway Superintendent believes the cost estimate will be lower because the pellets will not need to be as thick as previously thought.

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

Vote: Ayes: 5

Nays: 0

ABSTRACTS

RESOLUTION #37:

Councilman Austin 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	#3	#55 - #77	\$ 7,789.69
Highway Fund	#3	#29 - #48	\$ 34,677.15
Sewer Fund	#3	#8 - #9	\$ 2,677.00

General Fund	PA#3	#14 - #16	\$ 857.84
General Fund	PA#4	#17 - #22	\$ 3,327.48
Highway Fund	PA#2	#2	\$ 70.88
Sewer Fund	PA#2	#2	\$ 580.48
Sewer Fund	PA#3	#3	\$ 24.75
Water District #1	#1	#1	\$110,000.00

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

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

TOWN CLERK'S REPORT:

Paid to the Byron Park Committee for Pavilion Rental.....\$ 30.00
 Paid to the NYS Ag and Markets for spay/neuter program.....\$ 220.00
 Paid to the Town of Byron Supervisor.....\$2,690.70
 Total Disbursed for February 2013.....\$2,940.70

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The Financial Report for February 2013 were reviewed.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

·Received Mercy EMS Response Time Report for January 2013.
 ·Received a check in the amount of \$50,819.68 for snow and ice control on County roads.

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

FUTURE WATER DISTRICTS:

·Stu Brown is pursuing a Rural Development grant for Swamp Road. They would like to do an income survey for Swamp Road, Warboys Roads and Lyman Road because the average income is too high to qualify for a grant.

·The Town Clerk has contacted Don Cunningham, the Bergen Supervisor, several times and there has been nothing done on their end with regard to petitions for N. Bergen, Sautell and Warboys Roads.

·Councilman Thompson would like to know why the Town has not moved forward with the petitions received for future water districts in the Town (Warboys Road, Lyman Road, Byron Road), and why the Swamp Road water district still hasn't moved forward.

·As per Highway Superintendent Heins, the Town Board has been waiting for the Town of Bergen to get petitions signed for Sautell Road in order to make the Warboys Road district affordable.

·Assessor Barry Flansburg went through the steps and process of forming a water district. He suggested meeting with Stu Brown and Paul Chatfield to discuss various options for water districts. He stated it may be more feasible to combine some smaller proposed districts into a larger district to decrease costs.

·Councilman Thompson stated that he will contact Paul Chatfield to set up a meeting to discuss the water districts, and report back to the Town Board at the April meeting.

PETITION FOR SWAMP ROAD WATER DISTRICT

RESOLUTION #38:

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

Resolved, that the Byron Town Board hereby requests that the Town Attorney, Paul Boylan, prepare the final petition for the Swamp Road Water District.

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

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

SUPPORT FOR NYS CONTACT INFORMATION FOR VACANT STRUCTURES

RESOLUTION #39:

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

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures and require good faith in obtaining a foreclosure.

NOW, THEREFORE, BE IT RESOLVED, that the Byron Town Board hereby supports the passage of said Bills; and be it

FURTHER RESOLVED, the Town Clerk is hereby directed to forward a certified copy of said resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator Michael Ranzenhofer, Assemblyman Steven Hawley, and Assemblyman Michael Kearns.

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

Vote: Ayes: 5 Nays: 0

TOWN JUSTICE AUDIT

RESOLUTION #40:

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

Resolved, that the Byron Town Board hereby approves the Town Justice Account audit reports prepared by Raymond F. Wager, CPA, P.C. for the periods of January 1, 2011 – March 31, 2012, and April 1, 2012 – December 31, 2012.

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

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

Eric Toal: Would like to know what has happened to the 1,100 scofflaw tickets that were never followed up on by the Town Justices per the state audit?

Supervisor Crnkovich: There were actually 629 tickets, and they have been taken care of.

Councilman Thompson: What happened with the Town Board's recommendation last month that the Town get estimates for a new rug in the courtroom versus patching the spot where the Justice bench was?

Highway Superintendent Heins: We are not getting a new carpet that cost \$4,000.

Councilman Thompson: Why is it the Highway Superintendent's decision to get a new carpet or not?

Councilman Thompson: How many meetings has Attorney David DiMatteo had with the union representative?

Supervisor Crnkovich: There have been 3 or 4 meetings and nothing's been accomplished, the negotiations committee has decided to send it to arbitration.

Highway Superintendent Heins: 5 towns in the county couldn't negotiate with the union representative either.

ADJOURN:

A **motion** was by Councilman Wooton to adjourn the Byron Town Board Meeting at 8:36 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