

BYRON TOWN BOARD MEETING

March 14, 2012

The Byron Town Board Meeting was called to order by Deputy Supervisor Heins at 7:00 p.m. with the following people present:

Deputy Supervisor/Highway Superintendent.....	George Heins
Councilmen.....	Jack Redick
	Scott Wooton
	Harold Austin
Town Clerk.....	Debra Buck-Leaton
Absent.....	Supervisor Crnkovich
	Councilman Thompson
Invited Guests.....	Town Attorney Paul Boylan

Public:

Jim Cudney.....	Rte. 237, Byron
Dorothy and Jim Lamkin.....	6969 Ivison Road, Byron
Sandee, Allison and Jim McKenzie.....	7001 Clinton St. Rd, Bergen
Carrie Capostagno.....	Caswell Road, Byron
Jeffrey Starowitz.....	Rte. 237, LeRoy
Chase Cone.....	6380 Clinton St. Rd., Bergen
Scott Blossom.....	7582 Byron-Holley Road, Byron
Sue Fuller.....	Cockram Road, Byron
Brian Forsyth.....	Gillett Road, Byron
Beth and Bob Wilson.....	Mill Pond Road, Byron
John Durand.....	Townline Road, Byron
Dan DiMatteo.....	Byron-Holley Road, Byron
John Ivison.....	Ivison Road, Byron
Steven Sharpe.....	Lyman Road, Byron

PLEDGE TO THE FLAG:

Deputy Supervisor Heins 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 February 8, 2012 as written. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 3 Nays: 0

PLANNING BOARD REPORT:

·Planning Board Chairman Eric Zuber is requesting the Planning/Zoning Board secretary to begin inputting Special Use Permits into the IPS computer program that the Zoning/Code Enforcement

Officer uses. The Town Board stated that since there is money available in the budget for the Planning/Zoning Board secretary, they authorize her to start inputting the information at her earliest convenience.

·Reviewed zoning ordinance changes, they are close to finishing.

HIGHWAY SUPERINTENDENT'S REPORT – George Heins:

·Continuing tree and brush road side clearing
·Doing road side ditching
·Evaluating which roads need to be resurfaced this year. Oil prices have increased \$.50/gallon over last year. Blacktop has gone up \$5 +, clause that it may go higher after it is bid.

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

Vote: Ayes: 3 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 15
Number of Zoning/Building Permits Issued: 0
Number of Land Separations: 1
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: 72

·Will be attending annual 24 hour certification training in Rochester 3/12/12 through 3/15/12
·Continue to work with the Planning Board as a resource on the Zoning Ordinance update.

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

Vote: Ayes: 3 Nays: 0

PARK COMMITTEE REPORT – Councilman Redick:

·Debating whether to do Duck Race or not.
·Councilman Redick told the Park Committee that the insurance company would like railings put on the dock at Trestle Park.
·Discussed with the Park Committee the need to repair the Turtle Pond Pavilion.
·Superintendent Heins is working with the insurance company and getting estimates on repairs.

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

Vote: Ayes: 3 Nays: 0

ABSTRACTS

RESOLUTION #31:

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

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

<u>Fund:</u>	<u>Abstract:</u>	<u>Vouchers:</u>	<u>Amount:</u>
General Fund	#3	#56 - #83	\$ 10,068.53
Highway Fund	#3	#31 - #50	\$ 35,388.64
Sewer Fund	#3	#14 - #19	\$ 3,270.80
General Fund	#PA-3	#10 - #14	\$ 1,247.74
Sewer Fund	#PA-3	#3	\$ 620.39
Water District No. 1	#1	#1	\$110,000.00

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

Vote: Ayes: 3 Nays: 0

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.....	\$ 61.00
Paid to NYS Environmental Conservation for hunting/fishing licenses.....	\$ 59.52
Paid to the Town of Byron Supervisor.....	\$1,916.90
Total Disbursed for February 2012.....	\$2,067.42

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

Vote: Ayes: 3 Nays: 0

FINANCIAL REPORT:

·The Financial Reports for February 2012 were reviewed.

A **motion** was made by Councilman Redick to approve the February 2012 Financial Report as written. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 3 Nays: 0

SUPERVISOR'S REPORT:

- Received Snow and Ice check from Genesee County in the amount of \$58,792.89.
- Received Mercy EMS Report
- Railroad values are increasing
- Utility values are decreasing

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

Vote: Ayes: 3 Nays: 0

OTHER BUSINESS:

Byron Fire Department:

A **motion** was made by Councilman Wooton to approve the following as active members of the Byron Fire Department No. 1 for the purpose of the Volunteer Firefighters Benefit Law:

Mariellen Blossom, Carrie Capostagno, Paul Carr, Shannon Dilcher, Charles Durkee, Aaron Fee, Jacob Kucryzski, Jayne Lewis, Jennifer Marsocki, Matthew McCoy, Andrew McKenrick, Zack Merica, Bruce Pfendler, Corey Russell, Deanna Schramm and Joshua Yantz.

The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 3 Nays: 0

A **motion** was made by Councilman Wooton to remove Aurora Austin and Chase Cone as active members of the Byron Fire Department No. 1. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 3 Nays: 0

Town Justice:

Justice Ivison: Would like to discuss the possibility of the Town hiring a court clerk. All other towns in Genesee County have court clerks. He believes the amount of work required of the judges warrants the Town hiring a court clerk.

Deputy Supervisor Heins: When Justice Ivison was a Councilman he voted against the last two budgets because of spending. He also did not want to hire a court clerk, and if one was hired he thought their wages should be taken out of the Justice's salary.

Justice Lamkin: See minutes of the special budget meeting where the Town Board, which included Justice Ivison, decreased the Justice contractual spending. The Town Board has never inquired about what Judges needed to effectively do their jobs. He can't justify having a Town Prosecutor. Of 48 V&T cases handled, 36 wound up the same as if the Town didn't have a Prosecutor. The Town hasn't gained anything. Revenue to Town has increased due to an increase in fees, not due to Town Prosecutor. He was not involved in the process of hiring the Town Prosecutor, and it was very upsetting to him.

Town Board: Would not like to hire a court clerk at this time, but would be willing to discuss it during the 2013 budget preparation.

Justice Ivison: Since the Town Board will not hire a court clerk he would like to submit his letter of resignation.

RESIGNATION OF JUSTICE JOHN IVISON:

A **motion** was made by Councilman Redick to accept the resignation of Justice John Ivison effective March 31, 2012. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 3 Nays: 0

PUBLIC COMMENTS:

Steve Sharp, S. Byron Fire Dept.: Would like to know why the RFP for fire services was not published and why Byron and S. Byron Fire Depts. were excluded?

Attorney Paul Boylan: RFP does not have to be published. Bidding does, but not RFP. The Byron and S. Byron Fire Depts. already have a contract with the Town for 2012 so that is why the Town did not send it to the Byron and S. Byron Fire Depts.

Steve Sharp: He believes that if it's for more than \$35,000 it needs to be published.

Attorney Paul Boylan: No, it does not need to be published. There are substantial differences between bids and RFPs.

Bob Wilson: None of the questions asked in the Town Board's letter have ever been asked of Byron and S. Byron Fire Departments.

Attorney Paul Boylan: It is up to the Board to discuss the contracts with the fire depts.

Deputy Supervisor Heins: The Town Board has requested the information each year at budget time.

Steve Sharp: He believes that the executive session the board entered into to discuss the fire departments was done illegally

Attorney Paul Boylan: In his opinion, the executive session was proper because Section 107 (11q) of the Public Officers Law specifically states that an executive session can be held if the matter under discussion involves "matters leading to the appointment, employment...or removal of a particular person or corporation."

EXECUTIVE SESSION:

A **motion** was made by Councilman Redick to enter into Executive Session at 8:15 p.m. to discuss the medical, financial, credit or employment history of a particular person, corporation, or relating to the appointment, promotion, demotion, discipline or removal of a particular person. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 3 Nays: 0

A **motion** was made by Councilman Austin to come out of executive session at 8:35 p.m. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 3 Nays: 0

APPOINTMENT OF BARBARA SMITH AS ACTING TOWN JUSTICE:

A **motion** was made by Councilman Wooton to appoint Barbara Smith as Town Justice until December 31, 2012, pending completion of the necessary training on or before March 31, 2012. The motion was seconded by Councilman Austine and carried with the following vote:

Vote: Ayes: 3 Nays: 0

ADJOURN:

A **motion** was made by Councilman Wooton to adjourn the Byron Town Board Meeting at 8:36 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 3 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk

