

BYRON TOWN BOARD MEETING

April 14, 2010

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.....Jeanne Freeman
Jeff Thompson
Jack Redick
John Ivison
- Highway Superintendent.....George Heins
- Town Clerk.....Debra Buck-Leaton
- Invited Guests.....Eric Wies, Clark Patterson Lee
Kevin Finnell, Esq.
- Public:
 - John Durand.....Townline Road, Byron
 - Wayne Austin.....Ivison Road, Byron
 - Jim Cudney.....7072 Rte. 237, Byron
 - Bud Cudney.....Cockram Road, 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 Ivison to approve the Byron Town Board minutes of March 10, 2010 as written. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – George Heins:

- Fixing plow digs on lawns and intersections
- Plows have all been painted
- Received notice from the State that they want to pay the Town more money for snow and ice removal, and the Town Board will need to pass the following resolution.

AMENDMENT B TO NYS SNOW AND ICE AGREEMENT

RESOLUTION #54:

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

WHEREAS, the Town of Byron is under contract with the New York State Department of Transportation to provide snow and ice control on specified State roads within the Town and,

WHEREAS, the base agreement was extended for the 2006/207 season by Resolution #71, dated June 14, 2006, setting an estimated total cost for the season at \$24,554.88, and

WHEREAS, due to the severity of the winter and the high cost of fuel during 2006/2007, the total cost to perform this service is estimated at \$30,497.16.

NOW, THEREFORE, BE IT RESOLVED, to authorize the Town of Byron Supervisor, Robert Crnkovich, to execute an Amendment to the present Agreement. Said Amendment would increase the estimated cost to perform snow and ice control for the 2006/2007 season by \$5,942.28.

Councilman Redick 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

WASTE WATER REPORT:

Compliance:

- Passed all requirements

Finished Projects:

- Took weekly samples
- Took monthly samples
- Monthly reports
- Switched valving on filter beds
- Exercised generators, checked fluids
- Took meter reading
- Set flow meter in manholes around different areas in Center Byron, starting to compile data

Future Projects:

- Replace pumps
- Continue compiling data with flow meter
- Continue preventative maintenance program

A **motion** was made by Councilman Ivison to approve the Waste Water Report as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 30
Number of Zoning/Building Permits Issued: 7
Number of Land Separations: 0
Number of Building C.O./C.C. Issued: 6
Number of Zoning Complaints Filed: 1
Number of Zoning Complaints Resolved: 0
Total Hours for the Month: 118

- Fire and safety maintenance inspections for factory industrial, business

- Working with residents to comply with need to close out open permits and obtain final certificates of completion (so far everyone for the most part have been cooperative)
- Working with owners and organizations of buildings that are classified as a public assembly with an occupancy capacity over 100 to issue a yearly operating permit (two operating permits have been issued to date)
- Working with a landlord to resolve property maintenance violations/met with Genesee County Health Department official on site at 5804 Cockram Road
- Attended F.L.O.B.A. 24 hour training class

A **motion** was made by Councilman Redick 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

PLANNING BOARD REPORT – Councilman Redick:

- Pete Yasses would like to put an addition on his building. He will need to go to the ZBA to get it approved
- Comprehensive Plan is finished, but he does not have a copy from the secretary yet to present to the Town Board.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT:

- Looking for direction from the Town Board with regard to summer park access
- Ordered new plaque in memory of Dib Nightingale
- Memorial Day Duck Race schedule to begin at 2:00 p.m.
- Working on playground safety improvements
- Painting picnic tables in June

Councilwoman Freeman: She would like to see the plaque for Dib Nightingale dedicated either Memorial Day or during the Heritage Festival

A **motion** was made by Councilwoman Freeman 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 #55:

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	#4	#63 - #85	\$19,348.73
Highway Fund	#4	#54 - #71	\$ 7,034.01
Sewer Fund	#4	#13 - #16	\$ 3,042.31
General Fund	#PA-4	#11 - #13	\$ 918.04
General Fund	#PA-5	#14 - #19	\$ 6,277.00

General Fund	#PA-6	#20 - #22	\$ 1,861.45
Sewer Fund	#PA-4	#6	\$ 645.47
Highway Fund	#PA-1	#1	\$ 588.97
Trust and Agency Fund	#1	#1	\$ 400.00

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

Vote: Ayes: 5 Nays: 0

TOWN CLERK’S REPORT:

Paid to the Genesee County Treasurer for Dog Licenses.....	\$ 105.12
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 75.00
Paid to NYS Comptroller for Games of Chance.....	\$ 15.00
Paid to the Town of Byron Supervisor.....	<u>\$2,549.69</u>
Total Disbursed for March 2010.....	\$2,904.13

·Returned unpaid taxes to the County (56 unpaid). Balanced perfectly.

A **motion** was made by Councilwoman Freeman to approve the Town Clerk’s Report as given for March 2010. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The Financial Reports were reviewed for February and March 2010.

A **motion** was made by Councilwoman Freeman to approve the February and March 2010 Financial Reports as given. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

WATER DISTRICTS:

WATER DISTRICT NOS. 3 & 4:

- Received approval of Water District No. 4 from the State Comptroller
- Town can officially award the project to contractor
- Next step is to get contractor Notice of Award and get bonds from contractor – should take 1 ½ to 2 weeks. It will be sent out tomorrow morning. Then package will be sent to Rural Development and can set up a pre-construction meeting.
- Construction could start as early as next month

KEVIN FINNELL, ESQ.:

- Mr. Finnell is interested in becoming the Prosecutor for the Town of Byron
- He would charge \$300/month for his services
- He is an attorney in Batavia and also the Assistant District Attorney for Genesee County
- State Police does not allow troopers to negotiate tickets
- A lot of tickets are being reduced to moving violations
- Greater revenue source when prosecutor can make a plea offer

- Court system is set up to create revenue for the State and Town
- 64% of fine money coming back from the State in Bergen since Mr. Finnell has been there
- The Town Board will discuss Mr. Finnell's proposal and get back to him

Councilman Ivison: Would he be willing to prosecute zoning offenses?

Kevin Finnell: He would be willing, but would think the Town attorney would prosecute these cases.

A **motion** was made by Councilman Ivison to appoint Kevin Finnell as the Town of Byron prosecutor. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

MOMENT OF SILENCE FOR EVERETT RODA:

Councilman Ivison asked all in attendance to observe a moment of silence for the passing of Everett Roda, a life long resident and employee of the Town of Byron.

PUBLIC COMMENTS:

Byron Fire Dept. Fire Chief John Durand: DEC has been called to several burns. A bill has been sent to two landowner for materials used to distinguish fire because it was hazardous materials.

·At training they found out they needed to have the Town Board approve members of the fire department.

A **motion** was made by Councilman Ivison to approve the list of Byron Fire Department No. 1 members provided by Chief Durand. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

- Received Time Warner check in the amount of \$8,123.38
- 2010 Spring Regional Local Government Workshop will be offered on May 14, 2010 at the Burgundy Basin Inn
- Received March Byron-Bergen Public Library Board Minutes
- Received report from Selective Insurance regarding Town property/buildings and corrective measures that need to be taken to correct these issues
- Received March 2010 Mercy EMS response time report

Councilman Ivison: Why did it take Mercy EMS 27 minutes to get to a call?

Chief Durand: They got lost. They have done an excellent job for the most part.

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

Vote: Ayes: 5 Nays: 0

EXECUTIVE SESSION:

A **motion** was made by Councilman Redick to enter into Executive Session at 8:14 p.m. to discuss the appointment and/or dismissal of a particular person or corporation. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Ivison to come out of executive session at 8:48 p.m. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilwoman Freeman to hire Stuart I. Brown Associates, Inc. as the firm to handle the administration of Water District Nos. 5-8. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Thompson to hire Chatfield Engineers, P.C. as the engineering firm for Water District Nos. 5-8. The motion was seconded by Councilwoman Freeman and carried with the following vote:

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

ADJOURN:

A **motion** was made by Councilman Ivison to adjourn the Byron Town Board Meeting at 8:50 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