

***BYRON TOWN BOARD MEETING***

May 8, 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
Town Clerk.....	Debra Buck-Leaton
Absent.....	Highway Superintendent George Heins

Public:

Sue Fuller.....	Cockram Road, Byron
George Squires.....	McElver Street, Byron
Bill and Barb Emerson.....	Terry Street, Byron
Eric Zuber.....	Tower Hill Road, Byron
Mickey Truax.....	Swamp Road, Byron
David Chupp.....	Tripp Road, Byron
Carrie Capostagno.....	Caswell Road, Byron
Jim and Barb Cudney.....	Rte. 237, Byron
Pete Yasses.....	Rte. 237, Byron
Brian Forsyth.....	Gillett Road, Byron
Jeanne Freeman.....	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 April 10, 2013 and April 15, 2013 as written. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: 5 Ayes: 5 Nays: 0

## PLANNING BOARD REPORT:

·Proposed Zoning Law is with Genesee County Planning at this time for their review. The County Planning Board is meeting on May 9<sup>th</sup> and the Town should have a response by Friday, May 10<sup>th</sup>.

·The Town Board needs to pass a resolution designating itself as lead agency to conduct SEQRA and set up public hearing.

**DESIGNATION OF THE BYRON TOWN BOARD AS LEAD AGENCY WITH REGARD TO TOWN OF BYRON ZONING LAW OF 2013**

**RESOLUTION #44:**

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

**Resolved**, that the Town Board of the Town of Byron hereby designates itself as Lead Agency to conduct all SEQRA procedures in relation to the adoption of the Town of Byron Zoning Law of 2013.

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

Vote:                      Ayes: 5                      Nays: 0

**NEGATIVE DECLARATION WITH REGARD TO PROPOSED TOWN OF BYRON ZONING LAW OF 2013**

**RESOLUTION #45:**

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

**Resolved**, that due consideration having been given, and as Lead Agency, the Town Board of the Town of Byron hereby determined that there is no adverse environmental impact in regard to the adoption of the Town of Byron Zoning Law of 2013.

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

Vote:                      Ayes: 5                      Nays: 0

A **motion** was made by Councilman Wooton to hold a Public Hearing on June 12, 2013 at 7:00 p.m. with regard to the Town of Byron Zoning Law of 2013. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

**CEO/ZEO REPORT:**

Number of Inspections: 18  
Number of Zoning/Building Permits Issued: 6  
Number of Land Separations: 2  
Number of Building C.O./C.C. Issued: 3  
Number of Zoning Complaints Filed: 2  
Number of Zoning Complaints Resolved: 1

·Have issued 4 stop work notices for work being done without proper permits, all parties have come into compliance and now have proper permits in place.

·Appearance ticket issued for an unsafe building (mobile home) at 6966 Swamp Road, court date set for June 10, 2013. Owner does not live in Byron.

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:**

·Inquired as to when the rubber mulch will be delivered and installed.

## **ABSTRACTS**

### **RESOLUTION #46:**

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

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

<b><i>Fund:</i></b>	<b><i>Abstract:</i></b>	<b><i>Vouchers:</i></b>	<b><i>Amount:</i></b>
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 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 Byron Park Committee for Pavilion Rental.....	\$ 30.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 84.00
Paid to the DEC for hunting/fishing licenses.....	\$ 222.04
Paid to the Town of Byron Supervisor.....	<u>\$2,885.36</u>
Total Disbursed for April 2013.....	<u>\$3,221.40</u>

A **motion** was made by Councilman Thompson to approve the Town Clerk's Report as given for April, 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 April 2013 was reviewed.

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

Vote:           Ayes: 5                   Nays: 0

### **SUPERVISOR'S REPORT:**

·Received Mercy EMS Response Time Report for March 2013.

·Received a check in the amount of \$146,689.56 for Sales Tax. This amount is \$20,853.27 more than this quarter last year.

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

**WATER DISTRICTS:**

- Stu Brown is in the process of preparing income surveys for the Warboys Road, Lyman Road and Byron Road water districts.
- Paul Boylan's office is preparing legal petition for Swamp Road.

**STATE AUDIT – CORRECTIVE ACTION PLAN (CAP):**

·The Town Board needs to send the NYS Comptroller's Office a Corrective Action Plan with regard to the Report of Examination entitled Internal Controls Over Justice Court Operations, stating what steps the Town and Justices have taken to correct problems found during the recent audit (a copy of which is attached hereto).

**CORRECTIVE ACTION PLAN WITH REGARD TO NYS COMPTROLLER'S AUDIT ENTITLED INTERNAL CONTROLS OVER JUSTICE COURT OPERATIONS:**

**RESOLUTION #47:**

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

***Resolved***, that the Byron Town Board approves the CAP (attached hereto) with regard to the NYS Comptroller's audit entitled Internal Controls Over Justice Court Operations, and does hereby authorize the Supervisor to sign the CAP.

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

Vote:                      Ayes: 5                      Nays: 0

**PUBLIC COMMENTS:**

**Councilman Thompson:** He would like a show of hands from the audience on who would like to see new carpeting in the courtroom. A majority of the audience would like to see the Town purchase new rug. Councilman Thompson got 2 quotes for new rug because of the portion that was left without rug when the Judge's bench was moved to the west wall. He will see if there is an additional cost to move and carpet under the Judge's bench.

**Councilman Thompson:** Who gave permission for wiring to be run for cameras in the courtroom and highway garage?

**Supervisor Crnkovich:** The wires have been there for a long time.

A **motion** was made by Councilman Thompson to prohibit any further action with regard to the installation of video cameras in the town hall and highway garage until the Town Board is presented with a plan and cost. The motion was seconded by Councilman Redick and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

**Jeanne Freeman:** 4-wheelers coming out of the city that are parking in Bergen and coming down the railroad bed are creating a severe nuisance for homeowners. She would like to see something done before someone is hurt.

**Councilman Thompson:** He will contact Town Attorney Paul Boylan to see what can be done.

**Eric Zuber:** Eric is the Planning Board Chairman and received a letter from the Supervisor telling him that he did not want Jim Cudney, the Planning Board Alternate, to serve on the Planning Board if there is already a quorum. The Local Law states that the Planning Board Alternate sits on the Planning Board at the Chairman's discretion. Eric would like to know how he should proceed because he values Jim Cudney's input on the Board.

A **motion** was made by Councilman Thompson to allow the Planning Board Chairman to use his discretion when having the Planning Board Alternate serve on the Planning Board, even if there is already a quorum. The motion was seconded by Councilman Redick and carried with the following vote:

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

**ADJOURN:**

A **motion** was by Councilman Thompson to adjourn the Byron Town Board Meeting at 8:20 p.m. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk