

## ***BYRON TOWN BOARD MEETING***

June 13, 2012

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
Town Clerk.....	Debra Buck-Leaton

Public:

Jim Cudney.....	7072 Rte. 237, Byron
John Durand.....	6383 Townline Road, Byron
Eric Zuber.....	5633 Tower Hill Road, Byron
Tom and Mary McGowan.....	6814 Terry Street, Byron

## PLEDGE TO THE FLAG:

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

**PUBLIC HEARING COMMUNITY DEVELOPMENT BLOCK GRANT(CDBG) FOR BYRON MOBILE HOME PARK:**

A **motion** was made by Councilman Thompson to open the Public Hearing to discuss the Community Development Block Grant (CDBG) for the Byron Mobile Home Park at 7:00 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:            Ayes: 5            Nays: 0

## LEGAL NOTICE

## NOTICE OF PUBLIC HEARING

***Community Development Block Grant (CDBG) Program***

*The Town of Byron, New York has scheduled a hearing for June 13, 2012. The hearing will start at 7:00 p.m. and take place in the Byron Town Hall, 7028 Route 237, Byron, New York 14422. The Town Hall is in compliance with accessibility standards set forth in the American's with Disabilities Act. Hearing disabled persons who wish to attend shall call Debra Buck-Leaton at 585-548-7759 not less than 48 hours prior to the hearings to make arrangements for an interpreter, if needed. Written public comments will also be accepted.*

*The public hearing will be held to discuss community development needs and priorities, to provide residents with information about the Community Development Block Grant (CDBG) Program and to describe the Town's plan to meet these priority needs. Residents are invited to attend the hearing, to assist the Town in defining community development priorities and to assist the Board in identifying possible projects, in addition to those identified by the Town, for inclusion in an application for CDBG funding. The Town will provide information at the hearing to comply with the legislative and program requirements which govern the CDBG Program. At this time, the Town expects to submit a CDBG grant*

*application to construct improvements at the Swamp Road Mobile Home Park in response to the Notice of Funding Availability issued by the Regional Economic Development Councils through the New York State Consolidated Funding Application process.*

*Robert Crnkovich, Supervisor*

*Date: June 1, 2012*

The Town is requesting funding to replace existing septic tanks, sewer laterals and sewer mains at the Swamp Road Mobile Home Park. The project is needed because:

- the existing facilities are deteriorated and prone to failure
- tanks are original from the 1960s.
- ground water and storm water enters the sanitary sewer system through defective or open pipe joints, broken or cracked laterals or improperly installed septic tanks.
- during rain events or rapid snow melt, wastewater leaches into the ground surface
- the current situation crates public health concerns for people that come into contact with poorly treated sewage.

The proposed project will directly benefit the 47 households within the mobile home park. If the grant is not approved, the debt service associated with a bond of \$600,000 would have to be borne by all properties within the sewer district. As the majority of the property owners in the sewer district would see no apparent benefit associated with such a debt service charge, it is unlikely that the Town would proceed with the project without a grant.

**Public Comments: None**

A **motion** was made by Councilman Thompson to close the Public Hearing at 7:02 p.m. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

## **COMMUNITY DEVELOPMENT BLOCK GRANT(CDBG) FOR BYRON MOBILE HOME PARK**

### **RESOLUTION #41:**

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

***RESOLVED***, that Robert A. Crnkovich, the Supervisor of the Town of Byron, Genesee County, New York, is hereby authorized as the official representative of the Town of Byron to execute and submit a Community Development Block Grant application to the administrative agency for the Fiscal Year 2012 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

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

Vote:                      Ayes: 5                      Nays: 0

### **MINUTES:**

A **motion** was made by Councilman Wooton to approve the Byron Town Board minutes of May 9, 2012 and the Special Town Board meeting minutes of June 1, 2012 as written. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

**PLANNING BOARD REPORT – Councilman Austin/Eric Zuber:**

- Almost done with revised Zoning Ordinance. Paul Boylan is reviewing final changes.
- Chairman Zuber will hopefully get revised Zoning Ordinance back in the next couple of weeks and then the Town Board can review and set up a joint meeting with the Planning Board for final review and approval. The Town Board will need to hold a public hearing on the new Zoning Ordinance.

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

Vote:                      Ayes: 5                      Nays: 0

**CEO/ZEO REPORT:**

Number of Inspections:              15  
Number of Zoning/Building Permits Issued: 9  
Number of Land Separations: 0  
Number of Building C.O./C.C. Issued: 6  
Number of Zoning Complaints Filed: 0  
Number of Zoning Complaints Resolved: 0  
Total Hours for the Month:      80

- Continue to work with the Planning Board as a resource on the Zoning Ordinance update.

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

- Elba Boy Scouts conducted their campout in Trestles Park and installed a bat house and checked the water depth in the pond. Average depth was four to five feet with a couple of spots having a depth of seven feet. The camping experience went well and they had a good time.

- George Squires reported the pond at Trestle Park contains blue gills and bass and suggested per his discussion with fish breeder Don Shaw that the pond be stocked with 100 channel catfish that range in size from 8 to 11 inches for a cost of \$2.50 each and can be caught right away by anglers. The original plan of adding more bass and minnows may be an option possibly in August.

- Bob Eichenberger restored a park bench and a motion was made and passed to install the bench in Trestle Park.

- Bob Eichenberger was going to speak with George Heins about solutions to eliminate the weeds around the playground equipment at Firemen's Park.

- The Park Committee chose Sunday, June 24<sup>th</sup> at 1:00 p.m. to have a community assisted parks cleanup and to clean up the West Shore Trail.

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

Vote:                      Ayes: 5                      Nays: 0

## **ABSTRACTS**

### **RESOLUTION #42:**

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	#6	#136- #170	\$19,583.87
Highway Fund	#6	#90 - #107	\$17,219.75
Sewer Fund	#6	#38 - #46	\$ 6,441.73
General Fund	#PA-6	#22 - #27	\$ 1,109.87
Sewer Fund	#PA-6	#6	\$ 523.03

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

Vote:           Ayes: 5           Nays: 0

### **TOWN CLERK'S REPORT:**

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 65.00
Paid to the Byron Park Committee for Pavilion Rental.....	\$ 30.00
Paid to DEC for Hunting/Fishing Licenses.....	\$ 257.28
Paid to NYS Dept. of Health for Marriage Licenses.....	\$ 22.50
Paid to the Town of Byron Supervisor.....	<u>\$3,332.52</u>
Total Disbursed for May 2012.....	<u>\$3,707.30</u>

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

Vote:           Ayes: 5           Nays: 0

### **FINANCIAL REPORT:**

·The Financial Reports for May 2012 were reviewed.

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

Vote:           Ayes: 5           Nays: 0

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

·Received the first of two mortgage tax checks in the amount of \$17,767.12, which is an increase of \$9,019.35 over last year's first check, and \$2,767.12 over the 2012 budgeted amount and we haven't received our second check yet.

·Received Mercy EMS Report

·Received letter from NYSDOT with regard to their investigation of Rte. 237 on Pumpkin Hill relative to reducing the speed limit and prohibiting passing. After the DOT's review, they have determined the accident history does not warrant reducing the speed limit or prohibiting passing in that area. They may consider putting in rumble strips as an effective countermeasure for centerline crashes in the future.

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

### **RESIGNATION OF DONNA VANSLYKE FROM THE PLANNING BOARD:**

A **motion** was made by Councilman Austin to accept the resignation of Donna VanSlyke from the Planning Board, effective immediately. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

### **BYRON AND S. BYRON FIRE DEPT. MUTUAL AID ENDORSEMENTS:**

·Tim Spezzano from Tompkins Insurance had the following to say regarding the Town's mutual aid coverage:

“The Town currently has the “New York Mutual Aid Endorsement” on the policy to protect against claims brought against the Town as a result of Section 209 of the General Municipal Law of NYS, which addresses mutual aid. In addition, after reviewing the contract between the Town and fire departments/districts, they too are required to carry the coverage. The following are some important excerpts from the contract with regards to insurance...The fire companies agreed to indemnify and hold harmless the Town for claims arising out of their operations, and the fire companies are required to provide insurance as detailed in the contract naming the Town as additional insured on a primary and non-contributing basis. They were to provide the Town a certificate of insurance evidencing such prior to commencement of the agreement. In summary, the Town does have the coverage, however, any claim arising out of mutual aid would/should ultimately end up being paid by the respective fire department per the agreement.”

·Per Daniel Hale at Shepard, Maxwell & Hale, both fire companies have mutual aid endorsements of \$1 million.

## **GENESEE COUNTY MUTUAL AID AND MEDICAL SERVICES PLAN AGREEMENTS**

### **RESOLUTION #43:**

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

***RESOLVED***, that the Byron Town Board encourages participation by the Byron Fire Department, Inc. and the South Byron Fire Company in both the Genesee County Fire Mutual Aid Plan and the Genesee County Emergency Medical Services Plan as presented to it on June 13, 2012 and as it may be amended from time to time and certifies to the Genesee County Legislature through its County Fire Coordinator that no restriction exists against “outside service” by either such Fire Department or Fire Company within the meaning of Section 209 of the General Municipal Law which would affect the power of either the said Fire Department or the said Fire Company to participate in either or both of such Plans, and be it further

***RESOLVED***, that a copy of this resolution be filed with the County Fire Coordinator.

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

Vote:                      Ayes: 5                      Nays: 0

### **SURPLUS EQUIPMENT:**

A **motion** was made by Councilman Redick to dispose of the following computer equipment:

Acer Laptop (Town Clerk): serial #105151

Compaq Laptop (Bookkeeper): serial #CN34327R1

MCP Hard Drive (Sewer): serial 103926

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

Vote:           Ayes: 5           Nays: 0

**PUBLIC COMMENTS:**

Mary and Tom McGowan: Discussion regarding West Shore Trail, noise and speed of dirt bikes and 4 wheelers, and enforcement.

A **motion** was made by Councilman Wooton to have the Supervisor send a letter to the DEC and Sheriff's Department with regard to unruly 4 wheelers and dirt bikes on the West Shore Trail and enforcement of speed, etc. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**ADJOURN:**

A **motion** was made by Councilman Austin to adjourn the Byron Town Board Meeting at 7:36 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