

·Waiting to do more drainage work on Mill Pond Road

A **motion** was made by Councilman Austin to approve the Highway Superintendent's 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: 25
Number of Zoning/Building Permits Issued: 10
Number of Land Separations: 0
Number of Building C.O./C.C. Issued: 2
Number of Zoning Complaints Filed: 0
Number of Zoning Complaints Resolved: 1

·Appearance ticket issued for an unsafe building (mobile home) at 6966 Swamp Road, court date set for July 8, 2013. Owner does not live in Byron.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Councilman Redick:

·Did not meet in July

ABSTRACTS

RESOLUTION #54:

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	#9	#157 - #181	\$11,815.92
Highway Fund	#7	#91 - #108	\$91,333.52
Sewer Fund	#7	#35 - #39	\$ 4,076.28
General Fund	PA#10	#46 - #50	\$ 833.90
Highway Fund	PA#3	#3	\$75,350.50
Sewer Fund	PA#9	#9	\$ 624.04

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.....	\$ 70.00
Paid to the DEC for hunting/fishing licenses.....	\$ 82.20
Paid to NYS Dept. of Health for Marriage Licenses.....	\$ 67.50
Paid to the Town of Byron Supervisor.....	\$3,307.80
Total Disbursed for June 2013.....	\$3,557.50

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The Financial Report for June 2013 was reviewed.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

·Received Mercy EMS Response Time Report for May 2013.

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: 5 Nays: 0

OTHER BUSINESS:

WEST SHORE TRAIL:

·Councilman Thompson and Attorney Paul Boylan have not received any more information. Attorney Boylan will contact Sheriff Bill Sheron.

UNIFORM NOTICE OF CLAIM ACT:

There is a new law which gives potential plaintiffs the option to serve a Notice of Claim for injuries allegedly caused by a municipality on the Secretary of State instead of on the appropriate municipal officer. The potential plaintiff must pay a fee to the Secretary of State of \$250, which is to be divided between the Secretary and the municipality. If a municipality does not file the Certificate, it forfeits its right to the \$125. That is the only affect that the law has on municipalities.

DESIGNATION OF THE NEW YORK STATE SECREATRY OF STATE AS AGENT FOR NOTICE OF CLAIM

RESOLUTION #55:

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

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, General Municipal Law, § 53 requires Towns to file a certificate with the Secretary of State designating the Secretary of State as agent for service of a notice of claim; and

WHEREAS, General Municipal Law, § 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer or person for the transmittal of notices of claim served upon the Secretary as the Town's agent; and

WHEREAS, pursuant to General Municipal Law, § 50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is ninety (90) days after the claim arises, or in the case of a

wrongful death action, ninety (90) days from the appointment of a representative of the decedent's estate.

RESOLVED, that the Town Board of the Town of Byron, County of Genesee, designates the Debra Buck-Leaton, in her capacity as Town Clerk to receive notices of claims served upon the Secretary of State by mail at 7028 Byron Holley Road, P.O. Box 9, Byron, New York 14525 and email at townclerk@byronny.com

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

Vote: Ayes: 5 Nays: 0

PROPOSED ZONING LAW:

Councilman Wooton: He would like to know who's grandfathered into the new Zoning Law, and who's not.

Attorney Paul Boylan: The Town can't do retroaction legislation, but it can make businesses comply over a period of time. In the proposed law it is requiring them to comply in 120 days. The 1986 and 1997 Zoning Ordinances are basically the same, but more restrictive with regard to number of vehicles allowed. The old Zoning Ordinance has not been enforced as it pertains to the repair shop. The greatest piece of legislation ever passed is the Constitution of the US, but it was amended (Bill of Rights). No one ever does it right the first time, but that is why we amend things. No one can do anything to the repair shop for 120 days. It would be a benefit to the Town and to the people who worked on it to pass it tonight, and then amend it if necessary.

Councilman Wooton: If there were a Use Variance for the repair shop would it still be in affect?

Attorney Paul Boylan: Yes, it does affect the parcel at the four corners. The Town can issue a noncompliance of use.

Sue Fuller: She still has an objection to letter "o". You can't make the property compliant.

John Sackett: There are more cows than people in Byron, why is the Town Board trying to make Byron like Perinton? He is on Republican Committee and can't do anything this election cycle, but will make changes on who they endorse next time.

Eric Zuber: The repair shop is not grandfathered in, if someone files a complaint with the CEO/ZEO they are currently in violation under the current Zoning Ordinance. The Proposed Zoning Law gives you 120 days to comply.

Roger Jaczynski: He has to keep the better cars at Byron Repair so that they are not vandalized behind the fence at Fly By Nights.

Councilman Redick: Why is that the Town's problem. He would think that would be Roger's problem.

Councilman Thompson: So the Use Variance has no relevance to the repair shop?

Attorney Paul Boylan: Yes, it does, in a round about way. He is in violation of the Use Variance.

Councilman Wooton: He would like to see letter "o" taken out.

Attorney Paul Boylan: Letter "o" gives the repair shop 120 days to comply, but it also had to comply with what the first ordinance said. It's the use of the land, it has nothing to do with the owner. If changes are made to the Proposed Zoning Law it has to back to the County Planning Board, and the Town Board would need to have a new Public Hearing. He would suggest passing the Proposed Zoning Law and then amending it.

PROPOSED ZONING LAW OF 2013

RESOLUTION #56:

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

RESOLVED, that the Byron Town Board approves the Zoning Law of 2013 with the following changes: Article XI. Regulations Governing Special Permit. Section 11.01 Motor Vehicle Service Stations and Public Garages (o) Compliance shall read "Any Motor Vehicle Service Station use existing at the time of the enactment of this section shall be a pre-existing, non-conforming use and exempt from the requirements of subsections a,b,c,d,e,g and j." The sentence, "However, such pre-existing, non-conforming uses shall be required to comply with subsections f,h,i,k,l,m and n within one hundred twenty (120) days of the effective date of this section" shall be removed.

Supervisor Crnkovich seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

·Attorney Paul Boylan will send the changes to the Proposed Zoning Law to County Planning and then the Town Board will have to schedule another Public Hearing.

PUBLIC COMMENTS:

Councilman Thompson: Received prices on replacing rug in courtroom

Pete Yasses: During Jury Duty a woman almost tripped over molding around tiling.

REPLACEMENT OF COURTROOM RUG

RESOLUTION #57:

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

RESOLVED, that the Byron Town Board replace the courtroom rug at a cost of approximately \$3,364.89 by Affordable Floor Covering.

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

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

ADJOURN:

A **motion** was by Councilman Wooton to adjourn the Byron Town Board Meeting at 7:52 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk