

**BYRON TOWN BOARD MEETING**

*April 13, 2011*

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
Assessor.....	Barry Flansburg
Town Clerk.....	Debra Buck-Leaton

**Public:**

David Chupp.....	Tripp Road, Byron
Mickey Truax.....	Swamp Road, Byron
Jim Cudney.....	Rte. 237, Byron
Brian Forsyth.....	Gillett Road, Byron
Peter Yasses.....	Rte. 237, Byron
Penny Kennett and Liana Bzduch.....	Caswell Road, Byron

**PLEDGE TO THE FLAG:**

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

**MINUTES:**

A **motion** was made by Councilwoman Freeman to approve the Byron Town Board minutes of March 9, 2011 as written. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**PLANNING BOARD REPORT – Councilman Ivison:**

·Zoning Ordinance is almost complete and would like to have a joint meeting of the Town Board to review the new Ordinance.

**PLANNING BOARD ALTERNATES:**

·At the last Planning Board meeting there was a conversation regarding Planning Board Alternates and whether they could sit on the board if someone was absent. Genesee County Planning Board stated that an alternate cannot sit on the board unless a permanent member is absent for an extended period of time, and at the discretion of the Planning Board Chair.

·With regard to payment, the Town of Byron Local Law No. 1 of 2004, Section 4 (E) states, “An alternate member shall receive the same compensation as a regular member only when acting as a substitute for a member following his or her designation, as such, by the Chairperson.”

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

Vote:           Ayes: 5           Nays: 0

**ASSESSOR’S REPORT – Barry Flansbury:**

- The Assessor has been having problems with his computer and may need to get new one. He can use the Town Clerk’s laptop for the time being.
- Sent change notices out.
- Assessments for the Town were reviewed for 2008-2011 as follows:

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Total Assessed Value:	\$116,597,498	\$118,629,353	\$118,276,118	\$125,348,903
Total Taxable Value:	\$95,911,437	\$96,727,050	\$97,453,094	\$102,828,724

Total Assessed Value Increase from 2009 - 2011 = \$8,751,405  
 Total Taxable Value Increase from 2008 – 2011 = \$6,917,287

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

Vote:                   Ayes: 5                   Nays: 0

**HIGHWAY SUPERINTENDENT’S REPORT – George Heins:**

·Councilman Ivison asked what repairs will be done to Beaver Meadows Road – according to Superintendent Heins the Highway Department will attempt to fix it.

**Union Negotiations:** Meeting has been set up for Wednesday, April 20<sup>th</sup> .

**Shared Services Agreement:** Each Town and Village needs to execute a new Shared Services Agreement.

**HIGHWAY SHARED SERVICES AGREEMENT  
RESOLUTION #35:**

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

***Resolved,*** that the Byron Town Board authorizes the Town of Byron Supervisor to sign an agreement on behalf of the Town of Byron which authorizes the Supervisor to directly contract with the Superintendents of persons holding similar public office in other municipalities who possess similar authorization for borrowing or lending of materials and supplies and the exchanging, leasing, renting of machinery and equipment, including the operators thereof, for the purpose of aiding the Superintendent in the performance of his/her duties.

***WHEREAS,*** all municipalities, including the Town of Byron, have the power and authority to contract for the purpose of renting, leasing, exchanging or borrowing of machinery and equipment, with or without operators, with other municipalities, and

***WHEREAS,*** all municipalities, including the Town of Byron, have the power and authority to borrow or lend materials and supplies to other municipalities, and

***WHEREAS,*** it is hereby determined that the Town of Byron and other municipalities have machinery and equipment which is not used at all times, but lie idle during certain periods, and

***WHEREAS,*** it is determined that the Town of Byron and other municipalities often have materials and supplies on hand which are not immediately needed, and

***WHEREAS,*** it is hereby determined that by renting, borrowing, exchanging or leasing of highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Byron and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or keeping of a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and

***WHEREAS,*** it is recognized and determined from a practical working arrangement, that no program of borrowing, exchanging, leasing or renting of highway machinery and equipment or

borrowing or lending of materials can be successful if each individual arrangement or agreement has to receive prior approval by the Town Board and the governing board of each of the municipalities, which may be made on short notice and at times when governing boards are not in session, and

**WHEREAS**, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be quickly obtained with a minimum of paperwork and inconvenience and with a swift approval process, and

**WHEREAS**, it is the intent of this Town Board to give the Supervisor the authority to enter into renting, exchanging, borrowing and lending agreements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the Town Board prior to the making of each individual agreement, and

**WHEREAS**, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities which contract will grant the person holding the position capable to that of the Highway Superintendent authority to make similar agreements, and

**WHEREAS**, it is hereby determined that it will be in the best interest of the Town of Byron to be a party to such an agreement,

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor of the Town of Byron is hereby authorized to sign, on behalf of the Town of Byron, the Highway Shared Services Agreement which shall be effective on the date of signing, and be it further

**RESOLVED**, that the Highway Superintendent of the Town of Byron is authorized and directed to file a copy of the Highway Shared Services Agreement with the Supervisor/Mayor and Superintendent of Highways/Supervisor of Public Works of each municipality/government agency within the County of Genesee and neighboring counties.

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

Vote:                   Ayes: 5                   Nays: 0

A **motion** was made by Councilwoman Freeman 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
- Exercised generators, checked fluids
- Took meter readings
- Called in to 6448 Mill Pond Road – found sewer line plugged coming from home, assisted homeowner.
- Ordered new riser and cover for valve tank on Walker Corners Road. Installing riser and cover will address both infiltration and safety issues.

### *Future Projects*

- Replace pumps
- Continue preventative maintenance program
- Replace panel box at old school house
- Install riser and cover on Walker Corners Road

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

Vote:                   Ayes: 5                   Nays: 0

**CEO/ZEO REPORT:**

- Number of Inspections: 22
- Number of Zoning/Building Permits Issued: 4
- Number of Special Use Permit Applications: 0
- Number of Land Separations: 0
- Number of Building C.O./C.C. Issued: 8
- Number of Zoning Complaints Filed: 0
- Number of Zoning Complaints Resolved: 3
- Total Hours for the Month: 92

- Continue to work with the Planning Board as a resource on the Zoning Ordinance update.
- Completed the 2011 Finger Lakes Building Officials annual training classes (24 hours) week of 3/14/11.
- Newsletter article has generated many calls from residents wanting to comply with permit process.

A **motion** was made by Councilman Ivison 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 – Councilwoman Freeman:**

- George Squires will be opening gate at Trestle Park in the morning, and Bob Eichenberger will be closing them in the evening.
- Boy Scouts to be camping at Trestle Park
- Discussed rail on tennis court that is missing
- Next meeting is May 4<sup>th</sup>

A **motion** was made by Councilman Ivison 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 #36:**

Councilman Ivison 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	#4	#83 - #110	\$11,216.53
Highway Fund	#4	#56 - #70	\$16,722.03
Sewer Fund	#4	#14 - #17	\$ 2,934.42
General Fund	#PA-3	#8 - #10	\$ 931.70
Sewer Fund	#PA-3	#3	\$ 821.53
Highway Fund	#PA-1	#1	\$ 780.74

Councilwoman Freeman seconded the resolution which was adopted by the following vote:

Vote:                   Ayes: 5                   Nays: 0

**TOWN CLERK’S REPORT:**

Paid to NYS Ag. & Markets for spay/neuter program.....	\$ 80.00
Paid to Byron Park Committee for Pavilion Rental.....	\$ 30.00
Paid to DEC for hunting and fishing licenses.....	\$ 27.40
Paid to the Town of Byron Supervisor.....	<u>\$2,763.00</u>
Total Disbursed for March 2011.....	\$2,900.40

·2011 Town/County taxes have been returned to the County with 58 tax bills remaining unpaid.

A **motion** was made by Councilwoman Freeman to approve the Town Clerk's Report as given for March 2011. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

### **FINANCIAL REPORT:**

- The Financial Reports for February and March 2011 were reviewed.
- Councilman Ivison and Councilwoman Freeman have not had time to review the Financial Reports.

A **motion** was made by Councilman Redick to approve the February and March 2011 Financial Reports. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 3 Nays: 2 (Councilman Ivison and Councilwoman Freeman)

### **OTHER BUSINESS:**

#### **Genesee County Legislature Outreach Meetings:**

Would the Town of Byron like to host a Genesee County Legislature Outreach meeting on April 27<sup>th</sup>? There is a cemetery meeting and Republican Party meeting at the Town Hall that evening. The Town Board would like to have the Town Clerk call the County Legislature to see if that date is still open and then reschedule the two meetings that are supposed to be held at the Town Hall.

#### **RFP for Water District Audit:**

The Town Clerk contacted the following accountants regarding the GAGAS audit for the water districts and received the following quotes:

Raymond F. Wager, CPA	\$2,000.00
Freed Maxick Battaglia	\$3,100.00
Dawn Minemier, CPA	\$3,200.00

### **CERTIFIED PUBLIC ACCOUNTING DESIGNATION FOR THE TOWN OF BYRON**

#### **RESOLUTION #37:**

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

***Resolved***, that the Byron Town Board approves the proposal from Raymond F. Wager, CPA in the amount of \$2,000.00 for performing audit services on the Town of Byron Water Districts.

Councilwoman Freeman seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

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

- Received check from Time Warner Cable in the amount of \$8,976.09
- Received Mercy EMS Report
- Received check from NYS in the amount of \$729.58 for road side mowing

A **motion** was made by Councilman Ivison 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

**PUBLIC COMMENTS:**

Pete Yasses: Is the Town breaking even on roadside mowing  
Superintendent Heins: Yes

**EXECUTIVE SESSION:**

A **motion** was made by Councilman Ivison to enter into Executive Session at 7:30 p.m. to discuss proposed, pending or current litigation pursuant to Public Officers Law §105(1)(d). The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

A **motion** was made by Councilman Thompson to come out of executive session at 7:59 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 Councilman Ivison to authorize an audit of the water district books by a CPA firm to bring them up-to-date. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**ADJOURN:**

A **motion** was made by Councilman Ivison to adjourn the Byron Town Board Meeting at 8:00 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