

BYRON TOWN BOARD MEETING

December 8, 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
Highway Superintendent.....	George Heins
Town Clerk.....	Debra Buck-Leaton
Absent.....	Councilman Ivison
Public:	
Wayne Austin.....	Ivison Road, Byron
Mickey Truax.....	Swamp Road, Byron
Bill and Barb Emerson.....	Terry Street, Byron

PLEDGE TO THE FLAG:

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

MOMENT OF SILENCE FOR LEE CUDNEY, LORI NELSON, KEN MCKENRICK AND GLENN ELLIOTT

MINUTES:

A motion was made by Councilwoman Freeman to approve the Byron Town Board minutes of November 10, 2010 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PUBLIC HEARING – FIRE PROTECTION AND EMERGENCY SERVICES CONTRACTS:

A motion was made by Councilwoman Freeman to open the Public Hearing for the fire protection and emergency services contracts at 7:03 p.m. The motion was seconded by Councilman and carried with the following vote:

Vote: Ayes: 4 Nays: 0

***LEGAL NOTICE
PUBLIC HEARING
TOWN OF BYRON***

PLEASE TAKE NOTICE, that the Town Board of the Town of Byron will hold a Public Hearing on Wednesday, December 8, 2010 at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York to consider extending the current fire protection and other emergency services contract, including emergency medical services, with the Byron

Fire Dept. No. 1, Inc. for 2011 in the amount of \$74,000. And also to consider extending the current fire protection and other emergency services contract with the South Byron Vol. Fire Co. Inc. for 2011 in the amount of \$74,000. A copy of the complete contract is on file in the Town Clerk's Office and may be examined at any time during regular business hours.

By Order of the Byron Town Board

Debra Buck-Leaton, Byron Town Clerk

Public Comments:

Wayne Austin, Byron Fire Department No. 1: Read resolution and Contract says 1 year. Can the Town do another contract for 2011?

Supervisor Crnkovich: We can do a new contract for 2011 and get it to the Presidents of the fire companies to sign.

A **motion** was made by Councilwoman Freeman to close the Public Hearing at 7:08 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

APPROVAL OF FIRE PROTECTION AND EMERGENCY SERVICES CONTRACTS FOR 2011 FOR BYRON FIRE DEPT. NO. 1 AND SOUTH BYRON VOL. FIRE CO.

RESOLUTION #91:

Councilwoman Freeman offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board hereby approves the extension of the current fire protection and other emergency services contract, including emergency medical services, with the Byron Fire Dept. No. 1, Inc. for 2011 in the amount of \$74,000. And also to approve the extension of the current fire protection and other emergency services contract with the South Byron Vol. Fire Co. Inc. for 2011 in the amount of \$74,000. Both contracts shall expire on December 31, 2011.

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

Vote: Ayes: 4 Nays: 0

PUBLIC HEARING – AMENDMENT TO THE TOWN OF BYRON DOG CONTROL LAW:

A **motion** was made by Councilman Redick to open the Public Hearing for the Amendment to the Town of Byron Dog Control Law at 7:08 p.m. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 4 Nays: 0

***LEGAL NOTICE
PUBLIC HEARING
TOWN OF BYRON***

PLEASE TAKE NOTICE, that the Town Board of the Town of Byron will hold a Public Hearing on Wednesday, December 8, 2010 at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York to consider amending Local Law No. 2 of 1993 entitled the Town of Byron Dog Control Law. Pursuant to recent amendments of the New York State Agriculture and Markets law, all Towns in the state of New York shall now be completely responsible for administering

the licensing, identification and control of the dog population. A complete copy of the amendment to Local Law No. 2 of 1993 entitled the Town of Byron Dog Control Law is on file in the Town Clerk's Office, and may be examined at any time during regular business hours.

By Order of the Byron Town Board

Debra Buck-Leaton, Byron Town Clerk

Public Comments:

Councilman Redick read the following letter received from Jim and Barb Cudney:

"In regard to the Town Law on dog licensing; although I do not at this time harbor a dog, I have certainly had many dogs in my lifetime. I feel that special attention should be paid to seniors (over 65) that license dogs. Perhaps a senior license rate? Pets are very important companions for the elderly. I also feel that guide and service dogs should be free of license fees of all kind."

In reading proposed and adopted Dog Control Laws from several towns in our county and also Monroe County, I have noticed special circumstances for guide and service dogs and also senior citizen's dog license fees.

In any case, I feel that the fees collected from dog owners should be adequate to cover all the expenses involved for the Town to manage the dog control. A break-even situation would be fine. I do not see any need to subsidize dog control with tax money from the general fund budget. Dog ownership is a long-term responsibility that should be the responsibility of the dog owners only."

A **motion** was made by Councilwoman Freeman to close the Public Hearing at 7:17 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

ADOPTION OF AMENDMENT TO LOCAL LAW NO. 2 OF 1993 ENTITLED THE TOWN OF BYRON DOG CONTROL LAW

RESOLUTION #92:

Councilwoman Freeman offered the following resolution and moved for its adoption:

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Byron for a Public Hearing to be held by said governing body on November 10, 2010 at 7:00 p.m. at the Town Hall, 7028 Rte. 237, Byron, New York 14422 to hear all interested parties on a proposed Local Law entitled Town of Byron Dog Control Law, and

WHEREAS, notice of said Public Hearing was duly advertised in The Daily News, the official newspaper of said Town on November 24, 2010, and

WHEREAS, said Public Hearing was duly held on December 8, 2010 at 7:00 p.m. at the Town Hall, 7028 Rte. 237, Byron, New York 14422, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Town Board of the Town of Byron, after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Byron hereby adopts said Local Law entitled The Town of Byron Dog Control Law, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Byron, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

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

Vote: Ayes: 4 Nays: 0

ADOPTION OF DOG LICENSING FEES

RESOLUTION #93:

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

WHEREAS, The Town of Byron Dog Control Law requires that the Town Board set dog licensing fees by Resolution;

THEREFORE, BE IT RESOLVED, that dog licensing fees be set as follows:

Unneutered Male or Unspayed Female: \$16.00*

Neutered Male or Spayed Female: \$ 8.00*

* which fees include the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control for unneutered male and unsprayed female dogs, and the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control for neutered male and spayed female dogs.

Purebred Licenses:	\$30.00 – No more than 10 dogs
	\$60.00 – 11-25 dogs
	\$110.00 – More than 25 dogs

Plus an assessment of a \$3.00 per dog surcharge for the purpose of carrying out animal population control for unneutered male and unsprayed female dogs, and the assessment of a \$1.00 per dog surcharge for the purpose of carrying out animal population control for neutered male and spayed female dogs.

Late Fee (assessed after 60 days of non-payment): \$5.00

Enumeration Fee: \$5.00

Replacement Tag: \$3.00

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

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – Councilman Redick:

Working on an overlay plan in the event a trailer park was ever put in. Determining setbacks, etc.

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

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT – George Heins:

- Snow plowing
- Making adaptions to loader
- Brian has done yearly septic pumping
- Inquired about pickup truck and wondered where the Board stood on it.

Wayne Austin: Wouldn't it be a better investment to rotate the pickup truck every couple of years so it doesn't lose value?

Councilman Redick: Agree

Councilman Thompson: Agree

Councilwoman Freeman: Wait until after the first of the year to make a decision

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: 4 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
- Installed valving at North Byron filter bed
- Checked hours on lift stations
- House pump inspections for winter 100% complete
- Called out on 11/20/10 at 6451 Mill Pond Road for a high level alarm, bad contact in panel box
- Called out to old school house, flow was backing up in system and coming out of clean out in the yard. Found exposed wire arcing the tripped breaker. Called in electrician to trace problem and repair.

Future Projects

- Replace pumps
- Collect data from flow meter
- Continue preventative maintenance program
- Replace South Byron wet well pump

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

Vote: Ayes: 4 Nays: 0

A **motion** was made by Councilwoman Freeman to re levy all unpaid sewer bills onto the 2011 Town/County tax bills. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 34
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: 15
Number of Zoning Complaints Filed: 0
Number of Zoning Complaints Resolved: 2
Total Hours for the Month: 97

Point of information that by years end I will have closed out over fifty expired permits from past years and will continue to clean up remainder in 2011.

Residents have been calling and requesting inspections which include final Certificates of Compliance or Occupancy for their construction projects.

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

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT – Councilman Redick:

·Discussed weeds in mulch. Councilwoman Freeman asked whether they put down plastic before they put down mulch.

·More vandalism at Firemen's Park

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

Vote: Ayes: 4 Nays: 0

ABSTRACTS

RESOLUTION #94:

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

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

<u>Fund:</u>	<u>Abstract:</u>	<u>Vouchers:</u>	<u>Amount:</u>
General Fund	#12	#260 - # 284	\$14,091.72
Highway Fund	#12	#169 - #180	\$27,032.15
Sewer Fund	#12	#67 - #72	\$ 8,536.09
General Fund	#PA-14	#44	\$ 383.85
General Fund	#PA-15	#45	\$14,487.00
Sewer Fund	#PA-12	#15	\$ 507.23
Sewer Fund	#PA-13	#16	\$ 1,892.00
Highway Fund	#PA-3	#3	\$19,178.00

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

Vote: Ayes: 4 Nays: 0

TOWN CLERK'S REPORT:

Paid to the Genesee County Treasurer for Dog Licenses.....	\$ 139.82
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 231.00
Paid to NYS Environmental Conservation.....	\$ 749.80
Paid to the Town of Byron Supervisor.....	<u>\$3,031.18</u>
Total Disbursed for November 2010.....	\$4,151.80

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

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

The Financial Reports for November 2010 were reviewed.

A motion was made by Councilman Thompson to approve the November 2010 Financial Report as written. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 4 Nays: 0

OTHER BUSINESS:

WATER DISTRICT NO. 3 AND 4:

PROJECT BUDGET MODIFICATIONS FOR WATER DISTRICT NO. 3 (IVISON ROAD)

RESOLUTION #95:

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

WHEREAS, the Town of Byron wishes to make adjustments to the Administrative Budget for the inclusion of expenses related to the project and;

WHEREAS, Rural Development requires the town Board to authorize all changes to the Administrative Budget as shown on the Form E; **NOW**, therefore be it

RESOLVED, that the Town Board of the Town of Byron authorizes the following budget modifications to reallocate the Administrative Budget.

Legal	Decrease of	\$ 545.00
Net Interest	Increase of	\$2,025.84
Bookkeeping and Reporting	Decrease of	\$2,700.00
Lands & ROW	Decrease of	\$ 460.00
Contingency	Increase of	\$1,679.16

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

Vote: Ayes: 4 Nays: 0

PROJECT BUDGET MODIFICATIONS FOR WATER DISTRICT NO. 4 (COCKRAM ROAD)

RESOLUTION #96:

Councilwoman Freeman offered the following resolution and moved for its adoption:

WHEREAS, the Town of Byron wishes to make adjustments to the Administrative Budget for the inclusion of expenses related to the project and;

WHEREAS, Rural Development requires the town Board to authorize all changes to the Administrative Budget as shown on the Form E; **NOW**, therefore be it

RESOLVED, that the Town Board of the Town of Byron authorizes the following budget modifications to reallocate the Administrative Budget.

Legal	Decrease of	\$1,553.50
Net Interest	Increase of	\$2,210.00
RD Application	Decrease of	\$2,700.00
Contingency	Increase of	\$ 490.00

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

Vote: Ayes: 4 Nays: 0

APPROVAL OF WATER DISTRICT NO. 3 FORM E #3

RESOLUTION #97:

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

Resolved, that the Byron Town Board approves the Form E #3 for Water District No. 3 in the amount of \$10,457.52, subject to the approval of Rural Development.

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

Vote: Ayes: 4 Nays: 0

APPROVAL OF WATER DISTRICT NO. 4 FORM E #3

RESOLUTION #98:

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

Resolved, that the Byron Town Board approves the Form E #3 for Water District No. 4 in the amount of \$10,343.45, subject to the approval of Rural Development.

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

Vote: Ayes: 4 Nays: 0

REAPPOINTMENT OF DAVID KENT TO THE BOARD OF ASSESSMENT REVIEW:

A **motion** was made by Councilwoman Freeman to appoint David Kent to a five year term on the Board of Assessment Review effective October 1, 2010 – September 30, 2015. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 4 Nays: 0

END-OF-YEAR MEETING:

A **motion** was made by Councilwoman Freeman to hold a special meeting on December 29, 2010 at 4:00 p.m. to handle end-of-the-year business. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

2011 ORGANIZATIONAL MEETING:

A **motion** was made by Councilman Redick to hold the 2011 Organizational Meeting on January 5, 2011 at 7:00 p.m. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SUPERVISOR'S REPORT:

- Byron-Bergen Public Library Board Minutes
- Received Mercy EMS Call Responses

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

Vote: Ayes: 4 Nays: 0

PUBLIC COMMENTS:

Councilwoman Freeman: Has there been any progress with the union contract

Councilman Thompson: One meeting was cancelled due to weather and another one cancelled due to jury trial at the town. Waiting to hear back from the union regarding rescheduling.

ADJOURN:

A **motion** was made by Councilwoman Freeman to adjourn the Byron Town Board Meeting at 7:53 p.m. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk