

BYRON TOWN BOARD MEETING

October 14, 2009

The Byron Town Board Meeting was called to order by Supervisor Felton 7:00 p.m. with the following people present:

Supervisor.....Thomas Felton
Council Members.....John Ivison
Jack Redick

Absent:

Council Member.....Jeanne Freeman
Craig Ferguson

Highway Superintendent.....George Heins
Town Clerk.....Debra Buck-Leaton

Public:

Mickey Truax.....Swamp Road, Byron
David Chupp.....Tripp Road, Byron
Jim Cudney.....Rte. 237, Byron
Bill and Barb Emerson.....Terry Street, Byron
Don Liles.....Mechanic Street, S. Byron
Anthony Frongetta.....Mechanic Street, S. Byron
Bill Hallett.....Coward Road, Byron
Brian Waldruff.....Rte. 237, Byron
Sue Fuller.....Cockram Road, Byron

Invited Guests:

Byron-Bergen Public Library:
Dick VonBergen.....Townline Road, Byron
Kristin Gordon.....7581 S. Lake Road, Bergen
Nancy Bailey.....Bergen
Karen Ely.....Bergen

PLEDGE TO THE FLAG:

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

MINUTES:

A **motion** was made by Councilman Ivison to approve the Byron Town Board Minutes of September 9, 16, 23 and 30, 2009 as written. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 3 Nays: 0

PLANNING BOARD REPORT – Councilman Ivison:

·Continued to discuss zoning related issues with regard to mobile home upkeep.

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: 3 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – George Heins:

- Continuing to do blacktopping
- Getting trucks ready for snow plowing
- Presented the Town Board with two bids for window replacements in Highway garage
- Superintendent Heins will look into replacing doors

A **motion** was made by Councilman Ivison to accept the bid by Low-Key Constructions for four-3 lite slider replacement windows in the highway garage at a cost of \$1,150.00 plus \$1,200.00 for labor at a total cost of \$2,350.00. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 3 Nays: 0

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

Vote: Ayes: 3 Nays: 0

WASTE WATER REPORT:

Compliance

Center Byron Failed TSS and AMMONIA caused by pump failure in August. Passed all sampling for September.

Finished Projects

- Took weekly samples
- Took monthly samples
- Monthly reports
- Jim shall repair Mill Pond lift station generator circuit board
- Checked all pumps for operation
- Took meter readings.
- Exercised generators, checked fluids.
- Called in when transformer on Walkers Corner Road blew on 9/28/09
- Called in to Walker Corner Road, piping in house pit came apart on 9/26/09

Future Projects

- Replace pumps
- Continue preventative maintenance program
- Replace pump in South Byron

SEWER PROTEST:

Anthony Frongetta and Wendy Cappoli-Frongetta’s house located at 6323 E. Main Street was destroyed by fire is requesting that the property be removed from the sewer district.

A **motion** was made by Councilman Ivison to remove the property located at 6323 E. Main Street in South Byron from the sewer district (1 unit). The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 3 Nays: 0

A **motion** was made by Councilman Ivison to approve the Sewer Department Report as written. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 3 Nays: 0

CEO/ZEO REPORT:

- Number of Inspections: 22
- Number of Zoning Permits: 5
- Number of Building Permits Issued: 6
- Number of Land Separations: 0
- Number of Building C.O./C.C. Issued: 5
- Number of Zoning Complaints Filed: 2
- Number of Zoning Complaints Resolved: 2
- Total Hours for the Month: 90

- Fire and maintenance inspections for Business and Miscellaneous Group U
- Investigated new reported Property Maintenance Code violations.
- Continue to see new applications for new construction

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

Vote: Ayes: 3 Nays: 0

PARK COMMITTEE REPORT – Supervisor Felton:

·Supervisor Felton received a letter from the Park Committee with regard to the restrictions made by the Town Board. The Park Committee would like the Town Board to meet with the Park Committee to discuss ideas they have. Councilman Ivison would invite the Park Committee to attend the next regularly scheduled meeting.

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

Vote: Ayes: 3 Nays: 0

ABSTRACTS

RESOLUTION #66:

Councilman Ivison 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	#10	#213 - #235	\$13,463.38
Highway Fund	#10	#129 - #139	\$44,649.55
Sewer Fund	#10	#58 - #65	\$ 7,103.74
General Fund	#PA-13	#52 - #55	\$ 1,986.38
General Fund	#PA-14	#56 - #60	\$ 6,253.20
Sewer Fund	#PA-10	#19 - #21	\$ 3,261.15
Highway Fund	#PA-4	#5	\$ 572.67

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

Vote: Ayes: 3 Nays: 0

TOWN CLERK’S REPORT:

Paid to the Genesee County Treasurer for Dog Licenses.....	\$ 101.05
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 39.00
Paid to the Byron Park Committee.....	\$ 30.00
Paid to NYS Environmental Conservation.....	\$ 8,700.75
Paid to the Town of Byron Supervisor.....	<u>\$ 2,434.80</u>
Total Disbursed for September 2009.....	\$11,305.60

A **motion** was made by Councilman Redick to approve the Town Clerk’s Report as given for September 2009. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 3 Nays: 0

FINANCIAL REPORT:

- The financial reports were reviewed for September 2009
- The public also received a copy of a summary financial report

A **motion** was made by Councilman Ivison to approve the September 2009 Financial Reports as given. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 3 Nays: 0

OTHER BUSINESS:

WATER DISTRICTS:

WATER DISTRICT NOS. 3 & 4:

·Bid opening was on October 9th. The low bidder was Mar-Wal Construction for \$219,850.00

·The Town will need additional grant dollars for Cockram Road

WATER DISTRICT NO. 3 & 4 BID OPENINGS

OCTOBER 9, 2009

(Bids good for 120 days)

A. Cockram Road

B. Ivison Road

1.	Crane-Hogan Structural Systems, Inc. 3001 Brockport Road Spencerport, NY 14559	A. \$281,630.00 B. <u>\$203,857.00</u> \$485,487.00
2.	New Frontier Excavating & Paving, Inc. 8265 East Eden Road Eden, NY 14057	A. \$175,830.40 B. <u>\$106,765.81</u> \$282,596.21
3.	ML Smith Construction 2919 Silver Lake Road Perry, NY 14530-9609	A. \$126,650.00 B. <u>\$ 95,975.00</u> \$222,625.00
4.	A.D. Call & Sons Excavating and Trucking, Inc. 6400 Main Road Stafford, NY 14143	A. \$153,000.00 B. <u>\$115,000.00</u> \$268,000.00
5.	B. Beardsley Management and Ent., Inc. 7027 W. Main Road Lima, NY 14485	A. \$133,549.00 B. <u>\$ 92,116.50</u> \$225,665.50
6.	Visone Construction, Inc. 79 Sheldon Avenue Depew, NY 14043	A. \$105,960.00 B. <u>\$129,610.00</u> \$235,570.00
7.	Morsch Pipeline, Inc. 3929 S. Avon Road Avon, NY 14414	A. \$136,174.60 B. <u>\$120,919.83</u> \$257,094.43
8.	Thompson & Dilcher, LLC 59 S. Lake Avenue Bergen, NY 14416	A. \$143,613.00 B. <u>\$114,501.00</u> \$258,114.00
9.	Scott Lawn Yard, Inc. 5552 Townline Road Sanborn, NY 14132-9372	A. \$195,150.00 B. <u>\$163,900.00</u> \$359,050.00
10.	Mar-Wal Construction Co., Inc. 440 Gould Avenue Depew, NY 14043	A. \$125,860.00 B. <u>\$ 93,990.00</u> \$219,850.00

WATER DISTRICT NO. 5:

·Municipal Solutions has put together grant form for USDA. Estimate is approximately \$189,000.

WATER DISTRICT NO. 6 (Pumpkin Hill):

·Forwarded information to Town of Bergen to see if they would like to pursue with residents in Bergen. Approximately 62% of residents would like water.

WATER DISTRICT NO. 7 (Lyman Road):

·Received petition with 74 signatures for water on Lyman, Coward and Beaver Meadows Roads. It will require an intermunicipal agreement with the Town of Bergen, as will the Pumpkin Hill water district.

A **motion** was made by Councilman Redick to accept the petition for Water District No. 7 to include Lyman, Coward and Beaver Meadows Roads. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 3 Nays: 0

RESIGNATIONS:

A **motion** was made by Councilman Ivison to accept the resignation of Pam Kenward from the Byron-Bergen Public Library Board. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 3 Nays: 0

A **motion** was made by Councilman Redick to accept the resignation of Amy Schelemanow from the Byron-Bergen Public Library Board. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 3 Nays: 0

A **motion** was made by Councilman Redick to accept the resignation of Dennis Maid as Chairman of the Zoning Board of Appeals. The motion was seconded by Councilman Ivison.

After some discussion regarding a variance that Chairman Maid has in his possession, the above-mention motion was amended as follows:

A **motion** was made by Councilman Ivison to accept the resignation of Dennis Maid as Chairman of the Zoning Board of Appeals contingent upon receiving the variance for Zuber Farms that Chairman Maid has in his possession. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 3 Nays: 0

GIFTING OF LIBRARY BOOKS:

A **motion** was made by Councilman Ivison to gift all books owned by the Town of Byron at the Gillam-Grant Library to the Gillam-Grant Community Center. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 3 Nays: 0

FIRE DEPARTMENT BUDGETS:

·Met with both fire departments and will be meeting with them again regarding funding for 2010.

BUDGET MEETINGS:

A **motion** was made by Councilman Ivison to hold a Special Budget Meeting of the Town Board on Wednesday, October 21, 2009 at 6:00 p.m. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 3 Nays: 0

BYRON-BERGEN PUBLIC LIBRARY:

Kristin Gordon – Financial Secretary for Byron-Bergen Public Library stressed the point that it’s important to maintain the level of service that our communities expect of their libraries even in light of one branch closing.

Nancy Bailey – spoke regarding outreach in the Town of Byron for the Summer Youth Recreation Program, Heritage Festival and Memorial Day.

·The library is requesting \$12,400.00 for 2010, a reduction of \$2,900.00 from 2009.

·The Town Board has tentatively budgeted \$1,000.00 to go to the library in 2010.

PUBLIC COMMENTS:

·Bill Hallett would like to thank the Town Board for accepting their petition for water on Lyman, Coward and Beaver Meadows Roads.

SUPERVISOR’S REPORT:

- GAM meeting on October 15th in the Town of Bethany
- November GAM meeting will be held in the Town of Byron
- Attended GAM meeting in September at the Town of LeRoy. Jim Duvall was the guest speaker and made a presentation regarding the 2010 census
- Received an Excellence Award for assessment
- Effective today new DEC regulations go into affect for open burning
- The Town will be receiving a check from Time Warner for \$7,925.12 for the franchise fee payment, which is roughly \$2,400 over the 2009 budget amount.
- Received state aid check
- Received favorable report from audit

Supervisor Felton would like the following letter included in the official minutes of the Town Board:

“I would like to enter these comments for the record. My priorities are and will remain to be family first, profession second, and community third. Three years ago I was elected to fill a vacant position of Town Supervisor. These terms both end 12/31/09. Earlier this year, I met with the Republican committee and hesitantly agreed to fill another two year term, if and only if they could not find anyone else qualified for the position. After our meeting, I was endorsed by this group. Since that time another individual has expressed his interest in the position, and as you know, both he and I will be on the ballot in November. Over the last few weeks, there have been a series of events that have discouraged me greatly with this position, and in order to combat the negativity of a handful of individuals in the Town, I will need to spend considerably more time defending the half truths and misinformation that this group has the time to spread in the community. In addition to my full time employment I have spent 10-20 hours/wk in my capacity as Supervisor (mostly evenings and weekends), and with the assistance of this Board, we were able to make some positive change for the Town. There is a tremendous amount of work that still needs to happen in order to improve this Town. With that said, I wish to inform the public that I will complete my term through 12/31/09 but I will not be your Supervisor in 2010. I plan to spend more time with the two things in my life that bring me great joy and satisfaction-my family and my profession. If the community votes for me, it will be up to the Board to appoint a person to this leadership position, as it is too late to remove my name from the ballot. I wish you all well and thank you for allowing me to serve you.”

ADJOURN:

A **motion** was made by Councilman Ivison to adjourn the Byron Town Board Meeting at 8:15 p.m. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 3 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk