

BYRON TOWN BOARD MEETING

October 8, 2014

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

Supervisor.....Pete Yasses
Councilmen.....Jeff Thompson
Sue Fuller
Scott Wooton
Harold Austin
Town Clerk.....Debra Buck-Leaton
CEO/ZEO.....Ken Kuter
Assessor.....Barry Flansburg
Town Justice.....Barb Smith

Absent:

Highway Superintendent.....George Heins

Public:

David Chupp.....	Tripp Road, Byron
Mickey Truax.....	Swamp Road, Byron
Vic Digregario.....	Warboys Road, Byron
Eric Zuber.....	Tower Hill Road, Byron
Jeanne Freeman.....	Hessenthaler Road, Byron
Candy Hensel.....	Bergen
Bill and Barb Emerson.....	Terry Street, Byron
Jim Cudney.....	Rte. 237, Byron

PLEDGE TO THE FLAG:

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

MINUTES:

A **motion** was made by Councilman Austin to approve the Byron Town Board minutes of September 10th and September 24, 2014 as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – Councilwoman Fuller/Eric Zuber:

- Approved a land separation on Merrill Road
- Continue to work on Comprehensive Plan

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

Vote: Ayes: 5 Nays: 0

SEWER REPORT:

Monthly:

- Checked and maintained all filter bed umps (N,S+C)
- Keeping track of pump hours on all pumps including Old School House, Walkers Corners and McElver Street lift station.
- Took monthly samples

Other:

- Added riser to septic tank for homeowner on Rte. 262 because of landscaping work.
- Started going through and checking house pumps and floats for the upcoming winter.
- Checked and responded to many stakeouts.

SEWER PROTESTS: There were no sewer protests received by the Town Clerk

A **motion** was made by Councilwoman Fuller to approve the Sewer Report as written. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

CAMDEN GROUP CONTRACT:

RESOLUTION #87:

Supervisor Yasses offered the following resolution and moved for its adoption:

RESOLVED, that the Town Board of the Town of Byron hereby approved the Town of Byron Wastewater Treatment Facilities Contract submitted by Camden Group dated October 2014.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT:

- Continuing drainage problem areas and culvert replacement.
- Received DOT snow and ice final payment that was due in June in the amount of \$11,165.40..
- Received reimbursement received from state for the CHIPS funding in the amount of \$107,621.64.
- Received County Road Mowing reimbursement in the amount of \$8,519.57.
- Doing shared services with Towns of Elba, LeRoy, Bergen and County highway to finish the road projects.
- The monthly Highway Superintendents meeting was held on Tuesday, October 7th, and there was a discussion on the horse riding signs. County Superintendent Hens said no one discussed the signs with him as to the meaning, but the sign shop foreman explained that this sign is for crossings only at laneways or driveways and not permitting use of the Town road. Should discourage signs that distract from traffic control or directions. Similar signs for cattle and deer crossings are in the same federal grouping. The state and federal rules for signage are for traffic control signs to direct the traffic for speed, curves, intersections, stops, yields and directions. If this sign is for horse crossing at the farm driveway then it is allowed, not riding on the road. Insurance carrier should be consulted as to their liability if permitted. There are at lease 8 horse farms in the Town, if these signs start being allowed, there will be a large liability issue with traffic and horse.

·Supervisor Yasses talked to County Highway Superintendent Hens, who stated these are courtesy signs, the same as blind person or deer signs. This is a shared use, and these are considered optional signs, not required, as a curve or hill sign would be. It is considered a non-vehicle warning sign, and another form of transportation. Supervisor Yasses also spoke with Rosalie Maguire at Lawley Genesee Insurance, and they have no issue with the signs. Therefore, the horse signs can legally be installed.

A **motion** was made by Councilwoman Fuller to approve the Highway Superintendent's Report as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 20
Number of Zoning/Building Permits Issued: 15
Number of Land Separations: 0
Number of Building C.O./C.C. Issued: 4
Number of Zoning Complaints Filed: 1
Number of Zoning Complaints Resolved: 1

·Genesee County Health Department Sanitary Code comment period ends on October 21, 2014. The Code will become effective on January 1, 2015. He would advise the Town Board to review the Code and respond as necessary.

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

·Nothing to report.

MUSEUM COMMITTEE – Councilwoman Fuller:

·Meeting was held on September 11, 2014.
·Met with new County Historian, and they will be looking into applying for grants.
·Dinner meeting will be held on October 9, 2014 with a presentation on the Byron Hotel.
·Looking for new members.

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #88:

Councilman Wooton 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	#223 - #245	\$10,373.94
Highway Fund	#10	#130 - #143	\$64,132.63
Sewer Fund	#10	#46 - #50	\$ 3,735.17
General Fund	PA#10	#46 - #47	\$ 597.99
General Fund	PA#11	#48 - #53	\$ 1,624.20
Sewer Fund	PA#9	#28 - #31	\$ 1,487.05

Councilwoman Fuller 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.....	\$ 72.00
Paid to the DEC for hunting/fishing licenses.....	\$6,190.46
Paid to the NYS Dept. of Health for Marriage Licenses.....	\$ 45.00
Paid to the Town of Byron Supervisor.....	\$3,434.34
Total Disbursed for September 2014.....	\$9,741.80

A **motion** was made by Councilman Austin to approve the Town Clerk's Report as given for September, 2014. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The September 2014 Financial Report was reviewed.

A **motion** was made by Councilwoman Fuller to approve the September 2014 Financial Report as written. The motion was seconded by Councilman Wooton carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

Records Retention Grant:

·Supervisor Yasses has received RFPs from several contractor to do the work for the new vault. He broke the RFPs down into electrical, flooring and construction. They are as follows:

Electrical

Thompson Builds, Inc.: \$862.50
Churchville Electric, Inc.: \$750.00
4 County Electric: \$1,181.54

Flooring

Corporate Floors U.S.A.: \$936.20
Thompson Builds, Inc.: \$600.00
Will's Carpet One: \$654.00

Construction

Thompson Builds, Inc.: \$9,300.00
Grastorf Contracting, LLC: 11,150.00
Ferguson Builders, Inc.: \$ 8,463.00

·The lowest bids are Churchville Electric, Inc. for electrical at a cost of \$750.00, and Ferguson Builders, Inc. for flooring and construction at a cost of \$8,463.00

RECORDS RETENTION VAULT CONSTRUCTION:

RESOLUTION #89:

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

RESOLVED, that the Town Board of the Town of Byron hereby accepts the following bids for construction of the records retention vault:

Churchville Electric, Inc. at a cost of \$750.00; and

Ferguson Builders, Inc. at a cost of \$8,463.00.

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

Vote: Ayes: 5 Nays: 0

·Supervisor Yasses took a ride with Paul Chatfield to look at the proposed water district on Rte. 262, Transit Road, Byron Road and Tower Hill Road. Paul stated it may be a tough area because of the elevation and houses being spread out. Paul is going to work on numbers, and then the Town Board will hold a public hearing for those residents.

·Chatfield's office did test holes for Swamp Road last week.

A **motion** was made by Councilwoman Fuller 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:

JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT – Justice Smith:

·Maximum amount of grant is \$30,000 for Justice Courts. The court would like to use the grant to purchase an automatic generator and security cameras. Received quotes that total approximately \$30,000. Would like a resolution from Town Board giving Justice Smith approval to move forward.

JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT:

RESOLUTION #90:

Supervisor Yasses offered the following resolution and moved for its adoption:

RESOLVED, that the Town Board of the Town of Byron hereby gives the Town Justice, Barbara Smith, approval to apply for a Justice Court Assistance (JCAP) Grant.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 6 – ORDER CALLING PUBLIC HEARING:

At a Regular Meeting of the Town Board of the Town of Byron in the County of Genesee, held at the Town Hall in the Town of Byron on the 8th day of October, 2014.

PRESENT:

Peter Yasses, Supervisor
Suzanne Fuller, Councilman
Harold Austin, Councilman
Scott Wooton, Councilman
Jeff Thompson, Councilman

In the Matter of the Establishment of
Water District No. 6 of the Town of Byron,
Genesee County, New York.

ORDER CALLING
PUBLIC HEARING

WHEREAS, previously hereto a map, plan and report have been prepared by Chatfield Engineers, P.C., Licensed Engineers, in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Byron, New York, relating to the establishment of the proposed Water District No. 6 in the Town of Byron, and

WHEREAS, such map, plan and report have been duly filed in the office of the Town Clerk of the said Town of Byron, and

WHEREAS, the boundaries of said Water District are as follows:

Town of Byron Water District No. 6 Part A:

Beginning at a point, said point being the intersection of the centerline of North Byron Road (49.5' R.O.W.) with a northerly extension of the easterly property line of Tax Account No. 5.-2-1.2, and also being a westerly boundary line of the Town of Byron Water District No. 2; thence

1. Southerly, 510 feet more or less, along a northerly extension of the easterly property line of Tax Account No. 5.-2-1.2, and along the easterly property line of Tax Account Nos. 5.-2-1.2 and 5.-2-2.1, and also being a westerly boundary line of the Town of Byron Water District No. 2 to a point, said point being the southerly property line of Tax Account No. 5.-2-2.1; thence
2. Westerly, 1,078 feet more or less, along the southerly property line of Tax Account No. 5.-2-2.1 to a point, said point being the intersection with the centerline of Searls Road (49.5' R.O.W.); thence
3. Northerly, 15 feet more or less, along the centerline of Searls Road to a point, said point being the intersection with a line parallel to and 500 feet more or less southerly of the centerline of North Byron Road; thence
4. Westerly, 10,380 feet more or less, along a line parallel to and 500 feet more or less southerly of the centerline of North Byron Road to a point, said point being the intersection with the centerline of Transit Road (County Route 42) (66' R.O.W.), and also being the Town of Bryon and Town of Elba Town Line; thence
5. Northerly, 1,000 feet more or less, along the centerline of Transit Road to a point; thence

6. Easterly, 5,983 feet more or less, along a line parallel to and 500 feet more or less northerly of the centerline of North Byron Road to a point, said point being the intersection with an easterly property line of Tax Account No. 2.-1-27.111; thence
7. Southerly, 41 feet more or less, along an easterly property line of Tax Account No. 2.-1-27.111 to a point, said point being a northerly property line of Tax Account No. 2.-1-27.111; thence
8. Easterly, 52 feet more or less, along a northerly property line of Tax Account No. 2.-1-27.111 to a point, said point being an easterly property line of Tax Account No. 2.-1-27.111; thence
9. Southerly, 94 feet more or less, along an easterly property line of Tax Account No. 2.-1-27.111 to a point, said point being a northerly property line of Tax Account No. 2.-1-27.111; thence; thence
10. Easterly, 365 feet more or less, along a northerly property line of Tax Account No. 2.-1-27.111, and an easterly extension of the northerly property line of Tax Account No. 2.-1-27.111 to a point, said point being the intersection with the centerline of Shelt Road (49.5' R.O.W.); thence
11. Northerly, 138 feet more or less, along the centerline of Shelt Road to a point, said point being the intersection with a line parallel to and 500 feet more or less northerly of the centerline of North Byron; thence
12. Easterly, 3,458 feet more or less, along a line parallel to and 500 feet more or less northerly of the centerline of North Byron Road to a point; thence
13. Northerly, 120 feet more or less, along a line parallel to and 500 feet more or less westerly of the centerline of Searls Road to a point, said point being the intersection with a line parallel to and 620 feet more or less northerly of the centerline of North Byron Road; thence
14. Easterly, 950 feet more or less, along a line parallel to and 620 feet more or less northerly of the centerline of North Byron Road to a point, said point being the intersection with the easterly property line of Tax Account No. 3.-1-63.2; thence
15. Southerly, 115 feet more or less, along the easterly property line of Tax Account No. 3.-1-63.2 to a point, said point being the southerly property line of Tax Account No. 3.-1-63.2; thence
16. Easterly, 13 feet more or less, along an easterly extension of the southerly property line of Tax Account No. 3.-1-63.2 to a point, said point being the intersection with a northerly extension of the easterly property line of Tax Account No. 3.-1-45.1; thence
17. Southerly, 505 feet more or less, along a northerly extension of the easterly property line of Tax Account No. 3.-1-45.1 and the easterly property line of Tax Account Nos. 3.-1-45.1 and 3.-1-44.12, and also being the westerly boundary line of the Town of Byron Water District No. 2 to a point, said point being the intersection with the centerline of North Byron Road; thence
18. Easterly, 595 feet more or less, along the centerline of North Byron Road, and also being a southerly boundary line of the Town of Byron Water District No. 2 to a point, said point being the Point of Beginning.

Town of Byron Water District No. 6 Part B:

Beginning at a point, said point being the intersection of the centerline of Cockram Road (49.5' R.O.W.) with a southerly extension of the easterly property line of Tax Account No. 7.-1-66.2, and also being a westerly boundary line of the Town of Byron Water District No. 2; thence

1. Northerly, 195 feet more or less, along a southerly extension of the easterly property line of Tax Account No. 7.-1-66.2, and also being an westerly boundary line of the Town of Byron Water District No. 2 to a point, said point being the northerly property line of Tax Account No. 7.-1-66.2; thence
2. Easterly, 68 feet more or less, along an easterly extension of the northerly property line of Tax Account No. 7.-1-66.2 to a point, said point being the intersection with a line parallel to and 400 feet more or less easterly of the centerline of Byron-Stafford Road (NYS Route 237) (66' R.O.W.) to a point;
3. Northerly, 316 feet more or less, along a line parallel to and 400 feet more or less easterly of the centerline of Byron-Stafford Road to a point, said point being the intersection with a line parallel to and 500 feet more or less northerly of the centerline of Cockram Road; thence
4. Easterly, 2,754 feet more or less, along a line parallel to and 500 feet more or less northerly of the centerline of Cockram Road to a point, said point being the intersection with a northerly extension of the easterly property line of Tax Account No. 7.-1-64.22; thence
5. Southerly, 1,000 feet more or less, along a northerly and southerly extension of the easterly property line of Tax Account No. 7.-1-64.22 and also along the easterly property line of Tax Account No. 7.-1-64.22 to a point; thence
6. Westerly, 2,593 feet more or less, along a line parallel to and 500 feet more or less southerly of the centerline of Cockram Road to a point, said point being the intersection with a line parallel to and 400 feet more or less easterly of the centerline of Byron-Stafford Road (NYS Route 237); thence
7. Northerly, 503 feet more or less, along a line parallel to and 400 feet more or less easterly of the centerline of Byron-Stafford Road (NYS Route 237) and also being an easterly boundary line of the Town of Byron Water District No. 2 to a point, said point being the centerline of Cockram Road; thence
8. Westerly, 90 feet more or less, along the centerline of Cockram Road and also being a northerly boundary line of the Town of Byron Water District No. 2 to a point, said point being the Point of Beginning.

All as shown on a map prepared by Chatfield Engineers, P.C., entitled, "Town of Byron Water District No. 6, Water Boundary Map," dated June 2014, and

WHEREAS, the proposed improvements consists of the installation of approximately 15,100 linear feet of water main, hydrants and other appurtenances, and

WHEREAS, the maximum amount proposed to be expended by the said district is nine Hundred Sixty Thousand Dollars (\$960,000), and it is anticipated that there will be an annual cost to the typical owner of a one or two family home of Six Hundred Ninety and 54/100 Dollars (\$690.54) after the first year, and the first year cost to the typical owner of a one or two family home is anticipated to be Two Thousand Seventy and 54/100 Dollars (\$2,070.54), both of which estimates include annual debt service and annual water usage costs, which will be levied upon each of the units in said District, and

WHEREAS, a petition in due form has been received and was filed in the Town Clerk's office on August 29, 2014 and which, according to an affidavit sworn to by Barry Flansburg, Town Assessor, contains the signatures of the owners of more than one-half of the total assessed value of the real property in said proposed district and more than one-half of the real property owned by persons residing in said proposed district, and which petition sets forth with specificity the maximum amount

to be expended and anticipated the first year and subsequent annual cost for a typical one or two family home as above set forth,

NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the Town of Byron will be held at the Town Hall, Route 237, Byron, New York at 7:00 p.m. on November 12, 2014 to consider the Establishment of said Water District No. 6 of the Town of Byron, including the environmental significance thereof and to hear all persons present interested in the subject matter thereof, concerning the same and for such other and further action on the part of said Town Board may be necessary and proper, with relation to the premises.

Dated: October 8, 2014

Peter Yasses, Supervisor
Suzanne Fuller, Councilwoman
Harold Austin, Councilman
Scott Wooton, Councilman
Jeff Thompson, Councilman

By Order of the Town Board, Town of Byron
Debra L. Buck-Leaton, Town Clerk

FIRE CONTRACTS:

·Both fire departments have the new contracts for review.

2015 BUDGET:

Supervisor Yasses: The only thing left to review in the 2015 budget is the CEO/ZEO salary. The Town Board would like to decrease the line item from \$24,969 to \$16,000 because according to the County payroll spreadsheet the CEO/ZEO salary is far above any Town in Genesee County.

CEO/ZEO Ken Kuter: In 2009 an extra \$5,000 was added to salary to do extra zoning work. It was decided again last year (as the minutes show) that it was not a one time payment, but to be included into salary. After speaking with the Supervisor the CEO/ZEO agreed to decrease his salary by \$5,000 to \$20,000, but now the Town Board wants to decrease salary to \$16,000.

Supervisor Yasses: After much discussion, Supervisor Yasses told the Town Board that he would suggest setting the CEO/ZEO salary at \$20,357, which is 2% per year based on his 2010 salary of \$18,077. The remainder of the Town Board also agreed with the \$20,357 figure, and this is the amount that will be put in the 2015 budget.

Supervisor Yasses: Would like to have Baldwins determine what number should be used to keep the amount to be raised by taxes right under the tax cap, and that's the amount the budget shall reflect.

PUBLIC HEARING – BUDGET:

A **motion** was made by Councilman Wooton to approve the 2015 Tentative Budget with the changes as discussed above, and to set the Public Hearing on the 2015 Preliminary Budget and Fire Protection Contracts for November 5, 2014 at 7:00 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

NONE

ADJOURN:

A **motion** was by Councilman Wooton to adjourn the Byron Town Board Meeting at 8:48 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