

# ***BYRON TOWN BOARD MEETING***

*November 10, 2009*

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

Supervisor.....	Thomas Felton
Councilmen.....	John Ivison
	Jeanne Freeman
	Craig Ferguson
	Jack Redick
Town Clerk.....	Debra Buck-Leaton
Highway Superintendent.....	George Heins

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
John Schrenker.....	6878 Townline Road, Byron
Donna Bobzin.....	6485 Byron Holley Road, Byron
Nancy Bailey.....	Byron-Bergen Public Library
Sue Fuller.....	Cockram Road, Byron
Wayne Austin.....	6959 Ivison Road, Byron
George Hillabush.....	6620 E. Bird Road, Byron
Judy Drews.....	Swamp Road, Byron
Bob Wilson.....	6451 Mill Pond Road, Byron
Jeffrey Starowitz.....	8156 Rte. 237, LeRoy
John Durand.....	6383 Townline Road, Byron
Laura Platt.....	6380 Townline Road, Byron
Rita Reding.....	6394 Freeman Road, Byron
Robert Crnkovich.....	Rte. 237, Byron
Everette Roda.....	Rte. 237, Byron

## 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 October 14, 21 and 29, 2009 as written, with the exception of the October 21, 2009 minutes on page 1 Councilman Ivison would like the word “salary” under A3620.1 (Safety Inspection Personal Services) switched to “compensation”. The motion was seconded by Councilman Redick and carried with the following vote:

Vote:           Ayes: 5                   Nays: 0

**PUBLIC HEARING – 2010 CONTRACT FOR EMERGENCY SERVICES:**

A **motion** was made by Councilman Ferguson to open the Public Hearing on the contract for emergency services at 7:05 p.m. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote:                      Ayes: 5                      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 Tuesday, November 10, 2009 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 2010 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 2010 in the amount of \$74,000. Copies of the complete contracts are 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, Town Clerk*

**John Durand:** Both fire departments would like to have the contracts amended to be \$74,000 for 2 years because the negotiation process is cumbersome.

**Supervisor Felton:** The Town might have to advertise another public hearing and time is limited.

**Pete Yasses:** The fire departments would like to put together a long range plan and a two year contract would help.

**Supervisor Felton:** He will check with Paul Boylan to see if we need to have another public hearing for the fire department budget.

A **motion** was made by Councilwoman Freeman to close the Public Hearing at 7:15 p.m. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

A **motion** was made by Councilman Ivison to change the term of the fire protection and other emergency services contract, including emergency medical services, with the Byron Fire Dept. No. 1, Inc. and South Byron Vol. Fire Co. Inc. to be a two (2) year contract to include January 1, 2010 through December 31, 2011, contingent upon public notice

required by law. The motion was seconded by Councilman Redick and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

**PUBLIC HEARING – 2010 BUDGET:**

A **motion** was made by Councilman Ivison to open the Public Hearing on the 2010 Budget at 7:16 p.m. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

*LEGAL NOTICE  
TOWN OF BYRON  
2010  
PRELIMINARY BUDGET*

PLEASE TAKE NOTICE, that the Preliminary Budget for the Town of Byron, the Preliminary Budget and Assessment Roll for the Byron Sewer District and the Preliminary Budgets and Assessment Rolls for the Byron Water District No. 1 and Byron Water District No. 2 for the fiscal year beginning January 1, 2010 have been completed and filed in the office of the Byron Town Clerk, 7028 Rte. 237, Byron, New York where they are available for public inspection during regular business hours. Further notice is hereby given, that said Preliminary Budget, the Preliminary Budget and Assessment Roll of said Sewer District and the Preliminary Budgets and Assessment Rolls for the Byron Water District No. 1 and Byron Water District No. 2 will be reviewed at a Public Hearing to be conducted by the Town Board of Byron at the Byron Town Hall, 7028 Rte. 237, Byron, NY on Tuesday the 10<sup>th</sup> of November, 2009 at 7:00 p.m., at which time all interested persons will be heard and objection to said Assessment Rolls considered, pursuant to Section 108 of Town Law. The proposed salaries of the following Town of Byron Officials are as follows:

Supervisor	\$ 11,000
Councilman (Deputy Supervisor)	\$ 4,000
Councilmen (3/each)	\$ 3,000
Town Justice	\$ 10,948
Town Justice	\$ 10,098
Highway Superintendent	\$ 47,000
Town Clerk	\$ 24,525
Tax Collector	\$ 4,120
Registrar of Vital Statistics	\$ 412

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

Supervisor Felton reviewed the 2009 Preliminary Budget

- Amount to be raised by taxes is \$193,275.00
- General and Highway Funds: The estimated tax rate is \$2.00/\$1,000.
- Sewer District: \$0 to be raised by taxes. O&M will be \$96.30/unit and debt service will be \$0
- Water District #1: \$100,000.45 (302.5 units) is the amount to be raised by taxes
- Water District #2: \$71,975.63 is the amount to be raised by taxes, with the Town of Byron having 164.5 units for \$63,146.62, and the Town of Stafford having 23 units for \$8,829.01.

**Nancy Bailey (Byron-Bergen Public Library):** Demands on the Byron-Bergen Public Library will greatly increase with the closing of the Gillam-Grant Library. There has already been an increase in the number of Byron users at the Byron-Bergen Public Library.

**John Schrenker:** Why did the Board cut the Byron-Bergen Public Library budget by more than 90%. The Gillam-Grant Library is a private organization and the Byron-Bergen Public Library is a public organization. The Town Board is making drastic cuts, instead of taking a wait and see attitude. These actions will have a dramatic affect on the library next year.

**Councilman Ivison:** The Board may consider more funding in another year if the number of Byron users support an increase.

**Supervisor Felton:** The Town Board has had at least six budget meetings on this topic and the Byron-Bergen Library has known what their budgeted amount would be for 2010.

A **motion** was made by Councilman Ivison to close the Public Hearing at 8:00 p.m. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

**2010 GENERAL, SEWER, HIGHWAY, WATER DISTRICT NO. 1 AND WATER DISTRICT NO. 2 BUDGETS**  
**RESOLUTION #67:**

Councilwoman Freeman offered the following resolution and moved for its adoption:  
***Resolved,*** that the Byron Town Board hereby approves the 2010 General, Sewer, Highway, Water District No. 1 and Water District No. 2 Budgets.

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

Vote:                      Ayes: 5                      Nays: 0

**2010-2011 FIRE PROTECTION AND OTHER EMERGENCY SERVICES CONTRACT, INCLUDING EMERGENCY MEDICAL SERVICES, WITH THE BYRON FIRE DEPT. NO. 1, INC. AND SOUTH BYRON VOL. FIRE CO. INC.**  
**RESOLUTION #68:**

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

*Resolved*, that the proposed contracts between the Town of Byron Fire Department no. 1 and the Town and South Byron Vol. Fire Co., Inc. each in the amount of \$74,000.00 for the period January 1, 2010 to December 31, 2010 are hereby approved, and be it further

*Resolved*, that said contracts be renewed on exactly the same terms and conditions for the period January 1, 2011 to December 31, 2011 subject to a public hearing being held prior to December 31, 2010, solely on the question of said renewal.

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

Vote:                      Ayes: 5                      Nays: 0

**PLANNING BOARD REPORT – Councilman Ivison:**

·No meeting in November due to elections. Comprehensive Plan Committee is working on survey.

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

Vote:                      Ayes: 5                      Nays: 0

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

·A National Grid representative will get back to the Highway Superintendent regarding placing a street lamp at the corner of Bird Road and N. Bergen Road pursuant to a request from John and Donna Gerrard. National Grid has stated that it will cost less than \$300/year.

·Continue to put up snow fence.

·Received check from County for mowing.

**Councilman Ferguson:** A motion was made in May of 2008 to have the Superintendent of Highway’s truck lettered and wondered why it hasn’t been done yet.

**Superintendent Heins:** He will get a decision from the Town Attorney as to why the truck does not have to be lettered.

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

Vote:                      Ayes: 5                      Nays: 0

**WASTE WATER REPORT:**

·Per Al Graham, nothing new to report

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

Vote:                      Ayes: 5                      Nays: 0

**CEO/ZEO REPORT:**

Number of Inspections:              18

Number of Zoning Permits: 5  
Number of Building Permits Issued: 6  
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  
Total Hours for the Month: 85

- Fire and maintenance inspections for Business and Miscellaneous Group U
- Continue to see new applications for new construction
- 3 unit apartment fire at 6296 Rte. 262. Ongoing investigation.

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

Vote:                      Ayes: 5                      Nays: 0

#### **PARK COMMITTEE REPORT:**

**George Hillabush:** The Park Committee has some concerns whether the committee is really needed. They feel like they should have been consulted regarding the Town Board's decision concerning the new park regulations.

**Supervisor Felton:** Doesn't believe the Park Committee will need a gatekeeper since the gates will be closed. Vandalism has been an ongoing problem at Trestle Park because it is a secluded location. Something had to change and had to change right away. It has nothing to do with the Park Committee, but with the total disrespect of town property. The Park Committee can still have a gatekeeper, but will need to pay for it out of their budgeted amount.

**Laura Platt and Donna Bobzin:** The Park Committee would just like to have been asked their opinion before the Town Board restricted use of the parks.

**Supervisor Felton:** He would like to have Councilwoman Freeman and Councilman Redick meet with the Park Committee at their next meeting in December to discuss options for the town parks.

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

Vote:                      Ayes: 5                      Nays: 0

#### **ABSTRACTS**

##### **RESOLUTION #69:**

Councilwoman Freeman offered the following resolution and moved for its adoption: ***Resolved***, that the Byron Town Board pay the following abstracts:

<b><u>Fund:</u></b>	<b><u>Abstract:</u></b>	<b><u>Vouchers:</u></b>	<b><u>Amount:</u></b>
General Fund	#11	#236 - #251	\$ 9,593.52
Highway Fund	#11	#140 - #158	\$27,777.73
Sewer Fund	#11	#66 - #74	\$ 5,666.41
General Fund	#PA-15	#61	\$ 15.00
General Fund	#PA-16	#62 - #66	\$ 5,371.19
Sewer Fund	#PA-11	#22	\$ 525.58

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

Vote: Ayes: 5 Nays: 0

#### **TOWN CLERK'S REPORT:**

Paid to the Genesee County Treasurer for Dog Licenses.....	\$ 79.90
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 36.00
Paid to the Byron Park Committee.....	\$ 30.00
Paid to NYS Environmental Conservation.....	\$1,980.58
Paid to the State Comptroller for Games of Chance.....	\$ 15.00
Paid to NYS Department of Health for Marriage Licenses.....	\$ 22.50
Paid to the Town of Byron Supervisor.....	\$2,497.32
Total Disbursed for October 2009.....	\$4,661.30

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

Vote: Ayes: 5 Nays: 0

#### **FINANCIAL REPORT:**

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

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

Vote: Ayes: 5 Nays: 0

#### **OTHER BUSINESS:**

#### **REMOVAL OF PROPERTY OWNED BY PETER N. YASSES and MICHELLE R. YASSES FROM THE TOWN OF BYRON SEWER DISTRICT** **RESOLUTION #70:**

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

***Resolved***, that the Byron Town Board shall hold a Public Hearing on Wednesday, December 9, 2009 at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York regarding a proposed resolution to diminish the Byron Sewer District by removing therefrom property owned by Peter N. Yasses and Michelle R. Yasses pursuant to Town Law Section 202-c, subdivision 7 as amended by Chapter 373 of the Laws of 2009.

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

Vote: Ayes: 5 Nays: 0

**WATER DISTRICTS:**

**WATER DISTRICT NOS. 3:**

- All paperwork is set for Water District No. 3

**WATER DISTRICT NO. 4:**

**ORDER CALLING PUBLIC HEARING TO INCREASE THE MAXIMUM  
AMOUNT TO BE EXPENDED FOR WATER DISTRICT NO. 4**

**RESOLUTION #71:**

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

WHEREAS, the Town Board of the Town of Byron (the “Town Board” and the “Town,” respectively), in the County of Genesee, New York, on behalf of Water District No. 4 (Cockram Road) in the Town (the “District”), has requested Clark Patterson Lee, duly licensed Engineer (the “Engineer”), to prepare a preliminary map, plan and report dated February 2008 for the increase and improvement of facilities of the District consisting of the installation of 2,150 lineal feet of water mains and eleven (11) lateral connections on Cockram Road in the Town of Byron and including land or rights in land, furnishings, equipment, machinery and apparatus required therefor, and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the estimated maximum cost thereof to be \$156,000.00; and

WHEREAS, the Town duly adopted a resolution and order after public hearing in the above entitled proceeding on May 14, 2008, authorizing the expenditure of \$156,000.00 to provide for the increase and improvement of facilities of the District; and

WHEREAS, due to generally increased costs of labor and materials, the maximum amount now proposed to be expended for said improvement of the water system is \$191,000.00, being an increase of \$35,000.00; now, therefore, be it

ORDERED, that in accordance with the provisions of section 202-b of the Town Law, a further hearing to be held in this proceeding at a meeting of the Town Board be held at the Town Hall, 7028 Rte. 237 in the Town, on Thursday, November 24, 2009, at 7:00 p.m. to consider an increase in the maximum amount to be expended for said improvement of facilities of the District from \$156,000.00 to \$191,000.00 and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in The Daily News, a newspaper published in Batavia, New York, and hereby designated as the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

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

Vote:                      Ayes: 5                      Nays: 0



**WATER DISTRICT NO. 5 (Cockram Road East):**

·Paperwork is currently being sent to USDA

**WATER DISTRICT NO. 6 (Pumpkin Hill):**

·Waiting to hear back from the Town of Bergen with regard to their interest in going forward with this water district via an intermunicipal agreement.

**GAM MEETING:**

·The Town of Byron is hosting the GAM meeting on November 19<sup>th</sup> at the Byron Hotel at 7:00 p.m.

**BYRON-BERGEN PUBLIC LIBRARY:**

·Supervisor Felton has been advised that the Town of Byron needs to have three representatives on the Byron-Bergen Public Library Board. Supervisor Felton would like to further review the Agreement and Charter before acting on this.

**ZONING BOARD OF APPEALS:**

A **motion** was made by Councilwoman Freeman to appoint James Cudney as Zoning Board of Appeals Chairman. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

**PUBLIC COMMENTS:**

**Sue Fuller:** Concerned that the Town Board is discouraging the Park Committee from fundraising.

**Supervisor Felton:** He stated that the Town Board would like to see the Park Committee and fire departments not need to fundraise, but use their efforts to do something productive in the parks and provide fire protection. He is concerned that we are “burning out” our small volunteer base.

**John Durand:** The CEO/ZEO did a great job in helping the fire department with the recent fire on Rte. 262.

**SUPERVISOR’S REPORT:**

·Councilman Iverson met with the new school superintendent, Scott Martzloff. The Superintendent is concerned with the declining number of children enrolled in the elementary school.

·Received third quarter sales tax check in the amount of \$149,024.11

·Received report from Mercy EMS.

·Scott German was the speaker at the October GAM meeting. County sales tax is down about 3.2% from last year.

A **motion** was made by Councilman Ferguson to approve the Supervisor’s Report as given. The motion was seconded by Councilman Iverson 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 9:13 p.m. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk