

**BYRON TOWN BOARD MEETING**

November 12, 2008

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.....	Craig Ferguson
	Jeanne Freeman
	John Ivison
Highway Superintendent.....	George Heins
Town Clerk.....	Debra Buck-Leaton
Bookkeeper.....	Lori Nelson

**Public:**

James Polk.....	Byron, NY
Everett Roda.....	Rte. 237, Byron
Mickey Truax.....	Swamp Road, Byron
Brian Forsyth.....	Gillett Road, Byron
Jim Cudney.....	Rte. 237, Byron
Bob and Beth Wilson.....	Mill Pond Road, Byron
Aurora Austin.....	Freeman Road, Byron
Donna and Doug VanSlyke.....	N. Bergen Road, Byron
Matt Campbell.....	6670 N. Bergen Road, Byron
David VanSlyke.....	P.O. Box 421, Byron
Kevin Thomas.....	Byron, NY
John Durand.....	Townine Road, Byron
Barb Starowitz.....	Bank Street Road, Byron
Deb Szeles.....	Hessenthaler Road, Byron
Jeff Thomas.....	Byron, NY

**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 8<sup>th</sup>, October 14<sup>th</sup> and October 29<sup>th</sup>, 2008 as written. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**WATER DISTRICT NOS. 3 & 4:**

At a meeting of the Town Board of the Town of Byron, held at the Town Hall in said Town of Byron, County of Genesee, State of New York on the 12th day of November, 2008.

**PRESENT:**

Thomas Felton, Supervisor  
John Ivison, Councilman  
Jeanne Freeman, Councilwoman  
Craig Ferguson, Councilman

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In the Matter of

**ESTABLISHING**

The Establishment of Water District No. 3 in the Town of Byron, Genesee County, New York, pursuant to Article 12 of the Town Law

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**ORDER**

**WATER DISTRICT**

WHEREAS, the Town Board of the Town of Byron, Genesee County, New York, received at a meeting held May 14, 2008, a Petition dated March 27, 2008, signed by residents of the proposed water district in the Town of Byron, and

WHEREAS, an Order was duly adopted by said Town Board on April 9, 2008 reciting the description of the boundaries of said district, the proposed improvements, the maximum amount proposed to be expended for the improvements to be provided in connection therewith, the fact that the map, plan and report were incorporated with and made a part of said Petition and specifying May 14, 2008 at 7:00 p.m. at the Town Hall in the Town of Byron as the time and place where the Town Board would hold a public hearing to hear all persons interested in the creation of the district, and for any other action on the part of the Town Board with relation to the matter as might be required by law or proper in the circumstances, and

WHEREAS, the Order was published and posted in the manner and within the time prescribed by Article 12 of the Town Law and proof, in the form of affidavits, of such publications and posting has been presented to the Town Board, and

WHEREAS, the public hearing was held at the time and place set forth in in the Order and all persons desiring to be heard were heard, and

WHEREAS, following said public hearing and based on the evidence adduced thereat, the Town Board by resolution adopted May 14, 2008 determined that permission of the Department of Audit and Control is required pursuant to Section 194 of the Town Law since said Department has determined that for the year 2008 the average estimated cost to a typical one or two family home of similar districts is \$613.00 and the cost of \$943.00 in the first year of Water District No. 3 is above said sum,

NOW THEREFORE, it is

ORDERED, by the Town Board of the Town of Byron, Genesee County, New York, as follows:

Town of Byron Water District No. 3 in the Town of Byron, Genesee County, New York is hereby established substantially in accordance with the aforesaid map, plan and report, and the district shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Byron, County of Genesee, State of New York, described as follows:

Beginning at a point at the intersection of Ivison Road (49.5 feet wide right-of-way) and the southerly line of the Town of Byron Existing Water District No. 1 (the existing water district); thence,

1. Southerly, along the centerline of Ivison Road and the existing water district, a distance of 968 feet, more or less, to a southwesterly corner of the existing water district; thence,
2. Easterly, along the northerly line of tax account number 7-1-51.22 and a southerly line of the existing water district, a distance of 325 feet, more or less, to the northeasterly corner of said tax account number and a southeasterly corner of the existing water district; thence,
3. Southerly, along the easterly lines of tax account numbers 7-1-51.22, 7-1-51.11, and 7-1-51.12, and a westerly line of the existing water district, a distance of 450 feet, to the southeasterly corner of tax account number 7-1-51.12 and a southwesterly corner of the existing water district; thence,
4. Westerly, along the southerly line of tax account number 7-1-51.12, a distance of 124.74 feet, to the northeasterly corner of tax account number 7-1-54.12; thence,

5. Southerly, along the easterly lines of tax account numbers 7-1-54.12 and 7-1-54.2, a distance of 400 feet, to the southeasterly corner of tax account number 7-1-54.2; thence,
6. Westerly, along the southerly line of tax account number 7-1-54.2, a distance of 200 feet, more or less, to the centerline of Ivison Road; thence,
7. Northerly, along the centerline of Ivison Road, a distance of 335 feet, more or less, to a point; thence,
8. Westerly, along the southerly line of tax account number 7-1-98.1, a distance of 325 feet, more or less, to the southwesterly corner of tax account number 7-1-98.1; thence,
9. Northerly, along the westerly lines of tax account numbers 7-1-98.1, 7-1-50.112, and 7-1-107, a distance of 1081.08 feet, to the northwesterly corner of tax account number 7-1-107; thence,
10. Easterly, along the northerly line of tax account number 7-1-107, a distance of 124.75 feet, to the southwesterly corner of tax account number 7-1-97; thence,
11. Northerly, along the westerly line of tax account number 7-1-97, a distance of 150 feet, to the northwesterly corner of tax account number 7-1-97; thence,
12. Westerly, along a line being the westerly extension of the northerly line of tax account number 7-1-97, through the lands of tax account number 7-1-50.113, a distance of 300 feet, more or less, to a point being 500 feet westerly of the centerline of Ivison Road; thence,
13. Northerly, along a line 500 feet westerly of and parallel to the centerline of Ivison Road, through the lands of tax account numbers 7-1-50.113 and 7-1-103, a distance of 258 feet, more or less, to a point on the northerly line of tax account number 7-1-103 and the southerly line of the existing water district; thence,
14. Easterly, along the northerly line of tax account number 7-1-103 and the southerly line of the existing water district, a distance of 500 feet, more or less, to the centerline of Ivison Road and the point of beginning.

All as shown on a map prepared by Clark Patterson Lee entitled, "Town of Byron Water District Map, Ivison Road Water District", Drawing Number WD-01, dated May 29, 2007.

Water District as described above contains approximately 17.12 acres of land.

NOW THEREFORE, it is hereby determined and

**RESOLVED:** That the Petition is signed and acknowledged or proved as required by law and is otherwise sufficient; and it is further

**RESOLVED:** That all the property and property owners within the proposed district are benefited thereby; and it is further

**RESOLVED:** That all the property owners benefited thereby are included in the proposed district; and it is further

**RESOLVED:** That it is in the public interest that the proposed district be established and that the relief requested by the Petition be granted; and it is further

**RESOLVED:** That the permission of the Department of Audit and Control is necessary as provided in Town Law Section 194, and that the Supervisor and Town Attorney are hereby authorized and directed to apply for said permission..

The foregoing Order was adopted by the following roll call vote:

Supervisor Felton: Aye  
Councilman Ivison: Aye  
Councilwoman Freeman: Aye  
Councilman Ferguson: Aye

The Order was declared adopted.

At a meeting of the Town Board of the Town of Byron, held at the Town Hall in said Town of Byron, County of Genesee, State of New York on the 12th day of November, 2008.

PRESENT:

Thomas Felton, Supervisor  
John Ivison, Councilman  
Jeanne Freeman, Councilwoman  
Craig Ferguson, Councilman

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In the Matter of

**ESTABLISHING**

The Establishment of Water District No. 4 in the Town of Byron, Genesee County, New York, pursuant to Article 12 of the Town Law

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**ORDER**

**WATER DISTRICT**

WHEREAS, the Town Board of the Town of Byron, Genesee County, New York, received at a meeting held May 14, 2008, a Petition dated March 31, 2008, signed by residents of the proposed water district in the Town of Byron, and

WHEREAS, an Order was duly adopted by said Town Board on April 9, 2008 reciting the description of the boundaries of said district, the proposed improvements, the maximum amount proposed to be expended for the improvements to be provided in connection therewith, the fact that the map, plan and report were incorporated with and made a part of said Petition and specifying May 14, 2008 at 7:00 p.m. at the Town Hall in the Town of Byron as the time and place where the Town Board would hold a public hearing to hear all persons interested in the creation of the district, and for any other action on the part of the Town Board with relation to the matter as might be required by law or proper in the circumstances, and

WHEREAS, the Order was published and posted in the manner and within the time prescribed by Article 12 of the Town Law and proof, in the form of affidavits, of such publications and posting has been presented to the Town Board, and

WHEREAS, the public hearing was held at the time and place set forth in in the Order and all persons desiring to be heard were heard, and

WHEREAS, following said public hearing and based on the evidence adduced thereat, the Town Board by resolution adopted May 14, 2008 determined that permission of the Department of Audit and Control is required pursuant to Section 194 of the Town Law since said Department has determined that for the year 2008 the average estimated cost to a typical one or two family home of similar districts is \$613.00 and the cost of \$723.00 in the first year of Water District No. 4 is above said sum,

NOW THEREFORE, it is

ORDERED, by the Town Board of the Town of Byron, Genesee County, New York, as follows:

Town of Byron Water District No. 4 in the Town of Byron, Genesee County, New York is hereby established substantially in accordance with the aforesaid map, plan and report, and the district shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Byron, County of Genesee, State of New York, described as follows:

Beginning at a point at the intersection of the centerlines of Cockram Road (49.5 feet wide right-of-way) and Caswell Road (49.5 feet wide right-of-way); thence,

15. Northerly, along the centerline of Caswell Road, a distance of 705 feet, more or less, to a point; thence,
16. Easterly, along the northerly lines of tax account numbers 7-1-93, 7-1-94, and 7-1-95.2, a distance of 1225 feet, more or less, to the northeasterly corner of tax account number 7-1-95.2; thence,
17. Northerly, along the westerly line of tax account number 7-1-86.121, a distance of 600 feet, to the northwesterly corner of tax account number 7-1-86.121; thence,
18. Easterly, along the northerly line of tax account number 7-1-86.121, a distance of 795.69 feet, to the northeasterly corner of tax account number 7-1-86.121 and a westerly line of the Town of Byron Existing Water District No. 2 (the existing water district); thence,
19. Southeasterly, along the easterly line of tax account number 7-1-86.121, and a westerly line of the existing water district, a distance of 1070.81 feet, to the northerly line of tax account number 7-1-86.111 and a northeasterly corner of the existing water district; thence,
20. Westerly, along the northerly line of tax account number 7-1-86.111 and the existing water district, a distance of 73.59 feet, to the northwesterly corner of tax account number 7-1-86.111 and the existing water district; thence,
21. Southerly, along the westerly line of tax account number 7-1-86.111 and the existing water district, a distance of 440 feet, more or less, to a point on the centerline of Cockram Road and the existing water district; thence,
22. Easterly, along the centerline of Cockram Road and the existing water district, a distance of 8 feet, more or less, to a point on the centerline of Cockram Road and the existing water district at the intersection of the northerly extension of the westerly line of tax account number 7-1-83; thence,
23. Southerly, along the westerly line of tax account numbers 7-1-83 and through the lands of tax account number 7-1-76.1, a distance of 500 feet, more or less, to a point 500 feet southerly of the centerline of Cockram Road; thence,
24. Westerly, along a line 500 feet southerly of and parallel to the centerline of Cockram Road, through the lands of tax account number 7-1-76.1, a distance of 750 feet, to the point of intersection with the southerly extension of the easterly line of tax account number 7-1-77; thence,
25. Northerly, along the southerly extension of the easterly line of tax account number 7-1-77, through the lands of tax account number 7-1-76.1, a distance of 270 feet, more or less, to the southeasterly corner of tax account number 7-1-77; thence,
26. Westerly, along the southerly line of tax account number 7-1-77, a distance of 109.7 feet, to the southwest corner of tax account number 7-1-77; thence,

27. Southerly, along the southerly extension of the westerly line of tax account number 7-1-77, through the lands of tax account number 7-1-76.1, a distance of 270 feet, more or less, to a point 500 feet southerly of the centerline of Cockram Road; thence,
28. Westerly, along a line 500 feet southerly of and parallel to the centerline of Cockram Road, through the lands of tax account number 7-1-76.1, a distance of 1324 feet, more or less, to the centerline of Caswell Road; thence,
29. Northerly, along the centerline of Caswell Road, a distance of 500 feet, more or less, to the intersection of the centerlines of Cockram Road and Caswell Road, and the point of beginning.

All as shown on a map prepared by Clark Patterson Lee entitled, "Town of Byron Water District Map, Cockram Road Water District", Drawing Number WD-01, dated May 29, 2007.

Water District as described above contains approximately 71.17 acres of land.

NOW THEREFORE, it is hereby determined and

**RESOLVED:** That the Petition is signed and acknowledged or proved as required by law and is otherwise sufficient; and it is further

**RESOLVED:** That all the property and property owners within the proposed district are benefited thereby; and it is further

**RESOLVED:** That all the property owners benefited thereby are included in the proposed district; and it is further

**RESOLVED:** That it is in the public interest that the proposed district be established and that the relief requested by the Petition be granted; and it is further

**RESOLVED:** That the permission of the Department of Audit and Control is necessary as provided in Town Law Section 194, and that the Supervisor and Town Attorney are hereby authorized and directed to apply for said permission..

The foregoing Order was adopted by the following roll call vote:

Supervisor Felton: Aye  
Councilman Ivison: Aye  
Councilwoman Freeman: Aye  
Councilman Ferguson: Aye

The Order was declared adopted.

**WATER DISTRICT NO. 3 – APPLICATION TO THE COMPTROLLER**  
**RESOLUTION #93:**

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

**RESOLVED:** The attached application to the State Comptroller for permission to form Water District No. 3 of the Town of Byron in Genesee County, New York was prepared at the direction of this Board pursuant to its resolution of May 14, 2008; that the Board has reviewed the contents of the application and believes the contents of the application to be accurate; that this Board has determined that the proposed District for which permission is sought is in the public interest, for the reasons set forth in the application, and will not constitute an undue burden on the property which will bear the cost thereof; that the cost of the improvements will be assessed in whole against the benefited area; and that all real property so assessed will be benefited by the proposed improvements and no benefited property has been excluded from the proposed District.

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

Vote:                   Ayes: 4                   Nays: 0

**WATER DISTRICT NO. 4 – APPLICATION TO THE COMPTROLLER**  
**RESOLUTION #94:**

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

**RESOLVED:** The attached application to the State Comptroller for permission to form Water District No. 4 of the Town of Byron in Genesee County, New York was prepared at the direction of this Board pursuant to its resolution of May 14, 2008; that the Board has reviewed the contents of the application and believes the contents of the application to be accurate; that this Board has determined that the proposed District for which permission is sought is in the public interest, for the reasons set forth in the application, and will not constitute an undue burden on the property which will bear the cost thereof; that the cost of the improvements will be assessed in whole against the benefited area; and that all real property so assessed will be benefited by the proposed improvements and no benefited property has been excluded from the proposed District.

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

Vote:                   Ayes: 4                   Nays: 0

**LEGAL SERVICES AGREEMENT FOR WATER DISTRICT NO. 3**  
**RESOLUTION #95:**

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

**Resolved,** that the Byron Town Board authorizes Supervisor Felton to sign the USDA Legal Services Agreement and enter into a contract as proposed on behalf of Water District No. 3.

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

Vote:                   Ayes: 4                   Nays: 0

**LEGAL SERVICES AGREEMENT FOR WATER DISTRICT NO. 4**  
**RESOLUTION #96:**

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

**Resolved**, that the Byron Town Board authorizes Supervisor Felton to sign the USDA Legal Services Agreement and enter into a contract as proposed on behalf of Water District No. 4.

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

Vote:                   Ayes: 4                   Nays: 0

**EXECUTIVE SESSION:**

A **motion** was made by Councilwoman Freeman to adjourn to executive session at 7:09 p.m. to discuss a pending legal matter. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

A **motion** was made by Councilman Ferguson to come out of executive session at 7:20 p.m. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**PLANNING BOARD REPORT –Councilman Ivison:**

·Met with a member from Genesee County Planning and the Assessor regarding proper procedure for land separations.

A **motion** was made by Councilman Ferguson 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:**

- Putting up snow fence
- Snow plow and sander maintenance
- Repairing heaters in the shop
- Met with consultant from Labor Board and training will be forthcoming
- No recommendations from consultant regarding usage of the breakroom

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

Vote:                   Ayes: 4                   Nays: 0

**WASTE WATER REPORT – Supervisor Felton:**

- VRI does not have a full report for tonight, but will have one for December
- Replacing a couple of pumps
- VRI had an emergency call out last night and everything worked out fine
- VRI is doing inventory this week
- Brian and VRI will be working together on a day-to-day basis, and any financial decisions (over \$1,000) will be run through the Supervisor and Town Board.
- Supervisor to draw up agreement between the Town and VRI regarding password protected use of Town computer, procurement agreement and Highway. VRI is in charge of all Sewer District assets. Communication will be between VRI, Brian Forsyth and Town Supervisor.

**INTER-DEPARTMENT AGREEMENT:**

A **motion** was made by Councilman Ivison to authorize Supervisor Felton to sign the Inter-Department Agreement between the Highway and Sewer Departments. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

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

Vote:                   Ayes: 4                   Nays: 0

**CEO/ZEO REPORT:**

- Number of Inspections:       25
- Number of Zoning Permits:   5
- Number of Building Permits Issued: 11
- Number of Land Separations:  1
- Number of Building C.O./C.C. Issued: 7
- Number of Zoning Complaints Filed: 0
- Number of Zoning Complaints Resolved: 1
- Total Hours for the Month:   80

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

Vote:                   Ayes: 4                   Nays: 0

**PAYMENT OF THOMPSON, DILCHER & TAYLOR INVOICE**

**RESOLUTION #97:**

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

***Resolved***, that the Byron Town Board authorizes the appropriation from the Risk Retention Fund (Acct#RR3620.4) in the amount of \$21,412.00 for the purpose of demolition expense of property located at 6896 Townline Road, Byron, New York.

*Be It Further Resolved*, that the total appropriated amount will be re-levied with the County of Genesee year ending 2008.

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

Vote:                      Ayes: 4                      Nays: 0

**RE-LEVY OF PAYMENT FOR DEMOLITION OF PROPERTY OWNED BY DAVID VANSLYKE**  
**RESOLUTION #98:**

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

**WHEREAS**, a fire destroyed the residential building owned by David VanSlyke at 6896 Townline Road, Byron, New York, and

**WHEREAS**, the Town of Byron Building Inspector and Code Enforcement Officer ordered the remaining portions of the building razed and demolished pursuant to the Unsafe Building Law because of its unsafe and dangerous condition, and

**WHEREAS**, Thompson, Dilcher & Taylor was authorized by the Town to do the actual demolition and has done so, and

**WHEREAS**, the Town will pay, prior to November 20, 2008, Thompson, Dilcher & Taylor the sum of Twenty-One Thousand Four Hundred Twelve Dollars (\$21,412.00) for their labor and equipment in performing said demolition, and

**WHEREAS**, the Town has requested that David VanSlyke reimburse the Town for said cost, on or before November 20, 2008, and he has refused to date,

**NOW THEREFORE**, be it

**RESOLVED**, that the sum of Twenty-One Thousand Four Hundred Twelve Dollars (\$21,412.00) be and is hereby levied and assessed against the premises known as 6896 Townline Road, being Tax Map Parcel No. 10-1-27.12, and said amount is not paid on or before November 20, 2008, and be it further

**RESOLVED**, that the assessment be transmitted by the Supervisor and Town Clerk to the Treasurer of Genesee County and the Office of Real Property Tax Services for levy and assessment on the tax bill for those premises to be issued as of January 1, 2009.

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

Vote:                      Ayes: 4                      Nays: 0

**PARK COMMITTEE REPORT – Councilman Felton:**

- November 15<sup>th</sup> they will be getting the tennis court ready for an ice rink
- November 29<sup>th</sup> they will be putting up Christmas lights in the park
- December 3<sup>rd</sup> is next meeting
- The Highway Department will be building a bike rack for Fireman’s Park
- Supervisor Felton attended a grant workshop

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

Vote:                      Ayes: 4                      Nays: 0

**ABSTRACTS**

**RESOLUTION #99:**

Councilman Ivison 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	#249 - #270	\$41,661.23
Highway Fund	#11	#155 - #165	\$ 1,675.42
Sewer Fund	#11	#91 - #98	\$17,327.45
General Fund	#PA-16	#56 - #64	\$ 8,683.37
General Fund	#PA-17	#65 - #68	\$ 1,271.57
Highway Fund	#PA-4	#4	\$ 5,334.42
Sewer Fund	#PA-8	#15 - #17	643.82

Councilman Ferguson 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.....	\$ 63.45
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 18.00
Paid to the NYS Environmental Conservation.....	\$ 701.06
Paid to the Town of Byron Supervisor.....	<u>\$2,395.14</u>
Total Disbursed for October 2008.....	\$3,177.65

A **motion** was made by Councilman Ivison to approve the Town Clerk’s Report as given for October 2008. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**APPROVAL OF OFFICIAL UNDERTAKING FOR TAX COLLECTOR**  
**RESOLUTION #100:**

**Approval of the Byron Town Board**

We, the undersigned members of the Town Board of the Town of Byron, County of Genesee, State of New York, do hereby approve the attached undertaking or bond as to its form, manner of execution, amount and sufficiency thereof, and to the sureties named thereon. Said undertaking or bond shall be conditioned that the collector of the taxes shall well and truly keep, pay over and account for all moneys and property coming into her/his hands as such collector.

Witnessed this 12<sup>th</sup> day of November, 2008.

Supervisor Thomas Felton: Aye

Council Member John Ivison: Aye

Council Member Jeanne Freeman: Aye

Council Member Craig Ferguson: Aye

**FINANCIAL REPORT:**

The financial reports were reviewed for October 2008.

A **motion** was made by Councilwoman Freeman to approve the October 2008 Financial Reports as given. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

**OTHER BUSINESS:**

**COMPREHENSIVE PLAN UPDATE:**

·Next meeting will be on Tuesday, November 18<sup>th</sup>

**REPAIR OF COURTROOM ROOF**

**RESOLUTION #101:**

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

***Resolved***, that the Byron Town Board authorizes the repair of the courtroom roof by T.W. Johnson Construction in the amount of \$780.00.

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

Vote:                      Ayes: 4                      Nays: 0

**BUDGET:**

**2009 FIRE CONTRACTS**

**RESOLUTION #102:**

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

***Resolved***, that the Byron Town Board agrees to extend the current fire protection and emergency services contracts with Byron Fire Department No. 1 and S. Byron Volunteer Fire Co., Inc. for one year in the amount of \$68,000 each. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

**2009 TOWN OF BYRON BUDGET**

**RESOLUTION #103:**

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

***Resolved***, that the Byron Town Board accepts the 2009 Town of Byron Budget as presented.

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

Vote:                      Ayes: 4                      Nays: 0

**AUDIT:**

A **motion** was made by Councilman Ferguson to authorize Supervisor Felton to sign all documents necessary pertaining to the Findings-Financial Statement Audit for year ending 2007. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

**PUBLIC HEARING ON PROPOSED LOCAL LAW FOR THE CONTROL AND REGULATION OF OUTDOOR SOLID FUEL BURNING FURNACES**

**RESOLUTION #104:**

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

**Resolved**, that the Town Board of the Town of Byron hereby calls for a Public Hearing to be held regarding a local law for the control and regulation of outdoor solid fuel burning furnaces on Wednesday, December 10, 2008 at 7:00 p.m. The Public Hearing will be held in the Town Board room in the Town Hall at 7128 Rte. 237 in said Town of Byron. Councilman Ivison seconded the resolution which was adopted by the following vote:

Vote:                      Ayes: 4                      Nays: 0

**TRANSFER OF SALT BARN CAPITAL FUNDS TO GENERAL RESERVE FUND**

**RESOLUTION #105:**

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

**Resolved**, that the Byron Town Board authorizes the transfer of the remaining money from the Salt Barn Capital Fund (H3) to the General Reserve Fund in the amount of \$21,776.05.

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

Vote:                      Ayes: 4                      Nays: 0

**PUBLIC COMMENTS:**

**Doug VanSlyke:** What did the fire tax end up to be?

**Supervisor Felton:** It was \$1.43 last year, and it'll be about \$1.36 this year.

**Beth Wilson:** There was an excellent turnout for the election on November 4<sup>th</sup>

**John Durand:** He would like to see a fund set up to help property owners with the cost of demolition cleanup from fires.

**Supervisor Felton:** He will share this concern at the next GAM meeting

**Pete Yasses:** Voiced concern over Town keeping fire district appropriation flat for 3 years at \$68,000. Their costs are rising like everyone else's, and he feels they should see an increase.

**SUPERVISOR'S REPORT:**

- Village of Bergen is having a training session on November 24, 2008
- Letter regarding NYS Counties outline for how the State can cut costs without decimating local government.

- Water District No. 5 meeting on November 4<sup>th</sup> with Clark Patterson and 17 property owners. Informational letters recently sent out to all property owners to get a

straw vote. Need 51% of property owners to respond positively in order to move forward with the water district.

·Inter-Municipal Ambulance Agreement will be finalized at the end of November.

·GAM meeting on November 20<sup>th</sup> at Byron Hotel and hosted by the Town of Elba.

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

Vote:           Ayes: 4           Nays: 0

**ADJOURN:**

A **motion** was made by Councilwoman Freeman to adjourn the Byron Town Board Meeting at 8:33 p.m. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk