

BYRON TOWN BOARD MEETING

November 12, 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
Harold Austin
Town Clerk.....Debra Buck-Leaton

Absent:
Councilman.....Scott Wooton
Highway Superintendent.....George Heins

Invited Guests:
Paul Boylan, Town Attorney

Public:
David Chupp.....Tripp Road, Byron
Mickey Truax.....Swamp Road, Byron
Vic Digregario.....Warboys Road, Byron
Candy Hensel.....Bergen
Bill and Barb Emerson.....Terry Street, Byron
Jim Cudney.....Rte. 237, Byron
John Sackett.....Townline Road, Byron
George Squires.....McElver Street, 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 October 8, 2014 and November 5, 2014 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PUBLIC HEARING – WATER DISTRICT NO. 6:

A **motion** was made by Councilwoman Fuller to open the Public Hearing for Water District No. 6 at 7:03. Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

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

PUBLIC COMMENTS: None

A **motion** was made by Councilman Austin to close the Public Hearing for Water District No. 6 at 7:08 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

**WATER DISTRICT NO. 6 SEQR RESOLUTION-NEGATIVE DECLARATION
RESOLUTION #88:**

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

WHEREAS,

- 1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Byron announced its intent to serve as Lead Agency on September 12, 2014, to conduct an environmental review of public water supply improvements within the proposed service area of Water District No. 6. The project will ensure a safe and reliable potable water supply and fire protection for residents in this portion of the Town.
- 2) The Town Board has determined that the proposed action is a Type I action as defined under SEQR, as the action requires approval of plans by the NYS Department of Health and as portions of the project are located in an Genesee County Agricultural District.
- 3) The Byron Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
- 4) On September 17, 2014, the Byron Town Board notified the Involved Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the full Environmental Assessment Form. None of the Involved Agencies objected to the Byron Town Board acting as Lead Agency.

NOW THEREFORE BE IT RESOLVED,

The Town Board of the Town of Byron declares that it will serve as Lead Agency for the water system improvements proposed within Water District; No. 6; and,

The Town Board declares that, based on the full Environmental Assessment Form which has been prepared, the project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project, and no environmental impact statement need be prepared.

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

Vote: Ayes: 4 Nays: 0

ESTABLISHMENT OF WATER DISTRICT NO. 6 AFTER PUBLIC HEARING

RESOLUTION #89:

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

WHEREAS, the Town Board of the Town of Byron duly adopted a resolution directing Chatfield Engineers P.C., the Town Engineer of the Town of Byron to supervise the preparation of a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Byron wherein Water District No. 6 was proposed to be established, as hereinafter described, and

WHEREAS, after said map, plan and report was completed and filed with the Town Clerk of the Town of Byron on June 11, 2014, and

WHEREAS, there has been filed in the office of the Town Clerk a Petition in due form dated August 29, 2014 and which according to an affidavit sworn to by Barry Flansberg, Town Assessor, on September 5, 2014 contains a majority of both the owners of the total assessed value of real property within the proposed district and the real property owned by persons residing in the proposed district, and

WHEREAS, after the said Town Engineer duly filed said map, plan and report, and the said Petition was received and filed, the said Town Board duly adopted an Order on October 8, 2014 reciting the description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection and specifying that said Town Board shall meet at the Town Hall on Route 237 in the Town of Byron, New York at 7:00 p.m. on November 12, 2014 for the purpose of conducting a public hearing on such proposal to establish Water District No. 6 with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, copies of said Order were duly published and posted according to law as evidenced by an Affidavit of Publication from the Batavia Daily News and an Affidavit of Posting sworn to by Debra Buck-Leaton, Town Clerk of the Town of Byron, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make its determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Byron in the County of Genesee, that it be and hereby is determined as follows:

A. The notice of hearing was published and posted as required by law and is otherwise sufficient.

B. That all of the property and property owners within the proposed Water District No. 6 are benefited hereby.

C. That all of the property and property owners benefited are included within the proposed Water District No. 6.

D. It is in the public interest to establish the proposed Water District No. 6 as hereinafter described, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of Water District No. 6 as hereinafter described to be known as Water District No. 6:

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

19. 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
20. 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
21. 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
22. 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
23. Northerly, 1,000 feet more or less, along the centerline of Transit Road to a point; thence
24. 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
25. 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
26. 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

27. 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
28. 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
29. 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
30. 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
31. 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
32. 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
33. 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
34. 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
35. 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
36. 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

9. 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
10. 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;
11. 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
12. 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
13. 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
14. 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
15. 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
16. 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 District Boundary Map", dated June 11, 2014,

and be it further

RESOLVED, that the proposed improvements consist of the installation of approximately 15,100 linear feet of water main, hydrants and other appurtenances, and be it further

RESOLVED, that 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 be it further

RESOLVED, that this Resolution shall take effect immediately.

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

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

WATER DISTRICT NO. 5:

·Received plans and specifications from Chatfield Engineering.

AUTHORIZATION TO BID

RESOLUTION #90:

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

RESOLVED, that the Town Board of the Town of Byron hereby authorizes the Supervisor to advertise for bids for the construction of Water District No. 5 upon all proper and necessary permits and authorizations have been received from all involved agencies.

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

Vote:	Ayes: 4	Nays: 0
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PLANNING BOARD REPORT – Councilwoman Fuller:

·Worked on Comprehensive Report

·Candace Hensel, owner of the Byron Hotel, presented the Planning Board with information regarding programs for our community with regard to building renovations. Grant funds are available for community improvements. She would like to see the Town Board set a target date for the Planning Board to have the Comprehensive Plan completed.

·Attorney Paul Boylan feels that Genesee County Planning can help the Planning Board move the process along rather quickly.

·After some discussion, it was decided that a committee will be formed with the help of Councilwoman Fuller to discuss the Comprehensive Plan. Councilwoman Fuller will see if she can find a few community members and Planning Board members to join the committee.

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

Vote:	Ayes: 4	Nays: 0
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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:

- Switching valving at all three filter beds to allow one section to rest and bring another section on line.
- Pumped settling tanks at all three filter beds.
- Replaced piping and check valves at McElver Street lift station. Also put in a bigger pump to handle flow better.
- Had a DEC inspection of facilities. They were satisfied. Haven't received a written report.
- Will also be trapping beavers in South Byron because they are damming the creek and causing havoc.

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

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT:

- Sewer holding tanks have been cleaned with sewer cleaner and pumped with A.D. Calls.
- Snow fence is going up in some trouble spots.
- Received the Amendment B from NYS DOT for additional funds for last year's severe winter. The final DOT payment has also been received for towns plowing contract of Rte. 237.
- Several more culverts have been replaced that were deteriorated and will help road drainage.
- I am asking for a resolution to be made for my compensation of work done in the sewer district of \$1,000 for this year 2014. (Snow plowing, weed wacking, answering plugged sewer trouble calls, and pumping sewer bed holding tanks.)

Supervisor Yasses: The Highway Superintendent put in writing at the beginning of the year that he was not going to do any sewer work, and the Town Board agreed to have Camden Group do the extra work, therefore he should not receive any compensation for doing so.

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

Vote: Ayes: 4 Nays: 0

AMENDMENT B TO STATE SNOW AND ICE AGREEMENT RESOLUTION #91:

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

WHEREAS, the Town of Byron is under contract with the New York State Department of Transportation to provide snow & ice control on specified State roads within the Town and,

WHEREAS, the base agreement was extended for the 2013/2014 season by Resolution No. 28, dated January 9, 2013, setting an estimated total cost for the season at \$37,568.19 and

WHEREAS, due to the severity of the winter during 2013/2014, the total cost to perform this service is estimated at \$50,222.32.

NOW, THEREFORE, BE IT RESOLVED, to authorize the Town Supervisor to execute an Amendment to the present Agreement. Said Amendment would increase the estimated cost to perform snow and ice control for the 2013/2014 season by \$12,654.13.

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

Vote: Ayes: 4 Nays: 0

ASSESSOR'S REPORT – Barry Flansburg:

·Commercial Property Proposal: The Genesee County Assessors have been working with GAR Associates to recollect all the data on all the commercial properties in the county to make all the data items consistent for valuation purposes. The City of Batavia has had this done, and we would like to expand it for the whole county. The last time it was done countywide was in 1978. The Town, at a minimum, should do the data verification/collection, land verification and data/I&E mailer at a cost of \$1,485. The VFF (Valuation Factor File) will only be done if all towns participate. I do not recommend we do the VFF if the additional \$3,500 has to be added in just for the town. The only cost without the countywide VFF would be the first three lines (\$1,485).

Town of Byron: Everything = \$1,985
 Data Only = \$1,485

State assessment aid (A3040) was received this year (\$2,770) and is not spent yet. We have enough in budget for Option A or B if all towns do not participate. The fee would be paid by the end of 2014, and work done in 2015. All the towns are being approached now for a decision by the end of the year.

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

Vote: Ayes: 4 Nays: 0

**COMMERCIAL PROPERTY ASSESSMENT PROPOSAL
RESOLUTION #92:**

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

RESOLVED, that the Town Board of the Town of Byron hereby accepts the proposal with GAR Associates to perform a commercial property assessment in the Town of Byron for a total cost of \$1,985.00.

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

Vote: Ayes: 4 Nays: 0

Councilwoman Fuller: Why does the Town need to have this assessment? Why does the Town have to pay for it and not the county?

Assessor Flansburg: This will not affect current data. It will take all the information and make it all uniform and up-to-date.

CEO/ZEO REPORT:

Number of Inspections: 14
Number of Zoning/Building Permits Issued: 7
Number of Land Separations: 0
Number of Building C.O./C.C. Issued: 3
Number of Zoning Complaints Filed: 0
Number of Zoning Complaints Resolved: 0

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

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT – George Squires:

- Bridge on West Shore is complete and looks great.
- There has been some damage to playground equipment at Trestle Park that the Park Committee will take care of.
- New signage has been installed.
- He has received several nice compliments about the Town's Parks.

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

Vote: Ayes: 4 Nays: 0

MUSEUM COMMITTEE REPORT – Councilwoman Fuller:

- Candy Hensel presented a program about the Byron Hotel.

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

Vote: Ayes: 4 Nays: 0

ABSTRACTS

RESOLUTION #93:

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

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

<i>Fund:</i>	<i>Abstract:</i>	<i>Vouchers:</i>	<i>Amount:</i>
General Fund	#11	#246 - #270	\$21,331.97
Highway Fund	#11	#144 - #155	\$13,031.83
Sewer Fund	#11	#51 - #56	\$ 5,970.32
General Fund	PA#12	#54 - #58	\$ 753.68
Sewer Fund	PA#10	#32 - #33	\$ 507.55

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

Vote: Ayes: 4 Nays: 0

TOWN CLERK’S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 68.00
Paid to the DEC for hunting/fishing licenses.....	\$1,918.73
Paid to the NYS Comptroller for Games of Chance.....	\$ 15.00
Paid to the Town of Byron Supervisor.....	<u>\$2,691.57</u>
Total Disbursed for October 2014.....	\$4,693.30

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

Vote: Ayes: 4 Nays: 0

APPROVAL OF OFFICIAL UNDERTAKING FOR TAX COLLECTOR
RESOLUTION #94:

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

Resolved, that the Town Board of the Town of Byron, County of Genesee, State of New York, does hereby approve the undertaking or bond issued by Lawley Genesee Agency 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 hands as such collector.

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

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The October 2014 Financial Report was reviewed.

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

Vote: Ayes: 4 Nays: 0

SUPERVISOR’S REPORT:

·Received sales tax check in the amount of \$181,534.81, which is \$17,870.40 above the same period last year.

·The records retention room has been completed.

·We will be having a Christmas Party on December 19th at noon in the courtroom.

·Would like to take applications for the CEO/ZEO job and would like to see what is out there.

The Supervisor feels that things are not headed in a positive direction. He would like to have Councilwoman Fuller and Councilman Austin head the task.

·A motion was made by Supervisor Yasses and seconded by Councilman Thompson to advertise for the position of CEO/ZEO, and prior to the vote the Town Clerk made a statement regarding the CEO/ZEO and his job performance. After some more discussion the motion was voted down.

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

Vote: Ayes: 4 Nays: 0

A **motion** was made by Supervisor Yasses to advertise for the position of CEO/ZEO. The motion was seconded by Councilman Thompson and carried with the following vote:

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

OTHER BUSINESS:

PAINTING OF TOWN HALL:

The interior of the Town Hall has not been painted in many, many years (16 years to be exact), and since there is extra money in the building account the Supervisor would like to have the interior painted prior to the beginning of the year. He has received three estimates, which are broken down into two sections (front offices/back offices with courtroom) as follows:

	<u>Front Section</u>	<u>Back Section</u>	<u>Total</u>
Chmielowiec Painting, Inc.:	\$3,605.00	\$7,200.00	\$10,805.00
Paramount Painters of Rochester:	\$1,344.00	\$3,350.00	\$4,694.00
Frank the Brush, Inc.:	\$1,750.00	\$2,575.00	\$4,325.00

PAINTING OF TOWN HALL:

RESOLUTION #95:

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

RESOLVED, that the Town Board of the Town of Byron hereby accepts the bid by Paramount Painters of Rochester for painting of the entire interior of the Town Hall at a cost of \$4,694.00.

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

Vote: Ayes: 4 Nays: 0

FIRE DISTRICT INFORMATIONAL MEETING:

The Town Board would like to hold an informational meeting to discuss the fire departments interest in converting to a fire district on December 15, 2014 at 7:00 p.m. at the South Byron Fire Hall. Members of the Byron and South Byron Fire Departments are invited, along with their attorneys and the public.

A **motion** was made by Councilman Thompson to hold a public informational meeting to discuss the possible formation of a fire district on December 15, 2014 at 7:00 p.m. at the South Byron Fire Hall. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PUBLIC COMMENTS:

John Sackett: Turtle Park sign is missing because he had it repaired. Kiwanis is having a pancake breakfast and basket raffle on Sunday at the South Byron Fire Hall.

Candy Hensel: Community Renewal Programs need to be sponsored by a municipality. She would like to see a committee formed to help develop a community renewal program.

Attorney Paul Boylan: This should be done through the Planning Board.

ADJOURN:

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 9:00 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk