

**BYRON TOWN BOARD
MEETING**

November 13, 2013

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

Deputy Supervisor/Highway Superintendent.....	George Heins
Councilmen.....	Jeff Thompson
	Jack Redick
	Scott Wooton
	Harold Austin
Town Clerk.....	Debra Buck-Leaton
CEO/ZEO.....	Ken Kuter
Absent.....	Supervisor Crnkovich

Invited Guests.....Town Attorney Paul Boylan

Public:

Jim Cudney.....	Rte. 237, Byron
Don and Grace Jack.....	Coward Road, Byron
Vic DiGregorio.....	Warboys Road, Byron
Carrie Capostagno.....	Caswell Road, Byron
Sue Fuller.....	Cockram Road, Byron
George Squires.....	McElver Street, Byron
Joe and Rita Kuzma.....	Rte. 237, Byron
Angela Smathers.....	Cole Road, Byron
George Hillabush.....	E. Bird Road, Byron
Candace Hensel.....	Rte. 237, Byron
David Churpp.....	Tripp Road, Byron
Pete Yasses.....	Rte. 237, Byron

PLEDGE TO THE FLAG:

Deputy Supervisor Heins led the people in attendance in the Pledge of Allegiance.

PUBLIC HEARING – DOG CONTROL LAW OF THE TOWN OF BYRON:

A **motion** was made by Councilman Thompson to open the Public Hearing for the Dog Control Law of the Town of Byron at 7:02 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 4 Nays: 0

*NOTICE OF PUBLIC HEARING
TOWN OF BYRON*

PLEASE TAKE NOTICE that the Town Board of the Town of Byron will hold a Public Hearing at 7:00 p.m. on Wednesday, November 13, 2013, at the Town Hall on Route 237 in the Town to hear all persons present regarding the proposed amendments to Town of Byron Local Law No. 2-1993 known as "Dog Control Law of the Town of Byron" by expanding the definition of a KENNEL to include any premises on which there are kept, boarded or harbored four (4) or more dogs over the age of four (4) months, and to include "dog sanctuaries" together with additions to Section 5 and Section 6 thereof regarding licensing requirements and fees for such facilities.

Copies of the proposed amendments may be obtained from the Town Clerk during her regular business hours.

*BY ORDER OF THE TOWN BOARD
TOWN OF BYRON
Debra Buck-Leaton, town clerk*

PUBLIC COMMENTS:

Don Jack: Would like to know what he has to do to become compliant with Dog Control Law
CEO/ZEO Ken Kuter: Needs to get a Special Use Permit.

Attorney Paul Boylan: In the Zoning Ordinance the words "For Sale" are the key words. The Dog Control Law is different from the Zoning Ordinance. The Dog Control Law says a kennel is "keeping" a dog, whether for a business or not. A resident would not need a Special Use permit if they are not selling dogs, and they are just pets. If you have more than 4 dogs you need to get a kennel license to have the dogs.

CEO/ZEO Ken Kuter: Another concern is animal shelters. From the definition the Code is silent.

Attorney Paul Boylan: The Dog Control law would speak to this.

Deputy Supervisor Heins: According to the new Zoning Law you could have a kennel in an R1 district, and believes this needs to be changed to prohibit kennels in an R1 district. He also believes any resident currently harboring 4 or more dogs should be able to come before the Planning Board or Town Board to seek an appeal of the Dog Control Law so they would not have to get rid of any dogs they currently have.

Town Attorney Paul Boylan: He will draft new wording for the proposed Dog Control Law and the Town Board will need to have another Public Hearing next month.

A **motion** was made by Councilman Wooton to close the Public Hearing for the Dog Control Law of the Town of Byron at 7:33 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

A **motion** was made by Councilman Wooton to hold a Public Hearing on the proposed amendments to the Town of Byron Local Law No. 2-1993 known as "Dog Control Law of the Town of Byron" on December 11, 2013 at 7:00 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

MINUTES:

A **motion** was made by Councilman Austin to approve the Byron Town Board minutes of October 9th, October 16th and October 30th, 2013 as written. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT: – Superintendent Heins

- Putting up snow fence and working on other projects as weather permits.
- Waste Management contracts need to be renewed. They have agreed to extend the contract for four years.

2014-2016 WASTE MANAGEMENT CONTRACTS

RESOLUTION #69:

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

Resolved, that the Byron Town Board hereby approves the extension proposal from Waste Management of New York, LLC with regard to roll off services provided for the period of January 1, 2014 through December 31, 2017 (a copy of which is attached hereto).

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

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 13
Number of Zoning/Building Permits Issued: 6
Number of Land Separations: 2
Number of Building C.O./C.C. Issued: 2
Number of Zoning Complaints Filed: 0
Number of Zoning Complaints Resolved: 0

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

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT: - George Hillabush

·Three members' terms are up at the end of 2013. Two of those members will not be renewing their membership.

·Would the Town Board consider allowing the Park Committee to go from nine members to seven members? Or should that be up to the Park Committee?

Deputy Supervisor Heins: He believes that is up to the Park Committee as per the Park Committee By-Laws.

A **motion** was made by Councilman Austin 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

ABSTRACTS

RESOLUTION #70:

Councilman Austin 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	#13	#243 - #268	\$ 6,840.03
Highway Fund	#11	#146 - #167	\$36,885.30
Sewer Fund	#11	#56 - #63	\$13,646.85
General Fund	PA#15	#69 - #74	\$ 2,014.39
Sewer Fund	PA#13	#13	\$ 484.16
Sewer Fund	PA#14	#14	\$ 375.00
Highway Fund	PA#5	#5	\$ 1,000.00
Highway Fund	PA#6	#6	\$ 250.00

Councilman Wooton 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.....	\$ 61.00
Paid to the DEC for hunting/fishing licenses.....	\$1,076.22
Paid to NYS Dept. of Health for Marriage Licenses.....	\$ 45.00
Paid to NYS Comptroller for Games of Chance.....	\$ 15.00
Paid to the Town of Byron Supervisor.....	\$2,967.28
Total Disbursed for October 2013.....	\$4,164.50

A **motion** was made by Councilman Thompson to approve the Town Clerk's Report as given for October, 2013. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 4 Nays: 0

APPROVAL OF OFFICIAL UNDERTAKING FOR TAX COLLECTOR

RESOLUTION #71:

Councilman Wooton 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.

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

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The Financial Report for October 2013 was reviewed.

A **motion** was made by Councilman Austin to approve the October 2013 Financial Reports as written. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SUPERVISOR'S REPORT:

- Received Mercy EMS Response Time Report for September 2013.
- Received Sales Tax check in the amount of \$170,484.91, which puts us \$87,378.83 over the budgeted amount for the year.
- NYMIR – need to do something with the Trestle Park bridge because it's in need of repair. Waiting for report to come, but the Town Board will need to do something at that time.
- The CEO/ZEO believes the Town Board should pass a resolution to have town engineer study what would need to be done.

A **motion** was made by Councilman Thompson to have Tim Hens or Paul Chatfield do an inspection and report of repairs needed for the Trestle Park bridge. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 4 Nays: 0

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

Vote: Ayes: 4 Nays: 0

OTHER BUSINESS:

REAPPOINTMENT OF NELSON GRIMM TO BOARD OF ASSESSMENT REVIEW:

A **motion** was made by Councilman Austin to reappoint Nelson Grimm to the Town of Byron Board of Assessment Review for a five year term, from 10/1/2013 – 9/30/2018. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 4 Nays: 0

WATER DISTRICTS:

- Some Water Well Surveys have been received back and George is taking to Health Department in order to start the well testing process, which could help with Rural Development funding.
- N. Byron Road District came in at poverty level, which means the District would qualify for grant funding through Rural Development.
- It is difficult to get residents to respond to the income surveys, but they are important in order to move forward with funding.
- Warboys, Merrill and N. Bergen Roads are over funding limits, and therefore may need to get private funding.

SWAMP ROAD WATER DISTRICT SEQR RESOLUTION - NEGATIVE DECLARATION RESOLUTION #72:

Councilman Thompson 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 October 9, 2013, to conduct an environmental review of public water supply improvements within the Swamp Road Water District service area. The project will ensure a safe and reliable potable water supply and fire protection for area residents and businesses.

- 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 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 October 16, 2013, the 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.
- 5) Comments from Involved and Interested Agencies have been addressed in Part 2 of the EAF. The Town will obtain all necessary permits and approvals from Involved Agencies and will comply with agency requirements.
- 6) The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

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 in Swamp Road Water District; and,

The Town Board declares that, based on the Environmental Record 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 the Town Supervisor is hereby authorized and directed to prepare and issue, on behalf of the Town, the form entitled "Negative Declaration Notice of Determination of Non-Significance."

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

Vote: Ayes: 4 Nays: 0

2013 JUSTICE AUDIT:

A **motion** was made by Councilman Wooton to have Raymond F. Wager, CPA, P.C. perform the 2013 Justice Audit at a cost of \$1,250.00. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

2013 WATER AUDIT:

A **motion** was made by Councilman Redick to have Raymond F. Wager, CPA, P.C. perform the 2013 Water Audit at a cost of \$2,850.00. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PUBLIC COMMENTS:

NONE

FRACKING COMMITTEE:

·Came up with a mission statement for committee and would like the Town Attorney to draft a moratorium to allow them one year to complete their research and present their findings back to the Town Board.

·There was some discussion regarding the pros and cons of hydraulic fracking.

A **motion** was made by Councilman Redick to have Town Attorney Paul Boylan draft a moratorium, for one year, to study the affects of hydrofracking and how it would affect the Town of Byron. The motion was seconded by Councilman Wooton, but was not carried due to the following vote:

Councilman Wooton:	Aye
Councilman Austin:	Nay
Councilman Redick:	Aye
Councilman Thompson:	Nay

ADJOURN:

A **motion** was by Councilman Wooton to adjourn the Byron Town Board Meeting at 8:38 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:	Ayes: 4	Nays: 0
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Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk