

BYRON TOWN BOARD MEETING

November 4, 2015

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.....	Sue Fuller
	Harold Austin
	Jim Cudney
Town Clerk.....	Debra Buck-Leaton
Absent.....	Councilman Thompson

Public:

Mickey Truax.....	Swamp Road, Byron
Vic Digregorio.....	Warboys Road, Byron
Bill and Barb Emerson.....	Terry Street, Byron

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

MINUTES:

A **motion** was made by Councilwoman Fuller to approve the Byron Town Board minutes of October 14, 2015, and Special Budget Meeting of October 27, 2015 as written. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – Councilman Cudney/Councilwoman Fuller:

- No report for Planning Board because meeting is next week due to election.
- Comprehensive Plan meeting tomorrow at 1:00 p.m.

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

Vote: Ayes: 4 Nays: 0

SEWER REPORT:

Monthly:

- Checked and maintained all filter bed pumps (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

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

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT:

EXTENSION OF SNOW AND ICE AGREEMENT

RESOLUTION #71:

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

WHEREAS, the Town Board of the Town of Byron on November 4, 2015 makes a resolution to approve the Snow & Ice Contract No. D009591 between the State of New York and the Town of Byron for snow and ice control, which will expire on June 30, 2017 unless further extended. The contract will be for \$37,266.55.

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

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 28

Number of Zoning/Building Permits Issued: 6

Number of Land Separations: 1

Number of Building C.O./C.C. Issued: 6

Number of Zoning Complaints Filed: 0

Number of Zoning Complaints Resolved: 0

A **motion** was made by Councilman Cudney 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 – Councilman Cudney:

·Nicole Kulzer will be a new member

·No new Park Committee minutes

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

Vote: Ayes: 4 Nays: 0

MUSEUM REPORT – Councilwoman Fuller:

·Applied for 501-C-3status, but may not be able to get it because the Town owns the building

A **motion** was made by Councilman Cudney 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 #72:

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	#252 - #267	\$ 6,110.39
Highway Fund	#11	#145- #155	\$ 7,429.69
Sewer Fund	#11	#47 - #51	\$ 3,659.49
General Fund	PA#10	#51 - #53	\$ 656.66
Sewer Fund	PA#10	#33 - #35	\$ 2,024.29
Water District No. 5	#4	#10	\$ 79,131.39

Councilman Cudney 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 NYS Environmental Conservation.....	\$ 530.04
Paid to the Town of Byron Supervisor.....	<u>\$2,950.36</u>
Total Disbursed for October 2015.....	<u>\$3,548.40</u>

A **motion** was made by Councilman Austin to approve the Town Clerk's Report as given for October 2015. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The October 2015 Financial Report has not been received yet, and therefore, will be reviewed and approved at next months meeting.

SUPERVISOR'S REPORT:

·Received 3rd quarter sales tax check in the amount of \$177,908.38, which is \$3,626.43 less than last year at this time.

·Regarding the Budget question Councilwoman Fuller had during the budget meeting: She would like to know why there is \$3,197 in the budget under SS1990.4 (Contingency) when there hasn't been any money in that line item at least for the last 3 years – the \$3,197 was used to balance the sewer budget per Baldwin's Office.

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

·Dan Cohen from the Cohen Law Group was at the last GAM meeting and a lot of the Towns in Genesee County are using him to negotiate new franchise Agreements. The Town's Time Warner Cable contract expired last year, and after speaking with the Town Attorney, Paul Boylan, the Supervisor and Paul have decided the Cohen Law Group would be better suited to negotiate the contract. Their fee would be around \$5,100.

TIME WARNER CABLE FRANCHISE AGREEMENT

RESOLUTION #73:

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

BE IT RESOLVED, that the Byron Town Board gives the Town Supervisor, Peter Yasses, approval to enter into an agreement with the Cohen Law Group to renew the Time Warner Cable Franchise Agreement.

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

Vote: Ayes: 4 Nays: 0

WATER DISTRICT NO. 5:

WATER DISTRICT NO. 5 LOAN FROM GENERAL FUND AND REPAYMENT SCHEDULE

RESOLUTION #74:

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

WHEREAS, it has been determined that the General Fund paid certain pre-formation expenses for Water District No. 5 in the amount of Ten Thousand One Hundred Ninety-Three and 58/100 Dollars (\$10,193.58) and that said expenses are not payable from either the Rural Development Loan or Grant, and

WHEREAS, it is therefore necessary that said amount be repaid to the General Fund by the consumers of water in the District by a special assessment,

NOW THEREFORE, be it

RESOLVED, That Water District No. 5 repay the General Fund the amount of Ten Thousand One Hundred Ninety-Three and 58/100 Dollars (\$10,193.58) for each equivalent unit during the years 2016, 2017, 2018, 2019 and 2020 to be applied exclusively to the District's debt to the General Fund, and be it further

RESOLVED, That the Town Clerk and the Assessor shall transmit this Special Assessment to the County Legislature and County Treasurer in order to effect the levy of this assessment on the tax bills to be issued by them on behalf of this Town.

This resolution shall take effect immediately.

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

Vote: Ayes: 4 Nays: 0

WATER DISTRICT NO. 5 ENGINEERING AMENDMENT NO. 1

RESOLUTION #75:

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

BE IT RESOLVED, that the Byron Town Board gives the Town Supervisor, Peter Yasses, approval to sign the Water District No. 5 Engineering Amendment No. 1 with Chatfield Engineers, P.C.

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

Vote: Ayes: 4 Nays: 0

WATER DISTRICT NO. 6:

·Pre Bid was held on October 29th

·Bid opening will be on November 5th.

WATER DISTRICT NO. 7:

·Still waiting for more income surveys to be returned prior to moving forward with legal petition. Several residents have not returned survey so Ken Pike, a district resident, is in the process of contacting them. Eric Richenberg would like to be included with the water district on Rte. 262. Stu Brown will get them income surveys and we'll move on from there.

BEAVER MEADOW/LYMAN/COWARD/FREEMAN WATER DISTRICT:

· Income surveys have been returned, and over 51% of residents are interested in water. Doug Chase on Tripp Road would also like to be included in the water district. Supervisor Yasses will have Mr. Chase contact the homeowners on Tripp Road to see if they're interested before the Town Board moves forward.

GILLETT/IVISON/COCKRAM ROAD WATER DISTRICT:

·Chatfields is still working on numbers for the district, with or without Northup's house.

PUBLIC COMMENTS:

Barb Emerson: A resident contacted her regarding getting water on Transit Road.

Supervisor Yasses: The Board is having Paul Chatfield look into the area.

ADJOURN:

A **motion** was made by Councilman Austin to adjourn the Byron Town Board Meeting at 8:44 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk