

BYRON TOWN BOARD MEETING

December 10, 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
Assessor.....Barry Flansburg

Absent:
Highway Superintendent.....George Heins

Public:
Jeanne Freeman.....Hessenthaler Road, Byron
Candace Hensel.....Byron-Holley Road, Byron
Jim Cudney.....Rte. 237, Byron
George Squires.....McElver Street, Byron
Josh and Heather Kent.....Iverson Road, Byron
Jim and Valerie Northup.....Iverson Road, 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 November 12, 2014 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – Councilwoman Fuller:

·Discussed the Comprehensive Plan and setting up a separate committee to work on the Plan. The Town Clerk put an article in the Newsletter asking any residents that were interested in being on the committee to contact the Town Hall.

·The Town Board should set up guidelines and a timeline for the Planning Board. They would like some input from the Town Board in order to proceed.

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

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:

·Had a high level alarm at North filter bed lift station. Found two issues with lift station. One was aa burned up pump, which was replaced. The second was an issue with panel box, which replaced floats and relays. Every time we thought it was figured out, but it ended up being wrong. We had an electrician trying to trouble shoot the box with no luck. Ended up wiring floats direct to the pumps. In time, we are going to upgrade panel box.

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

Vote: Ayes: 4 Nays: 0

SEWER RELEVY

RESOLUTION #96:

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

Resolved, that the Byron Town Board approves the relevy of all unpaid sewer bills in the amount of Twenty-Five Thousand Three Hundred Sixty-Five and 00/100 (\$25,365.00) onto the 2015 Town/County tax bills.

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

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT:

- Doing routine highway work
- Tree trimming – weather permitting
- Ditch cleaning

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

CEO/ZEO REPORT:

Number of Inspections: 12
Number of Zoning/Building Permits Issued: 6
Number of Land Separations: 0
Number of Building C.O./C.C. Issued: 4
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 Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT – Councilman Austin:

·Cancelled meeting last month because of bad weather.

MUSEUM REPORT – Jeanne Freeman:

·Met with Genesee County Historian regarding inventory and displaying of items, and they are also looking into grants.

·A woman came out from Buffalo and gave the historical committee a pep talk on how to get more residents involved with the historical society.

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

Vote: Ayes: 4 Nays: 0

ABSTRACTS

RESOLUTION #97:

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	#12	#271 - #292	\$35,312.79
Highway Fund	#12	#156 - #164	\$ 8,177.53
Sewer Fund	#12	#57 - #60	\$ 3,721.62
General Fund	PA#13	#59 - #64	\$11,076.43
Sewer Fund	PA#11	#34 - #35	\$ 522.77

Councilwoman Fuller 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.....	\$ 73.00
Paid to the DEC for hunting/fishing licenses.....	\$ 787.10
Paid to the Town of Byron Supervisor.....	<u>\$3,194.22</u>
Total Disbursed for November 2014.....	\$4,054.32

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

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The November 2014 Financial Report was reviewed.

A **motion** was made by Councilwoman Fuller to approve the November 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 letter from USDA regarding items they are requiring for Water District No. 5. Paul Chatfield and Stu Brown are working on getting the items done.
- Action Security has cleaned all the smoke heads in the building
- Entire building has been painted.

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:

WATER DISTRICT NO. 5:

- Paul Chatfield is working on getting items necessary to USDA. Hopefully it will go out to bid very soon.

WATER DISTRICT NO. 6 – LATERAL RESTRICTIONS RESOLUTION

RESOLUTION #98:

Supervisor Yasses offered the following resolution and moved for its adoption:

WHEREAS, the Town Board of the Town of Byron is in the process of creating “Water District No. 6”, pursuant to Town Law for the express purpose of providing public water supply to residents along portions of North Byron Road, Searls Road, and Cockram Road; and

WHEREAS, part of the land area within Water District No. 6 is also within Genesee County Agricultural District No. 4; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 4; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Byron imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along the portions of North Byron Road (County Road 7), Searls Road, and Cockram Road, included in Water District No. 6, within an agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district

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

Vote: Ayes: 4 Nays: 0

END-OF-YEAR MEETING:

A **motion** was made by Councilman Thompson to set the end of year meeting for December 30, 2014 at 4:00 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 4 Nays: 0

ORGANIZATIONAL MEETING:

A **motion** was made by Councilman Austin to set the Organizational Meeting for January 7, 2015 at 7:00 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

FIRE DISTRICT INFORMATIONAL MEETING:

The Byron Town Board will be holding an Informational Meeting on Monday, December 15th at 7:00 p.m. at the South Byron Fire Hall to discuss the formation of a possible fire district between the Byron Fire Department and the South Byron Fire Department. All interested parties are invited to attend.

RESIGNATION OF COUNCILMAN WOOTON:

A **motion** was made by Councilwoman Fuller to accept the resignation of Councilman Scott Wooton effective November 30, 2014. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

TOWN BOARD VACANCY:

·The Town Board received letters of interest from Jeanne Freeman, Josh Kent, Jim Cudney and Ken Steinmetz to replace Councilman Wooton on the Town Board.

APPOINTMENT:

·The Town Board would like to further discuss the candidates and their potential to serve on the Town Board, and will make a decision on who to appoint at the December 30, 2014 Board meeting.

PUBLIC COMMENTS:

NONE

ADJOURN:

A **motion** was made by Councilman Austin to adjourn the Byron Town Board Meeting at 8:20 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk