

BYRON TOWN BOARD MEETING

February 10, 2010

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

- Supervisor.....Robert Crnkovich
- Councilmen.....Jeanne Freeman
Jeff Thompson
- Town Clerk.....Debra Buck-Leaton
- Highway Superintendent.....George Heins
- CEO/ZEO.....Ken Kuter

- Absent.....Councilman Redick
Councilman Ivison

Invited Guests:

- Eric Wies..... Clark Patterson Associates

Public:

- Brendan and Caroline Finucane.....Cockram Road, Byron
- Don Cudney.....Cockram Road, Byron
- Bud and Shirley Cudney.....Cockram Road, Byron
- George Hillabush.....Byron
- Judy Drews.....Swamp Road, Byron
- Sue Fuller.....Cockram Road, Byron
- Jim Cudney.....7072 Rte. 237, Byron
- Roger Rouse.....Byron
- Christine Lynch.....Cockram Road, Byron
- David Churpp.....Tripp Road, Byron
- Mickey Truax.....Swamp Road, Byron
- Pete Yasses.....Rte. 237, Byron

PLEDGE TO THE FLAG:

Supervisor Crnkovich led the people in attendance in the Pledge of Allegiance.

MINUTES:

A **motion** was made by Councilwoman Freeman to approve the Byron Town Board minutes of January 13, 2010 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 3 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – George Heins:

·Fighting snow

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

Vote: Ayes: 3 Nays: 0

WASTE WATER REPORT:

Compliance:

·Passed all requirements

Finished Projects:

- Took weekly samples
- Took monthly samples
- Monthly reports
- Called out to 6415 Mill Pond Road to fix float
- Sought price quotes on yearly flow meter calibrations. Schoenenberger calibrated
- Exercised generators, checked fluids
- Took meter readings
- Checked all pumps for operation
- Received portable flow meter, will coordinate with town personnel to install
- Continue preventative maintenance program

Yasses Removal from Sewer District:

·The Town Clerk reported that no petition has been filed in the required time period objecting to the removal of the Yasses property from the Sewer District.

REMOVAL OF YASSES PROPERTY FROM SEWER DISTRICT IN COUNTY

CLERK’S OFFICE

RESOLUTION #40:

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

RESOLVED: That the Byron Town Board authorizes and directs the Town Clerk and Town Attorney to file the order removing the Yasses property from the Town of Byron Sewer District with the Genesee County Clerk’s Office.

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

Vote: Ayes: 3 Nays: 0

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

Vote: Ayes: 3 Nays: 0

CEO/ZEO REPORT:

- Number of Inspections: 15
- Number of Zoning Permits: 0
- Number of Building Permits Issued: 1
- Number of Land Separations: 0
- Number of Building C.O./C.C. Issued: 2

Number of Zoning Complaints Filed: 0
Number of Zoning Complaints Resolved: 0
Total Hours for the Month: 120

- Fire and safety maintenance inspections for businesses, storage, medical clinics and public assemblies
- New applications for construction and reconstruction of single and two family dwellings
- Attended training class for site plan review for erosion and sediment control. Course was developed by NYS DEC
- Working with owners and organizations of buildings that are classified as a public assembly with an occupancy capacity over 100 to issue a yearly operating permit.
- Called to house fire at 6137 Merrill Road

Amanda's Law:

·Effective February 22, 2010, all residences, both new and existing, will be required to have carbon monoxide alarms installed. The specific requirements differ for new and existing residences and also on when the buildings were built and subcategories of occupancy groups. In existing one and two family residences, one carbon monoxide alarm will be required to be installed on the lowest story having a sleeping area.

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

Vote: Ayes: 3 Nays: 0

PLANNING BOARD REPORT – Roger Rouse, Planning Board Chairman:

- Comprehensive Plan questionnaire is finalized and will require Town Board approval.
- The Planning Board would like to have a letter drafted to go to Congressman Chris Lee and Louise Slaughter regarding the high speed rail service and whether roads in Byron will be dead-ended, and the Town's concern regarding this matter.

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

Vote: Ayes: 3 Nays: 0

PARK COMMITTEE REPORT – George Hillabush, Park Committee President:

- The Park Committee would like to know where the new Town Board stands on the gates being closed all the time. It was decided the Town Board will wait until Spring until addressing this issue.
- The Park Committee would also like to know where the Town Board stands on the number of representatives for the committee.
- Would like to allow non-profit organizations to camp at Trestle Park.
- They would also like to continue having a gate keeper.

·They are looking at cost of putting up security cameras at Trestle Park.

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

Vote: Ayes: 3 Nays: 0

ABSTRACTS

RESOLUTION #41:

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

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

| <u>Fund:</u> | <u>Abstract:</u> | <u>Vouchers:</u> | <u>Amount:</u> |
|---------------------|-------------------------|-------------------------|-----------------------|
| General Fund | #2 | #25 - #43 | \$42,782.86 |
| Highway Fund | #2 | #13 - #34 | \$27,830.19 |
| Sewer Fund | #2 | #4 - #8 | \$ 6,178.40 |
| General Fund | #PA-1 | #1 - #5 | \$ 5,355.41 |
| General Fund | #PA-2 | #6 - #7 | \$ 878.01 |
| Sewer Fund | #PA-1 | #1 | \$ 265.74 |
| Fire Protection | #1 | #1 | \$74,000.00 |
| Fire Protection | #1 | #1 | \$74,000.00 |

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

Vote: Ayes: 3 Nays: 0

TOWN CLERK’S REPORT:

| | |
|-------------------------------------------------------------|-------------------|
| Paid to the Genesee County Treasurer for Dog Licenses..... | \$ 122.20 |
| Paid to the NYS Ag and Markets for spay/neuter program..... | \$ 57.00 |
| Paid to NYS Environmental Conservation..... | \$ 68.97 |
| Paid to Park Committee for Pavilion Rental..... | \$ 60.00 |
| Paid to the Town of Byron Supervisor..... | <u>\$2,446.83</u> |
| Total Disbursed for January 2010..... | \$2,755.00 |

Credit Cards:

·The Town Clerk would like to offer residents the option of using credit cards for taxes, sewer payments and clerk’s fees at no cost to the Town. All convenience fees will be paid by the consumer that utilizes the service.

ACCEPTANCE OF CREDIT CARDS

RESOLUTION #42:

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

RESOLVED: That the Byron Town Board authorizes the Town Clerk to proceed with the acceptance of credit cards for all fees possible, contingent upon approval from the Town Attorney.

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

Vote: Ayes: 3 Nays: 0

2009 Dog Control:

·Received a check from the County Treasurer for \$626.78 for the Town’s share of surplus funds in the Dog Account for 2009, which is based on the percentage of dog licenses issued in the county.

Heritage Festival Fireworks Display:

·Authority to issue outdoor fireworks display permits

OUTDOOR FIREWORK DISPLAY PERMITS

RESOLUTION #43:

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

RESOLVED: That the Byron Town Board authorizes the Byron Fire Department No. 1 to issue all outdoor firework display permits for the Town of Byron, contingent upon review and approval of the Town Board.

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

Vote: Ayes: 3 Nays: 0

A **motion** was made by Councilman Thompson to approve the Town Clerk’s Report as given for January 2010. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 3 Nays: 0

FINANCIAL REPORT:

- The financial reports were reviewed for December 2009 and January 2010
- The public also received a copy of a summary financial report

A **motion** was made by Councilwoman Freeman to approve the December 2009 and January 2010 Financial Reports as given. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 3 Nays: 0

OTHER BUSINESS:

WATER DISTRICTS:

WATER DISTRICT NO. 2 GAGAS AUDIT:

·If the federal assistance expended was less than \$500,000 for the fiscal year and the municipality has a Rural Development debt of \$1 million or more an audit shall be submitted on an annual basis in accordance with “Generally Accepted Government Auditing Standards” (GAGAS). GAGAS audits will only need to cover the specific fund which involves federal financial assistance (currently Water District Nos. 1 and 2). The GAGAS audit needs to be submitted no later than 150 days after the end of the fiscal year. Freed Maxick has sent an Engagement Letter for their services with the GAGAS audit to be done at a cost of approximately \$3,100.

2009 WATER DISTRICT NO. 1 AND 2 GAGAS AUDIT

RESOLUTION #44:

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

RESOLVED: That the Byron Town Board authorizes Robert Crnkovich, Town of Byron Supervisor, to execute an engagement letter for the 2009 GAGAS Audit to be prepared by Freed Maxick & Battaglia, P.C., at a cost of \$3,100.00.

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

Vote: Ayes: 3 Nays: 0

WATER DISTRICT NOS. 3 & 4:

Per the Town Attorney there are additional steps that need to be taken to meet Comptroller approval. The Comptroller’s Office is requiring a Petition signed by 51% of the residents of Cockram Road West, or 51% of the assessed value, approving the increase in amount to be expended. Once the Town Clerk has received the completed petition a special meeting with need to be called in order to call a Public Hearing.

WATER DISTRICT NO. 4 EASEMENTS

RESOLUTION #45:

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

WHEREAS, Water District No. 4 (the “District”), located in the Town of Byron, Genesee County, New York, intends to construct a water main (the “Project”) to bring the Monroe County Water Authority’s (the “Water Authority”) supply to the property owners of the District; and

WHEREAS, the acquisition of three (3) easements by the Water Authority that are located along the Project is necessary for the construction, installation, operation and maintenance of the Project; and

WHEREAS, the acquisitions are necessary to allow the completion of the Project which will provide potable water supply and fire protection to the District’s property owners; and

WHEREAS, Section 1096(6-a) of the New York Public Authorities Law requires the Water Authority to obtain the prior approval of the above-referenced acquisitions by resolution of the Town Board of the Town of Byron, New York.

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Byron, New York, hereby approves of the above-described acquisition in accordance with Section 1096(6-a) of the New York Public Authorities Law.

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

Vote: Ayes: 3 Nays: 0

WATER DISTRICT NOS. 3 & 4 BID ACCEPTANCE

RESOLUTION #46:

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

RESOLVED: That the bid of Mar-Wal Construction Co., Inc. for Two Hundred Nineteen Thousand Eight Hundred Fifty Dollars (\$219,850.00) to construct the water main,

hydrants and other necessary structures in Water District No. 3 (Iverson Road) and Water District No. 4 (Cockram Road) is hereby accepted, subject to and contingent upon the Districts receiving permission to increase the maximum amount to be expended from the Office of the New York State Comptroller.

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

Vote: Ayes: 3 Nays: 0

WATER DISTRICT NO. 5 (Cockram Road East):

- Received PED from Rural Development
- Cost would be \$189,000, which would consist of a grant for \$84,000 (can only be 45% of the cost of district) and a loan for \$105,000 at an interest rate of 3.25%.
- Charge of \$1,232/yr. includes debt service and water usage for 38 years. Based on \$270/yr. water usage cost
- Comptroller limit is currently \$677, so the district would need to be approved by the Comptroller.
- It was decided that the residents of Cockram Road East would contact the Supervisor with their decisions before the next board meeting.

WATER DISTRICT NO. 6 (Pumpkin Hill):

·Town of Bergen recently had a meeting of their residents. Eric Wies believes the district needs to at least include Sautell Road in order to get approval from MCWA. Of the people they asked, 53% were in favor of public water, 39% were not interested, and the remaining were undecided. However, only 36 of the 98 units responded to the survey. The Town of Bergen will be contacting residents to get an informal vote.

WATER DISTRICT NO. 7 (Lyman, Freeman and Coward Roads)

- Clark Patterson did a cost summary with and without the Town of Bergen. The cost estimate is in the \$950 range
- Do not really need to have Bergen involved to have this district
- The main on West Bergen Road would be the property of Byron if Bergen did not decide to go in with Byron at the time the district was formed.
- Next step would be to have an informational meeting to discuss cost with residents.

WATER DISTRICT NO. 8 (Swamp and Hessenthaler Roads):

- Received petition for Swamp and Hessenthaler Roads.
- The next step would be to invite residents to a meeting and give them best guess of what it will cost, and find out if they would like to move forward.

PUBLIC COMMENTS:

- None

SUPERVISOR'S REPORT:

- Received 2009 Annual Aid check in the amount of \$5,457.99
- Received 2009 4th quarter sales tax check in the amount of \$123,363.67

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

Vote: Ayes: 3 Nays: 0

ADJOURN:

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

Vote: Ayes: 3 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk