



**MINUTES:**

A **motion** was made by Councilman Ferguson to approve the Byron Town Board Minutes of January 9, 2008 as written. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**PLANNING BOARD REPORT –Councilman Tom Felton:**

·Land Separation tabled until next months meeting due to additional information needed on site plan.

**Sue Fuller:** She had heard that a complaint regarding the dumpster at Fullerino’s was brought to the Planning Board’s attention. At another meeting of the Town Board it was agreed that its positioning was acceptable.

**Councilman Felton:** There was only a verbal complaint. No action was taken. Councilman Felton will talk with Suzie and try to figure out a solution.

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

Vote:                   Ayes: 5                   Nays: 0

**HIGHWAY SUPERINTENDENT’S REPORT – George Heins:**

·Need to start looking for a new mower for the parks, cemeteries and museum. Money has been budgeted for 2008 for this purchase. The Town Board agreed Superintendent Heins should get some quotes and present them to the Board.

- State bid for fuel oil / gas. Getting fuel oil / gas from Townsend.
- Received final payment for the salt barn.
- Using large quantities of salt due to weather.

**GENESEE COUNTY SNOW, ICE AND MOWING CONTRACT FOR 2008-2010 RESOLUTION #40:**

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

**Resolved,** that the Town Board approves the Genesee County Snow, Ice and Mowing Contract for the 2008-2010 contract years.

The resolution was seconded by Councilman Felton and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

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

Vote:                   Ayes: 5                   Nays: 0

**WASTE WATER REPORT – Robert Cudney:**

·This past month I completed the smoke testing report. I gave you all a copy of the report and the results of the test. Many areas considered as priority have already been addressed. Other areas will be dealt with in the coming months. I hope I explained myself at least a little, the importance in dealing with infiltration/inflow problems. Every area including collection, treatment and analysis are affected by these problems. Giving periodic attention to this area of concern can only benefit the overall conditions of the sewer works now and in the future.

·Services to all onsite standby generators have been completed.

·Received New York State Department of Environmental Conservation Annual Certification Form last week. Last year this was initiated and required for completion by all permit required facilities. I will be working on these reports over the next month and inform you all of the results.

·Joe Chimino, Village of Bergen Public Works Superintendent called this week and wanted to see if we would be interested in purchasing a smoke testing blower together for Byron/Bergen area use. The cost of the blower is approximately \$1,500-\$1,600. Each would pay \$750-\$800. This would be a great benefit to have for our use at a reduced cost.

·Would like to work an hour earlier and leave an hour earlier in order to participate in baseball coaching.

·The smoke machine was free last year when smoke testing was done.

·Reports for December 2007 look good.

A **motion** was made by Councilman Felton to approve the Sewer Department’s change of hours to 6:00 a.m.-2:30 p.m. from March 2008 until Labor Day. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

A **motion** was made by Councilman Ivison to approve the Sewer Report as given. The motion was seconded by Councilman Felton and carried with the following vote

Vote:                   Ayes: 5                   Nays: 0

**ASSESSOR’S REPORT:**

·Barry has talked with the Town of Oakfield about a possible agreement to CAP with Byron. This would result in a payment of \$7.00 per parcel payment to Byron from the State. If two board members would like to work with Barry on the details with Oakfield we may be able to come up with a plan by this summer.

·The state has agreed the equalization rate for 2008 will be 100%, so no major changes will be made in assessments for 2008.

·He will be attending Assemblyman Hawley’s trip to Albany.

**PARK COMMITTEE REPORT – Councilman Felton:**

· Met with Donna Bobzin, Park Committee Treasurer, and accounting looks fine.

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

Vote:                      Ayes: 5                      Nays: 0

**WATER DISTRICT NO. 2 UPDATE – Eric Wies:**

**N. BYRON ROAD UPDATE:**

·Eric recommends that the Partial Payment Request for Randsco be accepted by the Board, with the understanding that left over pipe and construction costs be used on Tower Hill.

**TOWER HILL ROAD UPDATE:**

·Hit a roadblock with contractor because things didn't proceed fast enough and the contractor had to leave.

·Rich Mathes did receive sufficient financing however, Monroe County Water Authority required additional insurance from the Mathes' contractor. MCWA offered to have their crews do the work. Waiting to hear from MCWA's service department and to find out the cost of using MCWA crew.

·Eric would like to discuss with the Board how many units should be assigned to the veterinary clinic.

·Eric will keep pestering MCWA regarding connection.

·Randsco will not be back until the spring to do restoration work.

·Eric thinks the veterinary clinic should be assessed 2 units if connected.

**Pete Yasses:** 300 gallons/day = 1 unit?

**Eric Wies:** Yes

**Pete Yasses:** Who determined the number of units for Water District No. 2? Byron Fire Department is being assessed 1 unit and S. Byron Fire Department is being assessed 2 units.

**Councilman Felton:** A committee is going to be set up to determine the number of units to assess each property for water and sewer.

**IVISON AND COCKRAM ROAD:**

*Information Bulletin  
For The  
Town of Byron  
Proposed Ivison Road Water District  
&  
Proposed Cockram Road Water District*

**Why Create a Water District?**

*A water district is a special use district required by Town Law where a specific area of the Town receives a specific benefit. The cost for receiving this benefit is borne solely on the property owners in that specific area. The process to form a water district is as follows:*

1. *Identify the exact area to be included.*
2. *Town Board will direct the Town attorney to create a formal petition describing the deeded legal area, engineer will estimate the cost of the water line requested in the informal petition for the deeded area, and signature lines will be the method of landowner vote.*
3. *Area residents will carry the formal petition and swear to validity of signatures.*
4. *Formal petition is accepted by Town Board.*
5. *Town Board will hold a public hearing on creation of Water District. Public input from residents in area is sought.*
6. *Town Board is held to a maximum cost of \$613.00 per year per landowner for cost of water and debt to approve at local level. Cost above threshold is subject to permission by State Comptroller.*
7. *Town Board will vote to establish water district based on 51% approval by population and valuation. Both criteria must be met.*
8. *After creation, Town Board will seek funding on behalf of the water district as directed in the formal petition.*
9. *Once costs are within the levels approved in the petition, Town Board will seek bids for work to be performed. Work will be awarded. Water main is installed.*
10. *Homeowners are responsible for cost of the water line from right-of-way curb stop into their dwelling.*

### **Proposed Districts**

*The proposed districts were chosen based on public interest and by determining which areas can be served by the existing hydraulic zone(s).*

*The proposed **Iverson Road Water District** will run along Iverson Road from Route 262 to the high voltage transmissions lines.*

*The proposed **Cockram Road Water District** will run along Cockram Road from Caswell Road to the boundary of Water District No. 2.*

### **Capital Costs**

*The “District” will be responsible for the construction of the water main and service connection within the public right-of-way. The capital costs associated with a “District” are paid for by the property owners in the district. The annual payment per unit is based on the amount of grants (if any) received, interest rate, and term of the loan from the funding agency.*

*In addition, the home/business owner will also be responsible for the cost of and arranging for connection from the right-of-way to interior plumbing (approximately \$10-\$15 per linear foot of pipe installed), and meter and account set-up charges through the MCWA.*

### **Water Costs**

*The Town has an agreement with the Monroe County Water Authority (MCWA) to provide water to the Town districts and maintain the system infrastructure. The MCWA bills their customers quarterly. The 2008 water costs include a \$0.12 per day meter charge and retail rate of \$2.75 per 1,000 gallons. The Town districts are also required to pay a \$0.60 per 1,000 gallon surcharge from Genesee County associated with the Genesee County Water Supply Project.*

*The typical single family residential home uses 65,000 gallons of water per year. Based on the water rates described above, the average annual cost per year (2008) for a single family residential home is as follows:*

<i>\$0.12 per day x 365 days</i>	=	<i>\$43.80</i>
<i>\$0.60/1,000gal x 65,000 gallons</i>	=	<i>\$39.00</i>
<i><u>\$2.75/1,000gal x 65,000 gallons</u></i>	=	<i><u>\$178.75</u></i>
<b><i>Total</i></b>		<b><i>\$261.55</i></b>

**Total Costs**

The proposed average annual costs per unit for the proposed **Iverson Road Water District** are outlined below:

<i>Capital Cost</i>	<i>\$143,000</i>
<i>Grants Applied</i>	<i>\$43,000</i>
<i>Total Debt</i>	<i>\$100,000</i>
<i>Annual Debt Service (38 years, 4.375%)</i>	<i>\$5,445</i>
<i>Debt Service per Unit (8 units)</i>	<i>\$681</i>
<i>Average Annual Water Cost/Unit</i>	<i>\$262</i>
<b><i>Total Unit Cost</i></b>	<b><i>\$943 per year</i></b>

The proposed average annual costs per unit for the proposed **Cockram Road Water District** are outlined below:

<i>Capital Cost</i>	<i>\$156,000</i>
<i>Grants Applied</i>	<i>\$62,000</i>
<i>Total Debt</i>	<i>\$94,000</i>
<i>Annual Debt Service (38 years, 4.375%)</i>	<i>\$5,118</i>
<i>Debt Service per Unit (11 units)</i>	<i>\$465</i>
<i>Average Annual Water Cost/Unit</i>	<i>\$262</i>
<b><i>Total Unit Cost</i></b>	<b><i>\$757 per year</i></b>

A show of hands was taken to determine whether residents would like to have the Board proceed to the next step. A majority of the residents on Iverson and Cockram Roads wanted to proceed with the water district.

A **motion** was made by Councilman Iverson to have Eric Wies, from Clark Patterson Associates, contact Town Attorney, Paul Boylan, to proceed to the next step of forming Water Districts on Iverson and Cockram Roads. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

**PAYMENT TO STUART BROWN ASSOCIATES FOR 2006 SMALL CITIES GRANT ADMINISTRATION**

**RESOLUTION #41:**

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

***Resolved***, that the Byron Town Board approves Final Payment to Stuart I Brown Associates, Inc. in the amount of \$2,500.00 for administration of the 2006 Small Cities Grant from September 22, 2007-December 28, 2007.

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

Vote:                   Ayes: 5                   Nays: 0

**PAYMENT OF WATER DISTRICT NO. 2 ABSTRACT #2  
RESOLUTION #42:**

Councilman Felton offered the following resolution and moved for its adoption:  
**Resolved**, that the Byron Town Board agrees to pay Water District No. 2 Abstract #2 in the amount of \$63,580.50.

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

Vote:                   Ayes: 5                   Nays: 0

**ABSTRACTS  
RESOLUTION #43:**

Councilman Felton 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	#19 - #44	\$17,521.17
Highway Fund	#2	#10 - #32	\$47,349.06
Sewer Fund	#2	#9 - #15	\$ 1,348.42
General Fund	#PA-2	#2 - #5	\$ 3,134.64
General Fund	#PA-3	#6 - #10	\$ 8,046.92
Sewer Fund	#PA-1	#1 - #3	\$ 1,314.75
Highway Fund	#PA-1	#1	\$ 3,943.60
Fire District #1 Fund	#1	#1 - #2	\$73,000.00
Fire District #2 Fund	#1	#1	\$68,000.00
Water District #2	#2	#2	\$63,580.50

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

Vote:                   Ayes: 5                   Nays: 0

**TOWN CLERK'S REPORT:**

Paid to the Genesee County Treasurer for Dog Licenses.....	\$ 127.72
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 54.00
Paid to the DEC for Hunting and Fishing Licenses.....	\$ 54.17
Paid to the State Comptroller for Games of Chance.....	\$ 15.00
Paid to the State Comptroller for Bingo License.....	\$ 585.00
Paid to the Town of Byron Supervisor.....	<u>\$2,783.99</u>
Total Disbursed for January 2008.....	\$3,619.88

A **motion** was made by Councilman Ferguson to approve the Town Clerk's Report as given for January 2008. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**ZONING AND CODE:**

- \$190.00 collected for Zoning Permits for January 2008.
- \$135.00 collected for Building Permits for January 2008.

A **motion** was made by Councilman Ferguson to approve the Town Clerk's CEO/ZEO report as given. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**FINANCIAL REPORT:**

·Review of January 2008 financial report.

A **motion** was made by Councilman Ferguson to approve the December 2007 Financial Report as given. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**OTHER BUSINESS:**

**WEBSITE – S. BYRON FIRE DEPT. PAGE:**

A **motion** was made by Councilwoman Freeman to approve S. Byron Fire Department adding a web page to the Town of Byron website at no cost to the Town. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**ASSEMBLYMAN STEVE HAWLEY:**

·Outreach meeting at the Town Hall on March 19, 2008 from 4:00 p.m.-6:00 p.m.

**LETTER REGARDING GARBAGE FROM COURTNEY BOW:**

·Supervisor Chapell will write a response letter.

**Councilman Ivison:** Maybe she would like to organize a community clean up day.

**Glenn Elliott:** She could also contact the Kiwanis Club or Park Committee to see if they'd be interested in helping.

**APPROVAL FOR JUSTICE DIMATTEO TO ATTEND TRAINING SCHOOL IN NYC:**

A **motion** was made by Councilman Ivison to approve Justice DiMatteo attending Training School in NYC. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**DISPOSITION OF COURTROOM CHAIRS:**

Bid Results:

Stewart Whitney: 3 oak chairs at \$22.50 each

Bert Hawken: 4 dark brown all wood chairs at \$25.00 each

John Ivison: 8 dark brown all wood chairs at \$10 each

## **2008 COMMITTEE APPOINTMENTS**

### **Audit Committee:**

Supervisor Thomas Chapell  
Councilman Tom Felton

### **Banking Committee:**

Supervisor Thomas Chapell  
Councilman Craig Ferguson

### **Disaster Preparedness Committee:**

Supervisor Thomas Chapell  
Councilwoman Jeanne Freeman  
Town Clerk Debra Buck-Leaton  
Byron Fire Chief John Durand  
South Byron Fire Chief Bob Wilson  
Byron Rescue Squad Wendy Hilbert  
Highway Superintendent George Heins

### **Equipment Committee:**

Highway Superintendent George Heins  
Councilman John Ivison  
Supervisor Thomas Chapell

### **Insurance Committee:**

Supervisor Thomas Chapell  
Councilwoman Jeanne Freeman  
Highway Superintendent George Heins

### **Museum Committee:**

Historian Bob Wilson  
Historian Beth Wilson  
Councilwoman Jeanne Freeman  
Historical Society President Alvin Shaw  
Donald Britt

### **Park Committee Rep.:**

Councilman Tom Felton

### **Planning Board Reps:**

Councilman John Ivison  
Councilman Thomas Felton

**Westshore Trails Committee:**

**Supervisor Thomas Chapell  
Councilman Thomas Felton  
Planning Board Chairman Jerry Ivison  
Jeanne Freeman  
Plus Reps from Bergen**

**Fireman's Committee:**

**Supervisor Thomas Chapell  
Councilman Thomas Felton**

**Sewer/Water Ordinance Committee:**

**Councilman Craig Ferguson  
Robert Cudney  
Daniel DiMatteo  
Supervisor Thomas Chapell  
Sue Fuller  
Resident of S. Byron George Heins**

**Comprehensive Plan Update Committee:**

**Councilman John Ivison  
Councilman Thomas Felton  
Planning Board Chairman Jerry Ivison  
At Large Member George Squires  
At Large Member Sue Fuller**

**Buildings Committee:**

**Highway Superintendent George Heins  
Councilman Craig Ferguson  
Supervisor Thomas Chapell  
David Chupp  
Bob Cudney**

**PERSONNEL COMMITTEE**

**RESOLUTION #44:**

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

***Resolved***, that the Town Board establish a committee to manage personnel issues. Those designated responsibilities will be as follows: create and maintain a job description for each position of employment in the Town of Byron; maintain a file in the Supervisor's office for employee records; establish a set of annual objectives with each employee and their direct supervisor; negotiate employee contracts; as it relates to vacancies – advertise for, screen and recommend to the Board the best possible candidate to fill the openings.

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

Vote:           Ayes: 5           Nays: 0

A **motion** was made by Councilman Felton to appoint Supervisor Chapell and Councilman Ivison to the Personnel Committee. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**SALES TAX CHECK:**

2007   \$129,578

2008   \$144,468.40 - increase of \$14,890.40 increase from 2007

**JEFF SMITH – MUNICIPAL SOLUTIONS:**

- Works with municipalities and nonprofit organizations to get grant funding.
- Would like to have Mr. Smith go through the Town to look at different areas to see potential for improvement or revitalization in the Town.
- He is interested in coming to Byron.

**DESIGNATION OF TOWN CLERK TO SIGN BUILDING PERMITS**

**RESOLUTION #45:**

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

***Resolved***, that the Town Board authorizes the Town Clerk to sign Building and Zoning Permits.

Councilman Felton seconded the resolution which was not adopted by the following vote:

Vote:           Ayes: 0           Nays: 5

**ADDITION OF FIREMEN TO AGENDA:**

·Councilman Felton would like to have the Fire Departments attend the Board meetings and give reports like the other town committees.

**SUPERVISOR’S REPORT:**

- Continuing search for CEO/ZEO
- GAM meeting 2/21/08 in Alexander
- Assemblyman Steve Hawley’s trip for municipal officials to Albany in May. Councilman Ferguson and Supervisor Chapell are interested in attending.
- Money back from Genesee County for excess dog license revenue.

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

Vote:           Ayes: 5           Nays: 0

**EXECUTIVE SESSION:**

A **motion** was made by Councilman Ferguson to enter into Executive Session at 10:06 p.m. to discuss a pending legal suit. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

A **motion** was made by Councilman Felton to come out of executive session at 10:57 p.m. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

**ADJOURN:**

A **motion** was made by Councilman Ferguson to adjourn the Byron Town Board Meeting at 10:58 p.m. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk

7 January 2008

6452 West Sweden Rd.  
Bergen, New York 14416

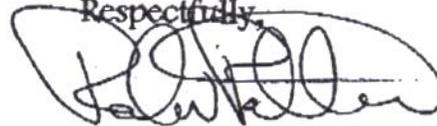
Byron Town Board  
7028 Byron-Holley Rd.  
Byron, New York 14422

Dear Byron Town Board Members,

This letter is to inform you and the citizens of Byron that I will retire my position's of Zoning Enforcement Officer, Code Enforcement Official and House Enumerator effective immediately.

Thank You for the opportunity to work for your Community.

Respectfully,



Bob Patterson

