

Supervisor Felton: He would like to keep the motion in the minutes, but the Board is aware they can't control the Highway Department spending, only budget line items.

PLANNING BOARD REPORT – Councilman Ivison:

- Looking for a new Planning Board/Zoning Board of Appeals secretary
- New Zoning Ordinance was passed, and it will soon be brought to the Town Board for their approval

COMPREHENSIVE PLAN UPDATE:

- Meeting on March 17th to review survey

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:

- Superintendent Heins has received the new NYS Snow and Ice Agreement with an increase of about \$5,000

Building Committee:

- Eric Wies from Clark Patterson is coming out Monday to discuss the highway garage renovations

Loader:

- Councilman Ivison and Superintendent Heins are working together to get pricing on a new loader
- Councilman Ivison presented a proposal for the purchase of a new front end loader
- Reviewed Equipment Update-Cash Flow Spreadsheet. According to the spreadsheet, the Town should be putting \$125,900 into a reserve fund each year to meet the cost of replacing equipment over the next 10 years.

Caterpillar 938 H at bid \$140,000
Caterpillar 930 at bid (40 hp less) \$115,000
Residual value of current loader: \$50-\$60,000
2002 Caterpillar 938G-408 w/2400 hrs.

Buy outright – need to put cash with residual \$80-\$90,000

Cost of owning CAT 938G:

Total hours on machine: 2,400
Age of machine: 6.5 years old

Purchase price: \$89,000
(-)trade in value \$50,000

| | |
|---------------------|----------|
| (+)tires | \$ 5,800 |
| (+)oil leak repairs | \$ 2,000 |
| Total: | \$46,800 |

Current Cost: \$7,200/yr. or \$19.50/hr.

Caterpillar 1 year trade @ \$10/hr. would cost us \$3,000/yr.

Other purchasing options:

- Bond
- Municipal Lease (6.5%)

State Bids:

| | |
|---------------------------------------|-----------|
| Case 721E | \$134,823 |
| New Holland (\$126,130-smaller model) | \$181,823 |
| Hyundia | \$122,545 |
| John Deere | \$128,900 |

Councilman Ferguson: Can't see spending this kind of money with the economy the way it is. The pickup truck was supposed to be turned over every two years, and it wasn't, and wonders if this will turn out the same way. He wonders how long this program will be in effect.

Councilman Redick: He also wonders how long this program will be in affect.

Councilman Ferguson: Are we spending this money on the wrong truck. He urges the Board to look at the trucks that replacement is imperative first.

Supervisor Felton: The Town is setting aside \$50,000 this year for a capital reserve fund. If \$80,000 was spent on a loader today the debt service will be coming off, and next year we'll have \$40,000 to make a purchase. If the program did disappear, we would own the loader. Only John Deere and CAT have the \$10/hr. agreement.

A **motion** was made by Councilman Ivison to put a bid out for new front end loader with ride control, 3 ½ yard bucket and quick coupler. The bid may or may not be accepted. The bids shall be made with and without the trade-in of the Town of Byron's current loader. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

NYS SNOW AND ICE AGREEMENT
RESOLUTION #37:

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

Whereas, the Byron Town Board approves the Snow and Ice Contract No. D009591 between the State of New York and the Town of Byron for snow and ice

control which expires on June 30, 2011, unless further extended. The contract will be for \$30,325.49.

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

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

WASTE WATER REPORT:

Compliance

Passed all requirements

Finished Projects

- Took weekly samples
- Took monthly samples
- Monthly reports
- Readjusted floats in lift stations to better maximize there efficiency.
- Pumped out valve pits.
- Checked all pumps for operation
- Switched valves in valve pits to exercise different sections of the filter beds.
- Took meter readings
- Continue to look over smoke testing results
- Exercised generators, checked oil and fluids.

Future Projects

- Inventory
- Replace pumps
- Continue preventative maintenance program
- Install flow meters to check for I&I, Meters will become available by the end of this month.

A **motion** was made by Councilman Redick to approve the Sewer Department Report as written. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 12
Number of Zoning Permits: 4
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: 2

Number of Zoning Complaints Resolved: 2
Total Hours for the Month: 64

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Supervisor Felton:

·There was no meeting this month

ABSTRACTS

RESOLUTION #38:

Councilman Ivison 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 | #3 | #56 - #80 | \$ 14,243.53 |
| Highway Fund | #3 | #33 - #50 | \$ 21,242.21 |
| Sewer Fund | #3 | #20 - #25 | \$ 4,764.08 |
| Water District No. 1 Fund | #3 | #3 | \$110,000.00 |
| General Fund | #PA-3 | #7 - #11 | \$ 2,420.14 |
| Sewer Fund | #PA-2 | #2 - #4 | \$ 1,016.23 |
| Fire District #1 Fund | #1 | #1 | \$ 68,000.00 |
| Fire District #2 Fund | #1 | #1 | \$ 68,000.00 |

Councilman Redick 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..... | \$ 71.67 |
| Paid to the NYS Ag and Markets for spay/neuter program..... | \$ 39.00 |
| Paid to the State Comptroller for Games of Chance..... | \$ 15.00 |
| Paid to the Town of Byron Supervisor..... | <u>\$1,947.79</u> |
| Total Disbursed for February 2009..... | \$2,073.46 |

A **motion** was made by Councilman Ivison to approve the Town Clerk’s Report as given for February 2009. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

- The financial reports were reviewed for February 2009.
- The public also received a copy of a summary financial report.

A **motion** was made by Councilman Redick to approve the February 2009 Financial Reports as given. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:
FIRE CONTRACTS:

·Both contracts have been finalized tonight.

CITY AMBULANCE:

·The Town has received a credit back from the City of Batavia for \$1,201.28 because the City Ambulance service will be ending in September 2009

·The County is working towards resolving this issue by hiring a new ambulance service provider

WATER DISTRICTS:

WATER DISTRICT NO. 2 – Finalized with payment of 2 vouchers last month

WATER DISTRICT NOS. 3 & 4:

·Moving forward now that we have Comptroller approval

·\$160,000 total project cost of Water District No.3, of which only \$105,000 is for construction costs. The remainder is for legal fees, engineering and administration.

·\$171,000 total project cost of Water District No. 4, of which 115,000 is construction costs. The remainder is for legal fees, engineering and administration.

CONTRACT FOR SERVICES WITH CLARK PATTERSON LEE FOR WATER DISTRICT NOS. 3 AND 4

RESOLUTION #39:

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

Resolved, that the Byron Town Board authorizes Supervisor Felton to sign the EJCDC E-510 Standard Form of Agreement between the Town of Byron and Clark Patterson Lee for the Town of Byron Water District Nos. 3 and 4 at a cost of \$18,250 for Water District No. 3, and \$21,010 for Water District No. 4.

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

Vote: Ayes: 5 Nays: 0

IVISON ROAD WATER DISTRICT – APPLICATION FOR FUNDING FROM USDA/RURAL DEVELOPMENT

RESOLUTION #40:

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

WHEREAS, the Town Council of the Town of Byron plans construction of the Ivison Road Water District,

WHEREAS, the Town does not have sufficient funds on hand to pay for all the construction of the Ivison Road Water District,

WHEREAS, this project may be eligible for federal government funding through the USDA/Rural Development to construct the Ivison Road Water District,

WHEREAS, it is in the interest of the public to obtain low interest loans and/or grants for the construction of the Ivison Road Water District; therefore be it

RESOLVED, that the Supervisor and Deputy Supervisor of the Town of Byron is authorized to cause an application to be prepared to obtain funding from USDA/Rural Development and

BE IT FURTHER RESOLVED, that the Supervisor and Deputy Supervisor be authorized to execute all application documents and forms required to determine funding eligibility and to obtain specific funding for the project from USDA/Rural Development.

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

Vote: Ayes: 5 Nays: 0

COCKRAM ROAD WATER DISTRICT – APPLICATION FOR FUNDING FROM USDA/RURAL DEVELOPMENT

RESOLUTION #41:

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

WHEREAS, the Town Council of the Town of Byron plans construction of the Cockram Road Water District,

WHEREAS, the Town does not have sufficient funds on hand to pay for all the construction of the Cockram Road Water District,

WHEREAS, this project may be eligible for federal government funding through the USDA/Rural Development to construct the Cockram Road Water District,

WHEREAS, it is in the interest of the public to obtain low interest loans and/or grants for the construction of the Cockram Road Water District; therefore be it

RESOLVED, that the Supervisor and Deputy Supervisor of the Town of Byron is authorized to cause an application to be prepared to obtain funding from USDA/Rural Development and

BE IT FURTHER RESOLVED, that the Supervisor and Deputy Supervisor be authorized to execute all application documents and forms required to determine funding eligibility and to obtain specific funding for the project from USDA/Rural Development.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 5:

·Still have not heard back from 9 property owners. Supervisor would ask the Town Board to make a motion to table activity on Water District No. 5 due to the lack of a majority of people who are interested in pursuing the water district.

A **motion** was made by Councilman Ivison not to proceed further with Water District No. 5. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 5 Nays: 0

STATE OF THE COUNTY ADDRESS:

·Received State of the County Address from Mary Pat Hancock. Anyone who is interested in reading it may stop at the Town Hall for a copy.

TRAFFIC COMPLAINT ON SWAMP ROAD:

·Supervisor Felton received a copy of a letter to Kevin O’Buckley, Regional Director of the NYS Department of Transportation, from Pam and Mickey Truax regarding truck traffic on Swamp Road.

·He spoke with Rachel at Steve Hawley’s Office, who is also on the Bergen Town Board, and the Town of Bergen has a law on the books now restricting truck traffic. The Town of Bergen will be implementing procedures to enforce this law. Supervisor Felton believes this should take care of the problem on the Town of Byron’s portion of Swamp Road.

RURAL HOUSING LETTER OF SUPPORT:

Supervisor Felton asked the Town Board to pass a motion authorizing him to sign a letter of support on behalf of the Town of Byron for Rural Housing Opportunities Corporation, Inc. to the NYS Housing Trust Fund Corporation requesting additional HOME resources needed to continue their Homeownership Assistance program activities in Genesee County. None of the Councilmen were interested in passing such a motion.

HIGH SPEED RAIL SERVICE:

·The Governor is proposing a high speed rail service from Niagara Falls to Albany. Councilman Ivison would like to know what affect this would have on a rural town like the Town of Byron. He would like to work with Supervisor Felton in writing a letter to our state representatives addressing the Town’s concerns.

A **motion** was made by Councilman Ivison to write letters to our state representatives addressing the Town of Byron’s concerns. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ASSESSOR’S REPORT:

2009 Tentative Roll As of March 11, 2009

| | <u>Total Assessed Value</u> | <u>Town Taxable</u> |
|------|-----------------------------|---------------------|
| 2009 | \$118,526,553 | \$96,596,054 |
| 2008 | <u>\$116,597,498</u> | <u>\$95,911,437</u> |
| | \$1,929,055 (1.66%) | \$684,617 (.72%) |

·Change notices are going out this week

·Received notice from the State that maintenance aid money for the 2008 update will be coming within the month

PUBLIC COMMENTS:

John Sackett: Heard that the Town Board is looking at making the Highway Superintendent and Town Clerk appointed positions.

Supervisor Felton: The Town of Byron, Bergen and Elba are at a point where two out of the three Highway Superintendent's are retiring. This is the best time to talk about consolidation. This person would take care of all three towns if appointed. The Town of Byron has two highway employees that will be retiring soon, and now is the time to look at other options to save costs.

John Sackett: Consolidation is not always the best answer or more cost effective. He would rather see the work subcontracted.

Sue Fuller: Wondered about regulations regarding violations in Highway Department. She believes the Town of Byron needs to fight these regulations at the county and state level.

Supervisor Felton: The conditions that the highway crews work in are not good.

SUPERVISOR'S REPORT:

- Draft of the NYS DEC Outdoor Wood Boiler Law is available at the Town Hall
- Receipt of \$1,179.70 reimbursement for the local recreation program
- Letter from State regarding Assessment being at 100%
- Letter from Steve Hawley regarding Rte. 262 and Byron Road stop sign enhancements
- Next GAM meeting is on March 19th in Elba
- Information on Restore NY Informational Seminar that Supervisor Felton attended
- Letter from NYS DEC that they are planning to redo wetland maps
- Training for Planning Board on April 29th and ZBA on May 12th at Genesee County Planning Department

A **motion** was made by Councilman Redick 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

ADJOURN:

A **motion** was made by Councilman Ivison to adjourn the Byron Town Board Meeting at 9:04 p.m. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk