

BYRON TOWN BOARD MEETING

March 19, 2014

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

Supervisor.....Peter Yasses
Councilmen.....Jeff Thompson
Sue Fuller
Scott Wooton
Harold Austin
Town Clerk.....Debra Buck-Leaton
Assessor.....Barry Flansburg

Absent:

Highway Superintendent.....George Heins

Invited Guest.....Paul Boylan, Town of Byron Attorney
Paul Chatfield, Chatfield Engineering
Scott Mattison, Chatfield Engineering

Public:

Pam and Mickey Truax
Caroline Finucane
Al and Kim Burkhart
Leoti and Don Cudney
Edgar Loughheed
Robert Mills
Gerald Birge
John Sackett
Mark Miller
Carrie Capostagno
Dan Morgan
Ken Avery

Paula Stone
Jen and Ed Glow
Josh Kent
Lori Ivison Sutch
Dean Ivison
Jim Cudney
Rick Bezon
Fred Johnson
Nelson Grimm
Keith Carlson
Candace Hensel
Tom Chapell

Shirley Cudney
Jeff Cokeley
Luan Riner
Vic Digregorio
Bill and Jeanne Freeman
Elaine and Tony Barniak
Michelle and Jabob Yasses
Lisa Kaczmarek
M/M Thomas Rittmeyer
Todd Chapell
Joe and Rita Kuzma

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

PROPOSED WATER DISTRICTS:

WATER DISTRICT NO. 6 – N. BYRON ROAD AND COCKRAM ROAD EAST:

RESOLUTION #37:

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

RESOLVED, that the Town Board of the Town of Byron authorizes Chatfield Engineers, P.C. to prepare a Map, Plan and Report for Water District No. 6 – N. Byron and Cockram Road East at a cost of \$2,950.00.

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

Vote: Ayes: 5 Nays: 0

·Paul Chatfield would suggest sending out a letter survey to the three other areas (Byron Road, Lyman Road, Warboys Road) for potential water districts. Since the turnout for the informational meetings was so low, the surveys would better provide the Town Board with the number of people in the potential districts who would be for or against receiving municipal water. Based on the surveys the Town Board can then decide whether to move forward with the preparation of the Map, Plan and Report for that area.

A **motion** was made by Councilman Wooton to send a letter and survey to residents of the three potential water districts (Byron Road, Lyman Road and Warboys Road areas) in order to fairly access the number of people for and against a water district in these areas, and whether to move forward or drop these areas from consideration. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

The Town Board took a 5 minute break in order to allow residents who were only here to find out about the future water districts time to leave if they wanted to instead of staying for the remainder of the meeting.

WATER DISTRICT NO. 5 – SWAMP ROAD:

Attorney Paul Boylan – There have been a couple of problems with the Water District No. 5 legal notice notices. First, the original notice did not have the legal description of the district included, which Attorney Boylan thought would not be necessary, however, after consulting with bond counsel, they disapproved Attorney Boylan's approach and wanted a full legal description put in for the Notice of Public Hearing. That is the reason the first Public Hearing had to be move until the March 12th meeting. Then, the second legal notice called for PH last Wednesday, March 12th, but there was a state of emergency because of the blizzard and the Public Hearing was not held. In order to hold a Public Hearing the Town Board would have needed to publish the legal notice more than 10 days, but not more than 20 in the Daily. The Town Board will, therefore, need to republish the Public Hearing in order for it to be legal. Attorney Boylan would like to have the Public Hearing at the May 14th meeting because he already has surgery scheduled for April. It will not hold up the district, and the Town Board can take care of voting on all the other necessary resolutions at tonight's meeting.

WATER DISTRICT NO. 5 – SWAMP ROAD:

At a Regular Meeting of the Town Board of the Town of Byron in the County of Genesee, held at the Town Hall in the Town of Byron on the 19th day of March, 2014.

PRESENT:

Peter Yasses, Supervisor
Suzanne Fuller, Councilman
Harold Austin, Councilman
Scott Wooton, Councilman
Jeff Thompson, Councilman

In the Matter of the Establishment of
Water District No. 5 of the Town of Byron,
Genesee County, New York.

ORDER CALLING
PUBLIC HEARING

WHEREAS, previously hereto a map, plan and report have been prepared by Chatfield Engineers, P.C., Licensed Engineers, in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Byron, New York, relating to the establishment of the proposed Water District No. 5 in the Town of Byron, and

WHEREAS, such map, plan and report have been duly filed in the office of the Town Clerk of the said Town of Byron, and

WHEREAS, the boundaries of said Water District are as follows:

All that tract or parcel of land situated in the Town of Byron, County of Genesee, State of New York, described as follows: Beginning at a point, said point being the intersection of the southerly right-of-way of Swamp Road (49.5' ROW) with an extension of the southwesterly property line of Tax Account No. 5.-2-67.12 and also being a boundary line of the Town of Byron Water District No. 1; thence

1. Northwesterly 212 feet more or less, along the southwesterly property line of Tax Account No. 5.-2-67.12 to a point, said point being a northwesterly property corner of Tax Account No. 5.-2-67.12; thence

2. Northeasterly 356 feet more or less, along the northwesterly property line of Tax Account No. 5.-2-67.12 to a point, said point being along the southerly property line of Tax Account No. 5.-2-70; thence

3. Westerly 130 feet more or less, along the southerly property line of Tax Account No. 5.-2-70 to a point; said point being the southwesterly property corner of Tax Account No. 5.-2-70; thence

4. Northerly 312 feet more or less, along the westerly property line of Tax Account No. 5.-2-70 to a point, said point being the intersection with a line parallel to and 500 feet northerly of the centerline of Swamp Road; thence

5. Easterly 2,673 feet more or less, along a line parallel to and 500 feet northerly of the centerline of Swamp Road to a point, said point being the intersection with a line parallel to and 500 feet southwesterly of the centerline of Cole Road (49.5' ROW); thence

6. Northwesterly 3,344 feet more or less, along a line parallel to and 500 feet southwesterly of the centerline of Cole Road to a point, said point being along the centerline of Mud City Road (49.5' ROW); thence

7. Northerly 1,000 feet more or less, along the centerline of Mud City Road to a point, said point being the intersection with a line parallel to and 500 feet northeasterly of Cole Road; thence

8. Southeasterly 4,486 feet more or less, along a line parallel to and 500 feet northeasterly of the centerline of Cole Road to a point, said point being the intersection with a line parallel to and 500 feet northerly of the centerline of Swamp Road; thence

9. Easterly 3,047 feet more or less, along a line parallel to and 500 feet northerly of the centerline of Swamp Road to a point, said point being the intersection with a line parallel to and 500 feet westerly of the centerline of Hessenthaler Road (49.5' ROW); thence

10. Northerly 800 feet more or less, along a line parallel to and 500 feet westerly of the centerline of Hessenthaler Road to a point, said point being the intersection with a line parallel to and 1,300 feet northerly of the centerline of Swamp Road; thence

11. Easterly 1,000 feet more or less, along a line parallel to and 1,300 feet northerly of the centerline of Swamp Road to a point, said point being the intersection with a line parallel to and 500 feet easterly of the centerline of Hessenthaler Road; thence

12. Southerly 800 feet more or less, along a line parallel to and 500 feet easterly of the centerline of Hessenthaler Road to a point, said point being the intersection with a line parallel to and 500 feet northerly of the centerline of Swamp Road; thence

13. Easterly 2,270 feet more or less, along a line parallel to and 500 feet northerly of the centerline of Swamp Road to a point, said point being the intersection with the Byron - Bergen Town Line; thence

14. Southerly 1,000 feet more or less, along the Byron - Bergen Town Line to a point, said point being the intersection with a line parallel to and 500 feet southerly of the centerline of Swamp Road; thence

15. Westerly 2,270 feet more or less, along a line parallel to and 500 feet southerly of the centerline of Swamp Road to a point, said point being the intersection with a line parallel to and 500 feet easterly of the centerline of Hessenthaler Road; thence

16. Southerly 2,323 feet more or less, along a line parallel to and 500 feet easterly of the centerline of Hessenthaler Road to a point, said point being the intersection with a line parallel to and 500 feet northerly of centerline of NYS Route 262 (66' ROW) and also being a boundary line of the Town of Byron Water District No. 1; thence

17. Westerly 1,000 feet more or less, along a line parallel to and 500 feet northerly of centerline of NYS Route 262 to a point, said point being the intersection with a line parallel to and 500 feet westerly of the centerline of Hessenthaler Road; thence

18. Northerly 2,288 feet more or less, along a line parallel to and 500 feet westerly of the centerline of Hessenthaler Road to a point, said point being the intersection with a line parallel to and 500 feet southerly of the centerline of Swamp Road; thence

19. Southwesterly 6,180 feet more or less, along a line parallel to and 500 feet southerly of the centerline of Swamp Road to a point, said point being the intersection with an extension of the westerly property line of Tax Account No. 5.-2-56; thence

20. Northerly 65 feet more or less along an extension of the westerly property line of Tax Account No. 5.-2-56 to a point, said point being the southwesterly property corner of Tax Account No. 5.-2-56; thence

21. Westerly 250 feet more or less, along the southerly property line of Tax Account No. 5.-2-57.1; thence

22. Northerly 358 feet more or less, across Tax Account No. 5.-2-57.1 to a point, said point being along the southerly right-of-way line of Swamp Road; thence

23. Southwesterly 250 feet more or less, along the Southerly right-of-way line of Swamp Road to a point, said point being the Point of Beginning.

All as shown on a map prepared by Chatfield Engineers, P.C., entitled, "Town of Byron Swamp Road Water District, Water District Boundary Map," dated August 31, 2012, and

WHEREAS, the proposed improvements consists of the installation of approximately 19,700 linear feet of water main, hydrants and other appurtenances, and

WHEREAS, the maximum amount proposed to be expended by the said district is One Million One Hundred Forty-seven Thousand Dollars (\$1,147,000), and it is anticipated that there will be an annual cost to the typical owner of a one or two family home of Six Hundred Forty-eight and 86/100 Dollars (\$648.86) after the first year, and the first year cost to the typical owner of a one or two family home is anticipated to be One Thousand Five Hundred Three and 86/100 Dollars (\$1,503.86), both of which estimates include annual debt service and annual water usage costs, which will be levied upon each of the units in said District, and

WHEREAS, a petition in due form dated September 13, 2013 has been received and filed in the Town Clerk's office and which, according to an affidavit sworn to by Barry Flansburg, Town Assessor, contains the signatures of the owners of seventy-three percent (73%) of the total assessed value of the real property in said proposed district and seventy-three percent (73%) of the real property owned by persons residing in said proposed district, and which petition sets forth with specificity the maximum amount to be expended and anticipated the first year and subsequent annual cost for a typical one or two family home as above set forth,

NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the Town of Byron will be held at the Town Hall, Route 237, Byron, New York at 7:00 p.m. on May 14, 2014 to consider the Establishment of said Water District No. 5 of the Town of Byron, including the environmental significance thereof and to hear all persons present interested in the subject matter thereof, concerning the same and for such other and further action on the part of said Town Board may be necessary and proper, with relation to the premises.

Vote:

Supervisor Yasses:	Aye
Councilman Wooton:	Aye
Councilwoman Fuller:	Aye
Councilman Austin:	Aye
Councilman Thompson:	Aye

**WATER DISTRICT NO. 5-SWAMP ROAD SEQR RESOLUTION-NEGATIVE
DECLARATION
RESOLUTION #38:**

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

WHEREAS,

- 1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Byron announced its intent to serve as Lead Agency on October 9, 2013, to conduct an environmental review of public water supply improvements within the Swamp Road Water District service area. The project will ensure a safe and reliable potable water supply and fire protection for area residents and businesses.
- 2) The Town Board has determined that the proposed action is a Type I action as defined under SEQR, as the action requires approval of plans by the NYS Department of Health and as portions of the project are located in an Genesee County Agricultural District.
- 3) The Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
- 4) On October 16, 2013, the Town Board notified the Involved Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the full Environmental Assessment Form.
- 5) Comments from Involved and Interested Agencies have been addressed in Part 2 of the EAF. The Town will obtain all necessary permits and approvals from Involved Agencies and will comply with agency requirements.
- 6) The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Town Board of the Town of Byron declares that it will serve as Lead Agency for the water system improvements proposed in Swamp Road Water District; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project, and the Town Supervisor is hereby authorized and directed to prepare and issue, on behalf of the Town, the form entitled "Negative Declaration Notice of Determination of Non-Significance."

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

Vote:

Supervisor Yasses:	Aye
Councilman Wooton:	Aye
Councilwoman Fuller:	Aye
Councilman Austin:	Aye
Councilman Thompson:	Aye

**CHATFIELD ENGINEERS, P.C. – APPROVAL OF ENGINEERING SERVICES
AGREEMENT FOR WATER DISTRICT NO. 5 – SWAMP ROAD:**

RESOLUTION #39:

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

RESOLVED, that the Supervisor of the Town of Byron is hereby authorized as the official representative of the Town to execute the Engineering Services Agreement for Water District No. 5 (Swamp Road) with Chatfield Engineers, P.C.. The project will be completed in accordance with the Preliminary Engineering Report dated June 11, 2013 prepared by Chatfield Engineers, P.C.

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

Vote:

Supervisor Yasses:	Aye
Councilman Wooton:	Aye
Councilwoman Fuller:	Aye
Councilman Austin:	Aye
Councilman Thompson:	Aye

**STUART I. BROWN ASSOCIATES, INC. PROPOSAL FOR SERVICES FOR WATER
DISTRICT NO. 5 – SWAMP ROAD:**

RESOLUTION #40:

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

RESOLVED, that the Supervisor of the Town of Byron is hereby authorized as the official representative of the Town to execute the Proposal for Services between the Town of Byron and Stuart I. Brown Associates, Inc. This Agreement authorizes Stuart I. Brown Associates, Inc. to assist the Town in the administration of the project to extend public water to the area designated as Water District No. 5, and to comply with the requirements of Rural Development. Stuart I. Brown Associates, Inc.'s fee for such work shall be \$4,300, which includes \$2,500 for the preparation and submission of the Final Rural Development Application, and \$1,800 for performing work tasks associated with the cultural resource investigation.

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

Vote:

Supervisor Yasses:	Aye
Councilman Wooton:	Aye
Councilwoman Fuller:	Aye
Councilman Austin:	Aye
Councilman Thompson:	Aye

**PAUL S. BOYLAN, ESQ. PROPOSAL FOR SERVICES FOR WATER DISTRICT NO. 5 –
SWAMP ROAD:**

RESOLUTION #41:

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

RESOLVED, that the Supervisor of the Town of Byron is hereby authorized as the official representative of the Town to execute the Proposal for Services between the Town of Byron and Paul S. Boylan, Esq. This Agreement authorizes Paul S. Boylan, Esq. to assist the Town in the legal services of the project to extend public water to the area designated as Water District No. 5, and to

comply with the requirements of Rural Development. Paul S. Boylan’s fee for such work shall be \$190.00 per hour, not to exceed \$13,000.00.

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

Vote:

Supervisor Yasses:	Aye
Councilman Wooton:	Aye
Councilwoman Fuller:	Aye
Councilman Austin:	Aye
Councilman Thompson:	Aye

MUNICIPAL SOLUTIONS, INC. PROPOSAL FOR SERVICES FOR WATER DISTRICT NO. 5 – SWAMP ROAD:
RESOLUTION #42:

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

RESOLVED, that the Supervisor of the Town of Byron is hereby authorized as the official representative of the Town to execute the Proposal for Services between the Town of Byron and Municipal Solutions, Inc. This Agreement authorizes Municipal Solutions, Inc. to assist the Town in the financial services of the project to extend public water to the area designated as Water District No. 5, and to comply with the requirements of Rural Development. Municipal Solution Inc.’s fee for such work shall be \$115.00 per hour, not to exceed \$5,000.00.

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

Vote:

Supervisor Yasses:	Aye
Councilman Wooton:	Aye
Councilwoman Fuller:	Aye
Councilman Austin:	Aye
Councilman Thompson:	Aye

FINAL APPLICATION REQUESTING FINANCIAL ASSISTANCE FOR WATER DISTRICT NO. 5 WITH RURAL DEVELOPMENT:
RESOLUTION #43:

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

RESOLVED, that the Supervisor of the Town of Byron is hereby authorized as the official representative of the Town to execute and submit an application to the U.S. Department of Agriculture, Rural Development for financial assistance for the construction of improvements to serve the Town of Byron Water District No. 5 and the Supervisor is hereby authorized and directed to act in connection with the submission of the application and to provide such additional information as may be required.

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

Vote:

Supervisor Yasses:	Aye
Councilman Wooton:	Aye
Councilwoman Fuller:	Aye
Councilman Austin:	Aye
Councilman Thompson:	Aye

WATER DISTRICT NO. 5 LATERAL RESTRICTIONS

RESOLUTION #44:

Councilman Thompson 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. 5” (formerly referred to as the “Swamp Road Water District”), pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Swamp, Cole, and Hessenthaler Roads; and

WHEREAS, part of the land area within Water District No. 5 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 Swamp, Cole, and Hessenthaler Roads, included in Water District No. 5, 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.

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

Vote:

Supervisor Yasses:	Aye
Councilman Wooton:	Aye
Councilwoman Fuller:	Aye
Councilman Austin:	Aye
Councilman Thompson:	Aye

MINUTES:

A **motion** was made by Councilwoman Fuller to approve the Byron Town Board minutes of February 12, 2014 as written. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT:

Comprehensive Plan:

A **motion** was made by Councilwoman Fuller to instruct the Planning Board to move forward with updating the current Comprehensive Plan. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

UMMC Building Zoning Map Change:

•The proposed zoning map change has gone before the County Planning Board, and has been approved without condition.

A **motion** was made by Councilman Wooton to set a Public Hearing for April 9, 2014 at 7:00 p.m. to consider rezoning property located at 6815 Byron-Holley Road (NYS Rte. 237) from C-1 to R to permit use as adult care facility. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

SEWER REPORT:

- Took monthly samples
- Meet compliance for Inf. and Eff.

Inflow and Infiltration:

- Should be looked into this Spring in Center Byron
- Common causes are illegal hookups (sump pumps and roof drains)

Other:

- Checked and maintained all filter bed pumps (N,S+C)
- Keep track of pump hours on all pumps including Old School House, Walkers Corners and McElver Street lift station.

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: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT: – Superintendent Heins

- Received Snow and Ice check from County in the amount of \$47,913.54
- The new Harris radios that were purchased by the County for the highway departments use have some troublesome issues. Base stations cannot be used because of power issues. Many conversations are garbled and not understandable. There is a problem regulating the volumes to an even level – too loud then too soft. External speakers are needed in some noisy equipment and may be a problem to hook up. No emergency tones and a lot of one sided calls with no response. Antennas are breaking off. Until these problems are remedied, the highway department will be waiting before signing off on the radios. They are a very costly item.
- Highway is still operating within our 2013-2014 budget, but next winter money for fall salt and fuel are in jeopardy with this winter continuing on.
- Waiting for the arrival of warm weather to begin the outside work with snow fence removal and tree trimming.
- Working on replacement signage for roads and parks.
- The Town Board needs to make a Resolution extending the current Snow and Ice Agreement with New York State.

EXTENSION OF SNOW AND ICE AGREEMENT

RESOLUTION #45:

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

WHEREAS, the Town Board of the Town of Byron on March 19, 2014 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, 2016 unless further extended. The contract will be for \$37,463.06.

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

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 15
Number of Zoning/Building Permits Issued: 2
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

- Continuing annual fire inspections
- Will be attending Finger Lakes Building Officials Educational Conference March 17-20, 2014.

The conference will be held in Henrietta, NY.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT: - Councilman Austin

- Meeting is tonight so he has nothing to report

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #46:

Councilman Wooton 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	#63 - #81	\$12,964.94
Highway Fund	#3	#32 - #46	\$29,293.86
Sewer Fund	#3	#9 - #12	\$ 5,511.02
General Fund	PA#2	#3 - #5	\$ 1,389.28
Sewer Fund	PA#2	#3 - #5	\$ 826.76

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

Vote: Ayes: 5 Nays: 0

TOWN CLERK'S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 65.00
Paid to the DEC for hunting/fishing licenses.....	\$ 68.03
Paid to NYS Health Dept. for Marriage Licenses.....	\$ 22.50
Paid to the Town of Byron Supervisor.....	<u>\$2,417.47</u>
Total Disbursed for February 2014.....	<u>\$2,573.00</u>

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

- The Financial Report for February 2014 was reviewed.

A **motion** was made by Councilman Austin to approve the February 2014 Financial Reports as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

- Received January and February 2014 Mercy EMS Report
- Received Time Warner franchise tax check in the amount of \$8,971.00
- Spoke with the Town insurance carrier regarding the Town's umbrella policy. The Town currently has a \$6 million policy, but questioned whether the Town should lower that umbrella to \$3 million at a savings of \$900 to the Town. After discussion, the Town Board decided it would be better to keep the umbrella at \$6 million.

Defensive Driving Course: The Supervisor would like to have the highway employees attend the defensive driving course and confined space training.

Attorney Paul Boylan: The Town Board can recommend that the highway employees attend these meetings, but it can not tell the Highway Superintendent what his employees are going to do. He would recommend giving the Highway Superintendent the information and letting him do with it what he decides.

Councilman Wooton: The highway employees shouldn't be doing sewer work because VRI is doing all work in the sewer department since the highway superintendent stated he will not work in the sewer department anymore, so they don't need the confined space training. However, he does think they should have the defensive driving education.

A **motion** was made by Councilman Wooton to recommend that the highway employees attend a defensive driving class that is offered through NYMIR. The motion was second by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

SAFE:

- Application for grant has been submitted to NYS Archives by Stuart Brown Associates.

DOG CONTROL LAW:

A **motion** was made by Councilman Wooton to table discussion on the Dog Control Law until the May 14, 2014 meeting. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

TOWN WIDE CLEANUP DAY:

A **motion** was made by Councilman Wooton to endorse the Town of Byron town wide cleanup day sponsored by the Byron Kiwanis on April 5, 2014, and to have the Byron Transfer Station remain open until 5:00 p.m. on that day. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FRACKING COMMITTEE: - Rita Kuzma

- The committee is discussing doing a petition to ask the Town to do a moratorium on fracking.
- Left information in the Town Board mailboxes.
- Town of Stafford is doing another moratorium.

PUBLIC COMMENTS:

John Sackett: Gave the Town Board a copy of a letter he sent to David Chan, Project Manager for NYSDOT regarding the proposed high speed rail. He believes our Town Board and County Legislators should be attending these Public Hearings because it affects towns in Genesee County, including the Town of Byron.

EXECUTIVE SESSION:

A **motion** was made by Councilman Wooton to enter into Executive Session at 9:10 p.m. to discuss the medical, financial, credit or employment history of a particular person, corporation, or relating to the appointment, promotion, demotion, discipline or removal of a particular person. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilwoman Fuller to come out of executive session at 9:21 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was by Councilman Austin to adjourn the Byron Town Board Meeting at 9:22 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk