

BYRON TOWN BOARD MEETING

March 9, 2016

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.....	Sue Fuller
	Jim Cudney
	Fred Klycek
	Jeff Thompson
Highway Superintendent.....	Brian Forsyth
Assessor.....	Barry Flansburg
Town Clerk.....	Debra Buck-Leaton

Invited Guests.....Jay Grasso, G&G Process Services, Inc.

Public:

David Chupp.....	Tripp Road, Byron
Michelle Yasses.....	Rte. 237, Byron
Barb and Bill Emerson.....	Terry Street, Byron
George Squires.....	McElver Street, Byron
Candace Hensel.....	Bergen
Mickey Truax.....	Swamp Road, Byron
Vic Digregorio.....	Warboys Road, Byron
John Sackett.....	Townline Road, Byron
Billy Kennett.....	Caswell Road, Byron
David Starowitz.....	Caswell Road, Byron
Jack Redick.....	Walkers Corners Road, Byron

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

MINUTES:

A **motion** was made by Councilwoman Fuller to approve the Byron Town Board minutes of February 10, 2016 as written. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – Councilwoman Fuller:

- Land Separation for property on Coward Road
- Wording for Solar Energy Systems to be revised in Zoning Law. Supervisor Yasses will send to Attorney Boylan for his review.

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

Vote: Ayes: 5 Nays: 0

COMPREHENSIVE COMMITTEE REPORT – Chairman George Squires:

·The Town Attorney has reviewed and approved the RFP for consultant assistance in doing the Comprehensive Plan. Felipe from Genesee County Planning has sent a list of prospective companies to mail the RFP to.

·The Town Clerk will mail out the RFP after a motion is made by the Town Board to do so.

A **motion** was made by Councilwoman Fuller to have the Town Clerk mail the RFP out to prospective companies as soon as possible. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

SEWER REPORT:

Monthly:

- Checked and maintained all filter bed pumps (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:

- High level alarm at Walkers Corners Road lift station. Had to replace a float.
- High level alarm at the South Byron Filter Bed. Problems with one of the lift stations. Spent three days trouble shooting and replacing parts that showed to be bad. Changed floats and a soft start pack. Would work for 24 hours and be down again. Had Dan Burns in to help trouble shoot and had the same luck. Ended up passing part of the panel box and for now things seem to be working. Some changes will be in the future.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – Brian Forsyth:

- The Town Board needs to pass a resolution approving the Shared Services Agreement between the Town and all of the Towns/Villages and Genesee County.
- Spent \$28,595.38, but fuel and salt was \$24,036
- Continuing cleaning the shop and grounds
- Continuing fixing signs
- Building hydrant markers and installed on Swamp Road district
- Building hydrant markers, but waiting on North Byron and Cockram districts to install

- Building gate stops and installed on railroad but need more hinges
- Starting to pick up plow damage from lawns, waiting on intersections for now
- Auctions International update: Person that won bid for brush hog didn't want it and it will be held until the next auction. Oshkosh sold for \$3,100, generator \$1,375, roller \$1,250.
- Both pickups have Town of Byron stickers on them
- Starting bid for new pickup today – state bid truck from Basil Chevrolet. He will have more information at next months meeting.

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

Vote: Ayes: 5 Nays: 0

REIMBURSEMENT TO THE TOWN OF STAFFORD FOR HALF OF SALE OF ROLLER **RESOLUTION #32:**

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

Resolved, that the Byron Town Board authorizes the payment of \$625.00 to the Town of Stafford for their half of the sale of the roller.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SHARED SERVICES AGREEMENT **RESOLUTION #33:**

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

Resolved, that the Byron Town Board authorizes the Town of Byron Supervisor to sign an agreement on behalf of the Town of Byron which authorizes the Supervisor to directly contract with the Superintendents of persons holding similar public office in other municipalities who possess similar authorization for borrowing or lending of materials and supplies and the exchanging, leasing, renting of machinery and equipment, including the operators thereof, for the purpose of aiding the Superintendent in the performance of his/her duties.

WHEREAS, all municipalities, including the Town of Byron, have the power and authority to contract for the purpose of renting, leasing, exchanging or borrowing of machinery and equipment, with or without operators, with other municipalities, and

WHEREAS, all municipalities, including the Town of Byron, have the power and authority to borrow or lend materials and supplies to other municipalities, and

WHEREAS, it is hereby determined that the Town of Byron and other municipalities have machinery and equipment which is not used at all times, but lie idle during certain periods, and

WHEREAS, it is determined that the Town of Byron and other municipalities often have materials and supplies on hand which are not immediately needed, and

WHEREAS, it is hereby determined that by renting, borrowing, exchanging or leasing of highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Byron and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or keeping of a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and

WHEREAS, it is recognized and determined from a practical working arrangement, that no program of borrowing, exchanging, leasing or renting of highway machinery and equipment or borrowing or lending of materials can be successful if each individual arrangement or agreement has to

receive prior approval by the Town Board and the governing board of each of the municipalities, which may be made on short notice and at times when governing boards are not in session, and

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be quickly obtained with a minimum of paperwork and inconvenience and with a swift approval process, and

WHEREAS, it is the intent of this Town Board to give the Supervisor the authority to enter into renting, exchanging, borrowing and lending agreements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the Town Board prior to the making of each individual agreement, and

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities which contract will grant the person holding the position capable to that of the Highway Superintendent authority to make similar agreements, and

WHEREAS, it is hereby determined that it will be in the best interest of the Town of Byron to be a party to such an agreement,

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Byron is hereby authorized to sign, on behalf of the Town of Byron, the Highway Shared Services Agreement which shall be effective on the date of signing, and be it further

RESOLVED, that the Highway Superintendent of the Town of Byron is authorized and directed to file a copy of the Highway Shared Services Agreement with the Supervisor/Mayor and Superintendent of Highways/Supervisor of Public Works of each municipality/government agency within the County of Genesee and neighboring counties.

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 13

Number of Zoning/Building Permits Issued: 2

Number of Land Separations: 1

Number of Building C.O./C.C. Issued: 2

Number of Zoning Complaints Filed: 2

Number of Zoning Complaints Resolved: 1

Number of Stop Work Orders Issued: 0

·Continue to work with Planning Board on changes to zoning law pertaining to residential solar systems.

·Will be attending FLBOA educational conference in Henrietta on March 14-17th . Upon completion I will have the 24 hour yearly NYS training requirements met for 2016.

·NYS Building Codes will have a significant update that will probably take effect in the June or July time frame, this will create a rather large learning curve for commercial and residential property owners and their contractors which will need to be addressed when they file building permit applications.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Councilman Cudney:

- A wish list has been compiled by George Squires for future projects.
- Considering a historical display for Trestle Park.

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #34:

Councilman Thompson 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	#51 - #65	\$ 5,919.88
Highway Fund	#3	#24- #37	\$ 28,505.38
Sewer Fund	#2	#3 - #4	\$ 3,494.75
General Fund	PA#2	#8 - #12	\$ 1,055.00
Sewer Fund	PA#2	#5 - #7	\$ 2,668.67
Water District No. 1	#1	#1	\$120,000.00
Water District No. 5	#2	#2 - #3	\$ 5,276.59
Water District No. 6	#3	#3 - #4	\$410,625.74
Fire District No. 1	#1	#1	\$ 75,000.00
Fire District No. 2	#1	#1	\$ 75,000.00

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

Vote: Ayes: 5 Nays: 0

TOWN CLERK'S REPORT:

Paid to the Byron Park Committee for Pavilion Rental.....	\$ 30.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 68.00
Paid to the NYS Dept. of Health for Marriage Licenses.....	\$ 22.50
Paid to the Town of Byron Supervisor.....	<u>\$2,089.90</u>
Total Disbursed for February 2016.....	<u>\$2,210.40</u>

A **motion** was made by Councilman Cudney to approve the Town Clerk's Report as given for February, 2016. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

- The January and February 2016 Financial Reports were reviewed.

A **motion** was made by Councilwoman Fuller to approve the January and February 2016 Financial Reports. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

- Time Warner Cable Franchise Agreement Public Hearing

**TIME WARNER CABLE FRANCHISE RENEWAL
RESOLUTION #35**

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

BE IT RESOLVED, that the Byron Town Board will hold a public hearing regarding the cable franchise renewal. The public hearing will take place on Wednesday, April 13, 2016 at 7:00 p.m. at the Byron Town Hall located at 7028 Rte. 237, Byron, NY 14422. Citizens are invited to testify. The purposed of the public hearing is to review the past performance of the cable operator, Time Warner, and to identify the future cable-related community needs of the Town. Questions may be directed to Peter Yasses, Supervisor at 585-548-7123 ext. 14.

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

Vote: Ayes: 5 Nays: 0

ACTION SECURITY:

·Control panel upgrade: Phone line has not locked up in quite a while. The Supervisor would like to wait until it happens again and then we'll do it then.

·Carbon Monoxide Detectors: New carbon monoxide detectors have been installed.

HIGHWAY GARAGE:

·Supervisor Yasses would like the Town Board and the audience to tour the highway garage to see how bad the space problem is, and to talk about what can be done to build a new highway garage or to renovate the existing highway garage. Supervisor Yasses will be talking to Paul Chatfield about some ideas he has and he'll update the Town Board next month. The Supervisor would like to set up a committee to look at the Town's options. By a show of hands, the Town Board decided to move forward with the exploration of a new highway garage.

A **motion** was made by Councilwoman Fuller to form a committee to investigate the possibility of renovating/building a new highway garage. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

JAY GRASSO: G&G Process Services, Inc. specializes in household income and demographic surveys for municipalities along with other consultant services. Also does municipal grant writing, administration and feasibility studies.

WATER DISTRICT NO. 5:

·Loan closing on Thursday, March 17, 2016.

WATER DISTRICT NO. 6:

- Progress meeting is Thursday, March 10th at the Town Hall.
- N. Byron Road is complete, waiting for health department approval, and Cockram Road pipe is all in, but they need an easement from Gina Lippa in order to complete the project.
- MCWA would like the Town Board to approve the request for an easement at 6329 Cockram Road, which is needed to complete the project.

APPROVAL OF ACQUISITION OF EASEMENTS BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-A) OF NEW YORK'S PUBLIC AUTHORITIES LAW
RESOLUTION #36:

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

WHEREAS, the Monroe County Water Authority (the "Water Authority") intends to expand and construct a water main (the "Project") to bring the Water Authority's supply to the property owners on North Byron Road and Cockram Road; and

WHEREAS, the acquisition of one (1) easement by the Water Authority is necessary for the construction, installation, operation, and maintenance of the Project; and

WHEREAS, the easement necessary for the Project is located along the frontage of 6329 Cockram Road (approximately 20 feet x 10 feet), the parcel with a Tax Account Number 7.-1-86.111, which is owned by Gina Lippa; and

WHEREAS, the acquisitions are necessary to allow the completion of the construction, installation, operation, and maintenance 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 New York's Public Authorities Law requires the Water Authority to obtain the prior approval of the above-referenced acquisitions by resolution of the Town Board.

NOW, THEREFORE, let it be

RESOLVED, that the Town hereby approves of the Water Authority's acquisitions of all necessary easements within the Project in accordance with §1096(6-a) of the New York Public Authorities Law and be it further

RESOLVED, that a copy of this Resolution be provided to the attorney for the Town and Water Authority.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 7:

- Informational Meeting was held on February 24th to go over new cost and see if residents were interested in moving forward.
- The legal petition was available for residents to sign that night to speed up the process.
- Received 94 of 153 required. The percentages acquired all exceed what is required by the State Comptroller.

ACCEPTANCE OF LEGAL PETITION FOR WATER DISTRICT NO. 7
RESOLUTION #37:

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

RESOLVED, that the Town Board of the Town of Byron hereby accepts the legal Petition for Water District No. 7 received on March 9, 2016 pursuant to the Town of Byron Assessor's Affidavit of

March 9, 2016, in which it states that said Petition was signed by owners owning a total of \$8,103,800.00, and by resident owners owning a total of \$2,826,800.00, and that therefore, owners of taxable real property totaling more than one-half of all taxable real property in said Water District, and resident owners owning more than one-half of taxable real property owned by resident owners in said District have signed said Petition.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 7 SEQR-INTENT TO DECLARE LEAD AGENCY STATUS
RESOLUTION #38:

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

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Byron hereby announces its intent to serve as Lead Agency to conduct an environmental review of the construction of public water supply improvements to serve the Town of Byron Water District No. 7. Approximately 38,200 linear feet of waterline will be installed along portions of Batavia-Byron Road, Walkers Corners Road, Caswell Road, Cockram Road and Rte. 262 in the Town of Byron. The project will provide public water to properties that are currently dependent upon individual ground water supplies that historically have produced very low yields of poor quality water.

FURTHER RESOLVED, the Town Board has determined that, as portions of the project are located within a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, the Town Board acknowledges that Part 1 of the Environmental Assessment Form has been prepared for this project by Stuart I Brown Associates, Inc., and signed by the Town Supervisor, and be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of Part 1 of the full Environmental Assessment Form for review during the 30-day comment period.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 7 PUBLIC HEARING
RESOLUTION #39:

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

RESOLVED, that the Town Board of the Town of Byron hereby sets a Public Hearing for Wednesday, April 13, 2016 at 7:15 p.m. in order to establish Water District No. 7.

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

Vote: Ayes: 5 Nays: 0

TRIPP/COCKRAM/BEAVER MEADOWS ROAD WATER DISTRICT:

·Waiting for Labella's to receive one or two more income surveys.

PUBLIC COMMENTS:
NONE

ADJOURN:

A **motion** was made by Councilman Klycek to adjourn the Byron Town Board Meeting at 9:38 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