

BYRON TOWN BOARD MEETING

April 12, 2017

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
	Jeff Thompson
Highway Superintendent.....	Brian Forsyth
Town Clerk.....	Debra Buck-Leaton
Absent.....	Councilman Klycek

Public:

David Chupp.....	Tripp Road, Byron
Mickey Truax.....	Swamp Road, Byron
Vic Digregorio.....	Warboys Road, Byron
John Sackett.....	Townline Road, Byron
Candace Hensel.....	Rte. 237, Byron

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

ORDER CALLING PUBLIC HEARING FOR CABLE FRANCHISE RENEWAL:

A **motion** was made by Councilwoman Fuller to open the Public Hearing regarding the cable franchise renewal at 7:08 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PUBLIC NOTICE

PUBLIC HEARING REGARDING CABLE FRANCHISE RENEWAL FOR THE TOWN OF BYRON

Notice is hereby given that the Town of Byron will hold a public hearing regarding cable franchise renewal. The public hearing will take place on April 12, 2017 at 7:00 p.m. at the Town Hall located at 7028 Rte. 237, Byron, New York 14422. Citizens are invited to testify. The purpose 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.

By Order of the Town Board
Debra Buck-Leaton
Byron Town Clerk

PUBLIC COMMENTS:

John Sackett: When the Town first allowed Time Warner into the Town all Town residents were supposed to be able to get cable. Sometime years ago Time Warner stopped paying the 3% and made the residents pay it instead.

Supervisor Yasses: He tried to help the residents that could not get cable, to no avail. The 3% was already taken out and it could not be added. He would like to talk to Empire to see how much they would charge to come to the Town of Byron. The Town and City of Batavia have both Spectrum and Empire.

A **motion** was made by Councilman Thompson to close the Public Hearing regarding the cable franchise renewal at 7:19 p.m. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 4 Nays: 0

·The Town Board would like to have the Supervisor talk to the attorney representing the Town to see if there is any way Spectrum will pay the 3% instead of the Town residents. They would like to hold off acting on the resolution until the May 2017 meeting.

MINUTES:

A **motion** was made by Councilman Cudney to approve the Byron Town Board minutes of March 8, 2017, and Special Town Board minutes of April 5, 2017 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – Councilman Cudney:

·Nothing came before the Planning Board.

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

Vote: Ayes: 4 Nays: 0

COMPREHENSIVE COMMITTEE REPORT –George Squires:

·Discussed the progress of the Comprehensive Plan survey. End date of the survey was March 31st, however it is still up on the Town website. He will let Wendell know that they can take the survey down and then advise the Town Clerk so she can remove it from the website. 195 surveys were returned either by mail or online. Now it's up to Wendell to compile the results of the survey and they will have a face-to-face meeting with them to discuss the results. They were supposed to have a joint meeting prior to the survey, but didn't, and would like to have one to go over the results of the survey.

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

Vote: Ayes: 4 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:

- Responded to three emergency stake outs for down power poles
- Lost power in South Byron due to wind storm. Ran on generator power. Had to hook up portable generator to Walkers Corners Road lift station
- Call out over weekend at 6852 Terry Street to locate a septic tank. Homeowner had plugged sewer line
- Did annual flow report
- Call out for high level alarm for McElver Street lift station due to rain and snow melt
- Worked with owner of the old school house. He had concerns of flooding in the back of the property

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

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT – Brian Forsyth:

- Auctions International check came in for \$4,810.50
- Post Audit bill for Microsoft store to keep Windows up to date
- Two new vendors - Main and Pickney for sensors for panic bar on wood chipper. We Spur Tree and Equipment for knives for the wood chipper
- Took care of trees down from wind events, only Merrill Road turnaround left
- Straightened and put back up signs from wind events
- Talked to owner on Lyman Road and removed three large pine trees from shoulder
- Started lawn cleanups, slow process and backhoe leak
- Filled out application for FEMA money for reimbursement for “Stella”
- Registered for Cornell Local Roads Highway School in Ithaca on June 12-14

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

Vote: Ayes: 4 Nays: 0

NYS DEPARTMENT OF TRANSPORTATION SHARED SERVICES AGREEMENT RESOLUTION #37:

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

WHEREAS, the Town Board of the Town of Byron authorizes the Highway Superintendent to sign the Shared Services Agreement between the NYS Department of Transportation and the Town of Byron.

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

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT:

·Supervisor Yasses introduced everyone to the new CEO/ZEO Mike Morris.

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

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT – Councilman Cudney:

- David Chupp will remain on Park Committee
- Quotes went out for portable toilets and the gatekeeper position
- We will get real flowers for the flower boxes this year and the highway guys will help water
- Need wood chip and signs for walking trails
- Duck race will be on Memorial Day
- April 17th at 6:00 p.m. will be park cleanup
- According to the survey there were many people who were in favor of 4-wheelers on the Westshore Trail

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: 4 Nays: 0

ABSTRACTS

RESOLUTION #38:

Councilwoman Fuller 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	#4	#78 - #108	\$25,282.28
Highway Fund	#4	#46 - #64	\$34,616.32
Sewer Fund	#4	#9 - #10	\$3,239.84
General Fund	PA#3	#13 - #20	\$1,273.35
Sewer Fund	PA#3	#5 - #8	\$10,065.21
Highway Fund	PA#1	#1	\$107.99
Water District No. 1	#1	#1	\$120,000.00

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

Vote: Ayes: 4 Nays: 0

TOWN CLERK'S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 80.00
Paid to NYS DEC.....	\$ 23.62
Paid to NYS Comptroller for Games of Chance.....	\$ 15.00
Paid to the Town of Byron Supervisor.....	<u>\$2,888.68</u>
Total Disbursed for March 2017.....	\$3,007.30

·Returned taxes to the County on Tuesday with only 55 left unpaid.

A **motion** was made by Councilwoman Fuller to approve the Town Clerk's Report as given for March 2017. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The March 2017 Financial Reports were reviewed.

A **motion** was made by Councilman Cudney to approve the March 2017 Financial Reports as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SUPERVISOR'S REPORT:

BYRON-BERGEN HIGH SCHOOL FIELD TRIP:

A **motion** was made by Supervisor Yasses to allow the Byron-Bergen High School 9th grade class to cross the Town of Byron property at the trestle in the town park to access Black Creek. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

HIGHWAY GARAGE COMMITTEE:

A **motion** was made by Councilman Thompson to approve the following people for the Highway Garage Building Committee: Martin Dilcher, Grady Vincent, Jim Northrup, Steve Hohn, Karen Jaczynski, Corky Shaw, Roger Rouse, Jeff Thompson, Billy Kennett, Dave Starowitz, Brian Forsyth and Peter Yasses. Other members may be added as needed. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

HIGHWAY GARAGE OVERHEAD DOOR:

·A cable broke on one of the highway trucks and the truck damaged the overhead garage door. The cost of the new door was \$3,695.00. Supervisor Yasses contacted the Town's insurance carrier, Lawley Genesee, and they said the Town has not had a claim since using them in 2013, therefore, it will not affect the insurance premiums if we put it through the Town's insurance. The deductible is \$1,000.00.

A **motion** was made by Councilwoman Fuller to make a claim for \$3,695.00 to NYMIR for the damaged overhead highway garage door. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 4 Nays: 0

ACTION SECURITY – ALARM SYSTEM:

·The security system has been broken for about a week now. Received a quote from Action Security to repair the burglar and fire system for the Town Hall, shop and offices. They would install a new 128 panel, 8 zone expander, four new keypads, new backup power supply, system to be two portions. Action will furnish all labor and materials. The cost will be \$1,995.00.

ACTION SECURITY – REPAIR OF SECURITY/FIRE SYSTEM

RESOLUTION #39:

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

WHEREAS, the Town Board of the Town of Byron authorizes Action Security to repair and replace the current burglar and fire system for a cost of \$1,995.00, to include installation of a new 128 panel, 8 zone expander, four new keypads and new backup power supply. The new system will be two portions.

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

Vote: Ayes: 4 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: 4 Nays: 0

OTHER BUSINESS:

WATER DISTRICT NO. 7:

·Still waiting for approval from the State Comptroller.

WATER DISTRICT NO. 8:

·Well Surveys have been sent to the County Health Department.
·The Town Board needs to do the Lateral Restrictions Resolution

WATER DISTRICT NO. 8 LATERAL RESTRICTIONS

RESOLUTION #40:

Councilman Cudney 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. 8 pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Cockram Raod, Tripp Road, Ivision Road, Gillette Road, Freeman Road, Coward Road, Lyman Road, and Beaver Meadow Road; and

WHEREAS, part of the land area within Water District No. 8 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 Cockram Road, Tripp Road, Ivison Road, Gillette Road, Freeman Road, Coward Road, Lyman Road, and Beaver Meadow Road, included in Water District No. 8, 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 Thompson seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 0

WATER DISTRICT NOS. 9 AND 10:

·Waiting for income surveys.

PUBLIC COMMENTS:

John Sackett: Does the Town bid the insurance out?

Supervisor Yasses: We have not bid out the insurance in a couple of years.

Vic Digregorio: Is the Lateral Restrictions Resolution something new?

Councilman Thompson: No, it has to be done for all water districts.

Councilman Cudney: There was a Zoning Board of Appeals meeting on March 29th for an appeal by Supervisor Yasses for an area variance for a new building because of setback requirements. The County gave a recommendation in favor of approval. The appeal was aproved by the ZBA.

ADJOURN:

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 8:19 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk