

BYRON TOWN BOARD MEETING

May 10, 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
	Fred Klycek
Highway Superintendent.....	Brian Forsyth
CEO/ZEO.....	Mike Morris
Assessor.....	Barry Flansburg
Town Clerk.....	Debra Buck-Leaton
Absent.....	Councilman Thompson
Public:	
Kim Hungerford.....	Iverson Road, Byron
Howard and Shirley Hobin.....	Iverson Road, Byron
Mickey Truax.....	Swamp Road, Byron
David Chupp.....	Tripp Road, Byron
George Squires.....	McElver Street, Byron
Vic Digregorio.....	Warboys Road, Byron
Doug Barnard.....	Gillett Road, Byron
Bill and Barb Emerson.....	Terry Street, 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 April 12, 2017, and Special Town Board minutes of May 2, 2017 as written. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – Councilman Cudney:

·Application for a dog grooming business on Tower Hill Road (Smallwood). Planning Board approved the business.

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

Vote: Ayes: 4 Nays: 0

COMPREHENSIVE COMMITTEE REPORT –George Squires:

- Had a joint meeting with the Town Board on May 2nd.
- Reviewed the results of the Comprehensive Plan Survey

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

Vote: Ayes: 4 Nays: 0

MUSEUM REPORT –Councilwoman Fuller:

- They would like to put heat and air conditioning in museum. They are in the process of getting quotes.
- Purchasing shelving and totes for storage for the shed.
- Holding annual dinner on May 25th. Dick Laub will be the speaker.

A **motion** was made by Councilman Cudney to approve the Museum Report as given. The motion was seconded by Councilman Klycek 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

FENCE PROPOSALS:

- Shawn received 2 proposals for new fencing at the North Byron sewer treatment facility. The existing fence leaves very little space for a car/truck to park to unlock the gate, and it is very unsafe. He would like to have the fencing moved to allow for safer parking. The fence was also hit and needs to be repaired.
- The first proposal is from Excel Fence, Inc. for \$6,881.00
- The second proposal is from H & S Fence Co. for \$3,900.00
- The Town Board would like to put a vote off until next month because they have questions for Shawn regarding the quotes.

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

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT – Brian Forsyth:

- Finished taking down snow fence before fields got wet
- Finished lawn cleanup. If someone needs more topsoil or grass seed contact me
- Clean and painted plows and wings, stored in Morton barn
- Blacktopped cut outs Transit Road muck, Starowitz's drainage ditch
- Built a rack on Morton barn wall for carbides, wing blades and wing rubbers
- Supposed to start blacktop this week for Stafford
- Week of May 15 start to blacktop for LeRoy

- Start mowing before end of the month
- Put flags up before end of the month, in process of buying work platform from Bethany
- Haul in 750 ton stone for oil and stone, Shelt, Merriman, Cook and Upper Holley Roads
- Signed up for Cornell local roads program May 25th Highway Department Legal Liabilities

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

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT – Mike Morris:

- 7 inspections
 - 7 building permits
 - 1 zoning complaint for vacant house
- Middle of June he will begin looking at roofs, grass, etc.

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

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT – Councilman Cudney:

- Quotes for Port-O-Johns – Creekside had the lowest quote
- George Squires will be the gatekeeper again this year
- The Park Committee would like to get wood chips from the highway department for the trails
- Elba Scouts will be doing overnight camping again at Trestle Park the first weekend in June
- Duck race will be on Memorial Day

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

Vote: Ayes: 4 Nays: 0

ABSTRACTS

RESOLUTION #41:

Councilman Klycek 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	#5	#109 - #129	\$15,811.52
Highway Fund	#5	#65 - #81	\$ 6,787.77
Sewer Fund	#5	#11 - #21	\$ 5,169.84
General Fund	PA#4	#21 - #24	\$ 993.21
Sewer Fund	PA#4	#9 - #10	\$ 852.23

Councilwoman Fuller 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.....	\$ 54.00
Paid to the Byron Park Committee for Large Pavilion Rental.....	\$ 90.00
Paid to NYS DEC.....	\$ 122.82
Paid to the Town of Byron Supervisor.....	<u>\$3,954.88</u>
Total Disbursed for April 2017.....	\$4,221.70

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

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The April 2017 Financial Reports were reviewed.

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

Vote: Ayes: 4 Nays: 0

SUPERVISOR'S REPORT:

- Received 1st quarter sales check in the amount of \$137,069.22, which amount is \$2,702.75 less than last year at this time.
- Received check from NYMIR for the highway garage door damage in the amount of \$2,991.45.
- Received Snow and Ice Control on County Roads check in the amount of \$59,848.01.

ACTION SECURITY – ALARM SYSTEM:

- The new security system has been installed by Action Security and is working properly.

COUNTYWIDE SHARED SERVICES PLAN:

·The Supervisor and Town Clerk attended a meeting on Monday in Batavia put on by the Association of Towns with regard to the mandated Countywide Shared Services Plan. Supervisors from each of the towns will meet with the County Executive to come up with ways to find cost saving measures to save taxpayers money. A Supervisor may opt out of any proposal that is made a part of the report that the Supervisor feels will not benefit their town.

CABLE FRANCHISE RENEWAL:

·Last month the Town Board held a Public Hearing with regard to the renewal of the Towns Cable Franchise Agreement. The Town Board did not act on any resolution on the renewal because they wanted to have the Supervisor talk to the attorney representing the Town to see if there was any way Spectrum will pay the 3% instead of the Town residents. The Supervisor talked with the attorney and he said Spectrum will absolutely not pay the 3%.

CABLE FRANCHISE AGREEMENT RENEWAL
RESOLUTION #42:

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

STATE OF NEW YORK
TOWN OF BYRON
COUNTY OF GENESEE

In the Matter of the Granting of a Cable Television Franchise Held by
Time Warner Cable Northeast LLC in the Town of Byron, Genesee County,
New York

An application has been duly made to the Board of the Town of Byron, County of Genesee, New York, by Time Warner Cable Northeast LLC (“Time Warner Cable”), d/b/a Time Warner Cable, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 120 Plaza Drive, Suite D, Vestal, New York 13850 for the approval of a renewed agreement for Time Warner Cable’s cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Byron, New York on April 12, 2017 at 7:00 p.m. and notice of the hearing was published in the Batavia Daily News on March 29, 2017.

NOW, THEREFORE, the Board of the Town of Byron finds that:

1. Time Warner Cable has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Byron hereby confirms acceptance of this Franchise Renewal Agreement.

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

Vote: Ayes: 4 Nays: 0

PURCHASE OF ZERO TURN LAWN MOWER:

·The highway superintendent would like to purchase a new zero turn mower. There is no money in the current budget to purchase a mower, however the highway superintendent will look into leasing or financing a new mower at zero percent interest.

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

Vote: Ayes: 4 Nays: 0

OTHER BUSINESS:

WATER DISTRICT NO. 7:

·Received Comptroller approval. Next step is to get final plans from Chatfield Engineering and Bond Resolution from Orrick.

WATER DISTRICT NO. 8:

- Well Surveys are being done now and will take about another 2 weeks
- Collecting letters from residents addressed to the Comptroller in support of the water district

WATER DISTRICT NOS. 9 AND 10:

- Waiting for income surveys.

STANDARD WORK DAY AND REPORTING FOR ELECTED AND APPOINTED OFFICIALS IN THE NYS RETIREMENT SYSTEM
RESOLUTION #43:

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

BE IT RESOLVED, that the Town of Byron hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs. Max. 8 hrs.	Name	Social Security Number (Last 4 Digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin/End Dates	Record of Activities Result	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Highway Superintendent	8	Brian Forsyth		35787134	<input type="checkbox"/>	01/01/16-12/31/17	43.23	<input type="checkbox"/>
Town Justice	6	Barbara Smith		31176076	<input type="checkbox"/>	01/01/17-12/31/20	1.44	<input type="checkbox"/>
Appointed Officials								
Assessor	6	Barry Flansburg		34311712	<input type="checkbox"/>	10/01/13-09/30/19	7.05	<input type="checkbox"/>
Historian	6	Elizabeth Wilson		39504477	<input type="checkbox"/>	01/01/17-12/31/17		X
Historian	6	Robert Wilson		41779828	<input type="checkbox"/>	01/01/17-12/31/17		X

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

Vote: Ayes: 4 Nays: 0

PUBLIC COMMENTS:

None

ADJOURN:

A **motion** was made by Supervisor Yasses to adjourn the Byron Town Board Meeting at 8:38 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk