

BYRON TOWN BOARD MEETING

May 14, 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
 Harold Austin
 Sue Fuller
 Scott Wooton
Assessor.....Barry Flansburg
CEO/ZEO.....Ken Kuter
Town Clerk.....Debra Buck-Leaton

Absent:

Highway Superintendent.....George Heins

Invited Guest:

Paul Boylan, Esq.

Paul Chatfield, Paul Chatfield Engineers

Scott Madison, Paul Chatfield Engineers

Public:

Brenden Fuller

Todd Chapell.....Lyman Road, Byron

Dean Ivison.....Coward Road, Byron

Jim Cudney.....Rte. 237, Byron

Don and Grace Jack.....Coward Road, Byron

Vic DiGregorio.....Warboys Road, Byron

Edgar Lougheed.....Lyman Road, Byron

Alan Burkhart.....Fairgrounds Road, Byron

Candace Hensel.....Rte. 237, Byron

George Squires.....McElver Street, Byron

Thomas and Deb Rittmeyer.....Coward Road, Byron

Joe and Rita Kuzma.....Rte. 237, Byron

Holly Partridge.....Rte. 237, Byron

Melissa Toal.....Warboys Road, Byron

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

PUBLIC HEARING – WATER DISTRICT NO. 5 - SWAMP ROAD:

A **motion** was made by Councilman Austin to open the Public Hearing for Water District No. 5 – Swamp Road at 7:03 p.m. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SCOTT MADISON, CHATFIELD ENGINEERS:

The Swamp Road Water District project will cost a total of \$1,147,000. The District has received a grant in the amount of \$662,000, and the net local share will be \$485,000. The estimated first year costs for the average residential user would be \$1,503.86 per unit, which will consist of the following: \$230 for water meter and initial account fee; \$500 for installation of water service; \$100 for internal plumbing changes; \$358.90 for repayment of long term bonding; \$259.96 for purchase of water (60,000 gal./yr.); and \$30 for reserve repair account. The estimated annual costs for the average residential user after the first year would be \$648.86 per unit, which will consist of the following: \$358.90 for repayment of the long term bonding; \$259.96 for purchase of water (60,000 gal./yr.); and \$30 for the reserve repair account.

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 14th day of May, 2014.

PRESENT:

Peter Yasses, Supervisor
Suzanne Fuller, Councilwoman
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 March 12, 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

PUBLIC COMMENTS: None

A **motion** was made by Councilwoman Fuller to close the Public Hearing for Water District No. 5 - Swamp Road at 7:06 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

**WATER DISTRICT NO. 5-SWAMP ROAD SEQR RESOLUTION-NEGATIVE
DECLARATION
RESOLUTION #53:**

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: Ayes: 5 Nays: 0

ESTABLISHMENT OF WATER DISTRICT NO. 5-SWAMP ROAD AFTER HEARING
RESOLUTION #54:

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

WHEREAS, on April 20, 2010, the Town Board of the Town of Byron duly adopted a resolution directing Chatfield Engineers P.C., the Town Engineer of the Town of Byron to supervise the preparation of a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Byron wherein Water District No. 5 was proposed to be established, as hereinafter described, and

WHEREAS, after said map, plan and report was completed and filed with the Town Clerk of the Town of Byron on August 31, 2012 and the said map, plan and report was revised and the revised map, plan and report was filed with the Town Clerk on June 11, 2013, and

WHEREAS, there has been filed in the office of the Town Clerk a Petition in due form dated September 13, 2013 and which according to an affidavit sworn to by Barry Flansberg, Town Assessor, on October 18, 2013 contains a majority of both the owners of the total assessed value of real property within the proposed district and the real property owned by persons residing in the proposed district, and

WHEREAS, after the said Town Engineer duly filed said revised map, plan and report, and the said Petition was received and filed, the said Town Board duly adopted an Order on February 12, 2014 reciting the description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection and specifying that said Town Board shall meet at the Town Hall on Route 237 in the Town of Byron, New York at 7:00 p.m. on March 12, 2014 for the purpose of conducting a public hearing on such proposal to establish Water District No. 5 with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, copies of said Order were duly published and posted according to law as evidenced by an Affidavit of Publication from the Batavia Daily News and an Affidavit of Posting sworn to by Debra Buck-Leaton, Town Clerk of the Town of Byron, and Supervisor Peter Yasses did, at the time and place specified in said Order, appear and because of the lack of a quorum and that a public emergency had been declared by the Governor, opened said Public Hearing and duly adjourned it to March 19, 2014 at the Town Hall at 7:00 p.m. at which time the said Town Board did duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make its determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Byron in the County of Genesee, that it be and hereby is determined as follows:

A. The notice of hearing was published and posted as required by law and is otherwise sufficient.

B. That all of the property and property owners within the proposed Water District No. 5 are benefited hereby.

C. That all of the property and property owners benefited are included within the proposed Water District No. 5.

D. It is in the public interest to establish the proposed Water District No. 5 as hereinafter described, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of Water District No. 5 as hereinafter described to be known as Water District No. 5:

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 be it further

RESOLVED, that the proposed improvements consist of the installation of approximately 19,700 linear feet of water main, hydrants and other appurtenances, and be it further

RESOLVED, that 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 be it further

RESOLVED, that this Resolution shall take effect immediately.

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

Dated: May 14, 2014

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

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

**RESOLUTION AUTHORIZING PHASE I CULTURAL RESOURCE INVESTIGATION FOR
WATER DISTRICT NO. 5 – SWAMP ROAD**

RESOLUTION #55:

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

WHEREAS, the Town of Byron is considering the extension of public water facilities along Swamp, Cole, Fairgrounds and Hessenthaler Roads within the proposed Water District No. 5 (formerly referred to as the Swamp Road Water District), and the project will improve the quality and quantity of water available to area residents, and

WHEREAS, an environmental review is required for the construction of the proposed water system improvements within Water District No. 5, and

WHEREAS, the State Historic Preservation Office (SHPO) has requested a Phase I Cultural Resource Investigation and photographs of the project area, and this investigation is necessary to complete the environmental review of the proposed action,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Byron Supervisor is authorized to sign the contract with Deuel Archeology & Cultural Resource Management to prepare a Phase I Cultural Resource Investigation of the project area of Water District No. 5. The Town of Byron acknowledges that the fee for the study is \$1,975.00 and acknowledges that the Town is responsible for payment of this fee.

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

Vote: Ayes: 5 Nays: 0

DOG CONTROL LAW:

·There was a discussion regarding the proposed Dog Control Law and concerns about pre-existing private and commercial kennels, and what to do about them. It was decided that Paul Boylan, the Town Attorney, would revise the proposed Dog Control Law to include grandfathering in those dog owners who currently are pre-existing, non-conforming, and the proposed law will be presented to the Town Board and residents at a later date.

WATER DISTRICT NOS. 3 AND 4:

The amount collected from Water District No. 3 and 4 residents for the loan from the Town to the water districts (see Town Board Minutes of November 9, 2011, Resolution No. 57 and No. 58) for the years 2012-2014 were incorrect because the amortization schedules were incorrect. Baldwin Associates has done new amortization schedules with Water District No. 3 paying \$143.21/unit (should have been \$109.03/unit for 2012-2014), and Water District No. 4 paying \$57.22/unit (should have been \$52.23/unit for 2012-2014), until 2018.

WATER DISTRICT NO. 3 LOAN FROM GENERAL FUND RECALCULATED AMORTIZATION SCHEDULE

RESOLUTION #56:

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

WHEREAS, Water District No. 3 borrowed from the General Fund the sum of Six Thousand Six Hundred Thirty and 84/100 Dollars (\$6,630.84) at one percent (1%) interest per annum and was to repay the principal and interest over a period of seven (7) years beginning in the year 2012.

WHEREAS, the payment on said loan should have been \$109.03 per unit for seven (7) years.

WHEREAS, as a result of the 2013 water audit by Raymond F. Wager, CPA, P.C., it was discovered that neither the payments made for the interfund loan nor the budget established for those payments agree to the amortization schedule adopted by the Town Board on November 9, 2011.

NOW THEREFORE, it is hereby resolved that the Water District No. 3 amortization schedule is hereby recalculated and shall be amended as follows: \$143.21 per unit for four (4) years 2015-2018 shall be collected from residents of Water District No. 3. (See attached amortization schedule).

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 4 LOAN FROM GENERAL FUND RECALCULATED AMORTIZATION SCHEDULE

RESOLUTION #57:

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

WHEREAS, Water District No. 4 borrowed from the General Fund the sum of Three Thousand Eight Hundred Eighty-Two and 38/100 Dollars (\$3,882.38) at one percent (1%) interest per annum and was to repay the principal and interest over a period of seven (7) years beginning in the year 2012.

WHEREAS, the payment on said loan should have been \$52.23 per unit for seven (7) years.

WHEREAS, as a result of the 2013 water audit by Raymond F. Wager, CPA, P.C., it was discovered that neither the payments made for the interfund loan nor the budget established for those payments agree to the amortization schedule adopted by the Town Board on November 9, 2011.

NOW THEREFORE, it is hereby resolved that the Water District No. 4 amortization scheduled is hereby recalculated and shall be amended as follows: \$57.22 per unit for three (3) years 2015-2017, and \$51.43 for one (1) year 2018 shall be collected from residents of Water District No. 4. (See attached amortization schedule).

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

Vote: Ayes: 5 Nays: 0

MINUTES:

A **motion** was made by Councilwoman Fuller to approve the Byron Town Board minutes of April 9, 2014, as written with the following correction: the motion to close the Public Hearing for the Amendment to the Town of Byron Zoning Law was seconded by Councilman Thompson. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT: - Councilwoman Sue Fuller

·Planning Board member Bill Corson updated census data that the Planning Board would need to update the Comprehensive Plan, but they feel there should be a separate committee to update the Comprehensive Plan. Two members of the Town/Village of Bergen Comprehensive Plan Committee were present to share with the Planning Board what they are doing. They are looking at hiring a consultant for a portion of their Plan. The Byron Planning Board thought maybe the Town/Village of Bergen would like to share resources in updating the Comprehensive Plans, however; the Town/Village of Bergen is already too far into the process. The Byron Planning Board would like the Town Board to consider hiring an outside consulting firm to help in the development of the Byron Comprehensive Plan.

·Worked on a bulk land transfer application.

A **motion** was made by Councilman Thompson to approve the Planning Board Report as given. The motion was seconded by Councilman Wooton 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)

Monthly:

- 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.

Other:

- South and North Byron exceeded permit for average daily flows for the month of March due to snow pack and melt and rain.
- Switched valving in filter beds to exercise different portions of the beds.
- Did a number of stake outs.
- With weather breaking, started pulling covers off of house pumps and little lift stations to check equipment.
- Started taking samples of the water from the creek behind Center and South Byron's filter beds. Samples are taken above and below each outfall where we discharge into the creek. We are testing for phosphorus levels in the samples until fall. This is being done to compile data to see if we truly are impacting the stream with higher phosphorus levels.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT: – Superintendent Heins

- Received Snow and Ice check from the County for \$47,913.54
- Continuing drainage projects where needed.
- Cleaning and painting plow equipment.
- Working in parks when weather and time allows. Waiting for the supplier of playground mulch for rebedding in playgrounds.
- Maintenance on equipment for summer work.

A **motion** was made by Councilman Wooton 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: 18
Number of Zoning/Building Permits Issued: 11
Number of Land Separations: 1
Number of Building C.O./C.C. Issued: 7
Number of Zoning Complaints Filed: 1
Number of Zoning Complaints Resolved: 1

·Complaint filed with the Supervisor about property issues at Playmates in South Byron. Owner was contacted and property was immediately cleaned up. Conducted the mandatory fire and safety inspection inside and all was compliant.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT: - Councilman Harold Austin

- Wood chips can be substituted for rubber chips under playground equipment per insurance report..
- Discussion of insurance issues, and which are the Town's responsibilities and which are the Park Committee's responsibilities.
- There have been many complaints regarding 4-wheelers on the railroad bed. Supervisor Yasses and Councilman Austin are meeting with the Town of Bergen on Tuesday to discuss what should be done.

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 #58:

Councilman Thompson 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 - #133	\$ 12,222.89
Highway Fund	#5	#63 - #75	\$ 3,436.54
Sewer Fund	#5	#13 - #24	\$ 1,704.90
General Fund	PA#4	#14 - #21	\$ 2,039.81
Sewer Fund	PA#4	#10 - #13	\$ 4,134.79

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

Vote: Ayes: 5 Nays: 0

MUSEUM COMMITTEE: - Councilwoman Sue Fuller

- The Museum Committee has received an extension to their charter.
- Membership meeting will be held on May 22, 2014 at the Presbyterian Church.

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

Vote: Ayes: 5 Nays: 0

TOWN CLERK'S REPORT:

Paid to the Byron Park Committee for Small Pavilion Rental.....	\$ 20.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 66.00
Paid to the DEC for hunting/fishing licenses.....	\$ 137.00
Paid to the Town of Byron Supervisor.....	<u>\$2,676.20</u>
Total Disbursed for April 2014.....	<u>\$2,899.20</u>

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

- The Financial Report for April 2014 was reviewed.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

- Received 1st Quarter Sales Tax check in the amount of \$140,348.21. This figure is \$6,341.35 less than this period last year.
- Received Mercy EMS report for March 2014.
- Working with Bene-Care on health insurance revisions
- Mr. Martinelli had questions on what can be done about engine brakes. Town Attorney Paul Boylan stated that the Town does not have any jurisdiction over state highways.

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

PROPOSED WATER DISTRICTS:

·N. Byron Road/Cockram Road East residents have returned enough of their surveys to have more than 50% of houses and more than 50% of assessed value responding that they would be interested in water to proceed with a legal petition and preliminary engineering report.

·N. Bergen Road, Byron Road, and Lyman Road Water Districts need more surveys returned to determine which way to proceed.

·It is now up to the residents in the districts to get the remainder of the residents to send in their surveys in order for the Town Board to proceed.

FRACKING COMMITTEE:

·Petition is circulating to ask the Town Board to make a moratorium.

·They feel there is a need to have a law to ban the fracking waste.

·As per the CEO/ZEO a special permit would be needed to dispose of fracking waste, which is regulated by the DEC.

PUBLIC COMMENTS:

Councilwoman Fuller: It is good to see the chairs in the audience filled up because the Town Board needs the Town residents input into Town matters.

Attorney Paul Boylan: Initial CGR meeting has been set up for Wednesday, May 21st at 7:00 p.m.

ADJOURN:

A **motion** was by Councilman Thompson to adjourn the Byron Town Board Meeting at 9:36 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk