

BYRON TOWN BOARD MEETING

June 10, 2009

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

Supervisor.....	Thomas Felton
Council Members.....	John Ivison
	Craig Ferguson
	Jeanne Freeman
	Jack Redick
Highway Superintendent.....	George Heins
Town Clerk.....	Debra Buck-Leaton

Public:

Mickey Truax.....	Swamp Road, Byron
David Chupp.....	Tripp Road, Byron
Brian Forsyth.....	Gillett Road, Byron
Everett Roda.....	Rte. 237, Byron
Bob and Beth Wilson.....	Mill Pond Road, Byron
Jim Cudney.....	Rte. 237, Byron
Barb McClellan.....	Warboys Road, Byron
Zach Johnson.....	Caswell Road, Byron
Ted Kaiser.....	Sautell Road, Byron
John Durand.....	Townline Road, Byron
Sue Fuller.....	Cockram Road, Byron
Bill McKinley.....	Byron

PLEDGE TO THE FLAG:

Supervisor Felton led the people in attendance in the Pledge of Allegiance.

MINUTES:

A **motion** was made by Councilman Ferguson to approve the Byron Town Board Minutes of May 13, 2009 as written, with the exception that on page 6 the the Water District No. 5 and 6 meeting was held on April 28, 2009, not May 28, 2009. Also, on page 7, Councilman Ivison voted Nay to the motion regarding the letter of support for staggered terms for the Genesee County Legislature. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – Councilman Redick/Ivison:

No new business before the Planning Board. A group of students from Byron-Bergen attended the meeting as part of P.I.G.

COMPREHENSIVE PLAN UPDATE:

·Met 3rd Tuesday of May, and are continuing to work on survey

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – George Heins:

- Highway is in OSHA compliance now.
- Snow and ice check shows an increase of \$5,000
- Salt will not be bid again until August
- Worked with the Towns of Stafford and Batavia on roads

If money remains, the Highway Department will work on the short section of Tower Hill Road, which will cost approximately \$30,000

BUILDING COMMITTEE:

·Per Supervisor Felton there has been no new news on building project
·Per John Durand, \$210 million will be available in grant money for fire department projects that are shovel ready. He believes an effort should be made to apply for a grant with help from the Town for grant writers, etc. He also believes it might be good to discuss the option of having the Highway Department included in a new building built with grant money.

·John Durand would like to have a committee put together to discuss these issues.

·Supervisor Felton would like to know who John Durand would suggest as a leader of this group, he would suggest Councilman Ivison and Highway Superintendent Heins also serve on this committee.

·John Durand believes it should be someone with financial and architectural background, like Clark Patterson.

·Per John Durand, most new fire halls are financed by USDA

·Bob Wilson stated that the S. Byron Fire Department’s building is adequate at this time, and that is why they are not applying for this grant.

·Councilman Ivison would be interested in participating in such a committee

A **motion** was made by Councilman Ferguson to approve the Highway Report as given. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

WASTE WATER REPORT:

Compliance

Passed all requirements

Finished Projects

- Took weekly samples
- Took monthly samples
- Monthly reports

- Took electrician on tour of generators
- Pumped out valve pits
- Checked all pumps for operation
- Took meter readings
- Exercised generators, checked fluids

Future Projects

- Inventory
- Replace pumps
- Continue preventative maintenance program
- Tried to install flow meter in manhole at trailer park. The meter would not fit in the pipe. Contacted dealer rep and came up with a solution, still no luck .We can find the correct equipment and come up with a cost to rent/buy per your instructions.

·Councilman Ferguson was concerned about price for pumping septic tank being \$160
 ·Per Brian Forsyth, it was an emergency call

A **motion** was made by Councilman Ivison to approve the Sewer Department Report as written. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 28
 Number of Zoning Permits: 9
 Number of Building Permits Issued: 4
 Number of Land Separations: 0
 Number of Building C.O./C.C. Issued: 8
 Number of Zoning Complaints Filed: 2
 Number of Zoning Complaints Resolved: 2
 Total Hours for the Month: 84

- Fire and maintenance inspections for apartment houses Group R-2
- Attended Planning Board meeting
- Investigating new reported property maintenance code violations
- Working on an unsafe building issue at 7521 Mechanic Street

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

Vote: Ayes: 5 Nays: 0

ASSESSOR’S REPORT:

·The 2009 Grievance day was May 28th and no grievances were filed. The 2009 roll will now be finished and all paperwork will be filed by July 1, 2009 to complete the

roll for State certification for annual aid and CAP aid. It appears that payment to the Town of 2009 aid will happen in March of 2010. 2008 aid was received in March of 2009. Totals are as follows:

	Total Town Value	Total Town Taxable	Parcels
2009	118,629,353	96,637,740	1351
2008	116,597,498	95,911,437	1340
Increase	2,031,855 (1.75%)	726,303 (.76%)	11(.82%)

·In the past, I have spread the cost of training around to each town so that each town generally paid once every three years. With reimbursement taking so long to come back to the towns, this is now becoming harder to be fair to each town. I used Byron in 2008 and the money came back in 2009 so we are actually a little ahead here. I am now going to run all my training expenses through the Town of Oakfield. Once the training is done and the amount of State reimbursement is determined, I will create a voucher showing the total cost minus state reimbursement for a total that will then be divided by 3, and each town will pay their share. The total cost of training in each town budget will not be increasing, just how the payments are made.

A **motion** was made by Councilman Ivison to approve the Assessor’s report as written. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 5 Nays: 0

WATER/SEWER COMMITTEE REPORT – Councilman Ferguson:

- Nothing new to report.
- Meeting again Thursday, June 18th.

PARK COMMITTEE REPORT – Supervisor Felton:

- July 1st will be a work day
- A thank you will go out to Councilman Ferguson, the Byron Fire Department and R&W for their help with the addition to the bathroom at Firemen’s Park
- Repairing playground equipment
- Vandalism has been minimal this year

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #46:

Councilman Redick 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	#6	#122 - #143	\$ 4,084.64
Highway Fund	#6	#77 - #92	\$ 22,728.53
Sewer Fund	#6	#36 - #40	\$ 3,461.11
General Fund	#PA-8	#29 - #33	\$ 1,869.55
General Fund	#PA-9	#34 - #36	\$ 4,682.11
Sewer Fund	#PA-5	#7	\$ 556.70

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

Vote: Ayes: 5 Nays: 0

TOWN CLERK’S REPORT:

Paid to the Genesee County Treasurer for Dog Licenses.....	\$ 47.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 27.00
Paid to the NYS Dept. of Health for Marriage Licenses.....	\$ 22.50
Paid to the Byron Park Committee.....	\$ 75.00
Paid to NYS Environmental Conservation.....	\$ 196.48
Paid to the Town of Byron Supervisor.....	<u>\$3,380.78</u>
Total Disbursed for May 2009.....	<u>\$3,748.76</u>

A **motion** was made by Councilman Ivison to approve the Town Clerk’s Report as given for May 2009. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

- The financial reports were reviewed for May 2009
- The public also received a copy of a summary financial report
- Per Supervisor Felton, on the public financial reports the mortgage tax is income that will be recognized in June, not May
- Superintendent Heins would like to see some of the Highway money that is in the checking account invested into a three or six month CD

A **motion** was made by Councilman Ivison to approve the May 2009 Financial Reports as given. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

CITY AMBULANCE:

- No documentation received regarding this issue.
- Per John Durand, Mercy Flight has submitted most, but not all the paperwork needed. Test of fitness needed by Mercy Flight to operate ambulance service. On June 17th Big Lakes is going to issue a Certificate of Need from the City of Batavia to Mercy Flight for September 1st. Once Mercy Flight has Certificate of Need they will advertise for personnel.

WATER DISTRICTS:

WATER DISTRICT NOS. 3 & 4:

•Continue to process paperwork

BOND RESOLUTION – WATER DISTRICT NO. 3
RESOLUTION #47:

BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Byron, Genesee County, New York, held at 7028 Route 237, in Byron, New York, in said Town, on June 10, 2009, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Thomas Felton, and upon roll being called, the following were

PRESENT: Supervisor Felton, Councilwoman Freeman, Councilman Ferguson, Councilman Redick, Councilman Ivison

ABSENT: None

The following resolution was offered by Councilman Ferguson who moved its adoption, seconded by Councilwoman Freeman to-wit:

BOND RESOLUTION DATED JUNE 10, 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$143,000 SERIAL BONDS OF THE TOWN OF BYRON, GENESEE COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF A WATER SYSTEM TO SERVE WATER DISTRICT NO. 3 IN SAID TOWN.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12 of the Town Law, the Town Board of the Town of Byron, Genesee County, New York, has established Water District No. 3 in the Town of Byron; and

WHEREAS, the improvements for said Water District No. 3 shall consist of the construction of a water system to serve said District, including water mains, distribution pipes and hydrants, as well as the acquisition of land and rights-in-land, and incidental costs in connection therewith, as more fully described in the map, plan and report prepared in connection with said Ivison Road Water District No. 3; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$143,000; and

WHEREAS, said capital project has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, it is now desired to authorize the financing of said improvements; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Byron, Genesee County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of improvements in connection with the construction of a water system to serve said District, including water mains, distribution pipes and hydrants, as well as the acquisition of land and rights-in-land and incidental costs in connection therewith, as described in the preambles hereof, there are hereby authorized to be issued \$143,000 serial bonds of the Town of Byron, Genesee County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the afore described improvements is \$143,000 and that the plan for the financing thereof shall consist of the issuance of the \$143,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Byron, Genesee County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon and collected from the several lots and parcels of land within said Water District No. 3 in the manner provided by law, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto shall be determined by the Supervisor.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in full in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Felton	VOTING:	Aye
Councilwoman Freeman	VOTING:	Aye
Councilman Ferguson	VOTING:	Aye
Councilman Redick	VOTING:	Aye
Councilman Ivison	VOTING:	Aye

The resolution was thereupon declared duly adopted.

BOND RESOLUTION – WATER DISTRICT NO. 4
RESOLUTION #48:

BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Byron, Genesee County, New York, held at 7028 Route 237, in Byron, New York, in said Town, on June 10, 2009, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Thomas Felton, and upon roll being called, the following were

PRESENT: Supervisor Felton, Councilwoman Freeman, Councilman Ferguson, Councilman Redick, Councilman Ivison

ABSENT: None

The following resolution was offered by Councilman Ferguson who moved its adoption, seconded by Councilwoman Freeman to-wit:

BOND RESOLUTION DATED JUNE 10, 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$156,000 SERIAL BONDS OF THE TOWN OF BYRON, GENESEE COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF A WATER SYSTEM TO SERVE WATER DISTRICT NO. 4 IN SAID TOWN.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, the Town Board of the Town of Byron, Genesee County, New York, has established Water District No. 4 in the Town of Byron; and

WHEREAS, the improvements for said Water District No. 4 shall consist of the construction of a water system to serve said District, including water mains, distribution pipes and hydrants, as well as the acquisition of land and rights-in-land, and incidental costs in connection therewith, as more fully described in the map, plan and report prepared in connection with said Cockram Road Water District No. 4; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$156,000; and

WHEREAS, said capital project has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, it is now desired to authorize the financing of said improvements; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Byron, Genesee County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of improvements in connection with the construction of a water system to serve said District, including water mains, distribution pipes and hydrants, as well as the acquisition of land and rights-in-land and incidental costs in connection therewith, as described in the preambles hereof, there are hereby authorized to be issued \$156,000 serial bonds of the Town of Byron, Genesee County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the afore described improvements is \$156,000 and that the plan for the financing thereof shall consist of the issuance of the \$156,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Byron, Genesee County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon and collected from the several lots and parcels of land within said Water District No. 4 in the manner provided by law, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property

in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto shall be determined by the Supervisor.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in full in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Felton	VOTING:	Aye
Councilwoman Freeman	VOTING:	Aye
Councilman Ferguson	VOTING:	Aye
Councilman Redick	VOTING:	Aye
Councilman Ivison	VOTING:	Aye

The resolution was thereupon declared duly adopted.

WATER DISTRICT NOS. 5 & 6:

·In the process of having a resident of Water District No. 6 take a poll of residents.

BYRON HISTORICAL SOCIETY – Historians Bob and Beth Wilson:

·Bi-Annual meeting was May 14th
·Discussed building concerns, and will put a committee together to discuss these issues

- A 4th grade class will be visiting the museum this week
- Mold, due to no heat or air conditioning, is a big issue at the museum that needs to be addressed
- The Historians have met with an employee of the Holland Land Office to discuss options for removing items that aren't needed at the museum
- Committee will be meeting on June 25th at 7:00 p.m. at the museum to begin this process

BYRON BERGEN PUBLIC LIBRARY/GILLAM GRANT LIBRARY:

- Several options have been proposed to cut costs at both libraries, which include closing the Byron Bergen Library and/or closing the Gillam Grant Library.
- Meeting at the Byron Town Hall on June 17th at 7:00 p.m. and the Bergen Town Hall on June 18th at 7:00 p.m.
- One vacancy on the Library Board due to resignation of Marilyn Britt. Barb McClellan has shown interest on being on the board. Supervisor Felton has contacted the President of the Library Board who would like Barb to send a resume/application to the Library Board for consideration.

TIME WARNER CABLE ADMINISTRATION OF PLAYBACK PROGRAMMING

RESOLUTION #49:

Councilman Ivison made the following resolution and moved for its adoption:

BE IT RESOLVED that the Byron Town Board designates Time Warner Cable to administer the playback of programming on PEG access channels 12 & 15 on its system serving our community.

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

Vote: Ayes: 5 Nays: 0

ROBINS BROOK PARK:

·Supervisor Felton was approached by a Byron resident who is part of a volunteer group that maintains Robins Brook Park in Bergen who inquired whether the Town would consider contributing up to \$1,000 for rental of a bulldozer to build another little league field at Robins Brook Park. The Town has not expended any hard dollars to the Park thus far, with the exception of our Highway Department assisting with the new parking lot and supplying materials.

·The volunteers will solicit Waste Management for use of one of their bulldozers. WM has contributed equipment and funding in the past.

·This property is owned by the Village of Bergen and leased to the Town of Bergen.

A **motion** was made by Councilwoman Freeman to table a decision on whether to expend \$1,000 for the rental of a bulldozer to build another little league field at Robins Brook Park until next month. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

·None

SUPERVISOR'S REPORT:

·Received Mortgage Tax Payment from Genesee County Treasurer's Office in the amount of \$9,968.88

·Received Final Snow and Ice payment from NYS for \$13,223.02

ADJOURN:

A **motion** was made by Councilman Ivison to adjourn the Byron Town Board Meeting at 8:50 p.m. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk