

BYRON TOWN BOARD MEETING

June 11, 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
Town Clerk.....Debra Buck-Leaton

Absent:

Highway Superintendent.....George Heins

Invited Guest:

WNY Trail Riders.....Warsaw, New York

Public:

Neil Musshafen.....	WNY Trail Riders
Russ Meidenbauen.....	WNY Trail Riders
Gary Hume.....	WNY Trail Riders
Bill Bobzin.....	WNY Trail Riders
Ginny Kerr.....	WNY Trail Riders
Dave Riseley.....	WNY Trail Riders
Carrie Capostagno.....	Caswell Road, Byron
Jeanne and Bill Freeman.....	Hessenthaler Road, Byron
Ken Radley.....	Sleds of Stafford
Joe and Rita Kuzma.....	Rte. 237, Byron
David Chupp.....	Tripp Road, Byron
Mickey Truax.....	Swamp Road, Byron
Candace Hensel.....	Bergen
Karen Jaczynski.....	Beaver Meadows Road, Byron
Barb and Bill Emerson.....	Terry Street, Byron
Tim and Bev Donovan.....	Bergen
Lori Ivison Sutch.....	Coward Road, Byron
Jim Cudney.....	Rte. 237, Byron
Vic DiGregorio.....	Warboys Road, Byron

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

WEST SHORE TRAIL: - WNY Trail Riders

·Gary Hume, President of WNY Trail Riders spoke about their experiences in Wyoming County with the ATV Trail systems, and suggestions on what the Town may be able to do to control unruly ATVs. It is his belief that the Town needs to pass a Local Law controlling ATV use in order for the Town and Sheriff's Department to enforce use.

·The Sleds of Stafford does not believe an ATV trail system on the West Shore Railroad is plausible. They believe an ATV trail system will create more problems because the public portion of the trail is short, and they believe it would just encourage ATV riders to go onto private land.

MINUTES:

A **motion** was made by Councilman Austin to approve the Byron Town Board minutes of May 14, 2014, and the Special Town Board meeting minutes of May 28, 2014, as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT: - Councilwoman Sue Fuller

·Began work on Comprehensive Plan

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

Vote: Ayes: 5 Nays: 0

SEWER REPORT:

Monthly:

·Checked and maintained all filter bed pumps (N,S+C)
·Keeping track of pump hours on all pumps including Old School House, Walkers Corners and McElver Street lift station.
·Took monthly samples

Other:

·Assisted homeowner at 6933 Freeman Road replace line from house to tank.
·Replaced pump and plumbing at 6404 Mill Pond Road.
·Replaced pump and plumbing at 6421 Mill Pond Road.
·Did a number of stake outs.

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: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT: – Superintendent Heins

·First round of road side mowing completed. West Shore Railroad bed mowed to keep brush controlled.

·Trestle Park playground boxed out and playground wood chip mulch put in.

·Fireman's Park playground equipment has been boxed out and filled in or new mulch laid over existing sites (merry-go-round, jungle gym and teeter totters). Weeds were removed and drainage stone is underneath. Large swings still need mulch. Playground chips availability are on waiting lists.

Playground safety handbook recommends 9 inches of mulch for falling heights and distant areas for fall zones.

- I have weeded, planted and mulched the three Byron signs at north, south and west roads and placed flower boxes at Byron four corners and two at South Byron corners. Also have planted flower beds at Town Hall.

- Nova chip sealing has been done on Cockram Road sections using some of our state CHIPS funding and other road work is waiting for equipment scheduling and weather delays.

- Using shared services for and from other towns and county highway department for their road projects.

- Ongoing work of road culvert replacement along with ditch cleaning and road drainage is being done

- Highway radios are still a problem with reception and volume controls.

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 24

Number of Zoning/Building Permits Issued: 8

Number of Land Separations: 0

Number of Building C.O./C.C. Issued: 8

Number of Zoning Complaints Filed: 0

Number of Zoning Complaints Resolved: 0

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT: - Councilman Harold Austin

- Highway Department has begun mulching of playgrounds

- New toilets have been installed at Firemen's Park

- Discussed bridge at Trestle Park and what further repairs need to be made

- Part of fencing around tennis court needs to be repaired. They will check with the fire department to see if they can repair it or if it should be replaced

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

Vote: Ayes: 5 Nays: 0

MUSEUM REPORT:

- The Historical Society had their Spring dinner on May 22nd with a presentation from the Historian regarding the railroad system

- Their next meeting will be held on June 12th

- The Historical Society continues to work on museum cleanup

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #60:

Councilman Wooton 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	#6	#135 - #158	\$ 21,080.63
Highway Fund	#6	#76 - #88	\$101,261.40
Sewer Fund	#6	#25 - #30	\$ 6,302.05
General Fund	PA#5	#22 - #24	\$ 1,986.58
Sewer Fund	PA#5	#14 - #16	\$ 853.24

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

Vote: Ayes: 5 Nays: 0

TOWN CLERK'S REPORT:

Paid to the Byron Park Committee for Small Pavilion Rental.....	\$ 80.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 106.00
Paid to the DEC for hunting/fishing licenses.....	\$ 122.82
Paid to the NYS Dept. of Health.....	\$ 22.50
Paid to the Town of Byron Supervisor.....	<u>\$3,381.68</u>
Total Disbursed for May 2014.....	<u>\$3,713.00</u>

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The Financial Report for May 2014 was reviewed.

A **motion** was made by Councilman Thompson to approve the May 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 Mortgage Tax check in the amount of \$10,319.20.
- Received Mercy EMS report for March 2014.
- All security systems in the Town Hall/Garage and museum have been checked.
- Would like to be able to paint the interior of the Town Hall, but will wait until fall to see how the budget looks.
- Will be looking at getting a stand-by generator through a judicial grant. On May 28th the Town Board held a special meeting. The electricity was out that evening and the Highway Superintendent was asked to hook up the generator and refused to do so.

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:

- Swamp Road Water District is well on its way.
- Received draft of Preliminary Map, Plan and Report from Chatfield Engineering for Cockram Road East and N. Byron Road Water District today. The Town Board will probably be holding a Public Hearing in August.
- The Town Board will not be doing anything further at this time on the other water districts because surveys did not show a majority of the residents wanted water. This may change if more residents return surveys in favor of water.

DOG CONTROL LAW:

A **motion** was by Councilwoman Fuller to hold a Public Hearing regarding the Dog Control Law on July 9, 2014 at 7:00 p.m. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

TRANSFERS:

GENERAL FUND BUDGET TRANSFERS:

RESOLUTION #61:

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

Resolved, that the Byron Town Board authorizes the following transfers:

GENERAL FUND

<i>Transfer From:</i>	A1990.4	Contingency	\$ 51.00
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TOTAL:	\$ 51.00
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<i>Transfer To:</i>	A1010.4	Town Board Contractual	\$ 51.00
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TOTAL:	\$ 51.00
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Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 1 FUND BUDGET TRANSFERS:

RESOLUTION #62:

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

Resolved, that the Byron Town Board authorizes the following transfers:

WATER DISTRICT NO. 1 FUND

<i>Transfer From:</i>	SW1-UB	Unexpended Balance	<u>\$ 10,000.00</u>
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TOTAL: \$ 10,000.00

<i>Transfer To:</i>	SW1-UB	Serial Bonds-Principal	<u>\$ 10,000.00</u>
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TOTAL: \$ 10,000.00

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

Vote: Ayes: 5 Nays: 0

MONROE COUNTY LEASE AGREEMENT

RESOLUTION #63:

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

RESOLVED, that the Supervisor of the Town of Byron is hereby authorized as the official representative of the Town to execute the Retail Lease Agreement for Operation of Water Districts between the Town of Byron and Monroe County Water Authority.

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

Vote: Ayes: 5 Nays: 0

CGR:

·CGR is a private company that has done a study/report regarding future fire protection in the Town of Byron. The CGR Report doesn't give answers, just options.

·An independent steering committee consisting of members of the fire departments, two members of the Town Board, and 3 landowners has been set up.

·There are three viable options:

1. Merge – could mean putting up new fire hall, may have to merge because there isn't enough manpower to sufficiently run both fire departments;
2. Form fire district with commissioners; and
3. Rescind Town Board resolution regarding fire contracts, which calls for only one fire department receiving town money in 2015, and all parties agreeing to a new contract for a one year term.

PUBLIC COMMENTS:

Joe Kuzma – People coming from out of town to ride their ATVs on the West Shore Trail are parking at Firemen's Park, and he wondered how this will affect people who are renting the pavilions this summer. He also has a complaint about the road bump on Byron Road where the County repaired the sink hole. He believes the bump caused by the repair has caused a safety problem.

Supervisor Yasses – He will call the Genesee County Highway Superintendent, Tim Hens, to see what can be done about the bump. The board is also talking with the Town of Bergen to discuss what to do with the West Shore Trail.

Rita Kuzma – The Fracking Committee is making a presentation to Kiwanis on June 24th. They gave the petitions to the Town Board. Believe there needs to be language in the Zoning regarding fracking.

ADJOURN:

A **motion** was by Councilman Wooton to adjourn the Byron Town Board Meeting at 9:08 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk