

BYRON TOWN BOARD MEETING

July 12, 2017

The Byron Town Board Meeting was called to order by Supervisor Yasses at 7:08 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
Town Clerk.....	Debra Buck-Leaton
Absent.....	Councilman Thompson

Public:

Candace Hensel.....	Rte. 237, Byron
Corky Shaw.....	Townline Road, Byron
Steve Hahn.....	Cockram Road, Byron
George Squires.....	McElver Street, Byron
David Chupp.....	Tripp Road, Byron
Mickey Truax.....	Swamp Road, Byron
Vic Digregorio.....	Warboys Road, Byron
Roger Rouse.....	Lyman Road, Byron
David Starowitz.....	Caswell Road, Byron
John Sackett.....	Townline Road, Byron

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

MINUTES:

A **motion** was made by Councilman Cudney to approve the Byron Town Board minutes of June 14th and June 28, 2017 as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

TOWN OF CLARENDON SUPERVISOR – PROPOSED SHARED WATER DISTRICT:

The Town of Clarendon would like to run a water line that would connect from Clarendon to Upper Holley Road and four houses on Rte. 237 at the Town line. They are in the beginning phases of the creation and would like the Town's approval to include the houses on Rte. 237 and Upper Holley Road.

PLANNING BOARD REPORT – Councilman Cudney:

Received an application from a resident wanting to put a pond on their property. Ponds are only permitted if approved by Genesee County Soil and Water or Ag zoned. It was requested that AR also be

included. There were suggestions regarding setbacks and different definitions. George Squires will draft some new working and send it to Paul Boylan for review and approval. The County Planning Board would also need to approve it before the Planning Board could approve it.

George Squires: Somehow the language got left out of the current zoning ordinance. The only area, according to the new zoning ordinance, that can have a pond is up by the muck. It was an oversight. The Planning Board is also waiting on information from Paul Boylan regarding manufactured homes.

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

Vote: Ayes: 4 Nays: 0

COMPREHENSIVE COMMITTEE REPORT –George Squires:

·Met at the end of June, and there was no meeting in July. Went over the next steps to complete the Comprehensive Plan and survey results. Survey results have been posted on the Town website. Agriculture is highly favored in the Town. 200 people filled out the survey. Next step is to take information and identify bullet points (goals) for what the residents want the future of the Town of Byron to look like. In about a month they will begin putting together timeframes for the next public meeting.

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:

·Meeting is also tonight.

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

Other:

·Responded to stake outs.
·Worked with a homeowner at 6404 Mill Pond Road. He was siding his house and had questions about panel and breaker box on side of his home (Town sewer owned).
·Pumped out settling tanks at each filter bed.

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

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – Brian Forsyth:

- Went with grader and blacktop (shimmed) Ivison, Cockram and Tower Hill Roads. More before fall when better idea of budget left.
- Oil and stoned with Bergen and Elba the week of the 4th.
- In process of piping and filling Ognebene yard on North Byron Road. In future going to do Larry and Bernice Batemans on North Byron.
- Put in pipe for Zubers on Tower Hill Road for water line and future drain tile.
- County Highway meeting at airport through Planning Dept. GIS system mark pipes and culverts. Water shutoffs, sewer manholes, etc. etc.
- Bridges to be done 2018 – Searls Road by Mouios, and Caswell Road by Jim Glazier.
- Jim Lamkin letter: Received a letter from Jim Lamkin, a resident on Ivison Road, asking the Town to remove the knoll on Ivison Road by his house. There is no accident history. The sight distance has not changed while doing routine maintenance. Brian and the State Department of Transportation do not feel that it is feasible to do the work to strip the knoll. Economically the Town can’t afford to do it.

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

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT – Mike Morris:

Number of Inspections: 19
Number of Zoning/Building Permits Issued: 5
Number of Building C.O./C.C. Issued: 1
Number of Zoning Complaints Filed: 1
Number of Zoning Complaints Resolved: 1

- He will be sending letters out next week on property maintenance.

·Last month the CEO/ZEO spoke about the new NYS Code now that says a resident can’t have any vehicles without license plates on a property unless they are in an enclosed structure. He stated that the Town may want to pass a local law allowing 1 or 2 unlicensed vehicles on a property without being in an enclosed structure. The Town of Bethany is enacting a local law entitled “Unlicensed Vehicle Permit Law for the Town of Bethany.” The CEO/ZEO would like the Town of Byron to consider passing a similar law.

Supervisor Yasses: He will send the proposed local law to the Town attorney, Paul Boylan, for review.

A **motion** was made by Councilwoman Fuller 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:

- Meeting on July 6th.
- It was asked whether the fire department has considered putting in LED lights.
- Toilet needs to be repaired.
- Picnic tables need to be repainted.
- Scouts spread wood chips on trails at Trestle Park.

- A large catfish was caught at Trestle Park.
- They will be cleaning park prior to Heritage Festival

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 #48:

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	#7	#159 - #182	\$18,337.69
Highway Fund	#7	#98 - #118	\$33,402.73
Sewer Fund	#7	#24 - #26	\$ 3,222.06
General Fund	PA#6	#32 - #38	\$ 2,339.23
Sewer Fund	PA#6	#14 - #16	\$ 1,317.33

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

Vote: Ayes: 4 Nays: 0

TOWN CLERK'S REPORT:

Paid to the Park Committee for Pavilion Rental.....	\$ 130.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 112.00
Paid to NYS DEC.....	\$ 56.68
Paid to Department of Health for Marriage Licenses.....	\$ 22.50
Paid to the Town of Byron Supervisor.....	<u>\$3,373.82</u>
Total Disbursed for June 2017.....	\$3,695.00

- Heritage Festival will be held on Saturday, July 29th
- Summer Youth Recreation began on July 6th. Currently have approximately 30 kids attending.

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

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

- The June 2017 Financial Report was reviewed.

A **motion** was made by Councilman Klycek to approve the June 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:

Highway Garage Committee:

- The committee met prior to the Town Board meeting. The committee made a motion to have geotechnical and asbestos testing done so they know how to proceed financially. They would ask that the Town Board pass a resolution approving the geotechnical investigation by Terrecon Consultants-NY, Inc. for a lump

sum cost of \$4,900, and asbestos survey by Envoy Environmental Consultants, Inc. for a cost not to exceed \$2870.

·They will work as a committee to get misinformation stopped. Meetings are open and the public can attend.

HIGHWAY GARAGE GEOTECHNICAL INVESTIGATION AND ASBESTOS SURVEY **RESOLUTION #49:**

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

WHEREAS, the Town Board of the Town of Byron hereby approves having a geotechnical investigation of the highway garage by Terrecon Consultants-NY, Inc. for a lump sum cost of \$4,900, and an asbestos survey by Envoy Environmental Consultants, Inc. for a cost not to exceed \$2870.

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

Vote: Ayes: 4 Nays: 0

Assessor's Phone:

·Barry would like to use some of the money from state aid to upgrade his cell phone. The Town of Barre currently pays the whole bill, but he also uses it for Town of Byron business, and the number is printed on his business cards. The monthly cost with yearly upgrades and unlimited data will be \$72.00 per month. He will be dividing this between all four towns for a cost of \$18.00 per month per town. He would like the Town Board to pass a resolution to pay their share of the phone for three years, payable to the Town of Oakfield all at once, in the amount of \$648.00 using the money to come from the state. If he was to leave the position of assessor before the end of the three years, the Town of Oakfield would return the balance not used. Paying up front with the state aid money will eliminate monthly billing and nothing will have to be added to future budgets.

ASSESSOR'S CELL PHONE **RESOLUTION #50:**

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

WHEREAS, the Town Board of the Town of Byron hereby approves the purchase of a cell phone by the Assessor, Barry Flansburg, at a cost of \$18.00 per month for three years, to be paid to the Town of Oakfield in a lump sum payment of \$648.00.

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

Vote: Ayes: 4 Nays: 0

Court Clerk:

·The Court Clerk, Mollie Avery, is on maternity leave. Judge Smith has asked if the Town Clerk would be willing to sit in on court on Monday evenings and help with payments, etc. The Town Clerk said she would be willing to do it if approved by the Town Board.

COURT CLERK **RESOLUTION #51:**

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

WHEREAS, the Town Board of the Town of Byron hereby approves the appointment of Debra Buck-Leaton, as a part-time clerk for the court at a rate of \$12.50 per hour.

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

Vote: Ayes: 4 Nays: 0

Planning Board/ZBA Secretary:

·The position of Planning Board/ZBA Secretary was advertised in the Daily News. Sara Stockwell applied for the position and the Board would like to approve her this evening so that she may begin right away.

PLANNING BOARD/ZBA SECRETARY

RESOLUTION #52:

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

WHEREAS, the Town Board of the Town of Byron hereby approves the appointment of Sara Stockwell as Planning Board/Comprehensive Committee/ZBA Secretary at a rate of \$12.50 per hour effective immediately.

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

Vote: Ayes: 4 Nays: 0

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

Vote: Ayes: 4 Nays: 0

OTHER BUSINESS:

WATER DISTRICT NO. 7:

·Awaiting funding from USDA.

WATER DISTRICT NO. 8:

·Received Letter of Support from the Genesee County Health Department. 40 wells were sampled out of 107 total wells in the district, 3 wells out of the 40 sampled tested positive for total coliform and e.coli. Town Attorney Paul Boylan working on Application to the Comptroller.

WATER DISTRICT NOS. 9 AND 10:

·Still waiting for income surveys.

BUDGET TRANSFERS:

GENERAL FUND BUDGET TRANSFERS:

RESOLUTION #53:

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

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

		<u>GENERAL FUND</u>			
<i>Transfer From:</i>					
		A1990.4	Contingency		\$10,000.00
Unanticipated Revenue					
		A2680	Insurance Recovery		\$2,991.00
		A3040	Real Property Tax Admin.		\$3,247.00
		AUB	Unexpended Balance		\$65,130.00
				TOTAL:	<u>\$81,368.00</u>

<i>Transfer To:</i>					
		A1010.4	Town Board Contr		\$2,040.00
		A3620.2	Code Enforcement Equip.		\$130.00
		A6510.4	Veterans Svc. Contr.		\$11.00
		A8030.4A	Research Contr. Water		\$79,187.00
				TOTAL:	\$81,368.00

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

Vote: Ayes: 4 Nays: 0

SEWER FUND BUDGET TRANSFERS:

RESOLUTION #54:

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

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

		<u>SEWER FUND</u>			
<i>Transfer From:</i>					
		SS1990.4	Contingency		\$7,215.00
				TOTAL:	\$7,215.00
<i>Transfer To:</i>					
		SS8130.4B	Additional Services		\$7,215.00
				TOTAL:	\$7,215.00

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

Vote: Ayes: 4 Nays: 0

PUBLIC COMMENTS:

None

ADJOURN:

A **motion** was made by Councilman Klycek to adjourn the Byron Town Board Meeting at 8:25 p.m. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk