

BYRON TOWN BOARD MEETING

July 8, 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 and Barb Cudney.....	Rte. 237, Byron
Linda Camelio.....	Bergen
Grace Gallivan.....	Bergen
Brian Waldruff.....	Rte. 237, Byron
Pam Kenward.....	Cockram Road, Byron
Sue Fuller.....	Cockram Road, Byron
Robert Shingleton.....	Mechanic Street, S. Byron

PLEDGE TO THE FLAG:

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

MINUTES:

A **motion** was made by Councilman Ivison to approve the Byron Town Board Minutes of June 10, 2009 as written. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – Councilman Redick/Ivison:

- Reviewed a land separation application
- Zoning Board of Appeals met last month and approved a variance for the construction of a methane digester by Zuber Farms on Tower Hill Road

COMPREHENSIVE PLAN UPDATE:

- Met on June 16th and discussed economic development and windmills. Moving along with survey.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – George Heins:

- An OSHA representative returned to inspect break room, but the Town has not received a final report yet
- The Highway Superintendent believes the deadline for the grant that John Durand spoke about at last months meeting is July 17th.
- The Highway Department is stoning roads and may get more blacktop down if weather cooperates

TRUCK PURCHASE:

Supervisor Felton: The Town has \$130,000 in account now and will be putting in \$50,000 this year. When should process be started?

Highway Superintendent Heins: There is not enough money in the budget right now, and he would rather wait until the money is in the budget.

ROAD MAINTENANCE:

Supervisor Felton: What should be budgeted for road maintenance per year?

Highway Superintendent Heins: He is not sure because it fluctuates so much - \$70,000 should be fine. They will probably spend \$75,000 to \$100,000 on resurfacing, but the rest is for band aides. He will not know until the budget is passed by the State in April.

Supervisor Felton: The Town will need to pass a resolution tonight for an increase in NYS Snow and Ice money. The original estimate was \$30,325.49, with an increase of \$5,292.03, for a total of \$35,617.52.

DITCH REPAIR:

Supervisor Felton: \$7,000 has been put in the budget for the ditch in the hamlet that Fred Read spoke about at a board meeting last year. What is the status?

Highway Superintendent Heins: Met with DOT and they said they’re discouraging going onto private property because of liability issue because it’s not affecting the Town roads. The work should be bid out.

Supervisor Felton: What is the plan to resolve the issue? Concrete, dredging?

Highway Superintendent Heins: The bridge was supposed to be cleaned out last year, but wasn’t. The State also said they were going to do it again this year, but haven’t.

Councilman Ferguson: What is the liability issue?

Highway Superintendent Heins: DOT said going onto private property could mean trouble for the Town. It is a state and county highway, and unless it’s affecting Town roads they should not work on it.

Councilman Redick: Questioned \$25 for check over fee from Richenberg’s

Highway Superintendent Heins: He thinks Richenberg's are trying to justify labor when doing inspections.

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

Vote: Ayes: 5 Nays: 0

AMENDMENT B TO THE 2010/11 NYS SNOW AND ICE CONTRACT RESOLUTION #50:

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

WHEREAS, the Town of Byron receives payments from New York State Department of Transportation for snow and ice contracts, and

WHEREAS, adjustments for such contracts provide for adjustment above the estimated expenditures, and

WHEREAS, the severity of the winter and high cost of fuel during 2008-2009 reflects an upward adjustment for estimated expenses in the amount of \$5,292.03, and

WHEREAS, the Highway Superintendent has advised the Town Board that in order to accept the lump sum payment, the Town Board must pass a resolution granting authority to accept the money,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Byron authorizes the Town Supervisor to sign Amendment B, which is required for the increased lump sum payment from the New York State Department of Transportation.

Councilwoman Freeman seconded the resolution which was adopted by 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.
- Switched filter bed valving.
- Checked all pumps for operation
- Took meter readings.
- Exercised generators, checked fluids.
- Cleaned weir box in South Byron, Was causing false readings.
- Gathered info on flow meters.

Future Projects

- Continue preventative maintenance program
- Replace pump in South Byron

Supervisor Felton: A.D. Call – would like to increase their pumping fee to \$88 from \$80. Supervisor Felton believes this would be fair. Received quote from VRI on a new flow meter, and will be getting two more quotes. Also received two quotes for generators, and are waiting for a third. Would like to switch to natural gas if possible.

SURPLUS SEWER INVENTORY:

Supervisor Felton would like to put the following surplus sewer inventory out to bid:

- 1985 Kubota B5200 diesel 4 WD tractor with 1996 48” belly mower;
- 1991 Exmark walk behind self-propelled mower with 32” deck
- 1991 Befco Cyclone 90” 3 pt. hitch mower
- 1988 Woods 5’3pt. hitch back blade
- 48” Homemade roller
- Black storage cabinet

LIQUIDATION OF SURPLUS SEWER DEPARTMENT EQUIPMENT

RESOLUTION #51:

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

BE IT RESOLVED, that the Town Board authorizes the sale of the following sewer department equipment through sealed bid:

- 1985 Kubota B5200 tractor with 1996 48” belly mower;
- 1991 Exmark walk behind self-propelled mower with 32” deck
- 1991 Befco Cyclone 90” 3 pt. hitch mower
- 1988 Woods 5’3pt. hitch back blade
- 48” Homemade roller
- Black storage cabinet

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

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

- Number of Inspections: 20
- Number of Zoning Permits: 4
- Number of Building Permits Issued: 3
- Number of Land Separations: 1
- Number of Building C.O./C.C. Issued: 4
- Number of Zoning Complaints Filed: 4
- Number of Zoning Complaints Resolved: 2
- Total Hours for the Month: 80

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

A **motion** was made by Councilman Ivison 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

WATER/SEWER COMMITTEE REPORT – Councilman Ferguson:

·Drawing up draft water ordinance and will present to the Town Board at the August meeting

PARK COMMITTEE REPORT – Supervisor Felton:

- Numerous issues were discussed, including camping permits and fees
- Did weeding in preparation for the Heritage Festival
- Highway Superintendent Heins called Sheriff’s regarding a serious fight at Trestle Park, and he and Bob Eichenberger will be locking the gates each night to deter people going to the park after dark, unless they’re campers.

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #52:

Councilwoman Freeman 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	#7	#144 - #172	\$ 8,938.74
Highway Fund	#7	#93 - #104	\$ 6,172.45
Sewer Fund	#7	#41 - #45	\$ 5,371.25
General Fund	#PA-10	#37 - #40	\$ 5,194.86
Sewer Fund	#PA-6	#7 - #15	\$ 765.00
Sewer Fund	#PA-7	#16	\$ 515.62

Councilman Ferguson 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.....	\$	81.72
Paid to the NYS Ag and Markets for spay/neuter program.....	\$	33.00

Paid to the NYS Dept. of Health for Marriage Licenses.....	\$ 22.50
Paid to the Byron Park Committee.....	\$ 260.00
Paid to NYS Environmental Conservation.....	\$ 270.21
Paid to the Town of Byron Supervisor.....	<u>\$2,552.97</u>
Total Disbursed for June 2009.....	\$3,220.40

A **motion** was made by Councilman Ivison to approve the Town Clerk's Report as given for June 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 June 2009
- The public also received a copy of a summary financial report
- Mortgage tax is down from previous years

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

CITY AMBULANCE:

·There is a meeting coming up that Supervisor Felton will be attending regarding Mercy Flight as our new supplier of ambulance service.

WATER DISTRICTS:

WATER DISTRICT NOS. 3 & 4:

·Continue to process paperwork. Waiting for Form E and Affidavit of Publication to forward to USDA

WATER DISTRICT NOS. 5 & 6:

·Still in the process of having a resident of Water District No. 6 take a poll of residents. Doing eligibility determination for Water District No. 5 residents.

BYRON BERGEN PUBLIC LIBRARY/GILLAM GRANT LIBRARY:

·Pam Kenward thanked Councilman Redick and Ivison for attending public meetings.

- Trustees of B-B library are looking at options to keep both libraries open.
- Receiving \$8,000 bridge grant from Nioga. They believed it was important to keep both libraries open because of the public outpouring of support.
- They would also like to receive district funding. It will not be separate funding if they request school funding. The school only has to agree to collect the money for the library. It would have to be approved by the taxpayers. District status would take up to 16 months to seek.

Councilman Ivison: How much money will the library need to come up with if not supported by Gillam-Grant?

Pam Kenward: \$41,000, but that doesn't mean that's what they need.

Supervisor Felton: How much would that be?

Pam Kenward: Meeting with Gillam-Grant to see if they could get a better deal on a lease. They would like to receive at least \$8,000 from each town. She will have the financial secretary put a proposal together

A **motion** was made by Councilman Ferguson to approve the resignation of Richard VonBergen, with regret, as a Byron-Bergen Public Library Board member. The motion was seconded by Councilman Ivison and carried with 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.

·Waste Management will be contributing a couple of bulldozers for this purpose.

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

·He has forwarded the Town Board a master plan for this park, as well as participation of children from each town.

·Jeff Mauer was present to discuss Robins Brook Park: Working through Town of Bergen recreation department. George did milling in 2006, and in 2009 the park was finished. Received a grant from Waste Management through Gillam-Grant. Forward looking plan is to get baseball field finished. They would like to be finished by the first week in September.

Supervisor Felton: Total financing to date: \$400,000. He would like the board to contribute \$1,000 to the Town of Bergen, and the Town of Bergen will capitalize it back to the park. Funds would come from Park Contractual \$500, \$250 from Park Electric, and \$250 from Park Mowing. There should be excess funds from these accounts.

Councilman Ivison: Robins Brook Park has been turned into an asset. It is a partnership between a lot of volunteers, Waste Management and the local governments. He believes they are probably under funded.

EXPENDITURE OF FUNDS FOR ROBINS BROOK PARK

RESOLUTION #53:

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

BE IT RESOLVED that the Byron Town Board authorizes the expenditure of \$1,000 (\$500 from Park Contractual; \$250 from Park Electric; and \$250 from Park Mowing) to the Town of Bergen for use at Robins Brook Park.

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

Vote: Ayes: 4 Nays: 1 (Councilwoman Freeman)

PUBLIC COMMENTS:

Robert Shingleton: He resides at 7525 Mechanic Street and would like something done with neighboring house. Barn is falling down, yard is a mess, no one lives there now and it is infested with woodchucks, birds and rodents. He thinks it should be condemned.

Supervisor Felton: Procedure has been followed – certified mailings have been sent out to no avail. The CEO has given the Board copies of the Unsafe Building Law. The Town does have some recourse to force cleanup of property, any charges will get billed to landowner. In three years it will go to tax sale and the County would get the money they’ve put into the property. The Town gets paid by the County in January of the following year. He will talk to the CEO and seek legal advice on the situation.

SUPERVISOR’S REPORT:

·Will be preparing for budget process soon. Discussed whether or not to have the Supervisor and a Board member meet with each department head prior to budget meetings.

·GAM meeting was held on June 18th. Tim Hens was present to discuss the airport. Tim Hens stated that \$90 billion of the stimulus package was set aside for roads, the remainder is for Medicaid, etc.

·Received request from Genesee County Chamber of Commerce to participate in their tourist guide for \$1,800. The past couple of years the Town has not participated and will not be doing it again this year.

·LeRoy closed on sale of Lake LeRoy to Noble Hurst for \$500,000

·Received notice from Unified Court System regarding a Justice Court Assistance Grant

ADJOURN:

A **motion** was made by Councilman Ivison to adjourn the Byron Town Board Meeting at 8:10 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