

## ***BYRON TOWN BOARD MEETING***

August 13, 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.....Harold Austin  
Sue Fuller  
Scott Wooton  
Town Clerk.....Debra Buck-Leaton

Absent:

Councilman .....Jeff Thompson  
Highway Superintendent.....George Heins

Public:

Mickey Truax.....Swamp Road, Byron  
George Squires.....McElver Street, Byron  
Vic Digregario.....Warboys Road, Byron  
Chuck Durkee.....Transit Road, Byron  
Candace Hensel.....Bergen  
Bob Wilson.....Mill Pond Road, Byron

### **PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Supervisor Yasses.

### **MINUTES:**

A **motion** was made by Councilman Austin to approve the Byron Town Board minutes of July 9, 2014 as written. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

### **PLANNING BOARD REPORT: - Councilwoman Sue Fuller**

·Paul Thompson is in the process of getting a Special Use Permit to operate a contractor's yard on Swamp Road.

·Continue to work on Comprehensive Plan.

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

- Replaced pump at McElver Street lift station.
- Started locating, digging and pumping septic tanks. It's a timely and arduous process.

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

Vote:                      Ayes: 4                      Nays: 0

## **HIGHWAY SUPERINTENDENT'S REPORT:**

- Continuing road maintenance and roadside mowing.
- Continue shared services with surrounding Towns and County Highways on projects.
- Sent DOT CHIPS form in to receive reimbursement in a September payment of \$107,621.00
- Wet weather is delaying some projects.
- Radios still have problems – distorted voices and reception.
- DOT has delayed Towns final winter payment in Genesee and Orleans Counties - waiting for answers.

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

Vote:                      Ayes: 4                      Nays: 0

## **CEO/ZEO REPORT:**

Number of Inspections: 19  
Number of Zoning/Building Permits Issued: 8  
Number of Land Separations: 0  
Number of Building C.O./C.C. Issued: 3  
Number of Zoning Complaints Filed: 1  
Number of Zoning Complaints Resolved: 1

·Application PBA-2014-021 Special Use Permit application submittal for Mr. Paul Thompson to operate a contractor's yard on Swamp Road.

·Issued Stop Work Order at 5906 Merrill Road owner had started construction of a building attached to his home without approved permits.

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

Vote:                      Ayes: 4                      Nays: 0

## **PARK COMMITTEE REPORT: - Councilman Harold Austin**

·There was no meeting this month.

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: 4                      Nays: 0

## **ABSTRACTS**

### **RESOLUTION #71:**

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

***Resolved***, that the Byron Town Board pay the following abstracts:

<b><i>Fund:</i></b>	<b><i>Abstract:</i></b>	<b><i>Vouchers:</i></b>	<b><i>Amount:</i></b>
General Fund	#8	#179 - #202	\$ 24,100.39
Highway Fund	#8	#103 - #115	\$ 17,295.80
Sewer Fund	#8	#34- #38	\$ 7,553.82
General Fund	PA#7	#33 - #34	\$ 5,682.26
General Fund	PA#8	#35 - #37	\$ 3,289.39
Highway Fund	PA#2	#2	\$ 38,519.34
Sewer Fund	PA#7	#21 - #22	\$ 552.56

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

Vote:                      Ayes: 4                      Nays: 0

## **TOWN CLERK'S REPORT:**

Paid to the Byron Park Committee for Pavilion Rental.....	\$ 70.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 100.00
Paid to the DEC for hunting/fishing licenses.....	\$ 86.92
Paid to the NYS Dept. of Health.....	\$ 22.50
Paid to the Town of Byron Supervisor.....	\$ 2,896.88
Total Disbursed for July 2014.....	\$ 3,176.30

**Dog Control Law:** Filed with the Secretary of State on July 17, 2014.

**Summer Youth Recreation:** Average of 30 children attending this summer. Took field trips to Fantasy Island, Hidden Valley Animal Adventure, bike ride down the railroad bed, Muckdogs game, Genesee County Park for GeoCashing, and bowling. They also did a community service project of cleaning headstones in the Byron Cemetery. The Byron-Bergen Public Library also came to the Park for a reading program every week. The last day of recreation is Friday, August 15<sup>th</sup>.

**Heritage Festival:** Everything went great for the Heritage Festival this year.

**Hunting/Fishing License:** The DEC is using a new program to issue hunting/fishing licenses and the program is a mess. We are having many problems issuing licenses and would ask hunters to wait as long as possible to get their licenses so that hopefully the DEC will get the bugs out.

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

Vote:                      Ayes: 4                      Nays: 0

### **FINANCIAL REPORT:**

- The Financial Report for July 2014 was reviewed.

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

Vote:                      Ayes: 4                      Nays: 0

### **SUPERVISOR'S REPORT:**

- Received 2<sup>nd</sup> Quarter Sales Tax check in the amount of \$160,387.90, which is \$3,276.51 less than this quarter last year.
- Received June 2014 Mercy EMS Report.
- Water District No. 5: Received final approval from USDA - loan of \$412,000, and a grant of \$735,000.
- Water District No. 6: Waiting for letter from County Health Department regarding contaminated wells. Out of 16 wells, 3 are contaminated. Also waiting for legal petition from Paul Boylan so that it can be circulated to residents.
- Safe: Received full grant funding of \$15,152.00 for the new safe. 50% of funding will be received in approximately 4 weeks.
- All set with new health insurance.
- Met with the Sleds of Stafford regarding fixing the bridge to Trestle Park. It was decided that if the Town bought the steel the Sleds of Stafford would repair the bridge.

### **TRESTLE PARK BRIDGE REPAIR**

#### **RESOLUTION #72:**

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

***RESOLVED***, that the Town Board authorizes the purchase of steel to repair the Trestle Park Bridge by the Sleds of Stafford in the amount not to exceed \$750.00.

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

Vote:                      Ayes: 4                      Nays: 0

### **OTHER BUSINESS:**

### **LOAN RESOLUTION – WATER DISTRICT NO. 5**

#### **RESOLUTION #73:**

Councilman Wooton 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 Loan Resolution Agreement authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its water facility to serve an area lawfully within its jurisdiction to serve.

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

Vote:                      Ayes: 4                      Nays: 0

**WATER AND WASTE SYSTEM GRANT AGREEMENT – WATER DISTRICT NO. 5**

**RESOLUTION #74:**

Councilwoman Fuller 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 Water and Waste System Grant Agreement between the Town of Byron and USDA. This Agreement obligates USDA to fund Water District No. 5- Swamp Road in the form of a grant in the amount of \$735,000, and a 38 year loan for the remaining balance of \$412,000.

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

Vote:                      Ayes: 4                      Nays: 0

**STUART I. BROWN ASSOCIATES, INC. PROPOSAL FOR SERVICES FOR WATER DISTRICT NO. 6 – N. BYRON/COCKRAM ROAD – INITIAL APPLICATION**

**RESOLUTION #75:**

Supervisor Yasses 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 Proposal for Services between the Town of Byron and Stuart I. Brown Associates, Inc. This Agreement authorizes Stuart I. Brown Associates, Inc. to prepare the Town's Initial Application for submission to Rural Development for loan and grant assistance for the proposed extension of public water service to serve the proposed Water District No. 6. Stuart Brown's fee for such work shall be \$2,000.

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

Vote:                      Ayes: 4                      Nays: 0

**STUART I. BROWN ASSOCIATES, INC. PROPOSAL FOR SERVICES FOR WATER DISTRICT NO. 6 – N. BYRON/COCKRAM ROAD – SEQR/NEPA REVIEWS**

**RESOLUTION #76:**

Councilman Austin 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 Proposal for Services between the Town of Byron and Stuart I. Brown Associates, Inc. This Agreement authorizes Stuart I. Brown Associates, Inc. to prepare the SEQR/NEPA environmental reviews for the Rural Development application for the funding for the proposed extension of public water service to serve the proposed Water District No. 6. Stuart Brown's fee for such work shall be \$4,500.

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

Vote:                      Ayes: 4                      Nays: 0

**SIGNAGE FOR TRESTLE PARK POND:**

•There has been a question of whether swimming/boating (motorized and non-motorized) is allowed at Trestle Pond. The Town's insurance company has stated that the Town's liability and exposure are lessened if such activity is not allowed, however, proper signage must be posted.

•The Town Board also discussed signage for Firemen's Park parking lot regarding the unloading and loading of wheeled vehicles. The Supervisor will have the County make signs to be installed at the parks.

A **motion** was made by Councilman Wooton to prohibit swimming/boating or water crafts (of any kind) to take place at Trestle Pond, and also to prohibit wheeled vehicles to unload and load at the Town Parks, and to post the necessary signage. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

**KENNEL LICENSE AND FEES:**

The Town Clerk has prepared a Private/Commercial Kennel License, which has been approved by the Town Attorney. The Town Board now needs to determine the fees for such license.

**PRIVATE/COMMERCIAL KENNEL LICENSE FEES:**

**RESOLUTION #77:**

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

***RESOLVED***, that the Byron Town Board hereby sets the fees for Private/Commercial License at \$25.00 for the initial and \$10.00 for the annual renewal for Private Kennel Licenses and \$50.00 for the initial and \$35.00 for the annual renewal for commercial Kennel Licenses.

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

Vote:                      Ayes: 4                      Nays: 0

**BYRON-BERGEN HIGH SCHOOL FIELD TRIP:**

In early October the Byron-Bergen High School 9<sup>th</sup> grade class is planning its annual field trip to Black Creek for a stream study, and they are asking the Town Board for permission to do so.

A **motion** was made by Councilwoman Fuller to allow the Byron-Bergen High School 9<sup>th</sup> grade class to cross Town property so that they may access Black Creek under the Trestle in the Byron Town Park. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

**PUBLIC COMMENTS:**

**George Squires:** September 3<sup>rd</sup> at 6:00 p.m. the Black Creek Watershed Management Plan will be presented at a meeting at the Byron Fire Hall. Looking for active participation from municipalities regarding land use stipulations.

**CGR – Fire Departments: - Councilwoman Fuller**

·The fire departments would like the Town to rescind the current contract, which calls for Town funds to go to one fire department next year, and make a new one year contract for \$64,000 plus cost of living increase (1.6%) = \$65,024.00.

·The Town needs to talk to the Town Attorney to see what needs to be done to form a fire district.

**ADJOURN:**

A **motion** was by Councilman Wooton to adjourn the Byron Town Board Meeting at 8:45 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk