

BYRON TOWN BOARD MEETING

September 10, 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
Assessor.....Barry Flansburg

Absent:

Highway Superintendent.....George Heins

Invited Guests.....Legislator Robert Bausch

Public:

Gerald Birge.....	Coward Road, Byron
John Sackett.....	Townline Road, Byron
Steve Lockner.....	Rte. 237, Byron
Jim Cudney.....	Rte. 237, Byron
Vic DiGregorio.....	Warboys Road, Byron
George Squires.....	McElver Street, Byron
Candace Hensel.....	Byron
Mickey Truax.....	Swamp 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 August 13, 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

·Meeting was cancelled this month.

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

- Finished pumping septic tanks for the season
- Had Vellano give pricing on piping and replacing of check valves for McElver Street lift station.
- Responded to stakeouts.

SEWER PIPING AND CHECK VALVES

RESOLUTION #78:

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

RESOLVED, that the Town Board of the Town of Byron hereby approves the proposal by The Vallano Corporation of Rochester for sewer piping, check valves and labor to Camden Group at a cost not to exceed \$4,812.75.

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

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT:

- Continuing road maintenance (shimming road edges and road shoulders).
- Working on replacing road culverts on Freeman, Bird and Cook Roads.
- Filling salt barn with salt before price increase October 1st.

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 20
Number of Zoning/Building Permits Issued: 15
Number of Land Separations: 0
Number of Building C.O./C.C. Issued: 4
Number of Zoning Complaints Filed: 1
Number of Zoning Complaints Resolved: 1

·5906 Merrill Road Status: After an engineered review of the addition that was started without proper permits, it has been determined that the structure will come down and be reconstructed to meet building code and zoning code requirements. The owners of the property have been cooperative and want to move forward.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT: - George Squires

- Wrapped up park season Labor Day weekend. It was a pretty busy season.
- No major damage to property this year.
- George Squires and Supervisor Yasses checked signage at parks and are in the process of getting new signs made.

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #79:

Councilman Austin 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	#9	#203 - #222	\$ 18,750.28
Highway Fund	#9	#116 - # 129	\$ 78,524.08
Sewer Fund	#9	#39- #45	\$ 4,072.35
General Fund	PA#9	#38 - #45	\$ 2,780.92
Sewer Fund	PA#8	#23 - #27	\$ 3,129.48

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 Pavilion Rental.....	\$ 30.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 102.00
Paid to the DEC for hunting/fishing licenses.....	\$ 784.21
Paid to the NYS Dept. of Health.....	\$ 67.50
Paid to the Town of Byron Supervisor.....	\$ 3,708.09
Total Disbursed for August 2014.....	\$ 4,691.80

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

- The Financial Report for August 2014 was reviewed.

A **motion** was made by Councilman Austin to approve the August 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:

- Safe: Received one half of the records retention grant funding already, and working on getting RFPs in order to begin work.
- Justices are working on JCAP grant.
- Jayne Lewis-Foose lives on Merrill Road and rides horses in that area. She and a couple of other residents would like the Town to install signs on Merrill Road and East Bird Road indicating that horses are being ridden on the road side in those areas.

A **motion** was made by Councilman Thompson to instruct the Highway Superintendent to install horse crossing signs on Merrill Road heading north off North Bergen Road, on East Bird Road heading east off Bird Road, and Merrill Road heading south at the Byron townline within the next 30 days. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Fire Company Contracts: Received letters from both fire departments indicating that they would like the Town Board to rescind the current fire service contract with the Town, and that they wish to enter into a new one year contract for 2015.

BYRON AND SOUTH BYRON FIRE DEPARTMENT CONTRACTS **RESOLUTION #80:**

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

RESOLVED, that the Town Board of the Town of Byron hereby agrees to rescind the current contract between the Town of Byron and the Byron and South Byron Fire Departments, and to enter into a new one year contract, effective January 1, 2015 – December 31, 2015, with both fire departments for 2015 in the amount of \$65,000.00 each.

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

Vote: Ayes: 5 Nays: 0

Black Creek Watershed Meeting:

·Supervisor Yasses attended the Black Creek Watershed meeting held at the Byron Fire Hall, and he will have Sean, of Camden Group, mail results of the Town's continuous phosphorus testing to Paul Chatfield, the Town's engineer, and Paul Chatfield, will in turn, send a letter to David Zorn at GVFLC to cover the Town of Byron in case DEC has any questions regarding the phosphorus in the future.

Proposed Water District (West of Creek on Rte. 262):

Barry King, a resident on Rte. 262, presented the Town Board with a petition for water signed by residents of Rte. 262, Cockram Road, Transit Road, Batavia-Byron Road and Tower Hill Road

A **motion** was made by Councilman Thompson to accept the information request for water on Rte. 262, and to have Paul Chatfield, the Town Engineer, investigate the cost of a water district in that portion of the Town. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

LEGISLATOR ROBERT BAUSCH:

Spoke regarding the Genesee County Nursing Home and the need to sell it due to its continued operating deficit. The Legislature is currently accepting RFPs from outside agencies to purchase the County Nursing Home.

ACCEPTANCE OF LEGAL PETITION FOR WATER DISTRICT NO. 6

RESOLUTION #81:

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

RESOLVED, that the Town Board of the Town of Byron hereby accepts the legal Petition for Water District No. 6 received on August 29, 2014 pursuant to the Town of Byron Assessor's Affidavit of September 5, 2014, in which it states that said Petition was signed by owners owning a total of \$3,658,000, and by resident owners owning a total of \$2,137,100, and that therefore, owners of taxable real property totaling more than one-half of all taxable real property in said Water District, and resident owners owning more than one-half of taxable real property owned by resident owners in said District have signed said Petition.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 6 SEQR-INTENT TO DECLARE LEAD AGENCY STATUS

RESOLUTION #82:

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

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Byron hereby announces its intent to serve as Lead Agency to conduct an environmental review of the construction of public water supply improvements to serve the Town of Byron Water District No. 6. Approximately 15,600 linear feet of waterline will be installed along portions of North Byron, Searls and Cockram Roads in the Town of Byron. The project will provide public water to properties that are currently dependent upon individual ground water supplies that historically have produced very low yields of poor quality water.

FURTHER RESOLVED, the Town Board has determined that, as portions of the project are located within a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, the Town Board acknowledges that Part 1 of the Environmental Assessment Form has been prepared for this project by Stuart I Brown Associates, Inc., and signed by the Town Supervisor, and be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of Part 1 of the full Environmental Assessment Form for review during the 30-day comment period.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 6 PUBLIC HEARING

RESOLUTION #83:

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

RESOLVED, that the Town Board of the Town of Byron hereby sets a Public Hearing for Wednesday, November 12, 2014 at 7:00 p.m. in order to establish Water District No. 6.

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

Vote: Ayes: 5 Nays: 0

2014 JUSTICE AUDIT

RESOLUTION #84:

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

RESOLVED, that the Town Board of the Town of Byron hereby approves the proposal by Raymond F. Wager, CPA, P.C. to perform the 2014 Justice Account Audit at a cost of \$1,250.00.

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

Vote: Ayes: 5 Nays: 0

2014 WATER AUDIT:

RESOLUTION #85:

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

RESOLVED, that the Town Board of the Town of Byron hereby approves the proposal by Raymond F. Wager, CPA, P.C. to perform the 2014 Water Fund Audit at a cost of \$2,950.00.

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

Vote: Ayes: 5 Nays: 0

2015 WATER AUDIT:

RESOLUTION #86:

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

RESOLVED, that the Town Board of the Town of Byron hereby approves the proposal by Raymond F. Wager, CPA, P.C. to perform the 2015 Water Fund Audit at a cost of \$8,950.00.

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

Vote: Ayes: 5 Nays: 0

2015 BUDGET:

A **motion** was made by Councilman Thompson to hold a budget workshop on Wednesday, September 24, 2014 at 7:00 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

Eric Zuber: For every 1,000 cows there is \$7.5 million in revenue generated. Zuber Farms has 2,500 cows. 56% of tax revenue comes from agricultural and farm business in the county.

Councilwoman Fuller: Rita Kuzma would like the Town Board to keep fracking in the forefront.

George Squires: There is a lot of new information on fracking, but he doesn't know how it affects Byron. It will be interesting to see how the state handles it.

Gerry Birge: He would like to know who is in charge of enforcing the Dog Control Law. The Sheriff's Department has done nothing to enforce the law with regard to Don Jack's kennel.

Supervisor Yasses: He will look into it.

ADJOURN:

A **motion** was by Councilman Wooton to adjourn the Byron Town Board Meeting at 8:30 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk