

BYRON TOWN BOARD MEETING

May 13, 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 |
| Warren Harding..... | Byron |
| Barb and Bill Emerson..... | Terry Street, Byron |
| Everett Roda..... | Rte. 237, Byron |
| Jim Cudney..... | Rte. 237, Byron |
| George Hillabush..... | E. Bird Road, Byron |
| Sue Fuller..... | Cockram Road, Byron |
| Bob Eichenberger..... | Rte. 237, Byron |
| Renee Yerger..... | Rte. 237, Byron |
| Mollie Avery..... | Byron |
| Randy Ridd..... | Swamp Road, Byron |
| Alex Dutton..... | Byron |
| Sheena Downs..... | Byron |
| Bryana Ridd..... | Swamp Road, Byron |
| Kate George..... | Byron |

Invited Guests:

| | |
|----------------|---------------------|
| Eric Wies..... | Clark Patterson Lee |
|----------------|---------------------|

PLEDGE TO THE FLAG:

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

MINUTES:

A **motion** was made by Councilman Ferguson to approve the Byron Town Board Minutes of April 8, 2009 as written. The motion was seconded by Councilman Ivison and carried with the following vote:

| | | |
|-------|---------|---------|
| Vote: | Ayes: 5 | Nays: 0 |
|-------|---------|---------|

PLANNING BOARD REPORT – Councilman Ivison:

- Reviewed a potential land separation

COMPREHENSIVE PLAN UPDATE:

- Next meeting is May 19, 2009
- In the process of drafting a survey to mail out to the community

ZONING BOARD OF APPEALS APPOINTMENT:

A **motion** was made by Councilman Ivison to appoint James Cudney as a Zoning Board of Appeals member to fill the vacancy left due to the death of Robert Cofran. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD/ZBA SECRETARY APPOINTMENT:

A **motion** was made by Councilwoman Freeman to appoint Michelle Anderson as the Planning Board, Comprehensive Plan and Zoning Board of Appeals secretary to fill a vacancy left due to the resignation of Rebecca Sando. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

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:

- Received \$58,311.13 from Genesee County for salt and ice on County roads
- Grading and repairing Starowitz Road with the Town of Elba next week
- Assisting Stafford with stoning of roads
- Putting Memorial Day flags on poles
- Doing ditch work
- Received petitions back regarding resolution to keep Highway Superintendent and Town Clerk as elected positions instead of appointed. Most of the town boards in Genesee County have passed resolutions to support elected Highway Superintendents, Town Clerks and Tax Collectors.

A **motion** was made by Councilman Ivison to leave the offices of Highway Superintendent, Town Clerk and Tax Collector as elected positions unless altered by mandatory referendum. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Councilman Ivison also stated that he wants to continue discussions with other towns on these options.

BUILDING COMMITTEE:

·Eric Wies was present to discuss three proposed changes to the highway garage

Option 1: Approximate cost would be \$553,000

·40 x 80 block addition to existing structure with two column supports

Option 2: Approximate cost would be \$316,000, with an additional \$34,000 for a break room

·50' x 80' new structure with new break room in the existing highway garage

Option 3: Approximate cost would be \$334,000, with an additional \$34,000 for a break room

·50' x 80' addition to existing Morton building with a new break room in the existing highway garage

·All three options include ventilation systems.

·The Town Board will review these proposals and revisit this topic at the next meeting.

PESH REPORT:

·The Town was cited for two serious violations by the Department of Labor/PESH. These need to be remedied by June 17, 2009.

·Break room on second floor – Supervisor Felton would like to move the break room to Highway Superintendent’s office, the Highway Superintendent to the sewer office, and the sewer office to an empty office in the main office area. The Highway Superintendent would like to move the break room down to the highway garage and share the Highway Superintendent’s office.

Superintendent Heins: Moving the Highway Superintendent’s office to the sewer office would not allow him access to the highway garage. He will remedy the break room situation prior to the next board meeting.

A **motion** was made by Councilman Ferguson to approve the Highway Report as given. The motion was seconded by Councilwoman Freeman and carried with 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
- Set flow meter in manhole west of mobile home park
- Pumped out valve pits
- Checked all pumps for operation

- Switched valves in valve pits to exercise different sections of the filter beds.
- Took meter readings
- Exercised generators
- Had Mill Pond Rd generator repaired

Future Projects

- Inventory
- Replace pumps
- Continue preventative maintenance program
- Install flow meters to check for I&I, Meters will become available by the end of this month.

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 23
 Number of Zoning Permits: 5
 Number of Building Permits Issued: 3
 Number of Land Separations: 0
 Number of Building C.O./C.C. Issued: 2
 Number of Zoning Complaints Filed: 1
 Number of Zoning Complaints Resolved: 2
 Total Hours for the Month: 71

- Fire and maintenance inspections for apartment houses Group R-2
- Attended 7 hours of training
- Attended Planning Meeting
- Investigating new reported Property Maintenance Code violations

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

Vote: Ayes: 5 Nays: 0

WATER/SEWER COMMITTEE REPORT – Councilwoman Freeman:

- Putting together a draft water ordinance.

PARK COMMITTEE REPORT – Supervisor Felton:

- Supervisor Felton would like to thank the Highway Department for building the bike rack for Firemen’s Park and the pavilion at Trestle Park
- Discussed addition to bathroom at Firemen’s Park for storage

George Hillabush: He would like to see the paths in the back portion of Trestle Park repaired.

Bob Eichenberger: He would also like to thank the Highway Department for doing a nice job with the bike rack and pavilion.

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 #45:

Councilwoman Freeman 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 | #5 | #95 - #121 | \$ 5,931.93 |
| Highway Fund | #5 | #63 - #76 | \$ 2,887.91 |
| Sewer Fund | #5 | #31 - #35 | \$ 2,854.77 |
| General Fund | #PA-6 | #18 - #26 | \$ 10,194.17 |
| General Fund | #PA-7 | #27 - #28 | \$ 834.30 |
| Highway Fund | #PA-1 | #1 | \$ 5,334.42 |
| Sewer Fund | #PA-4 | #6 | \$ 597.86 |

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..... | \$ 63.45 |
| Paid to the NYS Ag and Markets for spay/neuter program..... | \$ 27.00 |
| Paid to the NYS Dept. of Health for Marriage Licenses..... | \$ 90.00 |
| Paid to the Byron Park Committee..... | \$ 75.00 |
| Paid to NYS Environmental Conservation..... | \$ 100.12 |
| Paid to the Town of Byron Supervisor..... | <u>\$2,598.03</u> |
| Total Disbursed for April 2009..... | \$2,953.60 |

A **motion** was made by Councilwoman Freeman to approve the Town Clerk’s Report as given for April 2009. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

- The financial reports were reviewed for April 2009.
- The public also received a copy of a summary financial report.

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

CITY AMBULANCE:

·The County received four bids for ambulance service. The ambulance service that is awarded the bid will bill users directly, with no cost being incurred by the towns.

WATER DISTRICTS:

WATER DISTRICT NOS. 3 & 4:

·Continue to process paperwork. Seeking additional funds from Rural Development

A **motion** was made by Councilwoman Freeman to authorize Thomas Felton, Town of Byron Supervisor, to sign the amendment to the Municipal Solutions, Inc. contract for Water District Nos. 3 and 4, total fee for amendment not to exceed \$1,000 for each. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NOS. 5 & 6:

·An informational meeting was held on April 28, 2009 for residents of Water District No 5 and 6. Approximately 60 people attended. Cockram Road East (Water District No. 6) will also be moving forward also.

·Water District No. 5 has been increased to include property in Bergen. The Town of Byron would do an Intermunicipal Agreement with the Town of Bergen.

SLEDS OF STAFFORD LANDOWNER PERMISSION FORM:

A **motion** was made by Councilman Ivison to authorize Thomas Felton, Town of Byron Supervisor, to sign the Sleds of Stafford Landowner Permission Form for 2009/2010. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 5 Nays: 0

BYRON HISTORICAL SOCIETY – Councilwoman Freeman:

- Annual spring dinner meeting will be held on May 14, 2009.
- The curator from the Holland Land Office will be at the meeting to discuss current needs for the Byron Museum
- The need to apply for a permanent charter will also be discussed
- Councilwoman Freeman will have more information at the next board meeting

LETTER OF SUPPORT FOR STAGGERED TERMS FOR GENESEE COUNTY LEGISLATURE:

·At present all terms expire simultaneously. There is concern that the whole legislature could be removed at one election.

·The County would like to have terms staggered to avoid this situation

A **motion** was made by Councilman Ferguson to support the Genesee County Legislature terms being staggered. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 4 Nays: 1 (Councilman Ivison)

BYRON BERGEN PUBLIC LIBRARY/GILLAM GRANT LIBRARY:

·Both libraries are considering consolidating to reduce costs

·They are also considering creating a taxing entity in which the Town of Bergen and Town of Byron would be equally responsible for funding

PUBLIC COMMENTS:

Barb Emerson: Discussed the issue of four wheelers with loud mufflers creating enormous amounts of dust on West Shore Trail.

Councilman Ivison: The Highway Department could use brine, which is given to the Town for free, to keep dust down on the trail.

Randy Ridd: He would like the ditch cleaned out that runs along railroad bed that dumps water on his property and has caused a drainage issue.

Superintendent Heins: The Highway Department has tried to clean out the ditch, but it is a huge project. He will attempt to get to it.

Sue Fuller: She was told the Town can't help with culvert problems on private property. She is still upset about Code Enforcement Officer's remarks about gas grill on wood stairway. There has not been a gas grill on the wood stairway for months.

SUPERVISOR'S REPORT:

·Received a copy of the Swamp newsletter, and will leave it on table in outer office for anyone to read

·Received a copy of the 2008 Sheriff's Report, and will also leave that on the table in the outer office for anyone to read

·County Sales Tax Receipt: \$131,299.93

·Received a letter from Steve Hawley on April 9, 2009 acknowledging the Town's letter of concern regarding the proposed high speed rail service

·The Supervisor and the Code Enforcement officer attended training on May 6th at Houghton College.

·Health Care Meeting: Set for May 18, 2009 at 10:00 a.m. with a representative from Bene-Care

·General Code Meeting: Set for June 16th

·2008 MCWA Annual Quality Water Report: Receive a copy of the report and will leave it on the table in the outer office for anyone to read.

·Next GAM meeting is May 21st at the Town of Darien

June 23rd NYS Emergency Management is holding a Public Assistance Workshop. Supervisor Felton has asked the Highway Superintendent to attend.

A **motion** was made by Councilman Ivison to accept the Supervisor's Report as given. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was made by Councilman Ivison to adjourn the Byron Town Board Meeting at 9:00 p.m. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk