

BYRON TOWN BOARD MEETING

November 14, 2007

The Byron Town Board Meeting was called to order by Supervisor Glazier at 7:05 p.m. with the following people present:

Supervisor.....	Richard Glazier
Councilmen.....	Suzanne Fuller
	Steven Hohn
	Thomas Felton
	Craig Ferguson
Town Clerk.....	Debra Buck-Leaton
Highway Superintendent.....	George Heins
Waste Water Dept.....	Robert Cudney
Zoning/Code Enforcement Officer.....	Robert Patterson
Assessor.....	Barry Flansburg

Public:

Jim Cudney.....	Rte. 237, Byron
Bill and Barb Emerson.....	Terry Street, Byron
Mickey Truax.....	Swamp Road, Byron
David Chupp.....	Tripp Road, Byron
Twilly Lynch.....	Iverson Road, Byron
Dale Pickett.....	Caswell Road, Byron
Tom Chapell.....	Swamp Road, Byron
Everett Roda.....	Rte. 237, Byron
Harold and Wayne Austin.....	Iverson Road, Byron
Pete Yasses.....	Rte. 237, Byron
John Iverson.....	Iverson Road, Byron

Invited Guests:

Eric Wies, Clark Patterson Associates

PLEDGE TO THE FLAG:

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

MINUTES:

A **motion** was made by Councilman Hohn to approve the Byron Town Board Minutes of October 3, 2007, October 10, 2007, October 17, 2007, October 24, 2007, November 7, 2007 as written with the following change: Page 2 of the October 3, 2007 Minutes under General Fund Preliminary Budget, item #3 should be account A1450.4 (Elections Contractual Expense). The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – Councilman Tom Felton:

·Discussed the possibility of forming C1 and C2 Districts for larger commercial facilities, and an Ag Zone within the current agricultural zone.

ZEO/CEO Bob Patterson: The Planning Board is considering a zone that protects prime agricultural land in the muck area.

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

Vote: Ayes: 5 Nays: 0

ZONING/CODE ENFORCEMENT OFFICER -Robert Patterson:

- Collected \$410.00 for the month of October in Zoning/Code Fees.
- Went to seminar today, and is continuing to work with the Planning Board.

Dale Pickett: Came in to discuss a letter he received from the ZEO/CEO. He believes the ZEO/CEO spoke rudely to his wife and workmen. He would like the Town Board to speak to Mr. Patterson regarding his rudeness to people in the community. He applied for an application for a barn and that's what he plans on building. He is putting on a second story to protect items he plans to purchase for his farm. Mr. Patterson took pictures of the barn without Mr. Pickett's permission.

Supervisor Glazier: It looks as if the barn is being built to be lived in. The Town Board would just like Mr. Pickett to know and understand that if he plans to live in the barn it would be easier and cheaper to do the necessary paperwork now.

Dale Pickett: The barn is being built for agricultural purposes only.

John New: He is the contractor building the Pickett barn. Feels that Mr. Patterson acted rudely.

ZEO/CEO Bob Patterson: The original application for barn was for a crib for hay and grain. Not appropriate for a barn with second floor, sliding doors and a deck. The deck was not on the original application and Mr. Pickett will need to get a permit for it. He has not received a call from Mr. Pickett regarding the rough framing, which is Mr. Pickett's responsibility. He is trying to make it easier for Mr. Pickett by giving him the opportunity to get the correct permits. He showed the pictures to several other code enforcement officers and officials at the seminar he went to today and they all believe he's correct in assuming this is a barn that is going to be lived in by the owners.

Councilwoman Fuller: The contractor is concerned that Mr. Patterson will retaliate for Mr. New speaking on behalf of Dale Pickett at the Town Board meeting.

A **motion** was made by Councilman Hohn to approve the Zoning/Code Enforcement Report as given. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – George Heins:

- Waiting for it to snow
- Doing ditch cleaning when time allows
- Working on equipment and lights in Salt Barn
- Putting up snow fence
- L-Brooke Farms is boring under Cockram Road for irrigation
- He spoke with Tim Hens regarding ditch in front of Post Office. He will contact him again to see what he plans on doing.

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

Vote: Ayes: 5 Nays: 0

WASTE WATER REPORT – Robert Cudney:

·Main line collector sewers: every year several thousand feet of collector sewers are cleaned. This has been and proved to be a much needed practice for many years. Although this has been maintained, an increase in footage or area became more evident. Over this past month, all of South Byron (4) inch collector sewers were attended to. This maintenance activity is essential in reducing backups in collection systems and reduces solids entering sand filters along with many other problems. At this years rate in areas covered, turn around time of completing all areas of collectors in the coming years should prove acceptable.

- Loewke hook-up: must have survey of property to complete easement and proceed with construction. This survey is currently being completed by landowner.
- A few annual septic tanks and/or grease traps at local businesses are still needed to be attended to.
- Reports look good.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Councilwoman Fuller and David Chupp:

- Still looking at the feasibility of an ice skating rink
- The Park Committee probably won’t sponsor a Concert in the Park next summer so they can use the money for a band for the Heritage Festival.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 2 UPDATE – Eric Wies:

N. BYRON ROAD UPDATE:

-Administrative costs went up. Will only be able to complete 6 houses on N. Byron Road. The final cost would be \$70,645. The contingency of approximately \$4,800 would be for any last minute items. The final over/under quantity adjustment is \$52,923 with an increase of \$5,600 for fire hydrant extensions and \$5,709.25 for payment claims, and a credit of \$3,500 for field office credit, making the net change in contract price \$45,113.75.

APPROVAL OF CHANGE ORDER NO. 1 FOR WATER DISTRICT NO. 2

RESOLUTION #98:

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

Resolved, that the Byron Town Board approves Change Order No. 1 for Water District No. 2 in the amount of \$45,113.75.

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

Vote: Ayes: 5 Nays: 0

PAYMENT OF WATER DISTRICT NO. 2 ABSTRACT #11

RESOLUTION #99:

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

Resolved, that the Byron Town Board agrees to pay Water District No. 2 Abstract #11 in the amount of \$26,065.70 to Randsco Pipeline, subject to the approval of Rural Development.

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

Vote: Ayes: 5 Nays: 0

APPROVAL OF CHANGE ORDER NO. 2 FOR WATER DISTRICT NO. 2, N. BYRON ROAD

RESOLUTION #100:

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

Resolved, that the Byron Town Board approves Change Order No. 2 for Water District No. 2 on N. Byron Road at a cost of \$70,645.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 2 BOND CLOSING

RESOLUTION #101:

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

Resolved, that the Town of Byron accepts the Water District No. 2 project as completed to date, and

And Be It Further Resolved, that the Supervisor and the Town Clerk are hereby authorized to sign all documents necessary in connection with the closing of the \$1,346,000 bond to finance the construction of Water District No. 2 with interest at 4.125% for 38 years to be paid to the United States of America through the Rural Utilities Service of the U.S. Department of Agriculture. Councilman Ferguson seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

FISCAL ADVISORS AGREEMENT – WATER DISTRICT NO.2
RESOLUTION #102:

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

Resolved, that the Byron Town Board approves the agreement with Fiscal Advisors & Marketing, Inc. in the amount of \$1,200.00 for financial services for Water District No. 2 funding.

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

Vote: Ayes: 5 Nays: 0

PAYMENT FOR LATERAL CONNECTION ASSISTANCE GRANTS
RESOLUTION #103:

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

Resolved, that the Byron Town Board agrees to approve the payment of 2 vouchers totaling \$891.88 for lateral connections for Water District No. 2, and also a payment to Stuart I Brown Associates, Inc. in the amount of \$2,500.00 for administration of the 2006 Small Cities Grant Administration from August 25, 2007-September 21, 2007.

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

Vote: Ayes: 5 Nays: 0

ASSESSOR BARRY FLANSBURG:

Water District No. 1: 306.50 units for 2008 debt service

Water District No. 2: 159.50 units for 2008 debt service (23 units are for the Town of Stafford). This figure does not include the 6 houses on N. Byron Road.

Sewer District No. 1: 319 units for 2008 debt service

The Town of Byron is close to 100% assessment, which means there will be very few changes to assessments for 2008.

ABSTRACTS

RESOLUTION #104:

Councilman Hohn 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	#11	#206 - #228	\$ 9,303.48
Highway Fund	#11	#158 - #171	\$22,962.78
Sewer Fund	#11	#106 - #118	\$43,788.42
General Fund	#PA-18	#80 - #85	\$ 1,691.58
General Fund	#PA-19	#86	\$ 6,376.81
General Fund	#PA-20	#87 - #89	\$ 709.55
Sewer Fund	#PA-12	#17 - #18	\$ 149.74
Sewer Fund	#PA-13	#19	\$ 482.96
Highway Fund	#PA-5	#5	\$ 4,473.84

Councilwoman Fuller 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.....	\$ 199.75
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 102.00
Paid to the New York State Environmental Conservation.....	\$ 959.65
Paid to the Town of Byron Supervisor.....	<u>\$3,109.90</u>
Total Disbursed for October 2007.....	\$4,371.30

A **motion** was made by Councilman Hohn to approve the Town Clerk’s Report as given for October 2007. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·Review of October 2007 financial report.

A **motion** was made by Councilwoman Fuller to approve the October 2007 Financial Report as given. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

TRANSFER OF SALT BARN RESERVE FUNDS TO THE GENERAL RESERVE FUND

RESOLUTION #105:

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

Resolved, that the Byron Town Board approves the transfer of any remaining Salt Barn Reserve Funds back to the General Reserve Fund.

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

DISCUSSION REGARDING PURCHASE OF .35 ACRES ON RTE. 237 FROM JOHN STEFANIAK:

·The Town Board presented Mr. Stefaniak with a Purchase Contract in the amount of \$6,000 for a strip of land (.35 acres) fronting on Rte. 237 and being 50' wide by 304.85' deep (parcel no. 5-1-73.12). Mr. Stefaniak countered the Purchase Contract with a figure of \$90,000 for the entire parcel (parcel nos. 5-1-41 and 5-1-73.12).

A **motion** was made by Councilman Hohn not to move forward with a counteroffer for the Stefaniak property located on Rte. 237. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

STREET LIGHTING ON MILL POND ROAD:

·Niagara Mohawk does not believe a street light is needed in front of the Hoak property on Mill Pond Road. There is already a street light next to her garage, but she would like one in front of her house. However, if the Town requests that a street light be installed they will do it, but it will cost \$120 a year.

A **motion** was made by Councilman Hohn not to approve the addition of a street light on Mill Pond Road in front of the Hoak residence on Mill Pond Road due to the recommendation of Highway Superintendent George Heins and a representative of Niagara Mohawk. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

END-OF-YEAR MEETING:

A **motion** was made by Councilman Felton to set the end-of-year meeting of the Town Board for Thursday, December 27, 2007 at 7:00 p.m. The motion was seconded by Councilman Hohn and carried with the following vote:

Vote: Ayes: 5 Nays: 0

2008 ORGANIZATIONAL MEETING:

A **motion** was made by Councilwoman Fuller to hold the 2008 Organizational Meeting on Wednesday, January 2, 2008 at 7:00 p.m. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

TRANSFER STATION BID RESULTS:

·The price of recycling pickup would more than triple with Waste Management's new contract bid due to fuel increase and sorting fee from the recycling center.

·Supervisor Glazier is still reviewing other options.

EMERGENCY SERVICES CONTRACT:

Harold Austin: The Byron Fire Department can't support the fire department for \$68,000 and will not sign contract. Byron Fire Department met with S. Byron Fire Dept. and they have come up with some new figures. They may be able to continue providing

services with a 10% increase, however, if the figure is cut to 7% they will need to cut out service calls.

Pete Yasses: S. Byron Fire Department will not sign the contract either. Neither fire department has a reserve fund. As of December 7, 2007 they will be restarting bingo. Without a contract there is no insurance coverage for the fire departments.

Councilman Hohn: He believes the fire contract is still binding and remains in affect until a new contract is signed by both parties. He thinks the fire departments should contact an attorney to discuss this matter.

Pete Yasses: The contract that the fire departments have says it expires December 31, 2007, and doesn't believe he'd be covered by the county's compensation insurance.

Councilman Felton: He spoke with Chris Hilbert regarding the fire contract. The fire departments have decreased the amount they've requested to \$72,000. Chris Hilbert wondered if there is a way the Town Board can approve the \$72,000 for the tax roll pending further meetings between the fire departments and the Town Board. Councilman Felton does not believe this option is possible.

Supervisor Glazier: Sent a letter in July, with no response, and then sent a second letter, which took a couple of weeks to receive a response. The Town Board and the fire departments need to work together on behalf of the citizens of the town to get the essential services for the Town. The only way the Town Board can evaluate the needs of the fire departments is to review the financial of both departments, which both departments are hesitant to give the Board. The Board would need to hold a Public Hearing to change the fire tax, but there isn't time before the budget needs to go to the County Treasurer.

Harold Austin: The Byron Fire Dept. Board has requested that the contract not be signed. The next meeting between the Byron and S. Byron Fire Departments is December 2, 2007 at 4:00 p.m. A committee of the Town Board is welcome to come to the meeting.

Supervisor Glazier: The Town Board would hope the fire departments would reevaluate their position regarding their contract.

SUPERVISOR'S REPORT:

- Letter to Beverly Ivison
- Comments from Paul Boylan regarding inquiries made by the Planning Board regarding penalties for various violations.
- GAM meeting minutes

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

Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was made by Councilman Hohn to adjourn the Byron Town Board Meeting at 9:20 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