



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

Vote:                      Ayes: 3                      Nays: 0

**ZONING/CODE ENFORCEMENT OFFICER -Robert Patterson:**

- Collected \$474.00 for the month of August in Zoning/Code Fees.
- Discussed letter received from Rita Reding regarding property on Freeman Road. Bob has discussed issue with homeowners and he is awaiting compliance.
- Did inspection on Playmates. They will continue cleaning up property. Need engineer's certification before using second floor.

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

Vote:                      Ayes: 3                      Nays: 0

**APPOINTMENT OF DONNA BOBZIN TO ZONING BOARD OF APPEALS  
RESOLUTION #81:**

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

***Resolved***, that the Byron Town Board appoints Donna Bobzin to the Zoning Board of Appeals to fill a vacancy due to the death of Albert Acker.

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

Vote:                      Ayes: 3                      Nays: 0

A **motion** was made by Councilman Felton to accept the resignation of Zoning Board of Appeals Chairman Glenn Burgess, with regret. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                      Ayes: 3                      Nays: 0.

**GARBAGE DISPOSAL AND RECYCLING CONTRACTS:**

A **motion** was made by Councilman Felton to have the Town Clerk advertise for Garbage and Refuse Bids for pickup and disposal. Bids will be opened on November 7, 2007 at 7:30 p.m. at the Regular Town Board Meeting. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                      Ayes: 3                      Nays: 0

**WASTE WATER REPORT - Bob Cudney:**

- Sewer Department computer problems discussed. Bob would like to purchase a new computer. He has received quotes from V2D and Millenium.
- Reports look good.

A **motion** was made by Councilman Felton to approve the Sewer Department purchase of a new computer from V2D at a cost of \$1,134.95. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                   Ayes: 3                   Nays: 0

A **motion** was made by Councilwoman Fuller to approve the request of Low-Key Construction to connect to the sewer district pending receipt of the \$1,000 fee. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:                   Ayes: 3                   Nays: 0

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

Vote:                   Ayes: 3                   Nays: 0

**SEWER PROTEST HEARING:**

A **motion** was made by Councilwoman Fuller to open the Sewer Protest Hearing at 7:35 p.m. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:                   Ayes: 3                   Nays: 0

Mr. Peter Yasses filed a sewer unit protest form for 6957 Rte. 237, Tax Map No. 7-1-20 to have the number of sewer units reduced to zero from its current 1 unit.

**Mr. Yasses** – Change of use has not occurred. The building has always been used for storage.

**Deputy Supervisor Hohn** – Since there is a “Yasses Trucking” sign in front of the building the Town assumes a business is being run out of the property.

Mr. Yasses also filed a sewer unit protest form for 6860 Rte. 237, Tax Map No. 5-1-58 to have the number of sewer units reduced to 1 unit from its current 1.5 units.

**Mr. Yasses** – this property was one unit when Mr. Yasses was previously running business out of property, and seating capacity was 25 people. He was told by the Zoning/Code Enforcement Officer that the seating capacity was 45 people, therefore it needed to be 1.5 units. The Sewer Ordinance provides that the number of units for a restaurant must be calculated by using seating capacity, not the square footage or maximum occupancy.

**Zoning/Code Enforcement Officer Bob Patterson** – Number of units needs to be based on maximum occupancy.

Deputy Supervisor Hohn advised Mr. Yasses that the Town Board would evaluate the situation with both parcels and inform Mr. Yasses at their next meeting on October 10, 2007 of their decision.

A **motion** was made by Councilwoman Fuller to close the Sewer Protest Hearing at 8:05 p.m. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:                   Ayes: 3                   Nays: 0

**PARK COMMITTEE REPORT – Councilwoman Fuller:**

- Discussed which bills are to be paid by Town and which bills are to be paid by the Park Committee.
- Discussed different ways to run the Concerts in the Park next year.

A **motion** was made by Councilman Felton to have the Park Committee President, Supervisor, Town Clerk and Park Committee Treasurer draft a comprehensive agreement to pay the Park Committee bills. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                   Ayes: 3                   Nays: 0

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

Vote:                   Ayes: 3                   Nays: 0

**HERITAGE FESTIVAL REPORT – Donna Bobzin:**

- The Heritage Festival account currently has a balance of \$1,181.07
- Asking for \$2,500 for 2008 Budget in order to pay for more entertainment and prizes for the parade and car show.
- Next meeting is October 11, 2007 at the Byron Hotel.
- Everything went very good and everyone had a wonderful time.

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

Vote:                   Ayes: 3                   Nays: 0

**WATER DISTRICT NO. 2 UPDATE – Eric Wies:**

**REPORT ON RESTORATION PROGRESS:**

· There is a restoration punch list of things that need to be finished. There is a little over \$46,000.00 left in contract to do punch list. Going from 5% retainage to 2.5% retainage. The Town has enough retainage to get the rest of the work done by another contractor if Randsco leaves project incomplete. Clark Patterson has requested Randsco complete the remainder of the work by October 10, 2007. Randsco has stated that they would have it completed by that date.

**N. BYRON ROAD:**

·Still the same on over/under, nothing has changed. If Randsco sticks with current contract pricing it can be completed.

**PAYMENT FOR LATERAL CONNECTION ASSISTANCE GRANTS:**

**RESOLUTION #82:**

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

**Resolved**, that the Byron Town Board agrees to approve the payment of 4 vouchers totaling \$2,240.00 for lateral connections for Water District No. 2.

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

Vote:                   Ayes: 3                   Nays: 0

**UPDATE ON OPTIONS FOR WATER ON IVISON ROAD AND COCKRAM ROAD:**

·Income surveys came in positive for Cockram Road, but not for Ivison Road.

·Both roads will now be treated as two separate entities.

·The total estimated average unit cost for water on Ivison Road would be approximately \$1,229, barring any unforeseen grants. If the residents on Ivison Road could get a grant from Rural Development the cost would be approximately \$900.

·Residents of Ivison Road need to figure out how much it is costing now for water softener, salt, fixtures, etc., or residents can request that the Town Board proceed to see how much funding they can get from Rural Development and move forward from there. Thirty-eight years is the maximum for debt service.

·Another option would be to have the residents of Ivison Road pay the capital costs out-of-pocket.

**PRELIMINARY REPORT FROM RURAL DEVELOPMENT FOR WATER DISTRICTS ON IVISON AND COCKRAM ROAD**

**RESOLUTION #83:**

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

**Resolved**, that the Byron Town Board agrees to have Clark Patterson Associates initiate the preliminary report which will be submitted by Stuart Brown Associates to Rural Development for the formation of water districts on Ivison Road and Cockram Road separately. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:                   Ayes: 3                   Nays: 0

**PAYMENT OF WATER DISTRICT NO. 2 ABSTRACT #9**

**RESOLUTION #84:**

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 #9 in the amount of \$50,646.93, subject to the approval of Rural Development.

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

Vote:                   Ayes: 3                   Nays: 0



**PAYMENT TO STUART BROWN ASSOCIATES FOR ADMINISTRATION OF 2006 SMALL CITIES GRANT**

**RESOLUTION #87:**

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

**Resolved**, that the Byron Town Board approves payment to Stuart Brown Associates, Inc. of \$2,500.00 for administration of the 2006 Small Cities Grant.

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

Vote:                      Ayes: 3                      Nays: 0

**REVIEW OF PROPOSED LOCAL LAW TO ASSIGN WATER UNITS:**

- Draft of proposed Local Law reviewed by the Town Board
- Councilwoman Fuller has several questions regarding the preliminary draft of the local law that she would like addressed either by the Supervisor or the town attorney.
- The Board requests that the proposed Local Law be sent back to the Water Committee

A **motion** was made by Councilwoman Fuller to have the Water Committee review the proposed Local Law regarding assignment of water units before the Town Board proceeds further. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:                      Ayes: 3                      Nays: 0

**ABSTRACTS**

**RESOLUTION #88:**

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

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

<b><u>Fund:</u></b>	<b><u>Abstract:</u></b>	<b><u>Vouchers:</u></b>	<b><u>Amount:</u></b>
General Fund	#9	#157 - #177	\$14,022.05
Highway Fund	#9	#131 - #145	\$57,742.93
Sewer Fund	#9	#87 - #95	\$ 1,354.52
Water District No. 2	#9	#21 - #23	\$50,646.93
General Fund	#PA-14	#62 - #66	\$ 4,771.50
General Fund	#PA-15	#67 - #69	\$ 638.29
Sewer Fund	#PA-9	#12	\$ 29.44
Sewer Fund	#PA-10	#13 - #14	\$ 552.30

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

Vote:                      Ayes: 3                      Nays: 0

**TOWN CLERK'S REPORT:**

Paid to the Genesee County Treasurer for Dog Licenses.....	\$ 78.72
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 24.00
Paid to the New York State Environmental Conservation.....	\$2,285.19
Paid to the Town of Byron Supervisor.....	<u>\$2,958.89</u>
Total Disbursed for August 2007.....	<u>\$5,346.80</u>

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

Vote:                   Ayes: 3                   Nays: 0

**FINANCIAL REPORT:**

·Review of August 2007 financial report.

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

Vote:                   Ayes: 3                   Nays: 0

**OTHER BUSINESS:**

A **motion** was made by Councilwoman Fuller to hold a Public Hearing on October 10, 2007 at 7:30 p.m. to consider the proposed amendment of the Certificate of Incorporation of the Byron Fire Department No. 1, Inc. regarding tax exempt status. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:                   Ayes: 3                   Nays: 0

A **motion** was made by Councilman Felton to hold a Special Budget Meeting of the Town Board on October 3, 2007 at 7:00 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                   Ayes: 3                   Nays: 0

A **motion** was made by Councilwoman Fuller to hold a Public Hearing on the Budget on November 7, 2007 at 7:00 p.m. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:                   Ayes: 3                   Nays: 0

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

·**Councilwoman Fuller** - If the Town purchases .35 acres of the Stefaniak property, does this leave a commercial property remaining that does not conform to the zoning laws? Before the Board agrees to proceed further they would like to discuss the issue further with the town attorney and the Supervisor.

**ADJOURN:**

A **motion** was made by Councilwoman Fuller to adjourn the Byron Town Board Meeting at 10:25 p.m. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:                   Ayes: 3                   Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk