

**BYRON TOWN BOARD MEETING**

May 9, 2007

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

Supervisor.....Richard Glazier  
Councilmen.....Steven Hohn  
Suzanne Fuller  
Thomas Felton  
Craig Ferguson  
Town Clerk.....Debra Buck-Leaton

**Absent:**

Highway Superintendent.....George Heins  
Waste Water Dept.....Robert Cudney  
Zoning/Code Enforcement Officer.....Robert Patterson

**Public:**

Jim Cudney.....Rte. 237, Byron  
Bill and Barb Emerson.....Terry Street, Byron  
Everett Roda.....Rte. 237, Byron  
Eric Weis.....Clark Patterson

**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 April 11, 2007 as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**PLANNING BOARD REPORT – Councilman Felton and Councilwoman Fuller:**

- Most of the Planning Board attended training on Tuesday
- Almost finished updating the zoning ordinance

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:**

- Nothing to report
- All Councilpersons have a copy of Bob's attendance certificate from code training school
- Zoning/Code fees collected for April 2007: \$270

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 REPORT-George Heins:**

**Salt Barn:** Waiting for Permissive Referendum timeframe to end on May 17, 2007 before doing anything.

*LEGAL NOTICE*

*PLEASE TAKE NOTICE that on Wednesday, February 14, 2007 the Byron Town Board passed Resolution No. 41 to proceed with construction of a Salt Storage Barn at a total cost not to exceed \$140,000 with \$70,000 coming from a NYS DEC grant, and the remaining \$70,000 coming from the Town in the form of in-kind services and monetary contributions.*

*The Town Board further resolves to transfer \$70,000 from the Capital Reserve Fund (General) to the Salt Barn Capital Reserve Fund.*

*The above action is subject to Permissive Referendum.*

*Any person wishing to file a petition calling for a referendum regarding such transfer must do so within thirty (30) days of the date of publication of this notice pursuant to Town Law Article 7. If no such petition is filed, the resolution will be adopted.*

*By Order of the Byron Town Board  
Debra Buck-Leaton, Byron Town Clerk*

**Sleds of Stafford:** Highway Superintendent Heins and Supervisor Glazier met with the Sleds of Stafford President regarding damage to a gate on the Westshore Trail. According to the President the damage is minimal, and it will be repaired. The Sleds of Stafford and Superintendent Heins will also put up a barrier to deter snowmobiles from going through the cemetery.

**Municipal Bulk Water:** Ross Sceusa has sold water hauling business to Chris Nelson (Nelson Water Hauling). Mr. Nelson has signed a Bulk Municipal Request Form, which is on file in the Clerk's Office.

A **motion** was made by Councilman Ferguson to approve the request by Chris Nelson of Nelson Water Hauling for Municipal Bulk Water. The motion was seconded by Councilman Hohn and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

A **motion** was made by Councilman Hohn 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

**BYRON BERGEN SCHOOL SUPERINTENDENT DR. GREGORY GEER:**

·Gave a presentation regarding the May 15, 2007 budget vote.

**WASTE WATER REPORT - Bob Cudney:**

·This past month remaining equipment was serviced. Community service provided us with a young man that needed to complete 14 hours of service. With some much needed cleaning and painting at each sand filter, North Byron Bed apparatus has been completed.

·Met with Tom Felton and Craig Ferguson on May 3, 2007 to discuss future needs and concerns to the sewer district. We talked about current expansion room to the districts relative to current flow data, maintenance issues and equipment. Looking forward to meeting with them again as time was short. This will be beneficial in preparing budgets in upcoming years.

·Septic tank inspections and pumping along with repairs to manhole frames and covers will be addressed over the next month.

·Reports look good in April.

**Smoke Testing:** Determines whether there is leakage in the lines. The smoke is non-toxic and will not harm humans or stain objects. The Town is required to sign a Hold Harmless Agreement. Eric Weis assured the Board that this test had been conducted in other municipalities with few problems.

**NEW YORK RURAL WATER ASSOCIATION HOLD HARMLESS & INDEMNIFICATION AGREEMENT RESOLUTION #56:**

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

**Resolved,** that the Byron Town Board authorizes Supervisor Glazier to sign the New York Rural Water Association Hold Harmless & Indemnification Agreement with regard to smoke testing of the sewer lines.

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

Vote:                      Ayes: 5                      Nays: 0

A **motion** was made by Councilman Hohn to approve the Waste Water Report as written. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

**PARK COMMITTEE REPORT – Councilwoman Fuller:**

·Supervisor Glazier – working with Park Committee to get finances switched over to the Town.

·Applying for a grant to pay for trees for Trestle Park

·Still need building permit for new fence at Fireman’s Park. Dave Chupp will be replacing fence

·Discussed fee changes for deposits for larger groups of people renting parks

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 Weis:**

- Reviewed project budget
- Pending approval from Rural Development and Randsco, there should be surplus money available for the Town to extend the water line within the Water District on Tower Hill Road or under Black Creek on Cockram Road.
- Received approval from the Health Department to turn water on to the remainder of water customers.
- Discussed Petition received from Cockram Road residents and amount of time and money it would require to form another water district

**PAYMENT OF WATER DISTRICT NO. 2 ABSTRACT #5:**

**RESOLUTION #57:**

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

***Resolved***, that the Byron Town Board agrees to pay Water District No. 2 Abstract #5 in the amount of \$641,755.51, subject to the approval of Rural Development.

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

Vote:                      Ayes: 5                      Nays: 0

**PAYMENT FOR LATERAL CONNECTION ASSISTANCE GRANTS:**

**RESOLUTION #58:**

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

***Resolved***, that the Byron Town Board agrees to pay five vouchers submitted by various grant recipients for payment for lateral connection assistance grants totaling \$3,590.00.

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

Vote:                      Ayes: 5                      Nays: 0

**BAN RENEWAL:**

**RESOLUTION #59:**

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

***Resolved***, that the Byron Town Board authorizes Supervisor Glazier to borrow/renew \$2.1 million in a BAN for Water District No. 2. The Town Board also agrees to pay Five Star Bank \$498,750 for principal (\$400,000) and interest (\$98,750) for Water District No. 2.

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

Vote:                      Ayes: 5                      Nays: 0

**ABSTRACTS**

**RESOLUTION #60:**

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	#5	#93 - #106	\$ 4,884.72
Highway Fund	#5	#67 - #84	\$ 10,302.25
Sewer Fund	#5	#42 - #57	\$ 2,984.07
Water District No. 2	#5	#11 - #14	\$641,755.51
Salt Barn	#3	#4 - #6	\$ 4,372.08
General Fund	#PA-8	#24 - #30	\$ 8,026.11
Sewer Fund	#PA-6	#7	\$ 724.55
Highway Fund	#PA-2	#2	\$ 7,477.80

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.....	\$ 81.07
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 30.00
Paid to the New York State Environmental Conservation.....	\$ 68.01
Paid to NYS Dept. of Health for Marriage Licenses.....	\$ 22.50
Paid to Town of Byron Park Committee for Camping and Park Rental.....	\$ 40.00
Paid to the Town of Byron Supervisor.....	<u>\$2,562.81</u>
 Total Disbursed for April 2007.....	 \$2,804.39

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

Vote:                   Ayes: 5                   Nays: 0

**FINANCIAL REPORT:**

·Review of April 2007 financial report.

A **motion** was made by Councilman Hohn to approve the April 2007 Financial Report as given. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**OTHER BUSINESS:**

**2007 COMMITTEE APPOINTMENTS**

**Audit Committee:**

**Supervisor Richard Glazier  
Councilman Steven Hohn**

**Banking Committee:**

Supervisor Richard Glazier  
Councilman Steven Hohn

**Disaster Preparedness Committee:**

Supervisor Richard Glazier  
Councilman Steven Hohn  
Town Clerk Debra Buck-Leaton  
Byron Fire Chief Doug VanSlyke  
South Byron Fire Chief Dean Bates  
Byron Rescue Squad Wendy Hilbert  
ZEO/CEO Robert Patterson  
Highway Superintendent George Heins

**Equipment Committee:**

Highway Superintendent George Heins  
Councilman Steven Hohn  
Supervisor Richard Glazier

**Insurance Committee:**

Supervisor Richard Glazier  
Councilman Steven Hohn  
Highway Superintendent George Heins

**Museum Committee:**

Historian Bob Wilson  
Historian Beth Wilson  
Councilman Steven Hohn  
Historical Society President Alvin Shaw  
Donald Britt

**Park Committee Rep.:**

Councilwoman Suzanne Fuller

**Planning Board Reps:**

Councilwoman Suzanne Fuller  
Councilman Thomas Felton  
ZEO/CEO Robert Patterson

**Westshore Trails Committee:**

Supervisor Richard Glazier  
Councilman Thomas Felton  
Planning Board Chairman Jerry Ivison  
Jeanne Freeman  
ZEO/CEO Robert Patterson  
Plus Reps from Bergen

**Fireman's Committee:**

**Supervisor Richard Glazier  
Councilman Thomas Felton**

**Water Ordinance Committee:**

**Councilwoman Suzanne Fuller  
Robert Cudney  
Daniel DiMatteo  
Supervisor Richard Glazier**

**Comprehensive Plan Update Committee:**

**Councilwoman Suzanne Fuller  
Councilman Thomas Felton  
Planning Board Chairman Jerry Ivison  
Planning Board Member \_\_\_\_\_  
At Large Member George Squires  
At Large Member \_\_\_\_\_**

**Buildings Committee:**

**Highway Superintendent George Heins  
Councilman Craig Ferguson  
Supervisor Richard Glazier  
David Chupp  
Bob Cudney**

**Union Negotiation Committee:**

**Supervisor Richard Glazier  
Councilman Steven Hohn  
Alternate: Councilman Thomas Felton**

A **motion** was made by Councilman Fuller to approve the 2007 Committee Appointments. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

**ORDER ESTABLISHING EXTENSION NO. 1 TO WATER DISTRICT NO. 2  
RESOLUTION #61:**

*At a meeting of the Town Board of the Town of Byron, held at the Town Hall in said Town of Byron, County of Genesee, State of New York on the 9<sup>th</sup> day of May, 2007.*

**PRESENT:**

*Richard Glazier, Supervisor  
Steven Hohn, Councilman  
Suzanne Fuller, Councilwoman  
Thomas Felton, Councilman  
Craig Ferguson, Councilman*

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*In the Matter of*

**ORDER**

**ESTABLISHING**

*The Establishment of Extension No. 1 to  
Water District No. 2 in the Town of Byron,  
Genesee County, New York, pursuant to Article 12  
of the Town Law*

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**EXTENSION NO. 1 TO  
WATER DISTRICT NO. 2**

*WHEREAS, the Town Board of the Town of Byron, Genesee County, New York, received at a meeting held January 13, 2007, a Petition, dated January 10, 2007, signed by Daniel R. Ivison of the proposed water district in the Town of Byron, and*

*WHEREAS, an Order was duly adopted by said Town Board on December 27, 2006, and amended January 10, 2007, reciting the description of the boundaries of said district, the proposed improvements, the maximum amount proposed to be expended for the improvements to be provided in connection therewith, the fact that the map, plan and report were incorporated with and made a part of said Petition and specifying February 14, 2007 at 7:30 p.m. at the Town Hall in the Town of Byron as the time and place where the Town Board would hold a public hearing to hear all persons interested in the creation of the district, and for any other action on the part of the Town Board with relation to the matter as might be required by law or proper in the circumstances, and*

*WHEREAS, the Order was published and posted in the manner and within the time prescribed by Article 12 of the Town Law and proof, in the form of affidavits, of such publications and posting has been presented to the Town Board, and*

*WHEREAS, the public hearing was held at the time and place set forth in in the Order and all persons desiring to be heard were heard, and*

*NOW THEREFORE, it is*

*ORDERED, by the Town Board of the Town of Byron, Genesee County, New York, as follows:*

*Beginning at a point on the centerline of Freeman Road (49.5 feet wide right-of-way) along the southerly line of the Existing Town of Byron Water District No. 2, said point being the northwesterly corner of tax account number 9-2-38.1; thence,*

*1. Easterly, along the southerly line of the existing Town of Byron Water District No. 2 to the northeasterly corner of tax account number 9-2-38.1; thence*

*2. Southerly, along the easterly line of the aforementioned tax account number, a distance of 400 feet more or less, to a point; thence,*

*3. Westerly, through the lands of the aforementioned tax account number, along a line 400 feet southerly of and parallel to the existing Town of Byron Water District No. 2; thence,*

*4. Northerly, along the westerly property line of the aforementioned tax account number, a distance of 400 feet more or less, to the northwesterly corner thereof, and the point and place of beginning.*

All as shown on a map prepared by Clark Patterson Associates entitled, "Extension No. 1 to Water District No. 2", dated January 10, 2006.

NOW THEREFORE, it is hereby determined and

**RESOLVED:** That the Petition is signed and acknowledged or proved as required by law and is otherwise sufficient; and it is further

**RESOLVED:** That all the property and property owners within the proposed district are benefited thereby; and it is further

**RESOLVED:** That all the property owners benefited thereby are included in the proposed district; and it is further

**RESOLVED:** That it is in the public interest that the proposed district be established and that the relief requested by the Petition be granted; and it is further

The foregoing Order was adopted by the following roll call vote:

Richard Glazier, Supervisor - yes  
Steven Hohn, Councilman - yes  
Suzanne Fuller, Councilwoman - yes  
Thomas Felton, Councilman - yes  
Craig Ferguson, Councilman - yes

The Order was declared adopted.

**ORDER ESTABLISHING EXTENSION NO. 1 TO SEWER DISTRICT NO. 1**  
**RESOLUTION #62:**

At a meeting of the Town Board of the Town of Byron, held at the Town Hall in said Town of Byron, County of Genesee, State of New York on the 9<sup>th</sup> day of May, 2007.

PRESENT:

Richard Glazier, Supervisor  
Steven Hohn, Councilman  
Suzanne Fuller, Councilwoman  
Thomas Felton, Councilman  
Craig Ferguson, Councilman

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In the Matter of

The Establishment of Extension No. 1 to the Sewer District No. 1 in the Town of Byron, Genesee County, New York, pursuant to Article 12 of the Town Law

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**ORDER ESTABLISHING  
EXTENSION NO. 1 TO THE  
SEWER DISTRICT NO. 1**

*WHEREAS, the Town Board of the Town of Byron, Genesee County, New York, received at a meeting held December 27, 2006, a Petition, dated December 27, 2007, signed by residents of the proposed water district in the Town of Byron, and*

*WHEREAS, an Order was duly adopted by said Town Board on December 27, 2006 reciting the description of the boundaries of said district, the proposed improvements, the maximum amount proposed to be expended for the improvements to be provided in connection therewith, the fact that the map, plan and report were incorporated with and made a part of said Petition and specifying January 10, 2007 at 7:15 p.m. at the Town Hall in the Town of Byron as the time and place where the Town Board would hold a public hearing to hear all persons interested in the creation of the district, and for any other action on the part of the Town Board with relation to the matter as might be required by law or proper in the circumstances, and*

*WHEREAS, the Order was published and posted in the manner and within the time prescribed by Article 12 of the Town Law and proof, in the form of affidavits, of such publications and posting has been presented to the Town Board, and*

*WHEREAS, the public hearing was held at the time and place set forth in in the Order and all persons desiring to be heard were heard, and*

*NOW THEREFORE, it is*

*ORDERED, by the Town Board of the Town of Byron, Genesee County, New York, as follows:*

*Town of Byron Extension No. 1 to the Sewer District No. 1 in the Town of Byron, Genesee County, New York is hereby established substantially in accordance with the aforesaid map, plan and report, and the district shall be bounded and described as follows:*

*All that tract or parcel of land situated in the Town of Byron, County of Genesee, State of New York, described as follows:*

*Beginning at a point in the northerly line of Mill Pond Road at a distance of approximately 1119.0 feet easterly from its intersection with the easterly bounds of New York State Route 237 (Byron-Holley Road); thence northerly along the easterly bounds of Tax Map Parcel 5-1-111 a distance of approximately 460 feet to the northeast corner thereof; thence westerly along the northerly line of said Tax Map Parcel No. 5-1-111 a distance of approximately 30 feet to the southeast corner of Tax Map Parcel 5-1-108; thence northerly along the east line of said Tax Map Parcel No. 5-1-108 a distance of approximately 176 feet to the northeast corner thereof; thence easterly along the southerly line of Tax Map Parcel 5-1-113 a distance of approximately 99 feet to the southeast corner thereof; thence northerly along the easterly bounds of said Tax Map Parcel 5-1-113 approximately 260 feet to the southerly boundary of said Lot 199; thence easterly along said southerly boundary line to the westerly line of Tax Map Parcel 5-1-15.1; thence southerly along said westerly line of Tax Map Parcel 5-1-15.1 to the northerly line of Tax Map Parcel No. 5-1-97.2; thence easterly along the northerly line of said Tax Map Parcels 5-1-97.2, 5-1-107 and 5-1-101.1 a total distance of approximately 768 feet to the northwest corner of said Tax Map Parcel No. 5-1-101.1; thence southerly along the westerly line of said Tax Map Parcel No. 5-1-101.1 a distance of approximately 460 feet to the*

said northerly bounds of Mill Pond Road; thence westerly along said northerly boundary a distance of approximately 60 feet to the point of beginning. All as shown on a map prepared by PDM Engineers.

NOW THEREFORE, it is hereby determined and

**RESOLVED:** That the Petition is signed and acknowledged or proved as required by law and is otherwise sufficient; and it is further

**RESOLVED:** That all the property and property owners within the proposed district are benefited thereby; and it is further

**RESOLVED:** That all the property owners benefited thereby are included in the proposed district; and it is further

**RESOLVED:** That it is in the public interest that the proposed district be established and that the relief requested by the Petition be granted; and it is further

The foregoing Order was adopted by the following roll call vote:

Richard Glazier, Supervisor - yes  
Steven Hohn, Councilman - yes  
Suzanne Fuller, Councilwoman - yes  
Thomas Felton, Councilman - yes  
Craig Ferguson, Councilman - yes

The Order was declared adopted.

## **BYRON HERITAGE FESTIVAL – ROAD CLOSINGS**

### **RESOLUTION #63:**

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

**Resolved**, that the Byron Town Board authorizes the Byron Heritage Festival Committee to close a portion of Rte. 262 from Terry Street to the Byron Fire Hall from 10:30 a.m. until 11:00 a.m., and Rte. 262 from Pauline Street to the corner of Rte. 237 from 1:00 p.m. to 2:00 p.m. on July 14, 2007 for the Byron Heritage Festival

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

Vote:                      Ayes: 5                      Nays: 0

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

- Forum on Shared Municipal Services
- GAM Minutes
- 1<sup>st</sup> quarter sales tax check in the amount of \$118,401.85
- Letter from Selective Insurance regarding Martin Dilcher accident

A **motion** was made by Councilman Hohn to approve 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 9:40 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk