

BYRON TOWN BOARD MEETING

April 9, 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
	Sue Fuller
	Scott Wooton
Assessor.....	Barry Flansburg
Town Clerk.....	Debra Buck-Leaton

Absent:

Highway Superintendent.....	George Heins
Councilman.....	Harold Austin

Public:

Michelle Yasses.....	Rte. 237, Byron
Jim Cudney.....	Rte. 237 Byron
Lori Ivison Sutch.....	Coward Road, Byron
Lisa Johnson.....	Wyoming, NY
Candace Hensel.....	Rte. 237, Byron
Vic Degregorio.....	Warboys Road, Byron
Fred Johnson.....	Asbury Road, LeRoy
Devyn Bzduch.....	Lyman Road, Bergen
The Streeters.....	linton St. Road, Bergen
The Hersoms.....	Townline Road, Bergen
Caleb Carlson.....	Hessenthaler Road, Byron
Dean Ivison.....	Coward Road, Byron
David Chupp.....	Tripp Road, Byron
Mickey Truax.....	Swamp Road, Byron
Bill and Barb Emerson.....	Pauline Street, Byron

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

BYRON-BERGEN ELEMENTARY SCHOOL – YOGURT PRESENTATION:

Byron-Bergen Elementary School gave a presentation regarding their desire to make yogurt the official snack of NYS.

YOGURT – THE OFFICIAL SNACK OF THE TOWN OF BYRON

RESOLUTION #47:

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

Resolved, that the Town Board of the Town of Byron does hereby declare that yogurt is the official snack of the Town of Byron.

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

Vote: Ayes: 4 Nays: 0

PUBLIC HEARING – AMENDMENT TO ZONING MAP:

A motion was made by Councilwoman Fuller to open the Public hearing for the Amendment to the Town of Byron Zoning Map at 7:08 p.m. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

NOTICE OF PUBLIC HEARING
TOWN OF BYRON
AMENDMENT TO ZONING MAP
Wednesday, April 9, 2014

PLEASE TAKE NOTICE, that the Town of Byron will hold a Public Hearing at 7:00 p.m. on Wednesday, April 9, 2014, at the Town Hall on Route 237 in the Town to hear all persons present regarding a local law regarding a proposed amendment to the Town of Byron Zoning whereby a certain parcel of land known as Tax Map No. 5.-1-39, now owned by United Memorial Medical Center and zoned Commercial (C-1) will be changed to Residential (R). Copies of the proposed amendment may be obtained from the Town Clerk during her regular business hours.

BY ORDER OF THE TOWN BOARD
TOWN OF BYRON
Debra Buck-Leaton, Town Clerk

PUBLIC COMMENTS:

None

A **motion** was made by Councilwoman Fuller to close the Public Hearing for the Amendment to the Town of Byron Zoning Law at 7:10 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

**AMENDMENT TO TOWN OF BYRON ZONING LAW
RESOLUTION #48:**

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

Resolved, that the Byron Town Board hereby approves the amendment to the Town of Byron Zoning Law whereby a certain parcel of land known as Tax Map No. 5.-1-39, now owned by United Memorial Medical Center and Zoned Commercial (C-1) will be changed to Residential (R), effective upon filing with the Secretary of State.

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

Vote: Ayes: 4 Nays: 0

MINUTES:

A **motion** was made by Councilman Wooton to approve the Byron Town Board minutes of the Proposed Water District Informational Meetings of March 5, 2014 as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT:

- Reviewed the Ag & Farmland Protection Plan. The Planning Board does not feel tht it is necessary at this time for the Town to have their own plan.
- Did a bulk land transfer for Ron Gonyea on Coward Road.
- Planning Board member Bill Corson is working on getting updated census figures so that the Planning Board can start reviewing the Comprehensive Plan.

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

Vote: Ayes: 4 Nays: 0

SEWER REPORT:

- Took monthly samples
- Meet compliance for Inf. and Eff.

Inflow and Infiltration:

- Should be looked into this Spring in Center Byron
- Common causes are illegal hookups (sump pumps and roof drains)

Other:

- Checked and maintained all filter bed pumps (N,S+C)
- Keep track of pump hours on all pumps including Old School House, Walkers Corners and McElver Street lift station.
- Completed Annual Flow Report for Albany and local DEC
- On March 10, 2014 responded to a high level alarm at 6365 Mill Pond Road. Replaced broken plumbing.
- On March 11, 2014 called back in around 4 p.m. for sewer overflow at 6776 Rte. 237 caused by a shorted out wire going to pump caused by faulty relay switch. Repaired wire and replaced switch.
- On March 22, 2014 called out at 6441 Mill Pond Road for a high level alarm. Replaced th eon float to start pump.

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

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT: – Superintendent Heins

- Removing snow fence, weather permitting
- Maintenance work on park gazebo. Bolting double rafters back together, repairing shingles on cedar roof, repairing railing and ready to paint. Will be getting more playground wood mulch for cushioning.
- Cleaning and painting plow equipment – rainy day work
- NYS budget passed with an increase in CHIPS funding for road work in counties, towns and villages. This increase will be absorbed by road materials that have increased with the 2014 budding results.

Supervisor Yasses: He will check with the Town's insurance company to make sure that wood chips, instead of rubber mulch, will suffice for playgrounds.

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

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT:

- Number of Inspections: 13
- Number of Zoning/Building Permits Issued: 2
- Number of Land Separations: 1
- Number of Building C.O./C.C. Issued: 2
- Number of Zoning Complaints Filed: 0
- Number of Zoning Complaints Resolved: 0

- Continuing annual fire inspections
- Attended Finger Lakes Building Officials Educational Conference March 17-20, 2014.
- Land Separation Application PBA-2014-018 was approved as a bulk land transfer, and will be filed with the County Clerk's Office.

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

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT:

- Reviewed insurance results and discussed what to do about repairs that need to be made
- Duck race will be on Memorial Day
- Bathrooms will be repaired by the fire department with supplies purchased or reimbursed by the Park Committee

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

Vote: Ayes: 4 Nays: 0

ABSTRACTS

RESOLUTION #49:

Councilman Wooton 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	#4	#82 - #	\$ 15,185.46
Highway Fund	#4	#47 - #62	\$ 29,293.86
Sewer Fund	#4	#13	\$ 2,426.50
General Fund	PA#3	#6 - #13	\$ 3,537.87
Sewer Fund	PA#3	#6 - #9	\$ 2,160.95
Water District #1	#1	#1	\$120,000.00

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

Vote: Ayes: 4 Nays: 0

TOWN CLERK'S REPORT:

Paid to the Byron Park Committee for Large Pavilion Rental.....	\$	30.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$	62.00
Paid to the DEC for hunting/fishing licenses.....	\$	9.44
Paid to NYS Health Dept. for Marriage Licenses.....	\$	22.50
Paid to NYS Comptroller for Games of Chance.....	\$	15.00
Paid to the Town of Byron Supervisor.....	\$	<u>2,526.06</u>
Total Disbursed for March 2014.....		\$2,665.00

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

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The Financial Report for March 2014 was reviewed.

A **motion** was made by Councilwoman Fuller to approve the March 2014 Financial Reports as written. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SUPERVISOR'S REPORT:

- May be having a Genesee County Legislature outreach meeting.
- Supervisor Yasses would like to meet with the Park Committee to discuss their questions regarding the insurance review
- Highway guys going to Drive to Survive training
- The Town has received the report from CGR for fire companies and the Supervisor and Attorney Paul Boylan have set up a tentative committee as follows: D.R. Roblee, Laura Bestehorn, Karen Jaczynski, Steve Starowitz, Councilman Thompson, Councilwoman Fuller, Chuck Durkee and Steve Lockner from the Byron Fire Department, and Bob Wilson and Chris Hilbert from the South Byron Fire Department.

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

Vote: Ayes: 4 Nays: 0

OTHER BUSINESS:

PROPOSED WATER DISTRICTS:

·Waiting to receive all the surveys back before moving forward.

FIRE STUDY COMMITTEE:

·The Town Board has received CGR's fire study and a committee is now being set up to further study what should be done with the fire departments. The Town Board would like to appoint Sue Fuller and Jeff Thompson to the fire committee to represent the Town Board.

A **motion** was made by Councilman Wooton to appoint Councilwoman Sue Fuller and Councilman Jeff Thompson to the Fire Study Committee. The motion was seconded by Supervisor Yasses and carried with the following vote:

Vote: Ayes: 4 Nays: 0

APPOINTMENT OF MOLLIE MARTIN AS COURT CLERK:

A **motion** was made by Councilwoman Fuller to appoint Mollie Martin as Court Clerk during the maternity leave of the current Court Clerk, Krista Galdun. Mollie Martin will also act as the backup Court Clerk to Krista Galdun in the future. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

TOWN JUSTICE AUDIT

RESOLUTION #50:

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

Resolved, that the Byron Town Board hereby approves the Town of Byron Agreed Upon Procedures for the Town Justice Accounts for January 1, 2013-December 31, 2013 as prepared by Raymond F. Wager, CPA, P.C., and response thereof dated March 31, 2014 (a copy of which is attached hereto and made a part hereof).

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

Vote: Ayes: 4 Nays: 0

HERITAGE FESTIVAL PARADE NYS DOT UNDERTAKING AND PERM 33C

AGREEMENTS

RESOLUTION #51:

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

Resolved, that the Byron Town Board hereby approves of the Heritage Festival Parade NYS DOT Undertaking and Perm 33c Agreements.

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

Vote: Ayes: 4 Nays: 0

PUBLIC COMMENTS:

Jeanne Freeman: Attended the public hearing on the proposed high speed rail service. They were not allowed to ask any questions. They have already had six public hearings. Most in attendance were in favor of the high speed rail. One of the proposed routes would be along the West Shore Trail. Jeanne has emailed questions and they have responded to her questions. Many roads in Byron and Genesee County would be dead ended if the high speed rail went down the West Shore railroad bed.

Councilwoman Fuller: Has put a newspaper article in Town Board boxes regarding fracking issues. Placed petitions around town to have the Town Board pass a moratorium. Also, Keith Goodwin doesn't think the Towns or County should put fresh stone down in the fall because it ends up in people's yards after the snowplows go through.

EXECUTIVE SESSION:

A **motion** was made by Councilman Wooton to enter into Executive Session at 7:48 p.m. to discuss the medical, financial, credit or employment history of a particular person, corporation, or relating to the appointment, promotion, demotion, discipline or removal of a particular person. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

A **motion** was made by Councilwoman Fuller to come out of executive session at 7:54 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

WORKERS COMPENSATION CLAIM OF JENNIFER GRANT

RESOLUTION #52:

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

Resolved, that the Byron Town Board denies the Workers Compensation claim against the Town of Byron by Jennifer Grant, a Town of Byron Summer Recreation Aid.

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

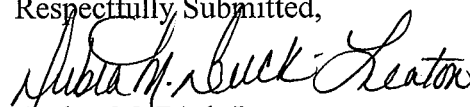
Vote: Ayes: 4 Nays: 0

ADJOURN:

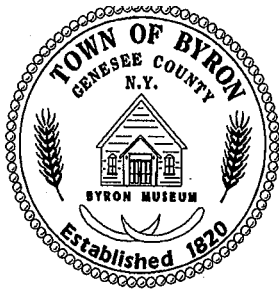
A **motion** was by Councilman Wooton to adjourn the Byron Town Board Meeting at 7:56 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk



TOWN OF BYRON

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www.byronny.com

Peter Yasses, Supervisor

Debra Buck-Leaton, Town Clerk
Gerald Heins, Highway Superintendent
Ken Kuter, Code/Zoning Enforcement Officer
Barry Flansburg, Assessor
Daniel DiMatteo, Town Justice
Barbara Smith, Town Justice

Town Board
Sue Fuller
Jeff Thompson
Scott Wooton
Harold Austin

March 31, 2014

Raymond F. Wager, CPA, P.C.
Attn: Tom Lauffer, CPA
1020 Lehigh Station Road
Henrietta, New York 14467

Dear Mr. Lauffer:

In response to the Town of Byron Agreed Upon Procedures for the Town Justice Accounts for the year ended December 31, 2013, the Byron Town Board and Justice Court have taken the following corrective actions with regard to your findings:

Bank Deposits: Town Justices will be directed to make timely 72 hour deposits to the bank. Please note that there exists some extenuating circumstances where it is not possible to make deposits; when Justices are on vacation, working out of the county, the weather conditions, and when the banking institutions are closed on long weekends due to holidays.

Both Justices enter all deposits in two bookkeeping record locations to permit monthly reconciliation. The Court Clerk and the Justices review the deposit amounts and make sure that they are correct and match in both places.

The Court Clerk has agreed to make deposits for the Justices when it is necessary. The Justices will also look into locking banking bags for the purpose of night deposits when time does not allow for timely deposits.

Pending Case Report: Town Justices will be directed to conduct monthly reviews of all open cases from the reports provided by DMV. The Court Clerk will be given extra work time to make note of what cases are open from the February report that has all open cases from the DMV report conception. After this is done, the Court Clerk and Justices will make note of when a case should be scoffed.

The auditor should be aware that parking tickets are NOT scoffable and therefore, will always remain on the report as the original violation. It should also be noted that some cases are adjourned for 60-90 days to permit payment of larger fines by defendants who have limited

TOWN OF BYRON

Genesee County, New York

**Agreed – Upon Procedures -
Town Justice Accounts**

December 31, 2013

TENTATIVE

TENTATIVE

**Independent Accountant's Report
On Applying Agreed-Upon Procedures**

To the Board Members
Town of Byron
Genesee County, New York

In accordance with your request, we performed the procedures enumerated below, which were agreed to by the Town of Byron, Genesee County, New York to assist the Board with evaluating the financial transactions of the Justice Accounts of the Town of Byron, Genesee County, New York for the year ended December 31, 2013.

The Town of Byron, Genesee County, New York's management is responsible for the Town Justices' accounting records. Our engagement to apply agreed-upon procedures has been conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our procedures and findings, are as follows:

Procedures:

1. We reviewed the monthly bank reconciliation for two random months and at year end for the fine and bail accounts.
2. For the same two months, we reviewed a sample of case files, supporting cash receipts and reporting.
3. We reviewed a sample of bail activity for supporting case files, cash receipt and cash disbursement documentation.
4. We reviewed the supporting documentation for the balance of outstanding bail at year end.
5. We reviewed a sample of accounts receivable to ensure payments were made as agreed upon or the defendant had been scooped.
6. We reviewed the DMV pending case report to ensure defendants were scooped in a timely manner.
7. We reviewed the internal accounting control procedures over the operation of the Justice Accounts.

Findings:

Bank Deposits –

Our review of bank deposits revealed that not every deposit was made within the 72 hours recommended by the New York State Comptroller's office.

Town's Response –

Pending Case Report –

There are no procedures in place to periodically reconcile the DMV pending case report to ensure defendants are scooped. This resulted in cases remaining on the DMV pending case list at year end that should have been scooped.

Town's Response –

Monthly Report –

Our review revealed that payments collected for Judge Smith in December of 2013 were not reported on the December monthly report to the State. Instead, they were added to the January 2014 monthly report.

Town's Response -

Findings:

TENTATIVE

Bank Deposits -

Our review of bank deposits revealed that not every deposit was made within the 72 hours recommended by the New York State Comptroller's office.

Town's Response -

Pending Case Report -

There are no procedures in place to periodically reconcile the DMV pending case report to ensure defendants are scoffed. This resulted in cases remaining on the DMV pending case list at year end that should have been scoffed.

Town's Response -

Monthly Report -

Our review revealed that payments collected for Judge Smith in December of 2013 were not reported on the December monthly report to the State. Instead, they were added to the January 2014 monthly report.

Town's Response -

We were not engaged to, and did not, conduct an audit, the objective of which would be the expression of an opinion, on the financial transactions. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Town of Byron, Genesee County, New York and is not intended to be and should not be used by anyone other than those specified parties.

* * *

We would like to express our appreciation to the Justice Clerks, as well as the Court Clerk for all the courtesies extended to us during the course of our engagement. If you have any questions regarding the above items, please do not hesitate to call.

_____, 2014