

BYRON TOWN BOARD MEETING

August 12, 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
 Everett Roda..... Rte. 237, Byron
 Jim and Barb Cudney.....Rte. 237, Byron
 Bill and Barb Emerson.....Terry Street, Byron
 John Durand.....Townline Road, Byron

PLEDGE TO THE FLAG:

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

MINUTES:

A **motion** was made by Councilwoman Freeman to approve the Byron Town Board Minutes of July 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 Redick/Ivison:

·Reviewed land separation for Hohn Farms.

COMPREHENSIVE PLAN UPDATE:

· Continue to work on surveys.

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:

·Filed Chips money by August 7th deadline to be able to get money by September 15th. Received same amount as last year because of the stimulus package
 ·Working on Swamp Road and putting new culverts in where needed
 ·Working with Elba on Starowitz Road

- County needs help with road work next week
- State repaired drainage on the corner of Warboys Road and Rte. 237.

BUILDING COMMITTEE:

Supervisor Felton: Byron Fire Department Fire Chief John Durand is putting together a committee to include the fire department to work on building review.

A **motion** was made by Councilman Ferguson to approve the Highway Report as given. The motion was seconded by Councilman Redick 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
- Replaced pump on Walker Corners Road
- Pumped out valve pits
- Checked all pumps for operation
- Took meter readings
- Exercised generators, checked fluids

Future Projects

- Inventory
- Replace pumps
- Continue preventative maintenance program

GENERATORS:

Supervisor Felton has received quotes for new generators. There are grant opportunities to replace generators. The Town may also want to replace them one at a time. Supervisor Felton has a form to fill out for RG&E to convert generators from electric to gas.

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

INVITATION TO BIDDERS

The Town of Byron will receive sealed bids for Surplus Sewer Equipment at the Byron Town Hall.

By order of the Byron Town Board the below equipment has been declared surplus:

1985 Kubota B5200 diesel 4 WD tractor with 1996 48" belly mower
 1991 Exmark walk behind self-propelled 32" mower
 1991 Befco Cyclone 90" 3pt. hitch mower
 1988 Woods 5' 3pt. hitch back blade
 48" homemade roller
 Two door black storage cabinet 3x6x18 deep

Interested bidders should contact Debra Buck-Leaton, Town Clerk, at (585) 548-7123 ext. 10. All bids must be received by 3:00 p.m. on Wednesday, August 12, 2009 at the Byron Town Hall, 7028 Rte. 237, P.O. Box 9, Byron, New York 14422. Bids will be opened at that time.

Debra Buck-Leaton
 Byron Town Clerk

LIQUIDATION OF SURPLUS SEWER DEPARTMENT EQUIPMENT
RESOLUTION #54:

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

BE IT RESOLVED, that the Town Board authorizes the sale of the following sewer department equipment through sealed bid to the following people, with the exception of the two door black storage cabinet, which shall remain an asset of the Sewer Department:

August 12, 2009
Surplus Sewer Equipment Bids

<u>Equipment:</u>	<u>Highest Bid:</u>	<u>Highest Bidder:</u>
1985 Kubota B5200 diesel 4 WD tractor with 1996 48" belly mower	\$1,800.00	R.W. Ramsey
1991 Exmark walk behind self-propelled 32" mower	\$390.00	Shaun Dempsey
1991 Befco Cyclone 90" 3pt. hitch mower	\$350.00	R.W. Ramsey
1988 Woods 5' 3pt. hitch back blade	\$150.00	R.W. Ramsey
48" homemade roller	\$176.00	David Cross
Two door black storage cabinet 3x6x18 deep	\$20.95	Barbara A. Cudney

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

Vote: Ayes: 5 Nays: 0

WATER/SEWER REPORT:

Councilman Ferguson: Used ordinances from other towns to create the proposed Town of Byron Water/Sewer Ordinance. Tap size determines unit charge, i.e. a one inch tap would be charged one water/sewer unit. This is a rough draft and the committee will be meeting again to review/make changes to the proposed ordinance.

Councilman Ivison: Is it the intention of this ordinance to change the units/debt service charges for the water districts that have already been established?

Supervisor Felton: It could be done, the bond holders would just need to be notified that the number of units has changed. He would like to readdress this after the committee has met again.

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

- Number of Inspections: 27
- Number of Zoning Permits: 7
- Number of Building Permits Issued: 3
- Number of Land Separations: 2
- Number of Building C.O./C.C. Issued: 3
- Number of Zoning Complaints Filed: 2
- Number of Zoning Complaints Resolved: 0
- Total Hours for the Month: 85

- Fire and maintenance inspections for Mercantile and Miscellaneous Group U
- Attended Planning Board meeting
- Working on an unsafe building issue at 7521 Mechanic Street (not resolved, continuing to investigate)

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

Vote: Ayes: 5 Nays: 0

UNSAFE BUILDINGS LAW:

·The CEO/ZEO is in the process of addressing the unsafe building situation on Mechanic Street. He does not believe this property falls under the Unsafe Building Law. Supervisor Felton will work with the CEO/ZEO and the Town attorney to try to resolve this issue.

PARK COMMITTEE REPORT – Supervisor Felton:

- Installed horse shoe pits in Firemen’s Park.
- Non-profit groups will not be charged rental fees

- Trestle Park vandalism was addressed and repairs made
- DEC will be visiting park at least three times during the week
- Formed a subcommittee under the Park Committee
- Reducing number of committee members to nine members

Supervisor Felton: He is concerned about the continued vandalism and whether it is an asset or liability to the Town. He has spoken with the Town’s insurance company. He would like to see the gates closed at dusk, no open burning and no camping. Jim Renfrew, the Park Committee Secretary will review Supervisor Felton’s suggestions with the Park Committee.

The remainder of the Town Board expressed their concern over the Town’s liability with regard to Trestle Park.

GRANTS:

Environmental Protection Fund – money for park development and preservation – Supervisor Felton forwarded information to Jim Renfrew. Supervisor Felton also sent information to Jeff Maurer for possible use at Robins Brook Park. The Town of Bergen might be interested in pursuing grant with the Town of Byron.

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #55:

Councilman Ivison 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	#8	#173 - #192	\$ 8,822.71
Highway Fund	#8	#105 - #114	\$14,165.46
Sewer Fund	#8	#46 - #51	\$ 4,676.97
General Fund	#PA-11	#41 - #46	\$ 1,115.77
Sewer Fund	#PA-8	#17	\$ 507.34
Highway Fund	#PA-2	#2 - #3	\$74,661.40

Councilwoman Freeman 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.....	\$ 70.50
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 27.00
Paid to the Byron Park Committee.....	\$ 115.00
Paid to NYS Environmental Conservation.....	\$ 770.72
Paid to the Town of Byron Supervisor.....	<u>\$2,348.78</u>
Total Disbursed for July 2009.....	\$3,332.00

·The Town Clerk thanked John Durand for his assistance during Heritage Festival.
·Byron Fire Department Fire Chief John Durand issued a firework permit for the Heritage Festival, but he would like the Town Board to consider putting a firework display permit process on the Town books so it is clear in the future who should issue such a permit.

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

- The financial reports were reviewed for July 2009
- The public also received a copy of a summary financial report
- The last sales tax check will be split between General and Highway accounts
- Largest amount of revenue is from sales tax

A **motion** was made by Councilman Ivison to approve the July 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:

AMBULANCE AGREEMENT WITH MERCY FLIGHT, INC.

RESOLUTION #56:

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

Resolved, that the Byron Town Board hereby approves the contract between the Town of Byron and Mercy Flight, Inc., dba Mercy EMS for pre-hospital emergency medical service, effective September 1, 2009 at 12:00:01 a.m. and terminating at 12:00:00 a.m. on August 31, 2012. This agreement may be renewed for up to 2 one year renewal periods.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICTS:

WATER DISTRICT NOS. 3 & 4:

·Met with Dawn Kuras from USDA on Wednesday, August 5th regarding funding. Have been approved \$156,000 2.625% interest for 38 years.

Ivison \$143,000

The cost will probably be approximately \$20,000 more for each district. The goal is to go out to bid in September and open bids in October. If bids are high, the Town will need additional USDA funding and Comptroller approval, another Public Hearing will also be required. The Town will need to go back to USDA to ask them to fund the gap. If everything goes well, digging could begin in the spring.

WATER DISTRICT NO. 5:

WATER DISTRICT NO. 5 (COCKRAM ROAD) USDA FUNDING ELIGIBILITY DETERMINATION

RESOLUTION #57:

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

WHEREAS, the Town Board of the Town of Byron plans construction of the Water District No. 5 along Cockram Road (“Water District”)

WHEREAS, the Town does not have sufficient funds on hand to pay for all the construction of the Water District,

WHEREAS, this project may be eligible for federal government funding through the USDA/Rural Development to construct the Water District,

WHEREAS, it is in the interest of the public to obtain low interest loans and/or grants for the construction of the Water District; therefore be it

RESOLVED, that the Supervisor and Deputy Supervisor of the Town of Byron is authorized to cause an application to be prepared to obtain funding from USDA/Rural Development and

BE IT FURTHER RESOLVED, that the Supervisor and Deputy Supervisor be authorized to execute all application documents and forms required to determine funding eligibility and to obtain specific funding for the project from USDA/Rural Development.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 6 (Warboys Road):

Supervisor Felton spoke with Eric Toal, who is taking the petition around for signatures, and he said he is making progress

BYRON BERGEN PUBLIC LIBRARY:

A **motion** was made by Councilwoman Freeman to appoint Amy Schelamanow to the Byron-Bergen Public Library Board to fill a vacancy left due to the resignation of Marilyn Britt. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

AUDIT OF TOWN RECORDS

RESOLUTION #58:

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

Resolved, that the Byron Town Board approves the audit report of the Justice, Town Clerk and Operating accounts and records for the Town of Byron prepared by Councilwoman Freeman and Councilman Ferguson dated February 18, 2009.

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

Vote: Ayes: 3 Nays: 0 Abstain: 2
(Councilwoman Freeman and
Councilman Ferguson)

Supervisor Felton: The Town Board has received scenarios for possible financial impact for the libraries if one stayed open and one closed, or if both stayed open. The Town Board will review.

PUBLIC COMMENTS:

Mickey Truax: He would like to know what has been done regarding the truck traffic on Swamp Road.

Supervisor Felton: He will check with the Town of Bergen who had said they would look into the situation.

SUPERVISOR'S REPORT:

- Received sales tax check for \$135,498.61
- Received invitation for land use training
- Attended Mercy Flight meeting
- Received correspondence from National Grid regarding fee increase
- Received an introduction letter from Scott Martzloff, the new school

Superintendent at Byron-Bergen

·Received letter requesting that the 9th grade Byron-Bergen students be allowed to continue their stream study on Black Creek off of Trestle Park. Supervisor Felton signed the request with the addition that the Town not be held liable for the negligent actions of the individuals.

·Budget meetings are set for August 14th and August 20th

·Mobile home park meeting set for August 17th

·Met with General Code on July 20th regarding putting the Town codes, ordinances and laws into one comprehensive book.

·Received letter from John Sackett regarding fees charged to nonprofit organizations.

ADJOURN:

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

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk