

BYRON TOWN BOARD MEETING

January 9, 2008

The Byron Town Board Meeting was called to order by Supervisor Chapell at 7:10 p.m. with the following people present:

Supervisor.....	Thomas Chapell
Councilmen.....	Thomas Felton
	Craig Ferguson
	Jeanne Freeman
	John Ivison
Town Clerk.....	Debra Buck-Leaton
Highway Superintendent.....	George Heins
Waste Water Dept.....	Robert Cudney

Absent:

Zoning/Code Enforcement Officer.....Robert Patterson

Public:

Jim Cudney.....	Rte. 237, Byron
Bill and Barb Emerson.....	Terry Street, Byron
Mickey Truax.....	Swamp Road, Byron
David Chupp.....	Tripp Road, Byron
Jane and Bev Ivison.....	Rte. 262, Byron
Dale Pickett.....	Caswell Road, Byron
Tom Murphy.....	Coward Road, Byron
Everett Roda.....	Rte. 237, Byron
Pete Yasses.....	Rte. 237, Byron
Sue Fuller.....	Cockram Road, Byron
Rita Reding.....	Freeman Road, Byron
Jim Calarco.....	Lyman Road, Byron
Michele Rindell.....	Caswell Road, Byron
Glenn Elliott.....	Swamp Road, Byron
Roger and Karen Jaczynski.....	Beaver Meadow Road, Byron
Eric Zuber.....	Tower Hill Road, Byron

Invited Guests:

Eric Wies, Clark Patterson Associates

PLEDGE TO THE FLAG:

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

MINUTES:

A **motion** was made by Councilman Ferguson to approve the Byron Town Board Minutes of December 27, 2007 and the Organizational Meeting Minutes of January 2, 2008 as written. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ZONING BOARD OF APPEALS:

The Town Board received applications from Karen Jaczynski, Jeff Cook and Barb Ognibene for the Zoning Board of Appeals vacancies.

A **motion** was made by Councilman Felton to appoint Karen Jaczynski and Jeff Cook to the Zoning Board of Appeals. The motion was seconded by Councilman Ivison.

Councilwoman Freeman amended the above motion as follows:

A **motion** was made by Councilwoman Freeman to appoint Karen Jaczynski to the Zoning Board of Appeals and Jeff Cook as an alternate to the Zoning Board of Appeals. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – George Heins:

TRANSFER STATION:

First week went good with new recycling rules of separating recyclables.

NYS DOT SNOW & ICE CONTRACT FOR 2009-2010

RESOLUTION #34:

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

Resolved, that the Town Board authorizes Supervisor Chapell to sign the “Agreement to Extend Indexed Lump Sum Municipal Snow and Ice Agreement” for the 2009-2010 contract year.

The resolution was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

RESOLUTION #35:

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

Resolved, that the Byron Town Board sign the Agreement for the Expenditure of Highway Moneys.

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

Vote: Ayes: 5 Nays: 0

CEMETERY:

Questions regarding cemetery maintenance by the Highway Department: Superintendent Heins found a motion from April 14, 2004 authorizing the Highway Department to maintain the Byron Cemetery. This was done in order to help the Cemetery Association remain financially sound. It costs an average \$8,000-\$10,000 a year for mowing at the cemetery.

SAND AND SALT:

Superintendent Heins figured the cost of salt and sand to Oxbo, during his term as Highway Superintendent, to be approximately \$1640. The value of work Oxbo did for the Town would be approximately \$4,989 according to Oxbo. Superintendent Heins spoke to Oxbo and they said they have been getting salt and sand from the Town for many years.

BOX SANDER:

The Highway Superintendent received the following quotes for a 12 foot SSV Box Sander per the 2008 budget:

Geo & Swede, Pavilion, NY	Smith SS 12' V	\$10,400.00
Valley Fab, Boston, NY	Tarrant 12' SS	\$14,316.00
	Warren 12' SS	\$14,880.00
Thruway Spring Rochester, NY	Smith SS 12' V	\$ 9,450.00
	Auger and screen option	\$ 2,000.00
Viking-Cives, Batavia, NY	Smith SS 12' V	\$12,000.00
	Auger and screen option	\$ 2,000.00

The Highway Superintendent purchased the Smith SS 12' V Box Sander from Thruway Spring in Rochester, NY at a price of \$9,450.00.

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

Vote: Ayes: 5 Nays: 0

WASTE WATER REPORT – Robert Cudney:

- Ordered pickup on December 14, 2007 from VanBortel Ford.
- Repair to manholes, risers, etc., along with generator services are continuing.
- Complete service at Walkers-Corners Road duplex lift station was replaced. Meter hub and disconnect breaker panel.
- Reports for November 2007 look good.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Rita Reding:

·Had someone come look at tennis courts to see if it would be feasible to have the ice rink located there. It would cost approximately \$200 to do. Most expensive part would be manpower to remove snow from ice rink.

·Bill Hawken will be looking into ways to build shelters at Trestle Park.

·Looking for two members for the Park Committee

·Made committee appointments for those who expired.

Audit of Park Committee Treasurer’s Account:

Councilman Felton, Councilwoman Freeman and Sue Fuller will get together to audit Park Committee treasurer’s books.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 2 UPDATE – Eric Wies:

N. BYRON ROAD UPDATE:

·Should finish main line insulation on January 10, 2008. Then they will be getting service to homeowners.

·\$5,000-\$6,000 extra monies left from Water District No. 2 would need to be spent for Water District No. 2, could not be used for Ivison or Cockram Road projects, but could be used for the Pumpkin Hill Veterinary Clinic.

PUMPKIN HILL VETERINARY CLINIC:

·Cost to run 8” line would be approximately \$20,000. Eric Wies will call Richard Mathes regarding his intentions regarding the water. If he’s paying for the water main to his property the Town may want to consider waiving the debt service, or assessing the property 1 unit versus 3-4 units. The veterinary clinic would not own the line, Monroe County Water Authority would. The Board agreed that Eric should contact Mr. Mathes and decide which way to proceed.

IVISON AND COCKRAM ROAD:

· It seems there should be funding available for Ivison and Cockram Roads, however not as much funding as Water District No. 2. Cost per unit will probably be \$700-\$800. After getting package from Rural Development the Town can present the cost to the homeowners to see if they are agreeable.

EXPENDITURE OF REMAINING FUNDS FROM WATER DISTRICT NO. 2 RESOLUTION #36:

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

Resolved, that the Byron Town Board authorizes Supervisor Chapell to spend the remaining money, including legal expenses, from Water District No. 2, after completion

of the six houses on N. Byron Road, on a tap on Tower Hill Road. Councilman Felton seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

PAYMENT FOR LATERAL CONNECTION ASSISTANCE GRANTS

RESOLUTION #37:

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

Resolved, that the Byron Town Board agrees to approve the payment of 1 voucher totaling \$460.00 for lateral connections for Water District No. 2.

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #38:

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

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

<i>Fund:</i>	<i>Abstract:</i>	<i>Vouchers:</i>	<i>Amount:</i>
General Fund	#1	#1 - #18	\$27,732.55
Highway Fund	#1	#1 - #9	\$24,889.78
Sewer Fund	#1	#1 - #8	\$ 1,771.59
General Fund	#PA-1	#1	\$ 30.62
Water District No. 2	#1	#1	\$ 98.00
Sewer Fund	#PA-15	#21	\$ 4,962.75

Councilman Felton 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.....	\$ 58.75
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 27.00
Paid to the State Health Dept. for Marriage Licenses.....	\$ 22.50
Paid to the Town of Byron Supervisor.....	<u>\$2,395.00</u>
Total Disbursed for December 2007.....	\$2,503.25

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

No financial reports are available. The Bookkeeper will have financial reports available for the February meeting.

OTHER BUSINESS:

DISPOSITION OF COURTROOM CHAIRS:

A **motion** was made by Councilman Felton to put the old courtroom chairs out for sealed bid. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays:

EMERGENCY SERVICES CONTRACT:

•Both Byron and S. Byron Fire Departments signed extensions to fire contracts. Supervisor Chapell and Councilman Felton will be meeting with the fire departments next week regarding consolidation.

APPOINTMENT OF SUPERVISOR CHAPELL AS FAIR HOUSING

OFFICER:

A **motion** was made by Councilman Ivison to appoint Supervisor Chapell as the Fair Housing Officer. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays:

LETTER FROM FRED READ REGARDING PARKING AT BYRON

REPAIR:

Roger Jaczynski: He spoke with Fred Read regarding parking and told him he would put “no parking” signs in front of Read’s house for customers that park in front of Read’s house, but it is not something he can control if he’s not at the repair shop. He has permission from the other homeowners on Rte. 237 to park in front of their houses.

Sue Fuller: She would like to make a parking lot where the old house she tore down was for Roger to use for the repair shop.

Councilwoman Freeman: She witnessed an elderly person on the edge of the road in front of Byron Repair and can see the safety hazard with all the cars parked in front.

Councilman Ferguson: Can some of the vehicles that don’t have license plates be moved to another location?

Roger Jaczynski: He has moved some of the vehicles, but as he gets available time he works on them. There is no sidewalk in front of the repair shop. No one should be walking through property unless they are a customer according to his insurance company. Insurance companies have come to get several cars this week, so the congestion is a little better.

Superintendent Heins: Any signs placed at the repair shop would most likely be in the state right-of-way.

Councilman Ivison and Felton: Several people other than Fred Read have complained about congestion of vehicles.

Supervisor Chapell: Suggested to Roger that he try to clean up the parking lot as much as possible.

Roger Jaczynski: He will try to clean up as much as possible.

Glenn Elliott: What is the Town’s liability if there’s not a sidewalk?

Councilman Felton: The Town should check with its insurance company to see if sidewalks should be added.

COMMITTEE APPOINTMENTS:

This matter can be discussed at the February meeting

CONCERNS REGARDING THE CEO/ZEO APPOINTMENT:

Supervisor Chapell would like to hear from concerned citizens regarding the appointment of Robert Patterson as CEO/ZEO. The Town Board plans to make a decision on the CEO/ZEO appointment tonight.

Dale Pickett: Received a permit for a barn a few years ago. He put footers in and Mr. Patterson showed up and said steel shouldn't be in footers. Put in 7 layers of brick and rock. This last summer he decided to continue project. Mr. Patterson said he needed to fill out a new application. Mr. Patterson wouldn't take measurements off of old permit. Mr. Patterson wanted to know why Mr. Pickett was building such a big barn. Mr. Pickett contacted an attorney who said if Mr. Patterson refused to give him a building permit to go to the Town Board. Mr. Patterson stopped at Mr. Pickett's and started yelling, after a few minutes he calmed down and they finished filling out the building permit. When Mr. Patterson left he stopped at Bev Iverson's. Mr. Pickett could hear Mr. Patterson at Bev Iverson's yelling at the contractors. Mr. Pickett called NYS and they sent him documents on ag exemptions. Mr. Patterson called and wanted to inspect building. He stopped when Mr. Pickett was not there and started screaming at contractor and said the project is not a barn because of the windows. Mr. Patterson took pictures without permission. Mr. Pickett was not on the premises and received a call from his wife, who was very upset. He told Mr. Patterson to wait for him to get there, but Mr. Patterson yelled at Mr. Pickett and wasn't there when he got there. If you scream back at Mr. Patterson he seems to back down. Mr. Pickett can't believe the number of people who signed the petition because of his behavior. Some of the people who signed the petition are questionable, but they said he was at someone's house when they were there and that's why they signed the petition.

Michelle Rindell: Bought property from County auction, knowing it was not a condemned property. Mr. Patterson told her it was not condemned and had no code violations. She intended to fix up house, and wanted to know what she needed for a permit. She lives in Pembroke and built house there. Her husband is a contractor. Changed windows (not size or location), siding and doors. Mr. Patterson put several cards in the door stating that she needed a permit. He said she was doing a renovation (maintenance), not remodeling. He stated she put 50% into the house of what she paid for it. He stated he needed to go into the house. He went to house and asked her her intentions. She was going to tear down paneling and maybe do some electrical work. She got permit and filled out what she had done and what she planned on doing. Mr. Patterson said she needed to bring house up to 2006 code – tear out walls, restud the walls, insulate, brand new wiring and plumbing. She recorded half the conversation and when he found out she was recording he told her to turn it off because “he didn't want any lawsuits”. Her husband suggested they get an attorney. Attorney suggested they go

to the Town Board. She made a formal complaint, but Supervisor Glazier just said he hoped she could get along with Mr. Patterson. Mr. Patterson stated he would need to inspect property after each step. She put in a formal complaint with the State Regional Engineer who came out and said she had to finish since she already started process. They said they would put a note in Mr. Patterson's file, and if she had any more problems with Mr. Patterson to let them know. Before the final inspection Mr. Patterson left another card saying she needed to have an engineer inspect basement to make sure the foundation was okay. Regional Engineer talked to Supervisor Glazier and told them all the permits she got were unnecessary and that she would be able to sue the Town. Ms. Rindell was told she did not need to replace anything in the house according to the Code books that are supposed to be available to town residents, and they weren't at that time. Mr. Patterson was not allowed back onto her property for the final inspection. Clint Worthington did final inspection.

Councilman Ferguson: Did you replace siding and sheetrock?

Michelle Rindell: Everything has been replaced.

Pete Yasses: He signed petition and thinks Mr. Patterson pushes the envelope. He was told by Mr. Patterson he needed to go to the County Planning Board, but the County Planning Board said he shouldn't be there. Mr. Patterson should consider the residents of Byron his customers. You need to bow to Mr. Patterson or he has you. It seems like Mr. Patterson never has time. Came to the Town Hall the other day to look at his file and asked Mr. Patterson if he could help him, but he angrily said "no". Mr. Patterson needs to be nice to people. It is a tough job, but he doesn't need to treat people rudely.

Rita Reding: She is not thinking very highly of the former Supervisor and Town Board because they left Bob Patterson hanging because they wouldn't deal with the issue. She thinks he had a right to be short with people because his job was in jeopardy. He always took care of issues she had. She believes some people who don't want to follow the code and zoning rules are trying to get rid of him because they can't get their own way.

Beverly Ivison: She was fixing front porch. She dealt with him twice, and both times he was very rude. He was very intimidating. He asked her what it was "with all you Ivisons"? He should have told her sister to have Bev come see him. She moved a trailer from S. Byron and dealt with the old code officer, Ted Kaiser. He was very helpful, but never bent the rules. The taxpayers are writing his check and he should work with the residents. When a company in Byron was asked to sign the petition they stated Mr. Patterson did good by them. Why does he treat one person good and another bad? She will not do any more improvements on house if Mr. Patterson's the code officer.

Sue Fuller: As a former Town Board member there were numerous complaints, praises, differences of opinion. When Ted Kaiser lost his leg, all of the Town's paperwork was in shoe boxes and paper bags. The Town is doing this again by letting

Bob Patterson keep town documents in his home. The Town was misinformed on three different codes from Ted Kaiser, which ended up costing the town a lot of money. She asked Bob if there were any changes to the code for pools because she wondered what fittings she should stock in the hardware store. He said if anyone was putting in a pool they needed to call him. He keeps harassing Roger Jaczynski to take him through the hardware store for an inspection.

Rita Reding: If the books are supposed to be at the Town Hall the Board should be enforcing it.

Jane Ivison: She knows Bob Patterson personally and he thinks he's better than anyone else. He's nice to people he needs something from. Everything is on his terms. He is always making personal phone calls on the Town's cell phone.

Tom Murphy: Putting up pole barn. He called Mr. Patterson during inspections and showed him where he was putting it. Mr. Patterson told him he didn't have enough property, but he also owned adjacent property. Mr. Patterson made him join lots because he owned two lots next to each other. Mr. Murphy didn't need to join properties. When he called Mr. Patterson to come to do an inspection Mr. Patterson said he didn't feel good on Friday and surely wasn't coming out on Saturday. He didn't come out for second inspection either. He just told Mr. Murphy to continue with construction. Mr. Murphy believes that unnecessarily joining his parcels will affect his assessment.

Councilman Felton: Doesn't think joining properties will affect assessed value.

Eric Zuber: Property taxes should go down if anything.

Michelle Rindell: Split land off of house when sold house and Supervisor Glazier called Ms. Rindell and said it needed to be done again because Mr. Patterson said lot was too small.

Roger Jaczynski: Has had several run-ins with Bob Patterson. He had many discussions with Mr. Patterson regarding things he didn't agree with. He does not deal with women well. Mr. Patterson would not deal with his wife Karen.

Eric Zuber: Sympathizes with Ms. Rindell because he was on the Planning Board when her situation happened. The Planning Board rewrote the code for the Town and Mr. Patterson had a lot of good input. At times they had good discussions. He agrees with Roger that Mr. Patterson does not get along with women. Mr. Patterson is nothing compared to the code and zoning officer in Chili where Zuber's do a lot of work. He is dealing with safety issues and you need someone in this position that will go by the rules.

Dale Pickett: The house across from his has a small septic system and it runs across the road to his house. Mr. Patterson wanted the Health Department approval for the septic system so Mr. Pickett gave it to him. When he went to Mr. Patterson about

septic running onto his property from his neighbor's property Mr. Patterson told him he didn't have anything to do with septic systems. So why did Mr. Patterson ask him for his septic approval from the Health Department.

EXECUTIVE SESSION:

A **motion** was made by Councilman Ferguson to enter into Executive Session at 9:30 p.m. to discuss a personnel matter. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Ivison to come out of executive session at 10:06 p.m. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Supervisor Chapell: Everyone on the Town Board has given a lot of thought about this matter. They have read the complaint from Bev Ivison in the Fall of 2007 and reviewed the petition filed at the end of 2007. The Town Board contacted citizens that have received building permits in the last six months and asked them their opinions. He has had several conversations with Bob Patterson on this matter, and he has contacted the Association of Towns. The position of CEO/ZEO is a civil service position and he has over 6 years of service, therefore there would need to be a substantial number of written complaints to fire him.

Councilman Ferguson: The Town Board believes they were undermined by a paid employee of the Town that is not on the Town Board. This person openly solicited several other CEO/ZEO's for Mr. Patterson's position.

Highway Superintendent Heins: Are you insinuating that I had anything to do with it?

Councilman Ferguson: No, no, just wait, we're not finished here. Bob Patterson got a bad deal. Mr. Patterson gave the Town Board a letter of retirement because he heard this person was soliciting other people for his job. He does a good job as CEO/ZEO. The Town would be giving up a tremendous amount of knowledge and feels the Board was undermined.

Councilman Ivison: He talked to the Chairman of the Planning Board who values Bob Patterson's insight on the Planning Board. He has a lot of defenders also.

Councilman Felton: The public has stated their cases. He believes most were served serious injustices. Everyone should be treated fairly and consistently. There is nothing in his personnel file regarding any complaints. There are several issues with personality and code violations we need to deal with. It is unlikely that training will change personal behavior. However, as an employer, we must offer counseling and

guidance to give our people an opportunity to improve themselves. If this does not alleviate the problem(s), then we would start disciplinary actions.

Pete Yasses: No one questions his ability, but he also believes you'll never change his personality. Now the people who have signed the petition will be screwed if he comes back.

Jane Ivison: What did the previous Board do when the Board received the letter from Beverly Ivison in the Fall?

Councilman Ferguson: There are no other complaints in Bob Patterson's file other than Bev Ivison's, and because the CEO/ZEO job is a civil service job you need to have several complaints to fire him.

Beverly Ivison: You mean to tell me there is no other complaints in his file?

Councilman Felton: There may be something in the minutes, but there is nothing in his personnel file.

Jim Calarco: Is Bob Patterson certified to be code officer? Does he take a test every couple of years to be recertified? He does have a lot of knowledge and is a great asset to the Town, but he needs to know how to talk to the public. You need to satisfy the customer, and the Town residents are his customers. There are going to be disgruntled people, but he needs to know how to make the people happy. Whether that's through training or some other way.

Supervisor Chapell: If anyone ever has a problem he would like them to call him and he will take care of the situation immediately.

Beverly Ivison: Why does the Town Board reappoint people yearly then?

Councilman Ferguson: Probably for pay scale reasons.

Beverly Ivison: She did not start the petition. She did sign it, but did not start it.

Rita Reding: She needed to sign a complaint form for her issue and she thinks everyone that has a complaint with Bob Patterson should have to sign a complaint and the issue should be investigated. Everything should have to be in writing.

Supervisor Chapell: Issues need to be taken care of at the Town Hall, not at Arrow Mart. This should have been taken care of a long time ago. After Mr. Patterson found out his job was being questioned, he was justified in being upset. He apologized to Supervisor Chapell for putting in his letter of retirement, but Supervisor Chapell said he refused to accept it. The Town Board was undermined.

Councilman Ferguson: The Town is in a difficult situation now because we have to send a new CEO/ZEO to 18 days of training (if not certified), plus pay their wage, training and mileage.

Jane Ivison: That's where the problem lies, the Town Board is afraid to find someone new.

Pete Yasses: The fault lies with the old Supervisor, and there is another qualified applicant out there somewhere.

Jim Calarco: The Town would be getting rid of someone with a lot of knowledge, and for what? Someone that doesn't know anyone? He doesn't know Bob Patterson and is completely neutral.

Councilwoman Freeman: If we had another zoning and code enforcement officer, wouldn't it be better to hire someone from out of town? She believes people get a defense mechanism up because it's the code enforcement officer. It is a thankless job.

Rita Reding: When a person was on the Town Board she didn't like him because of some of his actions. When they're out in the public, not doing their job for the Town, you need to keep your feelings separate. People these days can't keep things separate. She believes we need someone that isn't local because then they wouldn't know anyone and no special favors would take place.

Beverly Ivison: Her concern is that everyone should be treated equally and with respect, not intimidated.

Jim Calarco: He has to work on his people skills.

Jim Cudney: I take it from the letter you received, and what was said here tonight, that Mr. Patterson is not coming back?

Councilman Felton: A betting man would have to say no. What happened in Executive Session is not about Bob Patterson, but what is right for the Town.

Supervisor Chapell: The entire Town Board came to the agreement Mr. Patterson should be reappointed to the position for 2008 if he will return. We know we need to do something, and that we're not going to end it here. The Town Board needs to be fair. Supervisor Chapell postponed appointing Mr. Patterson to the CEO/ZEO position because he wanted to investigate the situation and do some research. By looking at his performance record versus his rough around the edges personality, the Town Board feels they should ask Mr. Patterson to return as CEO/ZEO.

Councilman Ferguson: The decision that was made last week was clearly not the reason that Bob Patterson put in his retirement.

A **motion** was made by Councilman Ferguson to appoint Bob Patterson to the CEO/ZEO position for 2008. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Councilman Felton: To be fair to the people who have issued complaints, Mr. Patterson will not be coming back unless he does certain things. How this is going to play out is that the Town Board's not handing Bob the keys to the car and saying here you go. If Bob wants to come back and take this job we have these issues we need to address, and the Town Board will tell him here's the training and here's the path.

Pete Yasses: Will that will be enforced?

Councilman Felton: His appointment is conditioned on him doing these things.

Jim Calarco: He has been fired and knows what people go through when they get fired.

Councilman Ferguson: He clearly did not get fired.

Supervisor Chapell: This is a new Board and this will not end here. The Board is here for the town residents.

Councilman Ferguson: I think we need another motion.

Councilman Felton: We are doing two motions and a resolution.

APPOINTMENT OF THE CEO/ZEO FOR 2008

RESOLUTION #39:

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

Resolved, that the Byron Town Board fixes the salary of the CEO/ZEO position for 2008, for Bob Patterson specifically, payable at the frequency specified on page F of the January 2, 2008 Organizational Minutes.

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

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Felton to have the Supervisor and Town Clerk advertise for the CEO/ZEO position if Bob Patterson elects not to continue as the Town of Byron CEO/ZEO. Furthermore, that the salary shall be commensurate with personal and professional qualifications. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was made by Councilman Felton to adjourn the Byron Town Board Meeting at 11:00 p.m. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk