

BYRON TOWN BOARD MEETING

May 14, 2008

The Byron Town Board Meeting was called to order by Supervisor Chapell at 7:00 p.m. with the following people present:

Supervisor.....Thomas Chapell
Council Members.....Thomas Felton
Craig Ferguson
Jeanne Freeman
John Ivison
Town Clerk.....Debra Buck-Leaton
Highway Superintendent.....George Heins

Absent:

Waste Water Dept.....Robert Cudney

Public:

Jim Cudney.....Rte. 237, Byron
Bill and Barb Emerson.....Terry Street, Byron
Mickey Truax.....Swamp Road, Byron
David Chupp.....Tripp Road, Byron
Everett Roda.....Rte. 237, Byron
Nancy Clark.....Walkers Corners Road, S. Byron
Robert Wilson.....Mill Pond Road, Byron
John Durand.....6383 Townline Road, Byron
Brian Forsyth.....Gillett Road, Byron
Pete Yasses.....Rte. 237, Byron
Sue Fuller.....Cockram Road, Byron
Glenn Elliott.....6936 Swamp Road, Byron
Amanda Dunham.....Mechanic St., S. Byron

Invited Guests:

Eric Wies, Clark Patterson Associates
Paul Boylan, Town of Byron Attorney

PLEDGE TO THE FLAG:

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

WATER DISTRICT NO. 3:

At a meeting of the Town Board of the Town of Byron, held at the Town Building in said Town of Byron, County of Genesee, State of New York on the 9th day of April, 2008.

PRESENT:

Thomas Chapell, Supervisor
Thomas Felton, Councilman
Jeanne Freeman, Councilwoman
John Ivison, Councilman

In the Matter of

*The Petition for the Establishment of Water District No. 3
(Ivison Road) in the Town of Byron,
Genesee County, New York.*

**ORDER CALLING
PUBLIC HEARING**

WHEREAS, a written Petition, dated March 27, 2008 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Byron, Genesee County, New York, for the establishment of Water District No. 3, in the said Town, to 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 at the intersection of Ivison Road (49.5 feet wide right-of-way) and the southerly line of the Town of Byron Existing Water District No. 1 (the existing water district); thence,

1. Southerly, along the centerline of Ivison Road and the existing water district, a distance of 968 feet, more or less, to a southwesterly corner of the existing water district; thence,
2. Easterly, along the northerly line of tax account number 7-1-51.22 and a southerly line of the existing water district, a distance of 325 feet, more or less, to the northeasterly corner of said tax account number and a southeasterly corner of the existing water district; thence,
3. Southerly, along the easterly lines of tax account numbers 7-1-51.22, 7-1-51.11, and 7-1-51.12, and a westerly line of the existing water district, a distance of 450 feet, to the southeasterly corner of tax account number 7-1-51.12 and a southwesterly corner of the existing water district; thence,
4. Westerly, along the southerly line of tax account number 7-1-51.12, a distance of 124.74 feet, to the northeasterly corner of tax account number 7-1-54.12; thence,
5. Southerly, along the easterly lines of tax account numbers 7-1-54.12 and 7-1-54.2, a distance of 400 feet, to the southeasterly corner of tax account number 7-1-54.2; thence,
6. Westerly, along the southerly line of tax account number 7-1-54.2, a distance of 200 feet, more or less, to the centerline of Ivison Road; thence,
7. Northerly, along the centerline of Ivison Road, a distance of 335 feet, more or less, to a point; thence,
8. Westerly, along the southerly line of tax account number 7-1-98.1, a distance of 325 feet, more or less, to the southwesterly corner of tax account number 7-1-98.1; thence,
9. Northerly, along the westerly lines of tax account numbers 7-1-98.1, 7-1-50.112, and 7-1-107, a distance of 1081.08 feet, to the northwesterly corner of tax account number 7-1-107; thence,
10. Easterly, along the northerly line of tax account number 7-1-107, a distance of 124.75 feet, to the southwesterly corner of tax account number 7-1-97; thence,
11. Northerly, along the westerly line of tax account number 7-1-97, a distance of 150 feet, to the northwesterly corner of tax account number 7-1-97; thence,
12. Westerly, along a line being the westerly extension of the northerly line of tax account number 7-1-97, through the lands of tax account number 7-1-50.113, a distance of 300 feet, more or less, to a point being 500 feet westerly of the centerline of Ivison Road; thence,
13. Northerly, along a line 500 feet westerly of and parallel to the centerline of Ivison Road, through the lands of tax account numbers 7-1-50.113 and 7-1-103, a distance of 258 feet, more or less, to a point on the northerly line of tax account number 7-1-103 and the southerly line of the existing water district; thence,

14. Easterly, along the northerly line of tax account number 7-1-103 and the southerly line of the existing water district, a distance of 500 feet, more or less, to the centerline of Ivison Road and the point of beginning.

All as shown on a map prepared by Clark Patterson Lee entitled, "Town of Byron Water District Map, Ivison Road Water District", Drawing Number WD-01, dated May 29, 2007.

Water District as described above contains approximately 17.12 acres of land.

WHEREAS, the improvements proposed consist of construction and maintenance of a water system, to serve the said district, including water mains, and distribution pipes to be installed at the sole expense of the residents of the district and no public funds will be expended therefore; and

WHEREAS, the annual cost of the district for debt service, operation and maintenance and user charges is \$943.00, it is hereby

ORDERED, that a public hearing before the Town Board of the Town of Byron, shall be held at the Town Hall in the Town of Byron, New York on the 14th day of May, 2008 at 7:30 p.m. to consider the said Petition and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board with relation to the said Petition as may be required by law or proper in the premises.

Dated: April 9, 2008

Thomas Chapell, Supervisor
Jeanne Freeman, Councilman

Thomas Felton, Councilman
John Ivison, Councilman

State of New York)
County of Genesee) ss:

I, Debra Buck-Leaton, Town Clerk of the Town of Byron, Genesee County, New York, do hereby certify that I have compared the preceding Order with the original thereof filed in my office in Byron, New York on the 9th day of April, 2008, and that the same is a true and correct copy of said original and of the whole thereof.

In Testimony whereof, I have hereunto set my hand and affixed the seal of said Town, this 9th day of April, 2008.

Debra M. Buck-Leaton, Town Clerk of the Town of Byron, Genesee County, New York

A **motion** was made by Councilman Felton to open the Public Hearing at 7:05 p.m. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

No residents from Water District No. 3, Ivison Road, were present.

A **motion** was made by Councilman Ivison to close the Public Hearing at 7:08 p.m. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ASSESSOR'S AFFIDAVIT

Barry Flansburg, Assessor of the Town of Byron, being duly sworn, does depose and say:

That he has examined a petition to the Town Board of the Town of Byron by residents of Ivison Road containing 11 signatures and dated the 27th day of March, 2008 requesting that a Water District be formed in the described area.

That he has calculated the assessed value of all parcels with the described area and such total value is \$918,100.00.

That he has calculated the assessed value of the real property owned by persons who signed the said petition and that value is \$918,100.00, or 100 percent (100%) of the total assessed value.

That he has calculated the assessed value of real property owned by persons residing within the described area and that value is \$901,600.00, or 98.2 percent (98.2%) of the total assessed value.

Barry Flansburg, Assessor

APPLICATION TO COMPTROLLER FOR WATER DISTRICT NO. 3

RESOLUTION #57:

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

WHEREAS, it has been determined that it is in the Public Interest to form an extension to Water District No. 1 to be known as Water District No. 3 on Ivison Road, and

WHEREAS, the cost of debt service and water service for a typical residence for one year is estimated to be \$943.00, which exceeds the average annual cost established by the State Comptroller for such a district,

NOW THEREFORE, be it

RESOLVED: That the Supervisor, Town Clerk and Town Attorney are hereby authorized and directed to make application on behalf of proposed Water District No. 3 to the New York State Comptroller for permission to form such district pursuant to Section 209-f of the Town Law.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 3 ENVIRONMENTAL ASSESSMENT

RESOLUTION #58:

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

RESOLVED: That this Board hereby declares itself to be Lead Agency to conduct an environmental assessment of the effects of the construction of Water District No. 3 in the Town of Byron pursuant to the Environmental Conservation Law Article 8.

RESOLVED: That following a review of the short form environmental assessment form submitted by the Supervisor and a discussion and review of the facts and circumstances, this Board hereby determines that there will be no significant adverse environmental impact to the construction of Water District No. 3 in the Town of Byron and hereby issues the attached Negative Declaration.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 3 – COST OF DEBT SERVICE WILL NOT CAUSE UNDUE BURDEN

RESOLUTION #59:

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

RESOLVED: That a Petition in due form by the residents of Ivison Road in the Town of Byron, was received on the 27th day of March, 2008, requesting the formation of a water district;

That the Town Board believes the contents of the Petition to be true;

That following the Public Hearing held on the 14th day of May, 2008 and based on the evidence elicited thereat, this Town Board has determined that the water district for which permission is sought is in the public interest, because it will eliminate the need of a majority of residents to rely on contaminated water supplies;

That the cost of debt services and water, which for the typical resident is estimated at \$943.00 per year for the first year, will not constitute an undue burden on the property which will bear the cost thereof because most residents are currently paying more to purchase water from commercial suppliers or to purchase and maintain elaborate water purification systems;

That the cost of the water district and the improvements to be made therein (water mains, hydrants, etc.) is to be assessed in whole against the benefited area, on a benefit basis;

That all real property to be assessed will be benefited by the proposed improvements, and

That no benefited property has to be excluded from the water district or the assessment.

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

Vote: Ayes: 5 Nays: 0

TOWN CLERK CERTIFICATION

Debra M. Buck-Leaton, being duly sworn, deposes and says:

That she is the Town Clerk of the Town of Byron and maintains a signboard at the Town Hall of the Town of Byron pursuant to Section 30(6) of the Town Law.

That on the 14th day of April, 2008, she posted on said Sign Board a true, accurate and complete copy of the attached Notice of Public Hearing and that said Notice remained so posted until the 14th day of May, 2008.

Debra M. Buck-Leaton, Town Clerk

WATER DISTRICT NO. 4:

At a meeting of the Town Board of the Town of Byron, held at the Town Building in said Town of Byron, County of Genesee, State of New York on the 9th day of April, 2008.

PRESENT:

Thomas Chapell, Supervisor
Thomas Felton, Councilman
Jeanne Freeman, Councilwoman
John Ivison, Councilman

In the Matter of

The Petition for the Establishment of Water District No. 4
(Cockram Road) in the Town of Byron,
Genesee County, New York.

**ORDER CALLING
PUBLIC HEARING**

WHEREAS, a written Petition, dated March 31, 2008 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Byron, Genesee County, New York, for the establishment of Water District No. 4, in the said Town, to 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 at the intersection of the centerlines of Cockram Road (49.5 feet wide right-of-way) and Caswell Road (49.5 feet wide right-of-way); thence,

15. Northerly, along the centerline of Caswell Road, a distance of 705 feet, more or less, to a point; thence,
16. Easterly, along the northerly lines of tax account numbers 7-1-93, 7-1-94, and 7-1-95.2, a distance of 1225 feet, more or less, to the northeasterly corner of tax account number 7-1-95.2; thence,
17. Northerly, along the westerly line of tax account number 7-1-86.121, a distance of 600 feet, to the northwesterly corner of tax account number 7-1-86.121; thence,
18. Easterly, along the northerly line of tax account number 7-1-86.121, a distance of 795.69 feet, to the northeasterly corner of tax account number 7-1-86.121 and a westerly line of the Town of Byron Existing Water District No. 2 (the existing water district); thence,
19. Southeasterly, along the easterly line of tax account number 7-1-86.121, and a westerly line of the existing water district, a distance of 1070.81 feet, to the northerly line of tax account number 7-1-86.111 and a northeasterly corner of the existing water district; thence,
20. Westerly, along the northerly line of tax account number 7-1-86.111 and the existing water district, a distance of 73.59 feet, to the northwesterly corner of tax account number 7-1-86.111 and the existing water district; thence,
21. Southerly, along the westerly line of tax account number 7-1-86.111 and the existing water district, a distance of 440 feet, more or less, to a point on the centerline of Cockram Road and the existing water district; thence,
22. Easterly, along the centerline of Cockram Road and the existing water district, a distance of 8 feet, more or less, to a point on the centerline of Cockram Road and the existing water district at the intersection of the northerly extension of the westerly line of tax account number 7-1-83; thence,
23. Southerly, along the westerly line of tax account numbers 7-1-83 and through the lands of tax account number 7-1-76.1, a distance of 500 feet, more or less, to a point 500 feet southerly of the centerline of Cockram Road; thence,
24. Westerly, along a line 500 feet southerly of and parallel to the centerline of Cockram Road, through the lands of tax account number 7-1-76.1, a distance of 750 feet, to the point of intersection with the southerly extension of the easterly line of tax account number 7-1-77; thence,
25. Northerly, along the southerly extension of the easterly line of tax account number 7-1-77, through the lands of tax account number 7-1-76.1, a distance of 270 feet, more or less, to the southeasterly corner of tax account number 7-1-77; thence,

26. Westerly, along the southerly line of tax account number 7-1-77, a distance of 109.7 feet, to the southwesterly corner of tax account number 7-1-77; thence,
 27. Southerly, along the southerly extension of the westerly line of tax account number 7-1-77, through the lands of tax account number 7-1-76.1, a distance of 270 feet, more or less, to a point 500 feet southerly of the centerline of Cockram Road; thence,
 28. Westerly, along a line 500 feet southerly of and parallel to the centerline of Cockram Road, through the lands of tax account number 7-1-76.1, a distance of 1324 feet, more or less, to the centerline of Caswell Road; thence,
 29. Northerly, along the centerline of Caswell Road, a distance of 500 feet, more or less, to the intersection of the centerlines of Cockram Road and Caswell Road, and the point of beginning.
- All as shown on a map prepared by Clark Patterson Lee entitled, "Town of Byron Water District Map, Cockram Road Water District", Drawing Number WD-01, dated May 29, 2007.

Water District as described above contains approximately 71.17 acres of land.

WHEREAS, the improvements proposed consist of construction and maintenance of a water system, to serve the said district, including water mains, and distribution pipes to be installed at the sole expense of the residents of the district and no public funds will be expended therefore; and

WHEREAS, the annual cost of the district for debt service, operation and maintenance and user charges is \$723.00, it is hereby

ORDERED, that a public hearing before the Town Board of the Town of Byron, shall be held at the Town Hall in the Town of Byron, New York on the 14th day of May, 2008 at 7:30 p.m. to consider the said Petition and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board with relation to the said Petition as may be required by law or proper in the premises.

Dated: April 9, 2008

Thomas Chapell, Supervisor
 Jeanne Freeman, Councilman

Thomas Felton, Councilman
 John Ivison, Councilman

State of New York)
 County of Genesee) ss:

I, Debra Buck-Leaton, Town Clerk of the Town of Byron, Genesee County, New York, do hereby certify that I have compared the preceding Order with the original thereof filed in my office in Byron, New York on the 9th day of April, 2008, and that the same is a true and correct copy of said original and of the whole thereof.

In Testimony whereof, I have hereunto set my hand and affixed the seal of said Town, this 9th day of April, 2008.

Debra M. Buck-Leaton, Town Clerk of the Town of Byron, Genesee County, New York

A **motion** was made by Councilman Ferguson to open the Public Hearing for Water District No. 4 at 7:12 p.m. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Public Comments:

Sue Fuller – residents on Cockram Road need municipal water-her well services 5 households and is an artisian well and needs to be purified and is no longer sufficient, quality of water is atrocious, tests positive for pesticides.

Superintendent Heins – 3 different farmers around the Cockram Road area spread liquid manure in their fields.

A **motion** was made by Councilman Ferguson to close the Public Hearing at 7:18 p.m. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ASSESSOR'S AFFIDAVIT

Barry Flansburg, Assessor of the Town of Byron, being duly sworn, does depose and say:

That he has examined a petition to the Town Board of the Town of Byron by residents of Cockram Road containing nine (9) signatures and dated the 31st day of March, 2008 requesting that a Water District be formed in the described area.

That he has calculated the assessed value of all parcels with the described area and such total value is \$1,033,800.00.

That he has calculated the assessed value of the real property owned by persons who signed the said petition and that value is \$916,400.00, or 88.65 percent (88.65%) of the total assessed value.

That he has calculated the assessed value of real property owned by persons residing within the described area and that value is \$1,006,400.00, or 97.35 percent (97.35%) of the total assessed value.

Barry Flansburg, Assessor

APPLICATION TO COMPTROLLER FOR WATER DISTRICT NO. 4

RESOLUTION #60:

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

WHEREAS, it has been determined that it is in the Public Interest to form an extension to Water District No. 2 to be known as Water District No. 4 on Cockram Road, and

WHEREAS, the cost of debt service and water service for a typical residence for one year is estimated to be \$723.00, which exceeds the average annual cost established by the State Comptroller for such a district,

NOW THEREFORE, be it

RESOLVED: That the Supervisor, Town Clerk and Town Attorney are hereby authorized and directed to make application on behalf of proposed Water District No. 4 to the New York State Comptroller for permission to form such district pursuant to Section 209-f of the Town Law.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 4 ENVIRONMENTAL ASSESSMENT

RESOLUTION #61:

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

RESOLVED: That this Board hereby declares itself to be Lead Agency to conduct an environmental assessment of the effects of the construction of Water District No. 4 in the Town of Byron pursuant to the Environmental Conservation Law Article 8.

RESOLVED: That following a review of the short form environmental assessment form submitted by the Supervisor and a discussion and review of the facts and circumstances, this Board hereby determines that there will be no significant adverse environmental impact to the construction of Water District No. 4 in the Town of Byron and hereby issues the attached Negative Declaration.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 4 – COST OF DEBT SERVICE WILL NOT CAUSE UNDUE BURDEN
RESOLUTION #62:

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

RESOLVED:

That a Petition in due form by the residents of Cockram Road in the Town of Byron, was received on the 31st day of March, 2008, requesting the formation of a water district;

That the Town Board believes the contents of the Petition to be true;

That following the Public Hearing held on the 14th day of May, 2008 and based on the evidence elicited thereat, this Town Board has determined that the water district for which permission is sought is in the public interest, because it will eliminate the need of a majority of residents to rely on contaminated water supplies;

That the cost of debt services and water, which for the typical resident is estimated at \$723.00 per year for the first year, will not constitute an undue burden on the property which will bear the cost thereof because most residents are currently paying more to purchase water from commercial suppliers or to purchase and maintain elaborate water purification systems;

That the cost of the water district and the improvements to be made therein (water mains, hydrants, etc.) is to be assessed in whole against the benefited area, on a benefit basis;

That all real property to be assessed will be benefited by the proposed improvements, and

That no benefited property has to be excluded from the water district or the assessment.

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

Vote: Ayes: 5 Nays: 0

TOWN CLERK CERTIFICATION

Debra M. Buck-Leaton, being duly sworn, deposes and says:

That she is the Town Clerk of the Town of Byron and maintains a signboard at the Town Hall of the Town of Byron pursuant to Section 30(6) of the Town Law.

That on the 11th day of April, 2008, she posted on said Sign Board a true, accurate and complete copy of the attached Notice of Public Hearing and that said Notice remained so posted until the 14th day of May, 2008.

Debra M. Buck-Leaton, Town Clerk

WATER DISTRICT NO. 2 UPDATE – Eric Wies:

TOWER HILL ROAD UPDATE:

·Contractor in the town completing restoration. Change order has been approved by Rural Development and work will begin soon on the Town's portion of Tower Hill Road.

WATER DISTRICT NO. 2 RANDSCO/DOT EMBANKMENT ISSUES:

·An agreement has been reached. Randsco will bring in additional dirt and do restoration. DOT will hold on to Randsco's bond for 1 year.

APPROVAL OF WATER DISTRICT NO. 2 FORM E, REPORT NO. 16

RESOLUTION #63:

Councilman Felton offered the following resolution and moved for its adoption: **Resolved**, that the Byron Town Board approves Form E, Report No. 15 in the amount of \$6,430.00, subject to the approval of Rural Development.

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

Vote: Ayes: 4 Nays: 1 (Councilman Ivison)

APPROVAL OF WATER DISTRICT NO. 2, ABSTRACT #4

RESOLUTION #64:

Councilman Felton offered the following resolution and moved for its adoption: **Resolved**, that the Byron Town Board approves Water District No. 2 Abstract #4 in the amount of \$1,348.75 for payment to Fiscal Advisors & Marketing, Inc.

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

Vote: Ayes: 5 Nays: 1 (Councilman Ivison)

MUNICIPAL SOLUTIONS:

·The only difference between Stuart Brown Associates and Municipal Solutions is the BAN which was previously provided by Fiscal Advisors. Stuart Brown's quote for Water Districts Nos. 3 and 4 was \$20,000, and MS is \$15,400. Councilman Felton is very comfortable with the work he believes MS can do. Councilman Felton would propose the Town Board accept MS bid, except for Item #1 on bid.

ACCEPTANCE OF BID FROM MUNICIPAL SOLUTIONS FOR ADMINISTRATION OF WATER DISTRICTS NOS. 3 AND 4

RESOLUTION #65:

Councilman Felton offered the following resolution and moved for its adoption: **Resolved**, that the Byron Town Board approves Municipal Solution's proposal for both Water District Nos. 3 and 4, with the exception of Part 1 of their proposal (BAN

assistance), until the Town Board determines that such quote is consistent with previous experience. If it is consistent, then the Town Board agrees to include Part 1 in the contract with Municipal Solutions.

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

Vote: Ayes: 5 Nays: 0

LATERAL CONNECTION REHAB FUNDING – SMALL CITIES:

•Kathy Dear has not sent out letters to homeowners regarding rehab funding as of yet, but will get them out soon.

RESTORATION OF JUTROWSKI & CLARK RESIDENCES:

•**Jutrowski:** The contractor, Hometeck Industries, received a partial payment in the amount of \$60 for this project in September 2007. The balance of the contract (\$600) was withheld pending completion of the restoration work. As the contractor has not responded to the owner’s calls or Stu Brown’s correspondence, Kathy Dear has advised the homeowner to obtain a quote for topsoil and grass seed. They have obtained a quote for \$575 from Yasses Trucking to deliver and install 8 yards of topsoil and grass seed and straw.

A **motion** was made by Councilman Felton to authorize Katheen Dear from Stuart Brown Associates to release funds to Mr. and Mrs. Jutrowski of 7502 Rte. 237 to purchase topsoil and seed for restoration of their lawn. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

•**Clark:** The contractor for this project, Aquaman Water Services, normally is able to push the water line and minimize the need for restoration work. Unfortunately, he lost a piece of equipment in the process and had to dig up portions of the lawn in order to locate it. Last fall, he hired a landscaper to install topsoil to fill in the depressions and level the lawn as the homeowners requested. The Clarks were satisfied with this work and authorized the Town to make final payment to the contractor in November 2007. As it was too late in the season to re-establish grass, Kathy Dear advised the Clarks that they would allow them to purchase grass seed in the spring to reseed the lawn. Mrs. Clark indicated that the lawn has settled considerably, and needs more topsoil to level it out. She has not yet obtained a quote for the topsoil and seed, however, Kathy Dear estimates that the cost may be \$1,000 to \$1,200 because much of the front lawn was impacted by the work. As all of the grant funds approved for this project have been expended, it will be necessary to increase the grant award by \$1,000 to \$1,200 to enable the Clarks to complete the restoration work. In the event that the cost exceeds \$1,200, Kathy Dear will direct the Clarks to wait until additional funds may be authorized by the Town Board.

Nancy Clark: She received a quote today from Kevin Russell for \$700-\$800 to do the restoration work.

Councilman Ferguson: He would like to hold off doing anything until more research is done. He would suggest Mrs. Clark write a letter to Aquaman regarding this matter and his proposed remedies.

A **motion** was made by Councilman Felton to enter into executive session at 7:53 p.m. to discuss a pending lawsuit. 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 8:00 p.m. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

MINUTES:

A **motion** was made by Councilman Felton to approve the Byron Town Board Minutes of April 9, 2008 as written. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

BYRON FIRE DEPARTMENT – Chief John Durand:

·Byron Rescue Squad has purchased a 2008 ambulance that they are getting ready to put into service.

·Byron Fire Dept. responded to a call of residents burning tires on Rte. 237 in the hamlet of Byron. They requested the Sheriff’s Department also be present, but he does not know if any citations were issued.

·New York State DEC have proposed a statewide ban on open burning to reduce pollution and the risk of wildfires. The proposed ban would make some exceptions, including small campfires and cooking fires, ceremonial fires and certain types of agricultural waste burning.

PLANNING BOARD REPORT –Councilman John Ivison:

·Barry Flansburg, Assessor, spoke to the Planning Board regarding proper procedures for land separations.

·Worked on Comprehensive Plan proposals.

A **motion** was made by Councilman Ivison to appoint Roger Rouse Planning Board Vice Chairman. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Felton 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

HIGHWAY SUPERINTENDENT’S REPORT – George Heins:

- Received snow and ice check from New York State for \$9,074.30
- Amendment B to the 2009/10 Snow and Ice Contract Extension. This amendment includes a cost increase for fuel for the 2007/08 winter season.

AMENDMENT B TO THE 2009/10 NYS SNOW AND ICE CONTRACT RESOLUTION #66:

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

WHEREAS, the Town of Byron receives payments from New York State Department of Transportation for snow and ice contracts, and

WHEREAS, adjustments for such contracts provide for adjustment above the estimated expenditures, and

WHEREAS, the severity of the winter and high cost of fuel during 2007-2008 reflects an upward adjustment for estimated expenses in the amount of \$10,779.54, and

WHEREAS, the Highway Superintendent has advised the Town Board that in order to accept the lump sum payment, the Town Board must pass a resolution granting authority to accept the money,

NOW, THEREFORE, BE IT RESOLVED, that he Town Board of the Town of Byron authorizes the Town Supervisor to sign Amendment B, which is required for the increased lump sum payment from the New York State Department of Transportation.

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

Vote: Ayes: 5 Nays: 0

·Salt Barn and Museum roof replacement bids:

	<u>Low Key Construction</u>	<u>M.R. Renovations</u>	<u>A Neu Design</u>
Salt Barn:	\$6,600	\$5,300-Town to purchase all materials to be subtracted from bid.	\$5,250-Labor Only
Museum:	\$4,000	\$4,000-Town to purchase all materials to be subtracted from bid.	\$4,025-Labor Only

MUSEUM ROOF RESOLUTION #67:

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

Resolved, that the Byron Town Board approves the bid by Low Key Construction for \$4,000.00 to replace the main portion of the museum roof.

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

Vote: Ayes: 5 Nays: 0

The above Resolution was amended as follows:

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

Resolved, that the Byron Town Board approves the bid by Low Key Construction for \$5,755.00 to replace the entire museum roof and replace the broken rafters.

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

Vote: Ayes: 5 Nays: 0

MUSEUM ROOF

RESOLUTION #67 AS AMENDED:

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

Resolved, that the Byron Town Board approves the bid by Low Key Construction for \$5,755.00 to replace the entire museum roof and replace the broken rafters.

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

Vote: Ayes: 5 Nays: 0

SALT BARN ROOF

A **motion** was made by Councilman Ferguson to table discussion of replacement of the salt barn roof until the next Town Board meeting. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

WASTE WATER REPORT – Robert Cudney:

·1997 Chevy pickup was sold at auction on Saturday, May 10th for \$5,000. Auction had good attendance and truck, I thought, brought good price.

·The mowing season and septic tank inspections and pumping have began and are in full gear.

·Would like the Board’s approval on the following:

1. To have Visual Impact Graphics letter 2008 Ford service truck, not to exceed \$300.00.

2. For Bob Cudney to attend training at Holiday Inn in Batavia, New York on May 22, 2008. This is a one day training course on Energy Conservation & Emergency Generator Maintenance. Six contact hours have been approved towards recertification credits.

·Loewke easement was completed and notarized. Will be sent to Genesee County Clerk’s Office for filing Hookup fee to \$1,000 has already been received from owners.

·Reports looked good last month. No non-compliances were reported.

A **motion** was made by Councilman Ivison to approve the expenditure of not more than \$300.00 for lettering to the 2008 Ford service truck by Visual Impact Graphics. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 4 Nays: 0 Abstain: 1 (Supervisor Chapell)

A **motion** was made by Councilman Ferguson to letter the Highway Superintendent's Chevy truck by Visual Impact Graphics. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 4 Nays: 0 Abstain: 1 (Supervisor Chapell)

A **motion** was made by Councilman Ivison to allow Bob Cudney to attend training on May 22, 2008 in Batavia for Energy Conservation & Emergency Generator Maintenance. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

- Number of Inspections: 7
- Number of Zoning Permits: 5
- Number of Building Permits Issued: 2
- Number of Land Separations: 1
- Number of Zoning Complaints Filed: 4
- Number of Zoning Complaints Resolved: 2
- Total hours for the month: 85

Shared Municipal Services Agreement with the Town of Batavia:

- Councilman Ferguson: Questioned whether rate includes health insurance, etc.
- The Town Board decided to table this discussion until next month.

Cole Road Property:

- Property owned by Teamco Corp. Unable to contact owners via mail or phone to speak with them regarding garbage on their property.
- Spoke with Mark Boylan and he stated the Town needs to exhaust every effort possible to contact the homeowner. Need to do mailing, both regular and certified mail.

A **motion** was made by Councilman Felton to notify Teamco Corporation by regular and certified mail of their need to clean up their property on Cole Road, or the Town will be forced to take the steps necessary to do so at a cost to the owner. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

BAS Quote for IPS Software:

·Cost for Integrated Property Software would be \$4,810, excluding travel expenses. The cost could be divided between this year and next.

BAS CEO/ZEO IPS SOFTWARE

RESOLUTION #68:

Councilwoman Freeman offered the following resolution and moved for its adoption: **Resolved**, that the Byron Town Board approves the purchase of the BAS CEO/ZEO IPS software at a cost of \$4,810 plus travel expenses.

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

Vote: Ayes: 4 Nays: 1 (Councilman Ferguson)

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Councilman Felton:

- Al Secash and Harold Austin have joined Park Committee
- Bob Eichenberger is working on Gary’s Point
- Helping Hands Grant results available on May 15th

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #69:

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	#5	#98 - #118	\$ 16,626.98
Highway Fund	#5	#57 - #77	\$ 10,308.44
Sewer Fund	#5	#34 - #55	\$ 2,705.10
General Fund	#PA-7	#19 - #21	\$ 6,667.45
General Fund	#PA-8	#22 - #27	\$ 3,360.95
Sewer Fund	#PA-4	#7 - #10	\$ 958.82
Highway Fund	#PA-2	#2	\$ 4,473.84
Water District #2	#4	#4	\$ 1,348.75

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.....	\$ 71.67
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 45.00
Paid to the NYS Environmental Conservation.....	\$ 77.45
Paid to the Town of Byron Supervisor.....	<u>\$2,948.68</u>
Total Disbursed for April 2008.....	\$3,142.80

A **motion** was made by Councilman Ivison to approve the Town Clerk’s Report as given for April 2008. 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 April 2008.

A **motion** was made by Councilman Felton to approve the April 2008 Financial Reports as given. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

Westshore Trail Study-Councilman Felton:

- Mendon Foundation spoke about their trail system
- A man from Churchville is very upset about the number of ATVs using Westshore Trail.
- Project cost is approximately \$1.8 million, so it probably will not happen.
- Councilman Felton believes the Town may be able to facilitate maintaining the trail itself through other grant funding.

Legislative Member Item Grant Money For Water District No. 2:

·Received check for \$3,750 from New York State for Legislative Member Item Grant (Mary Lou Rath \$50,000)

Sales Tax Check:

·Received \$133,383.61 from Genesee County Treasurer for quarterly sales tax.

Sleds of Stafford Permission Form:

A **motion** was made by Councilman Felton to authorize Supervisor Chapell to sign the 2008-09 Season Landowner Permission For Land Use For S.O.S. Trails pending receipt of an insurance binder from S.O.S. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Assessor Barry Flansburg – Town of Oakfield to do CAP agreement with the Town of Byron.

BYRON HERITAGE FESTIVAL – ROAD CLOSING

RESOLUTION #70:

Councilman Ivison 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 Byron Road to Ivison Road from 11:00 a.m. until 12:30 p.m. on July 26, 2008 for the Byron Heritage Festival.

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

Vote: Ayes: 5 Nays: 0

Comprehensive Plan Meeting:

·May 20, 2008 at 7:00 p.m.

·A representative from the Genesee County Planning Board will be present.

SUPERVISOR’S REPORT:

·Lawsuit: Leotis Abrams vs. Towns of Byron and Bergen. The Town Clerk has contacted the town attorney and the insurance company regarding this matter.

·Water Committee has met twice and are proceeding with water ordinance

A **motion** was made by Councilman Felton to accept the Supervisor’s Report as given. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Pete Yasses – Donna VanSlyke, President of the Byron Fire Department, would like both fire companies to give \$1000 to get legal advice regarding consolidation. S. Byron Fire Dept. does not have an extra \$1,000, so the fire departments want to know if the Town can contribute to cost of legal advice for consolidation.

Councilman Felton – he does not believe negotiations are at the point where legal advice is needed yet.

Pete Yasses, John Durand and Bob Wilson – all believe it is too early also.

ADJOURN:

A **motion** was made by Councilman Felton to adjourn the Byron Town Board Meeting at 9:55 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