

BYRON TOWN BOARD MEETING

September 9, 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

Invited Guests:

Brad Pinsky, Esq.
David Garwood, Esq.

Public:

Mickey Truax.....	Swamp Road, Byron
Everett Roda.....	Rte. 237, Byron
Jim Cudney.....	Rte. 237, Byron
Bill and Barb Emerson.....	Terry Street, Byron
John Durand.....	Townline Road, Byron
Jim Lamkin.....	6969 Ivison Road, Byron
Wayne and Harold Austin.....	6959 Ivison Road, Byron
Aurora Austin.....	6371 Freeman Road, Byron
Jeff Thomas.....	Byron
Donna VanSlyke.....	6996 N. Bergen Road, Byron
Laura Platt.....	6380 E. Main Street, Byron
Sue Fuller.....	Cockram Road, Byron
John Sackett.....	6548 Townline Road, Byron
Scott and Tonya Blossom.....	7582 Byron-Holley Road, S. Byron
Bob and Beth Wilson.....	6451 Mill Pond Road, Byron
Christopher Hilbert.....	7060 Lyman Road, Byron

PLEDGE TO THE FLAG:

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

MINUTES:

A **motion** was made by Councilman Ivison to approve the Byron Town Board Minutes of August 12, 2009 as written. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – Councilman Ivison:

·Had a discussion regarding mobile home parks. If an individual wants to replace a mobile home the set backs in the ordinance do not allow it. Deterioration is a concern. The Planning Board will continue to review the ordinance. In the meantime a resident could get a variance to replace a mobile home, if necessary.

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:

- Doing road maintenance.
- The County should be on Cockram Road next week to replace pipes.
- Has not heard anything about ditch on Rte. 237. Talked to Pat Rhino from the State and has not heard back from her.
- Salt and sand has been coming in. Price has gone up \$.78/ton

A **motion** was made by Councilman Ferguson 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:

- Replaced one of the main pumps in Central Byron
- Received another quote for flow meter
- Waiting for feedback from Al at VRI on generators.
- Brian Forsyth has pumped 70 tanks and continues to do annual service work

Supervisor Felton: At last months meeting Resolution #54 was passed accepting bids on the surplus sewer equipment. There was an error on two of the bids, therefore the Supervisor would like to have another resolution passed to correct that error.

LIQUIDATION OF SURPLUS SEWER DEPARTMENT EQUIPMENT

RESOLUTION #59:

Councilman Ivison 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 to correct Resolution #54 made on August 12, 2009:

**August 12, 2009
Surplus Sewer Equipment Bids**

<u>Equipment:</u>	<u>Highest Bid:</u>	<u>Highest Bidder:</u>
1991 Exmark walk behind self-propelled 32” mower	*\$39.00	David Cross

1991 Befco Cyclone 90”
3pt. hitch mower

***\$390.00**

Shaun Dempsey

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

Vote: Ayes: 5 Nays: 0

WATER/SEWER REPORT:

·Would like to schedule another meeting before coming before the Town Board

CEO/ZEO REPORT:

Number of Inspections: 23
Number of Zoning Permits: 8
Number of Building Permits Issued: 5
Number of Land Separations: 1
Number of Building C.O./C.C. Issued: 4
Number of Zoning Complaints Filed: 1
Number of Zoning Complaints Resolved: 1
Total Hours for the Month: 82

·Fire and maintenance inspections for Business and Miscellaneous Group U
·Attended Planning Board meeting
·Investigated new reported Property Maintenance Code violations
·Report completed and filed with Supervisor on an unsafe building issue at 7521 Mechanic Street

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

Vote: Ayes: 5 Nays: 0

UNSAFE BUILDINGS LAW:

·Supervisor Felton discussed an unsafe building on Mechanic Street with the CEO/ZEO. The owners have not responded to several attempts to contact them. The CEO/ZEO believes the building is unsafe and should be removed. This would be a burden to the taxpayers of Byron if sufficient money can't be recovered in three years at a tax sale to cover all costs associated with the property. Does the Town Board want to move forward with this?

Councilman Ivison: Need to be consistent as far as other properties in town.

Councilman Ferguson: What will the property value be when the structure is gone?

Councilman Ivison: Has Paul Boylan been contacted regarding this issue.

Supervisor Felton: No, he has not had this discussion with Paul Boylan

John Durand: Shingles may contain asbestos and should be disposed of properly.

Supervisor Felton: One option is to let it go and when it sells at a tax sale hopefully the new owners will fix it. The neighbor that complained has issues themselves with their property.

Rita Reding: Believes the town should do something with the properties that are neglected and unsafe.

Pete Yasses: Is the property sellable as a building lot?

Councilman Ferguson: The Town would have to look at the zoning ordinance regarding setbacks, etc.

Councilwoman Freeman: Would like to see how much it would cost to have building removed.

Supervisor Felton: The Town Board needs to be consistent. There are several homes in the Town that could be considered uninhabitable.

James Lamkin: Why aren't we enforcing the zoning ordinance? There should be some way to enforce it. It seems as if the CEO/ZEO could issue an appearance ticket to the property owner to at least get them before the Judge.

Supervisor Felton: The CEO/ZEO has tried several times to no avail to contact the property owner to start the process.

Councilman Ivison: He believes the Town Board should find out how much it would cost, and to call Paul Boylan and see if anything can be done through the zoning ordinance.

Supervisor Felton: He will contact Paul Boylan to see how to proceed.

PARK COMMITTEE REPORT – Supervisor Felton:

·Did not meet in September

Supervisor Felton: He would like to discuss the issue of vandalism in the Town Parks. He would like to have a resolution to have the parks open only from dawn to dusk, no camp fires, no overnight camping, no alcoholic beverages, no glass bottles, west gate on Byron Road gate closed at all times. The Town should post speed limits signs if gates are kept open. All signage needs to be consistent and within view. Reward for information on vandalism. Spoke with Sheriff's Department and they will enforce any resolution that's made. He does not believe this should include Turtle Park.

James Lamkin: Verbiage should say ½ hour after sunset and ½ hour after sunrise. Could the Town make a town law to make stricter penalties?

RULES AND REGULATIONS FOR TRESTLE PARK AND FIREMEN'S PARK RESOLUTION #60:

Councilman Ivison offered the following resolution and moved for its adoption: **BE IT RESOLVED**, that the Town Board authorizes the implementation of the following rules and regulations for Trestle Park and Firemen's Park:

1. West gate on Batavia-Byron Road will be closed at all times;
2. Parks will be closed 30 minutes after sunset until 30 minutes before sunrise;
3. No overnight camping;
4. No campfires;
5. No glass bottles/containers;
6. No consumption of alcoholic beverages;

7. Up to \$200 reward for the arrest and conviction of persons committing vandalism and/or violations of our park rules;

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #61:

Councilman Ferguson 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	#9	#193 - #212	\$11,224.00
Highway Fund	#9	#115 - #128	\$52,996.00
Sewer Fund	#9	#52 - #57	\$ 9,035.69
General Fund	#PA-12	#47 - #51	\$ 1,737.22
Sewer Fund	#PA-9	#18	\$ 530.32
Highway Fund	#PA-3	#4	\$ 1,858.50
Water District No. 2 Fund	#1	#1	\$ 1,093.12

Councilman Ivison 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.....	\$ 21.00
Paid to the Byron Park Committee.....	\$ 90.00
Paid to NYS Environmental Conservation.....	\$ 4,659.10
Paid to the Town of Byron Supervisor.....	<u>\$3,159.13</u>
Total Disbursed for August 2009.....	\$8,000.90

·Sexual Predator Notification has been sent out. The individual has since moved to Batavia.

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

- The financial reports were reviewed for August 2009
- The public also received a copy of a summary financial report

A **motion** was made by Councilman Ferguson to approve the August 2009 Financial Reports as given. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

WATER DISTRICTS:

WATER DISTRICT NOS. 3 & 4:

Public meeting was held on August 27th to keep residents up-to-date on the process. Will go out to bid with bid opening on October 9th.

WATER MAIN & APPURTENANCE STANDARDIZATION FOR WATER DISTRICT NOS. 3 & 4

RESOLUTION #62:

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

WHEREAS, the Town of Byron (Town) has entered into an agreement with Monroe County Water Authority (MCWA) for the operation and maintenance of Town water districts.

WHEREAS, the MCWA has specific material requirements for water main and appurtenances that are operated and maintained by the MCWA. The material requirements are outlined in the Uniform Design and Construction Standards for Extending Water Distribution Systems available from the MCWA.

WHEREAS, the MCWA requires that all proposed water districts and extensions in the Town utilize the materials outlined in the Uniform Design and Construction Standards for Extending Water Distribution Systems.

BE IT RESOLVED, the Town shall standardize on the material requirements as outlined in the Uniform Design and Construction Standards for Extending Water Distribution Systems prepared by the MCWA for all proposed water districts and extensions.

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

Vote: Ayes: 5 Nays: 0

BIDS FOR WATER DISTRICT NOS. 3 & 4 CONSTRUCTION

RESOLUTION #63:

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

RESOLVED, that the Town Board of the Town of Byron on behalf of Water District No. 3 (Ivison Road) and Water District No. 4 (Cockram Road) does hereby authorize the Town Clerk to advertise for bids for the construction of water mains, hydrants, and appurtenant structures in said districts pursuant to plans and specifications drawn by Clark Patterson Lee, Town Engineers, which bids shall be opened on the 9th day of October, 2009 at 1:00 p.m. in the Town offices, and to publish an advertisement therefore in the Batavia Daily News, Rochester Democrat & Chronicle, Dodge Report, and any other publication which may be recommended by Clark Patterson Lee.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 5 (Cockram Road East):

·In the pre-application process

WATER DISTRICT NO. 6 (Warboys Road):

·Nothing new to report

BYRON AND SOUTH BYRON FIRE DEPARTMENTS:

Brad Pinsky, Esq. was present to present the Byron and South Byron Fire Departments budget requests.

He would like to discuss training mainly. Concern is for the benefit of the department. The best fire protection for the price. There are serious problems with the fire departments with regards to training. The Town wants liability kept to a minimum (injuries, volunteer firefighter's benefit law, liability to the people). Training saves lives. Equipment with the proper training saves lives. With regard to a letter that the Town sent the fire departments, the Town wants to make sure firefighters are properly trained, but the Town does not budget enough money to supply the firefighters with enough training. The South Byron fire department fundraises twice what the Town gives them. It's the Town's obligation to give them the funding necessary to get trained. Every firefighter on the scene needs to have a radio. Poor communication at fires is the #1 cause of firefighter deaths. Why would anyone want to volunteer if they have to fundraise to get anything? A training budget needs to be established. Pagers, radios, training, better gear. Four trucks is not a lot of equipment when covering 45 miles. There has been no increase in 3 years. He would request \$100,000+ for each fire department. Keep budget low if you don't want to get volunteers. Average age of firefighter is 52 years old. Consolidation is an issue, and he would like to work with the Town Board about creating a fire district. A fire district is a separate governmental body run by five commissioners. The Town Board would no longer be responsible for funding. One set of rules and one set of policies. They get to determine everything and it's their burden.

Councilman Redick: Is there mandatory training?

Mr. Pinsky: There is not mandatory training.

Supervisor Felton: Our relationship with the fire departments has been strained. Consolidation has been stressed. He has sat through some meetings and there are separate opinions from both fire departments. The Town Board does not know what the needs of the fire departments are because they have not been expressed. A case needs to be presented so the Town Board can help the fire departments.

Councilman Ivison: There is frustration in funding two fire departments instead of one.

Mr. Pinsky: Would like a committee of two to meet with the fire departments

BUDGET MEETINGS:

A **motion** was made by Councilman Ivison to hold Special Budget Meetings of the Town Board on the following dates: September 16, 2009; September 23, 2009; and September 30, 2009 at 6:00 p.m. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

John Sackett: What is going on with Gillam-Grant? He believes there was poor money management on the part of Gillam-Grant.

Supervisor Felton: Gillam-Grant has not come in yet for their budget request for next year.

Rita Reding: She believes they need to charge more for the classes at Gillam-Grant. She hopes that money is not cut out for the Town's youth recreation program.

Councilman Ivison: He doesn't want the Town to be left holding the ball.

Laura Platt: The community does nothing for the kids.

John Sackett: The County Clerk asks the County Legislature to increase fees when money is needed.

Supervisor Felton: He asked for public input on the Byron-Bergen Public Library and Gillam-Grant Library. The Library Board is exploring the opportunity to make their organizations a separate taxing entity. Small portion of the residents of the Town of Byron utilize the Gillam-Grant Library and the Town Board may cut funding.

·There was no opposition voiced to cutting sponsorship of the library.

SUPERVISOR'S REPORT:

·Next GAM meeting will be on September 17th to discuss 2010 census

·Public access will be on Channel 12

·Memorandum that Genesee County Legislative group is doing outreach programs

·Received Chamber newsletter

ADJOURN:

A **motion** was made by Councilman Ivison to adjourn the Byron Town Board Meeting at 9:25 p.m. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk