

BYRON TOWN BOARD MEETING

February 11, 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
Brian Forsyth.....Gillett Road, Byron
Jim Cudney.....Rte. 237, Byron
Matt Campbell.....N. Bergen Road, Byron
John Gerrard.....N. Bergen 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 January 14, 2009 as written, with the exception that motion regarding Sexual Predators should not include “via US mail and by adding a link on the Town’s website to NYS Sexual Predator website”. This appeared to be too restrictive and the public notification should be left to the discretion of the Supervisor. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – Councilman Ivison:

·Did not meet due to illness of the Chairman

COMPREHENSIVE PLAN UPDATE:

·Going through list of questions for Town survey

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:

·The Highway Superintendent believes the year end financial statements are not correct

·There has been no sales tax deposited into the Highway Fund in 2009

·There has been no town tax monies deposited into the Highway Fund so far in 2009

·CD deposited for 1 year of reserve. The Highway Superintendent thought he would do it for 3-6 months if loader is purchased, but now it’s tied up. A loader would cost approximately \$130,000 - \$175,000. The Town’s current loader is worth approximately \$50,000 - \$55,000.

·Truck replacement: 4% for 5 years, \$107,000 plus January 2010 emissions will increase about 6% plus \$70,000 plow equipment.

·The Highway Superintendent would also ask the Town Board write a letter to our State Legislators to support more funding for CHIPS Program in highways.

·CHIPS money to decrease from \$74,647 to \$42,561 for 2009.

Building Committee:

· Supervisor Felton and Councilman Ivison met with Eric Wies regarding Clark Patterson helping to come up with a viable option for the highway garage. Clark Patterson would be willing to look at highway garage, but it would come at some cost. Supervisor Felton would like to get together with Superintendent Heins and Councilman Ferguson to discuss their options before moving forward.

A **motion** was made by Councilman Ivison to approve the Highway Report as given. The motion was seconded by Councilman Ferguson 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

·Had all filter bed flow meters calibrated (one flow meter was significantly out of calibration, which may have been why our readings in January were very high)

·1/6/09 – 6403 Mill Pond Road, changed pump, removed old framework and replaced all plumbing

·Checked all pumps for operation

·Ordered spare pump

·Took meter readings

·Replaced locks on filter bed gates (locks were rusted and in need of replacement)

·Exercised generators, checked oil and fluids

Future Projects:

·Inventory

- Replace pumps
- Continue preventative maintenance program
- Install flow meters to check for I&I (these will be coming from Akron in two weeks installed on lines from mobile home park to check for infiltration issues)

Project List for Grant Consideration:

- Panel box upgrades at the south and north filter beds
- Dialers installed at filter beds and Mill Pond Road station
- Four new natural fuel generators
- Eight new valves for the south and north filter beds

SEWER ORDINANCE AMENDMENT INCREASING THE FEES FOR DELINQUENT PAYMENT OF SEWER BILLS
RESOLUTION #33:

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

BE IT ENACTED, that the Byron Town Board, on behalf of the Byron Sewer District, hereby amends Section 113 of the Sewer District Ordinance to increase the interest rate charge for delinquent payment of sewer bills from one and forty-eight hundredths percentum (1.48%) per month, to ten percentum (10%) per quarter. Section 114 shall be amended by authorizing the Town Board to amend, change, alter or otherwise adjust any and all fees, charges, taxes, or any other levies contained in the Sewer Ordinance by formal resolution adopted by a majority of said Board.

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

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Ferguson to approve the Sewer Department 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: 14
- Number of Zoning Permits: 2
- Number of Building Permits Issued: 5
- Number of Land Separations: 0
- Number of Building C.O./C.C. Issued: 1
- Number of Zoning Complaints Filed: 1
- Number of Zoning Complaints Resolved: 1
- Total Hours for the Month: 73

A **motion** was made by Councilman Redick 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

BUILDING AND ZONING PERMITS SCHEDULE OF FEES FOR 2009

RESOLUTION #34:

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

Resolved, that the Byron Town Board approves the Building Permits, Zoning Permits and Land Separation Schedule of Fees for 2009, effective 10 days after Town Newsletter notification of changes of said fees.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Supervisor Felton:

- Supervisor Felton is meeting with Jim Renfrew to discuss grant opportunities
- Volunteer night is being held on February 28th at 4:30 p.m.
- Looking for better water source for ice skating rink
- Still waiting for construction of storage shed
- Work is still in progress for the bicycle rack
- Working with Bill Tyler regarding leveling of baseball field

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #35:

Councilwoman Freeman 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	#2	#35 - #55	\$28,998.99
Highway Fund	#2	#17 - #32	\$15,881.29
Sewer Fund	#2	#8 - #19	\$22,434.12
Water District No. 2 Fund	#1	#1 - #2	\$ 6,400.00
General Fund	#PA-1	#1 - #2	\$ 1,646.69
General Fund	#PA-2	#3 - #5	\$ 618.47
Sewer Fund	#PA-1	#1	\$ 861.59

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

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

A **motion** was made by Councilman Ferguson not to expend further funds on the repair of the Oshkosh truck. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote:	Ayes: 3	Nays: 2
	Councilwoman Freeman	Supervisor Felton
	Councilman Ferguson	Councilman Redick
	Councilman Ivison	

Councilman Ferguson: How many hours have been put on the Oshkosh?

Superintendent Heins: He is not sure

Councilman Ferguson: He would like to put money toward the purchase of a new truck because the truck is not being used for summer work

TOWN CLERK'S REPORT:

Paid to the Genesee County Treasurer for Dog Licenses.....	\$ 138.65
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 54.00
Paid to the NYS Environmental Conservation.....	\$ 297.47
Paid to the Town of Byron Supervisor.....	<u>\$3,034.03</u>
Total Disbursed for January 2009.....	\$3,524.15

A **motion** was made by Councilman Redick to approve the Town Clerk's Report as given for January 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 December 2008 and January 2009.
- The public also received a copy of a more comprehensive financial report.

A **motion** was made by Councilman Ivison to approve the December 2008 and January 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:

FIRE CONTRACTS:

- Contracts are with the attorney for the fire departments

CITY AMBULANCE:

- The Town will receive a credit back because the City Ambulance service will be ending service in September 2009

APPOINTMENT OF SUPERVISOR FELTON AS FAIR HOUSING OFFICER:

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICTS:

WATER DISTRICT NO. 2 – Making final payment to Randsco and Clark Patterson

**PAYMENT OF WATER DISTRICT NO. 2 ABSTRACT #1
RESOLUTION #36:**

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

Resolved, that the Byron Town Board agrees to pay Water District No. 2 Abstract #1 in the amount of \$6,400.00 to Randsco Pipeline (\$5,000) and Clark Patterson Associates (\$1,400), subject to the approval of Rural Development.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NOS. 3 & 4 – received approval from Comptroller and the Town is now moving forward

WATER DISTRICT NO. 5 – Eric Toal is finishing getting responses from residents who have not responded to the Town’s straw poll. Approximately \$2.5 million of assessed value would like to have water. About \$1.7 million of appraised value does not want water. There is approximately \$1 million of assessed value that has not responded, and this will determine if the water district will be going forward.

Supervisor Felton: Spoke with Eric Wies regarding Water District on Cockram Road East, and he believes this may be a fundable water district.

TRANSFER STATION:

Councilman Ferguson: Concerned about vehicles going back to transfer station during the day.

Superintendent Heins: Most people are bringing in recyclables during the week

Supervisor Felton: There was a shortfall of approximately \$1,600 in 2008

Superintendent Heins: He does not believe that is correct because a load of tires with a cost of \$1,500 was also included in that amount in 2008.

AUDIT:

Councilwoman Freeman and Councilman Ferguson reviewed the Town Clerk, Bookkeeper and Justice accounts.

Councilwoman Freeman: She has contacted Marilyn Weinert to serve on the Water Committee, and she has accepted.

PUBLIC COMMENTS:

Councilwoman Freeman: She is still getting signatures on petition for proposed Hessenthaler and Swamp Road water district.

SUPERVISOR’S REPORT:

- Received 4th quarter sales tax check for 2008 in the amount of \$149,882.65
- Training classes will be coming up for the Town Board and Planning Board
- Receiving monthly instead of yearly bills from Boylans

- Next GAM meeting will be February 19th
- Genesee County Youth Bureau funding will be decreased, or possibly eliminated, and summer youth program may be cancelled
- Supervisor Felton has asked Nancy Bailey from the Byron-Bergen Library for information on usage by Town of Byron residents.
- At last month's Town Board meeting, a fireman who was in the audience asked if the Town had heard about a new law that permits the Town Board to provide health insurance to volunteer firefighters and volunteer ambulance workers at the individual volunteer's cost. Upon investigation, this is a new law that went into effect on January 17, 2009
- November 19th Byron will be hosting GAM meeting

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

Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was made by Councilman Ivison to adjourn the Byron Town Board Meeting at 8:45 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