

BYRON TOWN BOARD MEETING

August 8, 2007

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

Supervisor.....	Richard Glazier
Councilmen.....	Steven Hohn
	Suzanne Fuller
	Thomas Felton
	Craig Ferguson
Town Clerk.....	Debra Buck-Leaton
Zoning/Code Enforcement Officer.....	Robert Patterson
Waste Water Dept.....	Robert Cudney

Absent:

Highway Superintendent.....George Heins

Public:

Jim Cudney.....	Rte. 237, Byron
Bill and Barb Emerson.....	Terry Street, Byron
Mickey Truax.....	Swamp Road, Byron
David Chupp.....	Tripp Road, Byron
Katrina Johnston.....	7052 Jerico Road, Byron
Pam and Twilly Lynch.....	Ivison Road, Byron
Donna Bobzin.....	Rte. 237, Byron
Pete Yasses.....	Rte. 237, Byron

Invited Guests:

DEC Officer Richard Rascher
Deputy Sheriff Christopher Erion

PLEDGE TO THE FLAG:

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

MINUTES:

A **motion** was made by Councilman Felton to approve the Byron Town Board Minutes of July 11, 2007 as written. The motion was seconded by Councilman Hohn and carried with the following vote:

Vote: Ayes: 5 Nays: 0

RESIDENTS OF BYRON-HOLLEY ROAD PETITION FOR NOISE

ORDINANCE:

·Dan Culver – Discussion of harassment of residents on Byron-Holley Road. A petition was presented with signatures in favor of noise ordinance and ordinance against altering of original equipment (mufflers, etc.) on ATVs, mini bikes and dirt bikes.

·DEC Officer Richard Rauscher – The DEC was never made aware of this issue. Noise from ATVs is a violation of law, under conservation law dust would be a violation, could require complaintants going to court. No helmet, alteration of the vehicle and no license are also violations. Three conservation officers are assigned to Genesee County. Need to go through legal process before anything can be done.

Bill Hawken – Under DMV Law do ATVs need to be registered even on your own property? Why isn't surveillance tape admissible? Officer Rauscher – it can be used in a misdemeanor action for dust (air quality). Nuisance law would be easier to enforce than a noise ordinance.

Deputy Erion spoke to the group about control of ATVs with the Vehicle and Traffic Law

The majority of the Byron-Holley Road residents in attendance seemed to agree to give DEC a chance to enforce existing laws prior to the Town Board enacting a local law.

A **motion** was made by Councilwoman Fuller to put something in the next newsletter regarding the ATV noise and dust problem on Byron-Holley Road. The motion was seconded by Councilman Hohn and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – Councilwoman Fuller and Tom Felton:

- Reviewed variance for Mark Dewey
- Reviewed land separations
- Reviewed zoning ordinance and mobile home parks

A **motion** was made by Councilman Hohn 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

ZONING/CODE ENFORCEMENT OFFICER -Robert Patterson:

- Collected \$300.00 for the month of July in Zoning/Code Fees.
- Required by local law to let the Town Board know what sewer units need to be added to the debt service and operation and maintenance:
 - Loewke – storage barn on McElver Street – should have 1 unit debt service (Tax Map No. 5-1-37.1)
 - Munnings – should have 1 unit debt service and operating and maintenance (Tax Map No. 5-1-97.113)
 - Yasses – should have 1 unit debt service (Tax Map No. 7-1-20).

A **motion** was made by Councilman Ferguson to add the Loewke and Yasses properties to the debt service, and the Munnings property to debt service and operation and maintenance. The motion was seconded by Councilman Hohn and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Violations served and possible court action to follow for the following individuals:

- John Stefaniak – served a citation for property at 6823 Rte. 237
- Shane Snyder – 6713 Rte. 237 – served a citation – unregistered vehicles in yard
- Richard Snell – 6933 Rte. 237

A **motion** was made by Councilman Ferguson to approve the Zoning/Code Enforcement Report as given. The motion was seconded by Councilman Felton and with the following vote:

Vote: Ayes: 5 Nays: 0

HIGHWAY REPORT-George Heins:

Councilman Ferguson recommended that the Board not approve the Highway Superintendent’s Report since he was not in attendance to give a report.

WASTE WATER REPORT - Bob Cudney:

·Smoke Testing – began smoke testing in Bergen on July 18, 2007 and continued through Wednesday, July 25, 2007. We then came to Byron and were able to get through all three hamlets successfully. I will get a report together of the areas that need a follow-up for your information. I am somewhat pleased (overall) of the current conditions at each hamlet.

·Ken Munnings project is completed. All went well once the project was started. Initial settling of backfilling material cracked the discharge flange on the pump tank, but has been repaired.

·Reports continue to look very good.

Eric Weis – received several compliments from the Town of Bergen workers regarding how well the Town of Byron sewer systems are maintained.

Supervisor Glazier – Ryan List would like to hook up to sewer. He has been paying debt service. He already has easement and septic tank. He will be responsible for all costs of hookup.

A **motion** was made by Councilman Hohn to approve the request of Ryan List to connect to the sewer district pending receipt of the \$1,000 fee. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Ferguson to approve the Waste Water Report as given. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Councilwoman Fuller:

·Approved payment of reward to David Chupp for prosecution of vandals at Fireman’s Park

- Youth program doing very well
- West Shores Trail public information meeting on August 15th at the Gillam Grant
- Gate up behind fire hall

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 2 UPDATE – Eric Wies:

Report on restoration progress:

County highway shoulders and sidewalk replacement. Neither issue taken care of yet. We have approximately \$90,000 left for retainage. Can put a dollar value on items not taken care of and reduce the retainage. Indicated work would be done by the end of the week. Grass didn't grow properly due to the heat and no rain. This is probably not Randsco's responsibility. Walk through went well except for listed items. Two draft applications for payment: Reduce retainage by 2% (pay \$70,000) contingent on getting work done by Friday. Or \$23,465 if work not done by Friday (only for work completed). Eric will be sending them a letter next week along with punch list in hopes that everything will be completed by the next board meeting.

North Byron Road water line cannot move forward until the archeological study is completed.

PAYMENT TO RANDSCO PIPELINE INC.

RESOLUTION #75:

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

Resolved, that the Byron Town Board approves payment to Randsco Pipeline Inc. of \$69,796.68, contingent upon completion of the county highway shoulders on Walkers Corners Road and sidewalk replacement. If said work is not completed, payment shall revert back to the payment of \$23,465 to Randsco Pipeline Inc.

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

Vote: Ayes: 5 Nays: 0

Report of income survey of Ivison and Cockram Roads: Ivison Road residents have relatively high incomes and do not qualify for any funding. Eric believes it would cost \$1,000 - \$1,100 annually per resident for usage and debt service. Possibly we should hold an informational meeting telling them what their options are.

Cockram Road residents have a moderately low income base, therefore, they would be eligible for Rural Development and Small Cities funding, but the district may be too small to be seriously considered. Time from preliminary application to completion would be approximately 7-8 months (ideally).

A **motion** was made by Councilman Felton to allow Stuart Brown Associates to submit a preliminary application to Rural Development for financing of Water District

No. 3 on Cockram Road. The motion was seconded by Councilman Hohn and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Hohn to hold an informational hearing on September 12, 2007 at 7:30 p.m. for the residents of Ivison Road regarding the cost of forming a water district. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PAYMENT FOR LATERAL CONNECTION ASSISTANCE GRANTS:

RESOLUTION #76:

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

Resolved, that the Byron Town Board agrees to approve the payment of 12 vouchers totaling \$16,845.12 for lateral connections.

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

Vote: Ayes: 5 Nays: 0

PAYMENT OF WATER DISTRICT NO. 2 ABSTRACT #8:

RESOLUTION #77:

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

Resolved, that the Byron Town Board agrees to pay Water District No. 2 Abstract #8 in the amount of \$2,500.00, subject to the approval of Rural Development.

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #78:

Councilman Hohn 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	#8	#141 - #156	\$ 3,687.34
Highway Fund	#8	#115 - #130	\$20,335.46
Sewer Fund	#8	#79 - #86	\$ 2,103.96
Water District No. 2	#8	#19	\$23,465.00
Salt Barn	#6	#19 - #22	\$16,021.93
General Fund	#PA-12	#46 - #60	\$12,612.39
General Fund	#PA-13	#61	\$ 6,376.87
Highway Fund	#PA-3	#	\$ 3,557.75

Councilman Ferguson 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.....\$ 59.92

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 30.00
Paid to the New York State Environmental Conservation.....	\$ 75.47
Paid to NYS Dept. of Health for Marriage Licenses.....	\$ 22.50
Paid to Town of Byron Park Committee for Park Rental.....	\$ 40.00
Paid to State Comptroller for Games of Chance.....	\$ 15.00
Paid to the Town of Byron Supervisor.....	<u>\$2,957.21</u>
Total Disbursed for July 2007.....	\$3,200.10

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·Review of July 2007 financial report.

A **motion** was made by Councilman Hohn to approve the July 2007 Financial Report as given. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

·Audit of Justice records completed. Need to discuss the issue of a court clerk with the Justices before budget time.

AUDIT OF JUSTICE RECORDS

RESOLUTION #79:

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

Resolved, that the Byron Town Board approves the audit report of the Justice records by Councilman Hohn and Supervisor Glazier.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION OPPOSING ARTICLE X OF THE PUBLIC SERVICE LAW

RESOLUTION #80:

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

WHEREAS, Article X of the Public Service Law provides a streamlined siting permit procedure for certain power generation facilities and the law expired December 31, 2002; and

WHEREAS, since January 1, 2003, power generation facilities have been sited via local zoning and state DEC review; and

WHEREAS, there is currently a proposal by Governor Spitzer before the Legislature to renew and revise Article X of the Public Service Law that would also include the siting of windmills; and

WHEREAS, this inclusion essentially eliminates local zoning control over windmills and has an impact on community host payments; and

WHEREAS, numerous municipalities throughout New York State have undergone considerable time and expense to develop and implement windmill siting policies that best fit their community;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Byron is opposed to any inclusion of the siting of windmills in Article X of the Public Service Law as it removes local control of our landscape and violates the principles of Home Rule that has been the guiding force of our state; and

IT IS FURTHER RESOLVED, that the Town Board of the Town of Byron encourages any revision of Article X to address health and environmental issues for those who live and work near power generation facilities; and

BE IT FURTHER RESOLVED, that the Town Clerk forward copies of this resolution to Governor Eliot Spitzer and elected officials.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

- Ambulance service meeting for supervisors, fire and ambulance personnel
- Final equalization rate is 100% for next year
- Final approval of union contract received

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

Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was made by Councilman Ferguson to adjourn the Byron Town Board Meeting at 10:23 p.m. The motion was seconded by Councilman Hohn and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk