

BYRON TOWN BOARD MEETING

March 12, 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 |
| Stacy Holley..... | Byron |
| Dale Brumsted..... | Byron |
| Mark Holley..... | Byron |
| Jake Kuczynski..... | Byron |
| Pete Yasses..... | Rte. 237, Byron |
| Sue Fuller..... | Cockram Road, Byron |
| Matt Starowitz..... | Byron |
| Brittany Guentner..... | Byron |
| Glenn Elliott..... | 6936 Swamp Road, Byron |
| Michaele and Joe White..... | Byron |

PLEDGE TO THE FLAG:

Supervisor Chapell 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 February 13, 2008 as written. The motion was seconded by Councilman Ferguson.

The motion was amended as follows:

A **motion** was made by Councilman Felton to include the letter from Bob Patterson to the February 13, 2008 minutes. The motion was seconded by Councilman Ivison and carried with the following vote:

| | | |
|-------|---------|---------|
| Vote: | Ayes: 5 | Nays: 0 |
|-------|---------|---------|

PLANNING BOARD REPORT –Councilman John Ivison:

- Reviewed a land separation
- Reviewed zoning issues
- The Planning Board questioned whether the “What Makes a Good Farmland Protection Project?” workshop would be considered approved training as needed for their mandated training.

A **motion** was made by Councilman Ivison to approve the “What Makes a Good Farmland Protection Project?” workshop as part of the mandated training credits needed by the Planning Board. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – George Heins:

·ordered 3200 tons of salt, on a normal winter use 1800 tons of salt. \$2,000 left out of \$90,000 budget.

·Would like to sell old loader tires online at Auctions International.

·\$120/ton to get rid of waste tires, there may be 4-5 tons.

·Oil separator at end of highway garage needs to be cleaned. Received a \$700 quote from A.D. Call. Last done in 2004 for \$1,800.

·Mr. and Mrs. White on Caswell Road called the Town regarding excessive water running through the culvert under their driveway and washing it out. The culvert is 90 feet off of the right of way so he doesn’t believe there’s anything the Town can do to replace it. He doesn’t believe the Town can start doing this kind of work for some residents and not others.

A **motion** was made by Councilman Ferguson to have the oil separator cleaned by A.D. Call at a cost of approximately \$700. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Ivison to dispose of the waste tires at a reasonable cost. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Ivison to sell the used loader tires on Auctions International. 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 advertise for the sale of the Cub Cadet Zero Turn lawn mower for a minimum bid of \$3,000. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 4 Nays: 1 (Councilwoman Freeman)

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

Vote: Ayes: 5 Nays: 0

WASTE WATER REPORT – Robert Cudney:

·I would like to thank Tom Felton and the Town Board for allowing Jeff Smith to at least listen to the concerns facing all of the departments of the Town of Byron in Coming years. For the Sewer Department, it's a great time to have someone with his type of background looking at some concerns in preparing for the future. I personally have a much better feeling in where we're at now compared to years past, but preparing financially for years to come now is also upon us. With some direction with someone like Jeff will not only better prepare us for tomorrow, but hopefully many years to come.

·The New York State Department of Environmental Conservation Annual Certification was completed over this past month. All data was collected and calculated in completing the reports. No exceedances were reported in all districts for another year. For your review, copies were left for all of you in your mail boxes.

·Over the next month, the department will be servicing portable in-house equipment, such as b lowers, generators, water pumps, and other larger equipment. Notification letters will be going out where scheduled septic tanks are due for inspections and pumping. Areas include the trailer park on Swamp Road and Mill Pond Road primarily. Weather permitting, I would like to start this activity around the middle of April, 2008.

·Reports look good in January 2008. There was one exceedance to flows in North Byron. This time of year wet weather can make it tough to meet flow limitations at this facility.

A **motion** was made by Councilman Ivison to approve the Sewer 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:

- Would like to paint the merry-go-round
- Want to plant trees at Trestle Park
- Applied for a grant from Hamburger Helper for up to \$10,000 to put up a pavilion at Trestle Park.
- Ice rink will not go in until next year.
- Thank you cards sent to Warren Becker and Mark Dewey for their help with ice rink.

·Voted to have Bob Eichenberger act as custodian.

A **motion** was made by Councilman Ivison 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

WATER DISTRICT NO. 2 UPDATE:

N. BYRON ROAD UPDATE:

·According to Eric Wies, N. Byron Road is done except for restoration.

TOWER HILL ROAD UPDATE:

·According to Eric Wies, Monroe County Water Authority is studying the cost of an extension from Rte. 237 along Tower Hill Road.

IVISON AND COCKRAM ROADS:

·Petitions are at Boylan’s office, and hopefully he’ll have them back to the Town by next week.

ABSTRACTS

RESOLUTION #46:

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 | #3 | #45 - #69 | \$ 11,206.46 |
| Highway Fund | #3 | #33 - #43 | \$ 36,831.18 |
| Sewer Fund | #3 | #16 - #24 | \$ 1,681.21 |
| General Fund | #PA-4 | #11- #13 | \$ 1,587.43 |
| Sewer Fund | #PA-2 | #4 - #5 | \$ 1,262.97 |
| Water District #1 | #1 | #1 | \$110,000.00 |

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..... | \$ 111.62 |
| Paid to the NYS Ag and Markets for spay/neuter program..... | \$ 42.00 |
| Paid to the Town of Byron Supervisor..... | <u>\$2,389.48</u> |
| Total Disbursed for February 2008..... | \$2,543.10 |

·The dog census is now almost complete with the last court date for those who have not licensed their dogs being March 25, 2008. To date, there have been 5 people who have not come in to license their dogs.

·In 2006 there were 446 Dog Licenses issued.

·In 2007 there were 585 Dog Licenses issued.

·From January 1, 2008-March 9, 2008 there have been 146 Dog Licenses issued compared to 84 in 2007 and 96 in 2006 in that same three month time period.

·Jennifer Breen from the Governor’s Office for Small Cities will be here on April 1, 2008 to do an audit of the 2004 Small Cities Grant for Water District No. 2.

A **motion** was made by Councilwoman Freeman to approve the Town Clerk’s Report as given for February 2008. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ZONING AND CODE:

·\$35.00 collected for Building Permits for February 2008.

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·No financial reports for January and February yet.

OTHER BUSINESS:

ASSEMBLYMAN STEVE HAWLEY:

·Outreach meeting at the Town Hall on March 19, 2008 from 4:00 p.m.-6:00 p.m.

RTE. 262 AND BYRON ROAD INTERSECTION:

·Received copy of a letter Assemblyman Hawley sent to the NYS Department of Transportation in which he requested that additional studies be done on this intersection.
·The state has done three previous studies with some added signage.

CASWELL ROAD DRAINAGE ISSUES:

·Joe and Michaele White brought more pictures from 2007 showing overflow issues.
·The existing culvert has been there since 1984.
·He believes the culvert in issue is the one to the north of his house. Since it was replaced by a larger culvert flooding has worsened on their property.
·Superintendent Heins believes 700 acres of land drain into White’s property.
·Mr. White would like to have the culvert in his driveway replaced by the Town.
·Councilman Felton with call George Squires to see if he can get his input on the situation.

YASSES LAWSUIT:

·The Town Board has been in discussions with Pete Yasses, and they’re hoping the situation can be resolved quickly.

S. BYRON FIRE DEPARTMENT WATER UNITS:

·The Town Board and the Water Committee will look into the reason why S. Byron Fire Department is charged 2 water units, and Byron Fire Department is charged 1 unit.

STUART BROWN ASSOCIATES BILL FOR WATER DISTRICTS NO. 3

& 4:

- Cost for Stu Brown to do both districts would be \$20,000.
- Eric Wies believes the environmental studies can be combined to save some money.
- Superintendent Heins questioned why the districts were divided. It would make more sense, cost wise, to combine the two districts into one.
- Councilman Felton will contact Jeff Smith from Municipal Solutions to see if this is a project he may be able to do.

MEETING WITH JEFF SMITH OF MUNICIPAL SOLUTIONS:

·Met with Jeff Smith and some town employees, fire departments and citizens to review the Town’s future expectations and what Municipal Solutions could do to help the Town in regards to grants, financial planning, etc. Toured the Highway Department, Fire Departments, parks and other various areas of the Town.

SUPERVISOR’S REPORT:

·Letter from Gillam-Grant asking Supervisor Chapell to be on a subcommittee regarding a new gymnasium for the center.

A **motion** was made by Councilman Felton 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

EXECUTIVE SESSION:

A **motion** was made by Councilman Felton to enter into Executive Session at 8:08 p.m. to discuss the hiring of a new CEO/ZEO. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Ferguson to come out of executive session at 8:53 p.m. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

CEO/ZEO APPOINTMENT:

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

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

CEO/ZEO SALARY

RESOLUTION #47:

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

Resolved, that the Town Board fix the CEO/ZEO salary at \$15,000 to be prorated for the remainder of 2008, plus mileage from the Town Hall, and a cell phone allowance. The resolution was seconded by Councilman Ferguson.

The above Resolution was amended as follows:

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

Resolved, that the Byron Town Board fix the CEO/ZEO salary at \$13,500 until which time the CEO/ZEO has met all training necessary to be certified by New York State Code Enforcement Standards. The CEO/ZEO shall also be paid mileage at a rate of \$.50.5 per mile from the Byron Town Hall, and a \$40 per month cell phone allowance.

The resolution was seconded by Councilwoman Freeman and carried with the following vote:

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

CEO/ZEO SALARY

RESOLUTION #47 AS AMENDED:

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

Resolved, that the Byron Town Board fix the CEO/ZEO salary at \$13,500 until which time the CEO/ZEO has met all training necessary to be certified by New York State Code Enforcement Standards. The CEO/ZEO shall also be paid mileage at a rate of \$.50.5 per mile from the Byron Town Hall, and a \$40 per month cell phone allowance.

The resolution was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was made by Councilwoman Freeman to adjourn the Byron Town Board Meeting at 9:46 p.m. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk