

PLEASE TAKE NOTICE, that the Town Board of the Town of Byron will hold a Public Hearing on Wednesday, December 12, 2018 at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York to consider entering into a contract for fire protection and other emergency services, including emergency medical services, with the Byron Fire Dept. No. 1, Inc. for 2019 in the amount of \$100,000.00. And also to consider entering into a contract for fire protection and other emergency services with the South Byron Vol. Fire Co. Inc. for 2019 in the amount of \$100,000.00. Copies of the complete contracts are on file in the Town Clerk's Office and may be examined at any time during regular business hours.

*By Order of the Byron Town Board
Debra Buck-Leaton, Town Clerk*

PUBLIC COMMENTS: None

A **motion** was made by Councilman Klycek to close the Public Hearing for the fire protection and emergency services contracts at 7:13 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

2019 FIRE PROTECTION AND EMERGENCY SERVICES CONTRACTS

RESOLUTION #77:

Councilwoman Fuller offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board hereby adopts the Contract For Emergency Services with Byron Fire Department No. 1 and the South Byron Volunteer Fire Company, Inc. for 2019 in the amount of \$100,000.00 each.

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

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – Councilwoman Fuller:

- Jean Fabrittis of North Byron Road submitted a Special Use Permit to reopen a dog grooming business in her home. It was approved by the Planning Board with a Public Hearing to be held on January 8th.
- Gary Gagnon of Merriman Road submitted a Special Use Permit to operate a taxidermy business out of his home. It was approved by the Planning Board with a Public Hearing to be held on January 8th.
- Weinert farm is going to be auctioned off in multiple parcels. Kent Auctioneers has a sheet available on the properties that will be subdivided. The lots are subject to Planning Board approval if different people buy the different parcels.
- Touched on solar farms, but didn't go into depth

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

Vote: Ayes: 4 Nays: 0

COMPREHENSIVE PLAN - SEQR NEGATIVE DECLARATION

RESOLUTION #78:

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

WHEREAS,

- 1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Byron announced on October 10, 2018 its intent to serve as Lead Agency and to

conduct an environmental review of the proposed Revised Comprehensive Plan which will serve as a vehicle by which planning and development of the Town will be guided.

2) The Town Board has determined that the proposed action is a Type I action as defined under SEQR, as the action requires approval of plans by the Department of Environment Conservation, the Genesee County Planning Department, and the New York State Department of Parks, Recreation and Historical Preservation, and the New York State Department of Agriculture, and as the project covers Genesee County Agricultural Districts and a site of archeological importance.

3) The Byron Town Board in its capacity as Lead Agency has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.

4) On October 15, 2018 the Byron Town Board notified the Involved Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the full Environmental Assessment Form. None of the Involved Agencies objected to the Byron Town Board acting as Lead Agency.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Byron declares that it will serve as Lead Agency for the adoption of the proposed Revised Comprehensive Plan; and

The Town Board declares that based on the Full Environmental Assessment Form which has been prepared, the adoption of the Revised Comprehensive Plan will not result in any large and important impacts, and therefore will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore hereby issued for this project, and no environmental impact statement need be prepared.

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

Vote: Ayes: 4 Nays: 0

COMPREHENSIVE PLAN APPROVAL

RESOLUTION #79:

Councilwoman Fuller offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board adopts the Comprehensive Plan as presented to the Town Board by the Comprehensive Plan Committee.

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

Vote: Ayes: 4 Nays: 0

SEWER REPORT:

Monthly:

- Checked and maintained all filter bed pumps (N,S+C)
- Keeping track of pump hours on all pumps including Old School House, Walkers Corners and McElver Street lift station
- Took monthly samples

Other:

- On November 29th resampled CBOD for North, South and Center Byron due to lab error.
- On November 30th pulled and replaced sewage pump in Center Byron's first lift station.

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

Vote: Ayes: 4 Nays: 0

SEWER RELEVY

RESOLUTION #80:

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

Resolved, that the Byron Town Board approves the relevy of all unpaid sewer bills in the amount of Twenty-Eight Thousand Four Hundred Sixty-Seven and 90/100 Dollars (\$28,467.90) onto the 2019 Town/County tax bills.

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

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT:

- Active Fall so far plowing
- Gone through some salt, but still under budget and hopefully won’t have to budget transfer
- Still only minor issues on truck so far, headlights on one, sander motor, one trouble starting but all issues resolved “in house”
- Also “in House” wheel bearings on front end of grey truck, only cost was parts
- Had new tires put on black pickup
- Hand delivered check to hunter Peterbilt for cab & chassis November 19th
- Truck left day after to Valley Fab to have box and plow equipment installed
- Cleaning up Morton barn and recycling center before Christmas season. Getting rid of 20 lb. and small propane cylinders, boxed up televisions and other electronic devices for Sunn King, hauled some water project dirt to a horse farm on Upper Holley Road.

Councilman Thompson: Why is the highway department hauling dirt from the water district to a private residence?

Town Attorney Paul Boylan: The Highway Department should not be delivering anything to a private residence. Maybe the contractor can drop it off instead.

Supervisor Rouse: He will ask the Highway Superintendent

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

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT – Mike Morris:

- A copy of the report is on file with the CEO/ZEO

A **motion** was made by Councilman Thompson to approve the CEO/ZEO Report as given. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT – George Squires:

- Did not have a meeting this month

ABSTRACTS

RESOLUTION #81:

Councilwoman Fuller 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	#12	#297 - #321	\$ 27,710.74
Highway Fund	#12	#184 - #200	\$ 28,453.53
Sewer Fund	#12	#44 - #45	\$ 4,187.27
General Fund	PA#11	#50 - #58	\$ 4,152.89
Sewer Fund	PA#11	#26 - #27	\$ 228.96
Water District #7	#1	#1	\$460,851.64
Water District #7	#2	#2	\$ 73,150.91

Councilwoman Fuller: Why are we paying Accadia for Water District No. 7 when they have gone over the deadline?

Attorney Paul Boylan: These bills are for work already completed.

Scott Mattison: The pay apps are prepared in accordance with the work done and verified by the inspector.

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

Vote: Ayes: 4 Nays: 0

TOWN CLERK'S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 48.00
Paid to the Town of Byron Supervisor.....	\$2,977.11
Paid to NYS DEC.....	\$ 816.39
Paid to the State Comptroller for Games of Chance.....	\$ 15.00
Total Disbursed for November 2018.....	\$3,856.50

A **motion** was made by Councilman Thompson to approve the Town Clerk's Report as given for November 2018. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

RESOLUTION FOR SUPPORT FOR THE TOWN OF BATAVIA APPLICATION FOR SHARED SERVICES UNDER THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) GRANT

RESOLUTION #82:

Councilwoman Fuller offered the following resolution and moved for its adoption:

WHEREAS, the Town of Batavia intends to apply for funding through the New York State Local Government Records Management Improvement Fund Grant (LGRMIF) for monies to continue its efforts to increase efficiencies in local services delivery of services and through shared services and support related to records management systems; and

WHEREAS, the Town Board of the Town of Byron looks forward to this opportunity for shared services and intermunicipal cooperation which result in savings for its constituents and

WHEREAS, the Town of Byron anticipates cooperating with and adjoining in future shared services offered and/or supported by the Town of Batavia whenever feasible.

NOW, THEREFORE, BE IT RESOLVED, that the Byron Town Board hereby fully supports the Town of Batavia in its pursuit and application for funding for shared services through a Local Government Records Management Improvement Fund Grant; and be it further,

RESOLVED, this resolution shall take effect immediately.

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

Vote: Ayes: 4 Nays: 0

PROPOSAL OF SERVICES AGREEMENT BETWEEN THE TOWN OF BATAVIA AND LABELLA SHARED SERVICES LGRMIF GRANT APPLICATION

RESOLUTION #83:

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

WHEREAS, the Town of Batavia wishes to retain LaBella Associates to prepare a Shared Services Grant Application for funding for the Town of Batavia, Town of Alexander and Town of Byron under the Records Management Program administered by the State Archives, "Local Government Records Management Improvement Fund (LGRMIF); and

WHEREAS, LaBella Associates provided a proposal of services at a cost of \$3,500.00 to prepare a Shared Services LGRMIF grant application for funding under the Document Conversion and Access category (proposal attached).

NOW, THEREFORE, BE IT RESOLVED, that the Byron Town Board hereby authorizes the Town of Batavia Supervisor to retain Labella Associates for the preparation of a Shared Services LGRMIF Application at a cost not to exceed three thousand five hundred dollars (\$3,500.00), and hereby authorizes the Town of Batavia Supervisor to execute the proposal of services and all necessary documents relating to the grant application; and be it further

RESOLVED, the Town of Alexander and the Town of Byron will reimburse the Town of Batavia \$525.00 each, for LaBella Associates Services.

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

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The November 2018 Financial Report was reviewed.

A **motion** was made by Councilwoman Fuller to approve the November 2018 Financial Report. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SUPERVISOR'S REPORT:

- Received Mortgage Tax check in the amount of \$13,596.89.
- Sales Tax is going to remain the same for 2019 as it was in 2018.

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

Vote: Ayes: 4 Nays: 0

OTHER BUSINESS:

WATER DISTRICT NO. 7:

·Due to the circumstances that are taking place with Water District No. 7 it is necessary to be proactive with the attorney's fees and amend the Legal Services Agreement.

WATER DISTRICT NO. 7 AMENDED LEGAL SERVICES AGREEMENT

RESOLUTION #84:

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

WHEREAS, there have arisen multiple complications in the execution of the construction contract for Water District No. 7 for the Town of Byron, including but not limited to nineteen (19) additional easements and a substantial dispute between the MRB Group and Accadia regarding Accadia's failure to complete the project

on or before November 30, 2018, together with the probability of litigation over Accadia's failure to comply with other contract provisions, and

WHEREAS, the Legal Services Agreement between Water District No. 7 and Boylan Law Office, LLP which recites that the fees for such services enumerated therein shall not exceed \$20,000, and

WHEREAS, the services enumerated do not include services by the attorneys in connection with the disputes and the anticipated litigation, and

WHEREAS, these events and the necessity for unanticipated additional legal services require an amendment to the Legal Services Agreement,

NOW THEREFORE, BE IT RESOLVED, that the Legal Services Agreement between Water District No. 7 of the Town of Byron and the Boylan Law Office, LLP be and it is hereby amended to provide for the Not to Exceed amount to be \$30,000 and to include services with regard to the dispute and services prior to litigation, and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to execute an Amended Legal Services Agreement in the form submitted to the Board at this meeting.

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

Vote: Ayes: 4 Nays: 0

WATER DISTRICT NO. 7 BUDGET AMENDMENT

RESOLUTION #85:

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

RESOLVED:

That the budget for Water District No. 7 is hereby amended to transfer \$15,000 from Contingency to Legal Services.

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

Vote: Ayes: 4 Nays: 0

CONTRACTOR'S APPLICATION FOR PAYMEN NO. 2

RESOLUTION #86:

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

WHEREAS, the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the Contractor's Application for Payment No. 2 in the amount of \$73,150.91.

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

Vote: Ayes: 4 Nays: 0

WATER DISTRICT NO. 8:

Bid opening was held on Tuesday, December 11th. There were four (4) bidders, with the low bidder being Randsco Pipeline at a cost of \$2,256,750.00. It has a finish date of either June or July 30th with work to begin around mid February.

WATER DISTRICT NO. 8 - AWARD OF BID FOR CONSTRUCTION

RESOLUTION #87:

Councilman Thompson made the following resolution and moved for its adoption:

WHEREAS, the time established for the opening of the bids for the construction of the facilities for Water District No. 8 in the Town of Byron, Genesee County, New York having arrived, and

WHEREAS, four (4) sealed bids having been received and opened, and

WHEREAS, those bids having been tabulated by Scot Mattison of MRB Group, and

WHEREAS, it having been determined that the lowest responsible bid was submitted by Randsco Pipeline, Inc. in the amount of \$2,256,750.00;

NOW THEREFORE, be it

RESOLVED, that Randsco Pipeline, Inc. is hereby awarded the contract to construct the water main and appurtenant structures for Water District No. 8 in the Town of Byron, Genesee County, New York at a cost not to exceed \$2,256,750.00, subject to and upon its execution of the written contract drafted by the said engineers and approved by the Town Attorney and USDA Rural Development, and the posting of the required Performance Bond in the amount of \$2,256,750.00.

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

Vote: Ayes: 4 Nays: 0

**MRB GROUP – ENGINEERING SERVICES AGREEMENT – TRANSIT ROAD
RESOLUTION #88:**

Councilwoman Fuller offered the following resolution and moved for its adoption:

WHEREAS, the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the Proposal for Professional Services with MRB Group for engineering services for the Transit Road Water District in the amount of \$2,850.00.

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

Vote: Ayes: 4 Nays: 0

**MRB GROUP – REVISED ENGINEERING SERVICES AGREEMENT – SOUTH EAST AREA
(Coward Road/Clinton Street Road/Old State Road/School Road/Portions of Walkers Corners Road,
Batavia-Byron Road)**
RESOLUTION #89:

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

WHEREAS, the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the Proposal for Professional Services with MRB Group for engineering services for the South East Area Water District in the amount of \$3,525.00.

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

Vote: Ayes: 4 Nays: 0

**MRB GROUP – ENGINEERING SERVICES AGREEMENT – NORTHERN AND WESTERN AREAS
(Rte. 262/ Cockram Road/ Tower Hill Road/Searls Road/Cook Road/Upper Holley Road/Warboys
Road/Bird Road/Merrill Road/North Bergen Road and more)**
RESOLUTION #90:

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

WHEREAS, the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the Proposal for Professional Services with MRB Group for engineering services for the Northern and Western Area Water District in the amount of \$7,650.00.

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

Vote: Ayes: 4 Nays: 0

END-OF-YEAR MEETING:

A **motion** was made by Councilwoman Fuller to set the end of year meeting for December 26, 2018 at 7:00 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

ORGANIZATIONAL MEETING:

A **motion** was made by Councilman Klycek to set the Organizational Meeting for January 2, 2019 at 7:00 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PUBLIC COMMENTS:

George Squires: He believes the Town Board needs to hold a Public Hearing on the Comprehensive Plan. Attorney Paul Boylan will look into it.

John Durand: Member list needs to be approved by the Town Board.

·The Town Board did not approve the member list at this time.

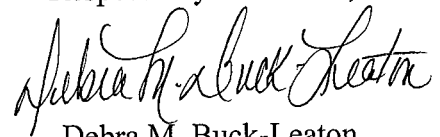
Discussion on Firemen Cancer Law: John Durand and Dean Bates believe the Town is responsible for paying the insurance for the cancer bill, and the Town Attorney believes that the fire departments are responsible for the bill. He will look into this further. It is due to begin on January 1, 2019.

ADJOURN:

A **motion** was made by Councilwoman Fuller to adjourn the Byron Town Board Meeting at 9:15 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk