

**BYRON TOWN BOARD MEETING**

October 12, 2016

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

- Supervisor.....Pete Yasses
- Councilmen.....Sue Fuller  
Jim Cudney  
Fred Klycek  
Jeff Thompson
- Highway Superintendent.....Brian Forsyth
- Town Clerk.....Debra Buck-Leaton
  
- Public:
- David Chupp.....Tripp Road, Byron
- Mickey Truax.....Swamp Road, Byron
- Vic Digregorio..... Warboys Road, Byron
- John Sackett.....Townline Road, Byron
- Candace Hensel.....Rte. 237, Byron

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Supervisor Yasses.

**MINUTES:**

A **motion** was made by Councilwoman Fuller to approve the Byron Town Board minutes of September 14, 2016 and Special Meeting minutes of September 26, 2016 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**PLANNING BOARD REPORT – Councilman Cudney:**

·County and Town Planning Board approved application by Tom Jones on Beaver Meadows Road for ground mount solar array.

·There was a discussion regarding “little houses”. There is nothing in Town codes regarding little houses except reference to minimum square footage.

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

Vote:           Ayes: 5           Nays: 0

**COMPREHENSIVE COMMITTEE REPORT – Councilman Cudney:**

·Chairman Squires informed the committee about the kickoff meeting with the Comprehensive Plan Committee, Planning Board, Town Board and Wendell on November 15<sup>th</sup> at 7:00 p.m.

·Committee had a discussion regarding the history of Byron, railroads and industry (i.e. Oxbo).

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

Vote:           Ayes: 5           Nays: 0

**MUSEUM REPORT – Councilwoman Fuller:**

- Annual fall dinner meeting was held last Thursday. History teacher from Pembroke gave a presentation regarding former Presidents.
- Reelection of officers.

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

Vote:           Ayes: 5           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

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

Vote:           Ayes: 5           Nays: 0

**HIGHWAY SUPERINTENDENT’S REPORT – Brian Forsyth:**

- New pickup is in and told money spent would get back out of truck in 2 years
- Paved Hessenthaler Road on September 26<sup>th</sup> and 27<sup>th</sup>
- Roads have been striped. All oiled and stoned. All paved roads. Added Swamp Road. 6.28 miles (est. \$3,200)
- Roadside mowing for third time. There have been no issues since putting on new parts
- Started shimming roads (true and level) with grader. Northwest corner of town (oil and stone in 2017). Shelt and Gillett Roads
- After grader work shoulders on Hessenthaler and others. Make use of return shared services
- Fixed o rings on spool in valve body in backhoe. Parts relatively cheap (\$150). Labor intensive, but saved with in house labor
- Flags USA spend \$500. 24 poles: \$312; 7 flags: \$175. Next March or April 18 flags \$450
- Waste Management Quote for fire departments: 2yd. solid waste – bi-weekly \$36; 4 yd. solid waste – bi-weekly \$49; 4 yd. solid waste – once a month \$35.
- Future: haul in sand and mix salt, put trucks together, more mowing and hopefully push back
- Surplus Equipment: 2006 grey pickup truck, portable fuel tank, parts washer, bushog left from last auction, chainsaws (Stihl 038, Homelite 1050 automatic, Homelite Super XL, 6” angle grinders, 2 used saddle tanks (150 gallon and 1,100 gallon), fuel tank supports off fuel tank already mounted on truck, 2 office adding machines, air conditioner.

**HIGHWAY SURPLUS EQUIPMENT**

**RESOLUTION #77:**

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

**Resolved**, that the Byron Town Board hereby approves the sale of the following surplus equipment to be sold at the highest bid, minimum bids to be set at the discretion of the Highway Superintendent:

- a. 2006 grey pickup truck
- b. Portable fuel tank,
- c. Parts washer
- d. Bushog left from last auction
- e. Chainsaws (Stihl 038, Homelite 1050 automatic, Homelite Super XL
- f. 6" angle grinders
- g. 2 used saddle tanks (150 gallon and 1,100 gallon)
- h. Fuel tank supports off fuel tank already mounted on truck
- i. 2 office adding machines
- j. Air conditioner

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

Vote:           Ayes: 5           Nays: 0

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

Vote:           Ayes: 5           Nays: 0

**FIRE DEPARTMENT CONTRACT MODIFICATIONS**

**RESOLUTION #78:**

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

**Resolved**, that the Byron Town Board hereby agrees to amend the Byron and S. Byron Fire Department contracts to include the Town paying the cost of a 2 yd. solid waste dumpster bi-weekly at a cost of \$36.00 per month, and to include the help of the Town highway department employees to oil and stone the fire department parking lots, with the fire departments purchasing the material to do so.

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

Vote:           Ayes: 5           Nays: 0

**HIGHWAY GARAGE PRELIMINARY ENGINEERING REPORT**

**RESOLUTION #79:**

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

**Resolved**, that the Byron Town Board hereby accepts the Preliminary Engineering Report and Building Condition Survey completed by Chatfield Engineers, P.C. dated September 14, 2016, and authorizes the Town Attorney to prepare the bond resolution for the expenditure of funds to undertake the project.

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

Vote:           Ayes: 5           Nays: 0

**HIGHWAY GARAGE SEQR  
RESOLUTION #80:**

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

**Resolved**, that the Byron Town Board hereby authorizes Chatfield Engineers, P.C. to prepare the environmental assessment of the highway garage project in compliance with the State Environmental Quality Review (SEQR) Act for a lump sum of \$250.

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

Vote:           Ayes: 5           Nays: 0

**HIGHWAY GARAGE PUBLIC INFORMATIONAL MEETING:**

A **motion** was made by Councilman Cudney to hold a public informational meeting on the highway garage preliminary engineering report and building condition survey completed by Chatfield Engineers, P.C. on Tuesday, October 25, 2016 at 7:00 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**CEO/ZEO REPORT:**

- Number of Inspections: 12
- Number of Zoning/Building Permits Issued: 12
- Number of Land Separations: 0
- Number of Special Use Permit Applications: 0
- Number of Building C.O./C.C. Issued: 3
- Number of Zoning Complaints Filed: 0
- Number of Zoning Complaints Resolved: 0
- Number of Stop Work Orders Issued: 0

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

Vote:           Ayes: 5           Nays: 0

**PARK COMMITTEE REPORT – Councilman Cudney:**

- Budget line item was discussed
- Reviewed new purchase policy
- Enlisting help of the fire department to fix toilet in women’s restroom in the spring
- George Squires is drafting a new set of Bylaws
- Repairing bench

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

Vote:           Ayes: 5           Nays: 0

**ABSTRACTS**

**RESOLUTION #81:**

Councilman Cudney 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	#10	#214 - #237	\$15,847.64
Highway Fund	#10	#129 - #142	\$58,652.37
Sewer Fund	#10	#30 - #33	\$ 3,196.03
General Fund	PA#9	#51 - #55	\$ 1,910.07
Sewer Fund	PA#9	#24 - #27	\$ 1,138.17
Water District No. 2	#1	#1	\$ 765.00
Water District No. 3	#1	#1	\$ 42.50
Water District No. 4	#1	#1	\$ 42.50
Water District No. 6	#10	#15 - #17	\$10,647.50

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

Vote:                   Ayes: 5                   Nays: 0

**TOWN CLERK'S REPORT:**

Paid to the Byron Park Committee for Pavilion Rental.....	\$ 30.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 99.00
Paid to NYS DEC.....	\$3,864.24
Paid to the Town of Byron Supervisor.....	<u>\$3,300.26</u>
Total Disbursed for September 2016.....	\$ 7,293.50

A **motion** was made by Councilwoman Fuller to approve the Town Clerk's Report as given for September, 2016. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**FINANCIAL REPORT:**

The September 2016 Financial Report was reviewed.

A **motion** was made by Councilman Klycek to approve the September 2016 Financial Reports. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**SUPERVISOR'S REPORT:**

- Received Time Warner Franchise payment in the amount of \$8,582.90
- Received Genesee County roadside mowing payment in the amount of \$8,863.71
- Still waiting on Time Warner agreement
- Highway guys paved driveway
- Justice Barb Smith is applying for another JCAP grant and the Town Board needs to pass a resolution approving its submission.

**JCAP GRANT**

**RESOLUTION #82:**

Supervisor Yasses offered the following resolution and moved for its adoption:

***WHEREAS***, the Town Board of the Town of Byron hereby gives the Town Justice, Barbara Smith, approval to apply for a Justice Court Assistance (JCAP) Grant as follows:

Handicap accessibility to courtroom: \$6,300 (labor included, quoted at NYS prevailing rate)

Additional cameras and monitor on bench: \$2,490 (labor included)

Kevlar material and shears: \$175 (town and court to supply labor)

Walk-thru metal detector: \$4,995 (installation to be supplied by town and court)  
Hand-held security wand: \$150 (no labor required)  
Security fence/gate with remote open: \$12,750 (electric and access control wiring to be supplied by town and court)

Push pads for fence: \$1,000 (no labor required)

Total requested is \$27,860.00, with the maximum allowed being \$30,000.00.

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

Vote:           Ayes: 5           Nays: 0

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

Vote:           Ayes: 5           Nays: 0

**OTHER BUSINESS:**

**WATER DISTRICT NO. 6:**

The Town Board needs to increase the budget report to cover the full expense of the interest expense because there is not enough to cover the actual interest cost (an increase of \$1,145.07).

**WATER DISTRICT NO. 6 BUDGET MODIFICATION**

**RESOLUTION #83:**

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

***WHEREAS***, the Town of Byron developed the budget for the Water District No. 6 project based on an estimate for the cost of the interest expense on the BAN, and

***WHEREAS***, the actual costs for the interest expense (\$2,848.07) will be more than the budgeted amount (\$1,703.00),

***THEREFORE, BE IT RESOLVED***, that the Town Board hereby authorizes an increase of \$1,145.07 in the Net Interest Expense budget item and a corresponding decrease to the Contingency.

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

Vote:           Ayes: 5           Nays: 0

**WATER DISTRICT NO. 7:**

Paul Boylan is still in the process of preparing the application to the Comptroller.

**WATER DISTRICT NO. 8:**

Map, Plan and Report from Chatfield Engineers will be delivered next week. The Town Board now needs to set an informational meeting for residents. Paul Boylan will have the legal petition ready to be signed at the informational meeting.

A **motion** was made by Councilman Thompson to hold a Public Informational Meeting on Water District No. 8 on Wednesday, November 2, 2016 at 7:00 p.m. at S. Byron Fire Hall. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**FUTURE WATER DISTRICTS:**

·Eric Toal and Steve Starowitz will be working on getting income surveys filled out by residents that have not done so yet for the Warboys Road water district.

·Jeff Thompson will be working on getting income surveys filled out by residents that have not done so yet for the Tower Hill Road water district.

**BULK WATER APPLICATION:**

A **motion** was made by Councilman Cudney to approve the Bulk Municipal Water Request from Jeff Thompson for the purchase of bulk water from the Town of Byron. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0                   Abstain: 1 (Councilman Thompson)

**REVIEW OF 2017 BUDGET:**

·A1420.4A (Attorney Contractual Water): \$40,000 was carried over from the requested column to the 2017 Tentative column.

·A1620.4A (museum roof): Changed to \$9,200 for metal roofing

·A9055.8 (Disability Ins.): This figure is only \$300 because the cost is around \$160 per year, but there are increases. It is taken out of General instead of Highway and General because it has always been taken out of the General account.

·DA1120 (Sales Tax): Increased to \$200,000

**Local Law No. 3 of 2016  
Town of Byron  
County of Genesee**

**A Local Law to override the tax levy limit established in General Municipal Law 3-c**

**Section 1 Legislative Intent**

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Byron pursuant to General Municipal Law §3-c, and to allow the Town of Byron to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

**Section 2 Authority**

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a Local Law approved by vote of sixty percent (60%) of the Town Board.

**Section 3 Tax Levy Limit Override**

The Town Board of the Town of Byron, County of Genesee, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c.

#### **Section 4 Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### **Section 5 Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State.

### **RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. 3 OF 2016 AND TO SCHEDULE A PUBLIC HEARING**

#### **RESOLUTION #84:**

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

**WHEREAS**, the Town Board of the Town of Byron, New York desires to consider adopting legislation to override the limit on the amount of real property taxes that may be levied by the Town of Byron pursuant to General Municipal Law Section 3-c, and to allow the Town of Byron to adopt a town budget for fiscal year 2017 that requires a real property tax levy in excess of the tax levy limit, also known as Town of Byron Local Law No. 3 of 2016.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Byron, New York that proposed Local Law No. 1 of 2015 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-c", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

**BE IT FURTHER RESOLVED** that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until November, 2016, and that a Public Hearing be held before this Town Board on the 9<sup>th</sup> day of November, 2016, at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York, on the advisability of enacting said proposed Local Law; and

**BE IT FURTHER RESOLVED** that a copy of said proposed local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Byron, New York not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said Public Hearing;

**BE IT FURTHER RESOLVED** that the Town Clerk shall cause notice of said Public Hearing to be published once in the Batavia Daily News at least five (5) days prior to the date of said Public



Hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

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

Vote:           Ayes: 5           Nays: 0

**PUBLIC HEARING – BUDGET:**

A **motion** was made by Councilman Klycek to approve the 2017 Tentative Budget with the changes as discussed above, and to set the Public Hearing on the 2017 Preliminary Budget and Fire Protection Contracts for November 9, 2016 at 7:15 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**PUBLIC COMMENTS:**

None

**ADJOURN:**

A **motion** was made by Councilman Klycek to adjourn the Byron Town Board Meeting at 9:30 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton  
Byron Town Clerk