

TOWN OF BYRON ORGANIZATIONAL MEETING

January 5, 2011

The Byron Town Board Meeting was called to order by Supervisor Robert Crnkovich at the Byron Town Hall, 7028 Byron Holley Road, Byron, New York at 7:00 p.m. with the following present:

Supervisor Robert Crnkovich

Councilpersons..... Jack Redick

Jeanne Freeman

John Ivison

Town Clerk Debra Buck-Leaton

Highway Superintendent.....George Heins

CEO/ZEO..... Ken Kuter

Absent.....Councilman Thompson

Public:

Jim and Barb Cudney.....7072 Rte. 237, Byron

David Chupp.....Tripp Road, Byron

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Crnkovich.

APPOINTMENTS:

A **MOTION** was made by Supervisor Crnkovich to appoint the Byron Highway Superintendent to oversee the Byron Transfer Station and the sale of Municipal Bulk Water, and assist with work being done for the Byron Park System, as part of his duties as the Highway Superintendent. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 4 Nays: 0

A **MOTION** was made by Councilman Ivison to appoint George Squires and James Cudney to a five year terms as Planning Board Alternates effective January 1, 2011 – December 31, 2015. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SALARIES OF ELECTED AND APPOINTED PUBLIC OFFICIALS:

The Town Board discussed the salaries of the elected and appointed public officials. The salaries are on attachment **Pages A thru K** they are as follows:

RESOLUTION # 1:

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

Resolved, that the Byron Town Board appoint the appointees and fix the salaries of the Town of Byron Elected Officials, appointees and employees for the year 2011 at the amounts respectfully stated, and that the salaries shall be payable at the frequencies specified on **Pages A thru K**.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 2:

feet and boardwalks or the renewals thereof in the amount of **\$278,000.00** as on file with the Town of Byron Highway Superintendent.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 8:

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

Resolved, that the Byron Town Board accept the low bids of Genesee County and New York State on Highway Department usage of diesel, gas and road maintenance supplies.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 9:

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

Resolved, that the 2011 Town of Byron Sewer Hook-up Fee be \$1,000.00 per unit.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 10:

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

Resolved, that the Byron Sewer District reimburse residents for electrical usage for pump stations where pumps are hooked into the residential electrical meters. Payments to be made at a rate of \$100.00 per a 12 month period, per unit based on the current National Grid Electric Rate.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION #11:

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

Resolved, that the Byron Town Board authorizes the Town Supervisor to attend Training Schools or conferences as required. Costs exceeding \$500.00 will be need to be approved by the Board.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 12:

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

Resolved, that the Byron Town Board establish the Late Notice Fee pursuant to Section 987 (1) of the Real Property Tax Law, that the Town of Byron is hereby authorized to impose a **\$2.00** service charge to cover the expense of the mailing out a notice of delinquency to taxpayers.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 13:

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

Resolved, that the Byron Town Board approve Town Clerk Debra Buck-Leaton to attend the New York State Town Clerks Conference, Regional and County Meetings for 2011.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 14:

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

Resolved, that the Byron Town Board accept and continue the 3rd party custodial agreement with any commercial New York State Bank regarding funds on deposit in excess of \$100,000.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 15:

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

Resolved, that the Byron Town Board maintain an Equipment Inventory Account of items purchased at a cost of \$400.00 or more from the General, Highway and Sewer Budgets.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION #16:

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

Resolved, that the Byron Town Board will pay any costs associated with the normal deductible amounts under the policies of insurance now in effect and any cost approved by the Town Board as payable under the Dental Expense Reimbursement Policy up to \$700.00 for each full-time employee and their families.

Any money not used in the current year up to \$350.00 will accrue to the next year. The maximum amount that can be in the account in any calendar year shall be \$1,050.00.

(The family will consist of employee, spouse and any children while they are still attending high school.)

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 17:

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

Resolved, that the Byron Town Board offer three (3) options to their full-time employees:

- 1.) A Health Insurance Policy (**family, two person, or a single person**) for full time employees.
- 2.) Sixty percent (**60%**) of the current Health Insurance Policy premium (**the amount in which the Town of Byron pays**) for payment in lieu of Health Insurance.
- 3.) Employees hired on or after May 1, 2004, will share the cost of health insurance for two person or family plans as follows:

<u>Years of Service</u>	<u>Employers Share</u>	<u>Employees Share</u>
0 - 20 years	80%	20%
20 years and thereafter	100%	0%

The cost of a single plan health insurance will be paid in full by the Town of Byron. All full-time employees (**Non-union and Union**) must show proof of insurance and this proof must be in their personal file, to receive the payment in lieu of Health Insurance. The in lieu of Health Insurance Benefit will be pro-rated and paid according to their pay schedule or pro-rated and payable after time worked for the Town of Byron.

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

Vote: Ayes: 0 Nays: 4

·After discussing Resolution #17, and since the union contract has expired on December 31, 2010, and the union contract has not been renegotiated as of January 5, 2011, the Town Board amended Resolution #17 to read as follows:

RESOLUTION #17 AS AMENDED:

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

Whereas, comments have been solicited from those officers of the town involved with procurement;
Therefore Be It Resolved, that the Town of Byron does hereby adopt the following procurement policies and procedures:

TOWN OF BYRONS PROCUREMENT POLICY

GUIDELINE #1: Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103

GUIDELINE #2: All Purchases Of:

- 1.) Supplies or equipment which will exceed \$10,000 in the fiscal year
- 2.) Public works contract over \$20,000 shall be formally bid pursuant to GML 103

GUIDELINE #3: All Estimated Purchases Of:

- 1.) Less than \$10,000 but greater than \$3,000 require a written request for a Responsible Formal Proposal (RFP) and written/fax quotes from 3 vendors
- 2.) Less than \$3,000 but greater than \$1,000 require an oral request for the goods and oral/fax quotes from 2 vendors
- 3.) Less than \$1,000 but greater than \$250 are left to the discretion of the purchaser.

GUIDELINE #4: All Estimated Public Works Contract Of:

- 1.) Less than \$20,000 but greater than \$10,000 requires a written RFP and fax/proposals from 3 contractors
- 2.) Less than \$10,000 but greater than \$3,000 requires a written RFP and fax/proposals from 2 contractors
- 3.) Less than \$3,000 but greater than \$500 are left to the discretion of the purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase of public works contract.

GUIDELINE #5: The lowest responsible proposal or quotes shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

GUIDELINE #6: A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

GUIDELINE #7: Except when directed by the Byron Town Board no solicitation of written proposals or quotations shall be required under the following circumstances:

- a.) Acquisition of professional services
- b.) Emergencies
- c.) Sale source situations
- d.) Goods purchased from agencies for the blind or severely handicapped
- e.) Goods purchased from correctional facilities

- f.) Goods purchased from another governmental agency
- g.) Goods purchased from an auction
- h.) Goods purchased for less than \$250
- I.) Public works contracts for less than \$500

GUIDELINE #8: This policy shall be reviewed annually by the Byron Town Board at its Organizational Meeting or as soon as thereafter as is reasonably practicable.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 20:

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

Resolved, that the Byron Town Board select the Batavia Daily News as the legal newspaper for the Town of Byron.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 21:

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

Resolved, that the Byron Town Board cover the following full-time employees under Disability Insurance through the Town of Byron.

- a.) **Highway Superintendent**
- b.) **Town Clerk**
- c.) **Highway Employees**

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 22:

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

Resolved, that the Town of Byron pay \$50.00 to the Byron Fire Dept. No. I for the use of the municipal water for the restroom facilities at the Byron Community Park on McElver Street, plus \$1.00 for the annual rent of the facilities.

Therefore Let It Be Resolved, that a total of \$51.00 will be an annual amount to be paid.

Further Be Resolved, that a copy of this agreement between the Town of Byron and the Byron Fire Dept. No. I is on file in the Town Clerk's Office.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 23:

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

Resolved, that if an appointed part-time salaried employee has requested a **"Medical Leave of Absence"** this is to be done with a written statement from their physicians stating they are unable to perform their duties for the Town of Byron.

Further Be It Resolved, that if an appointed part-time salaried employee is unable to perform his or her duties, said employee will be paid his or her salary for a period of one (1) month, starting from the date of disability, after that period the salary will be terminated.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION # 24:

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 2011.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION #25:

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

Resolved, that the Byron Town Board authorizes the Town of Byron council members to attend training classes for 2011, not to exceed \$1,500 total for the year.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION #26:

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

Resolved, that the Byron Town Board authorizes the Highway Superintendent to appoint Deputy Highway Superintendents for 2011. The appointments will be from 01/01/11 - 12/31/11 for a total of \$1,200.00 per year or \$100.00 per month. This compensation is to be paid semi-annually.

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

Vote: Ayes: 0 Nays: 4

RESOLUTION #27:

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

Resolved, that the Byron Town Board approved the Official Undertaking/Crime Insurance Policy and for the Tax Collector and Deputy Tax Collector to be covered by the Town of Byron’s Theft Insurance in the amount of \$650,000.00.

Further Be It Resolved, that the Town of Byron theft insurance cover the Supervisor and Deputy Supervisor for \$40,000.00, and all other employees for \$10,000.00.

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

Vote: Ayes: 4 Nays: 0

DRUG AND ALCOHOL TESTING REGULATIONS:

RESOLUTION # 28:

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

Resolved, that the Byron Town Board adopts the Drug and Alcohol Testing Regulations for employees with a CDL License as follows:

DRUG AND ALCOHOL TESTING REGULATIONS FOR EMPLOYEES WITH CDL LICENSE:

The United States Department of Transportation (DOT) has issued regulations pursuant to the Omnibus Transportation Employee Testing Act of 1991 (the “Act”) governing the use of drugs and alcohol and alcohol by persons holding commercial drivers licenses (CDLs). These regulations require employers to conduct mandatory drug and alcohol testing of all drivers who operate commercial motor vehicles. This policy became effective on January 1, 1996.

Further Be It Resolved, that all employees are to sign a form stating that they have been made aware of the Drug and Alcohol Testing Program in the Town of Byron and that this form will be placed in their personal file.

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

Vote:

Ayes: 4

Nays: 0

ADJOURN:

A **MOTION** was made by Councilman Ivison to adjourn the Byron Town Board Organizational Meeting at 7:53 p.m. The motion was seconded by Councilman Redick and carried with the following vote:

Vote:

Ayes: 4

Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk