

# **TOWN OF BYRON ORGANIZATIONAL MEETING**

**January 6, 2016**

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

Supervisor ..... Peter Yasses

Councilpersons..... Sue Fuller

Jeff Thompson

Fred Klycek

Jim Cudney

Town Clerk ..... Debra Buck-Leaton

Highway Superintendent.....Brian Forsyth

Public:

John Sackett.....Townline Road, Byron

Candace Hensel.....Bergen

## **PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Supervisor Yasses.

## **APPOINTMENTS:**

A **MOTION** was made by Councilman Thompson 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 Councilwoman Fuller and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

A **MOTION** was made by Councilman Thompson to appoint Councilwoman Sue Fuller as Deputy Supervisor from January 1, 2016 – December 31, 2016. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

A **MOTION** was made by Councilman Cudney to appoint Shannon Thompson to a five year term on the Board of Assessment Review effective January 1, 2016 – September 30, 2020. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                      Ayes: 5                      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 L** they are as follows:

## **RESOLUTION # 1:**

Councilman Cudney 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 2016 at the amounts respectfully stated, and that the salaries shall be payable at the frequencies specified on **Pages A thru L**.

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

Vote:                      Ayes: 5                      Nays: 0

## **RESOLUTION # 2:**

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

**Resolved**, that the Byron Town Board has designated the regular Byron Town Board Meeting to be held the second (2<sup>nd</sup>) Wednesday of each month during the year 2016.

**Further Be It Resolved**, that the Town Board Meetings are to be held at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York 14422.

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

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

**Councilman Klycek:** Would like to know if the Town Board meetings could be switched to a different day because he has a conflict every month with his job.

It was decided by the Town Board that the Town Board meetings would remain on the second Wednesday of each month.

### **RESOLUTION # 3:**

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

**Resolved**, that the Byron Town Board authorize the Town of Byron Supervisor to invest town monies in any commercial NYS Bank. When funds are available investments may be made in collateralized Certificates of Deposit.

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

Vote: Ayes: 5 Nays: 0

### **RESOLUTION # 4:**

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

**Resolved**, that the following have named these banks to be their depositories:

Supervisor Peter Yasses .....	Five Star Bank
Town Clerk Debra Buck-Leaton .....	Five Star Bank
Town Justice Daniel DiMatteo .....	The Bank of Castile
Town Justice Barb Smith. ....	The Bank of Castile

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

Vote: Ayes: 5 Nays: 0

### **RESOLUTION # 5:**

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

**Resolved**, that the vouchers with dates and destinations be submitted by employees for town business mileage. Mileage is to be paid at the stated IRS mileage rate for that time period (currently 54 cents per mile).

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

Vote: Ayes: 5 Nays: 0

### **RESOLUTION # 6:**

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

**Resolved**, that the Byron Town Board has authorized Highway Superintendent Brian Forsyth to purchase supplies and materials, according to current procurement policies, and necessary to operate the Town Highway Department for the year 2016 based on his management decisions.

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

Vote: Ayes: 5 Nays: 0

### **RESOLUTION #7:**

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

**Resolved**, that the Byron Town Board approve the following:

Item #1	Account #DA5110.1	General Repairs Personal Service
---------	-------------------	----------------------------------

Account #DA5110.4  
Account #DA5112.2

General Repairs Contractual Expense  
General Repairs CHIPS Capital Expense

Agreement for the 2016 expenditures of the Town Highway monies for general repairs and primary work, for 40.92 miles of Town of Byron roads, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof in the amount of **\$326,200.00** as on file with the Town of Byron Highway Superintendent. All purchases of equipment, new or used, shall not exceed \$5,000.00 without prior consent of the Town Board.

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

Vote:                      Ayes: 5                      Nays: 0

#### **RESOLUTION # 8:**

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

Vote:                      Ayes: 5                      Nays: 0

#### **RESOLUTION # 9:**

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

***Resolved,*** that the 2016 Town of Byron Sewer Hook-up Fee be \$1,000.00 per unit.

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

Vote:                      Ayes: 5                      Nays: 0

#### **RESOLUTION # 10:**

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

Vote:                      Ayes: 5                      Nays: 0

#### **RESOLUTION #11:**

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

Vote:                      Ayes: 5                      Nays: 0

#### **RESOLUTION # 12:**

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

Vote:                      Ayes: 5                      Nays: 0

#### **RESOLUTION # 13:**

Councilwoman Fuller 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 2016.

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

Vote: Ayes: 5 Nays: 0

#### **RESOLUTION # 14:**

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

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

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

Vote: Ayes: 5 Nays: 0

#### **RESOLUTION # 15:**

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

Vote: Ayes: 5 Nays: 0

#### **RESOLUTION #16:**

Councilman Thompson 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 qualified under the Affordable Care Act.)*

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

Vote: Ayes: 5 Nays: 0

#### **RESOLUTION # 17:**

Councilman Cudney 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.) The Town shall provide to all full time employees the HMO, Community Blue Advantage, with a \$10.00 Drug Rider and Dependents based on the Affordable Care Act. The Town will continue to provide substantially similar insurance during the term of this Agreement, but shall have the right to provide such coverage through another insurance carrier or on a self insured basis, at its discretion with notice to the Union with no diminishing of benefits. Employees who are eligible for more than one (1) category of coverage (such as a family or a two-person plan, or two single plans) shall enroll in the least costly option. Should the Town opt to go to the three-tier medical insurances, the buy out payment of the family plan shall remain as if the Town was in the two-tier medical insurances. (Refer to Article 21.4 of the Union Agreement between the Town of Byron and the Highway Employees dated June 1, 2013- December 31, 2016)

Effective the first pay period after June 1, 2013, each employee will contribute \$10.00 per pay period toward the cost of health insurance for the balance of 2013. The Town may deduct this contribution retroactive back to June 1<sup>st</sup>.

Effective January 1, 2014, each employee will contribute \$15.00 per pay period toward the cost of health insurance.

Effective January 1, 2015, each employee will contribute \$20.00 per pay period toward the cost of health

insurance.

Effective January 1, 2016, each employee will contribute \$25.00 per pay period toward the cost of health insurance.

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.

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

Vote: Ayes: 5 Nays: 0

#### **RESOLUTION # 18:**

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

**Resolved**, that the Byron Town Board hereby adopt the following policy in regards to the payment of premiums for Health Insurance covering retired employees:

- 1.) The Town of Byron shall pay such premiums covering employees during their lifetime who retire from full time employment from the Town provided that all the following conditions are:
  - a.) That the retiring employee shall have been an active working employee for a minimum of twenty five (25) years.
  - b.) One (1) year for early retirement may be considered in calculating said twenty five (25) years.
  - c.) That on the effective date or the employee's retirement, he or she shall be at least fifty five (55) years of age.
  - d.) Any full-time or part-time elected or appointed Town of Byron employee that starts work after January 1, 2003 will no longer have their Health Insurance Coverage paid by the Town of Byron after their retirement.
- 2.) The retired employee may obtain additional coverage for his/her spouse and/or children at his/her cost by paying the Town an amount equal to any additional premium due at least five (5) days prior to the due date of payment by the Town on its policy.
- 3.) This policy does not guarantee that coverage pursuant to the policy or policies as may be in effect from time to time covering Town employees shall be made available to the retired employees.
- 4.) At such time, as the eligible retired employees shall become eligible for Medicare, the Town shall provide only Medicare Supplement Coverage for him/her.
- 5.) The above provisions will run consistent with the current Union Contract, except for item 1.) d)

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

Vote: Ayes: 5 Nays: 0

#### **RESOLUTION # 19:**

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

**Resolved**, that the Byron Town Board adopt the following Procurement Policy:

**Whereas**, Section 104-B of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements and GML 103 or any other law; and

**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.

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

Vote:                      Ayes: 5                      Nays: 0

#### **RESOLUTION # 20:**

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

Vote: Ayes: 5 Nays: 0

#### **RESOLUTION # 21:**

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

Vote: Ayes: 5 Nays: 0

#### **RESOLUTION # 22:**

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

Vote: Ayes: 5 Nays: 0

#### **RESOLUTION # 23:**

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

Vote: Ayes: 5 Nays: 0

#### **RESOLUTION # 24:**

Councilman Klycek 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 2016.

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

Vote: Ayes: 5 Nays: 0

#### **RESOLUTION #25:**

Councilman Thompson 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 2016, not to exceed \$1,500 total for the year.

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

Vote: Ayes: 5 Nays: 0

**RESOLUTION #26:**

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

Vote: Ayes: 5 Nays: 0

**DRUG AND ALCOHOL TESTING REGULATIONS:**

**RESOLUTION # 27:**

Councilman Klycek 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.

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

Vote: Ayes: 5 Nays: 0

**ADJOURN:**

A ***MOTION*** was made by Councilwoman Fuller to adjourn the Byron Town Board Organizational Meeting at 8:08 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk