

TOWN OF BYRON ORGANIZATIONAL MEETING

January 8, 2014

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:

SupervisorPeter Yasses
CouncilpersonsSue Fuller
Jeff Thompson
Scott Wooton
Harold Austin
Town ClerkDebra Buck-Leaton
Highway Superintendent.....George Heins
Assessor.....Barry Flansburg
CEO/ZEO.....Ken Kutter

Public:

George Squires.....McElver Street, Byron
Carrie Capostagno.....Caswell Road, Byron
Duane Weatherell.....Mill Pond Road, Byron
Candace Hensel.....Bergen
Jim Cudney.....Rte. 237, Byron
Bill and Barb Emerson.....Pauline Street, Byron
Rita and Joe Kuzma.....Rte. 237, Byron
Grace and Don Jack.....Coward Road, Byron
John Sackett.....Townline Road, Byron
Vic DiGregorio.....Warboys Road, Byron

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

APPOINTMENTS:

A **MOTION** was made by Councilman Wooton 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

SALARIES OF ELECTED AND APPOINTED PUBLIC OFFICIALS:

The Town Board discussed the salaries of the elected and appointed public officials. Town Hall/Garage custodian, David Chupp, left a letter in the Town Board's boxes with regard to his desire to remain as the custodian for the Town. Supervisor Yasses would like to appoint Lori Vogt to the position of custodian. The salaries are on attachment **Pages A thru L**, they are as follows:

RESOLUTION # 1:

Councilwoman Fuller 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 2014 at the amounts respectfully stated, and that the salaries shall be payable at the frequencies specified on **Pages A thru L**, except for the custodian

position.

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

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 2:

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

Resolved, that the Byron Town Board appoint David Chupp as the Town Hall/Highway Garage custodian for the year 2014 at the amount respectfully stated, and that the salary shall be payable at the frequency specified on **Page I**. The motion was seconded by Councilman Austin and was not carried with the following vote:

Supervisor Yasses;	Nay
Councilman Wooton:	Aye
Councilwoman Fuller:	Nay
Councilman Austin:	Aye
Councilman Thompson:	Nay

RESOLUTION # 3:

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

Resolved, that the Byron Town Board appoint Lori Vogt as the Town Hall/Highway Garage custodian for the year 2014 at the amount respectfully stated, and that the salary shall be payable at the frequency specified on **Page I**. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Supervisor Yasses;	Aye
Councilman Wooton:	Nay
Councilwoman Fuller:	Aye
Councilman Austin:	Nay
Councilman Thompson:	Aye

RESOLUTION # 4:

Councilman Wooton 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 (2nd) Wednesday of each month during the year 2014.

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: 5

Nays: 0

RESOLUTION # 5:

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 Austin seconded the resolution which was adopted by the following vote:

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 6:

Councilman Austin 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
.....	The Bank of Castile
Town Clerk Debra Buck-Leaton	Five Star Bank
.....	The Bank of Castile
Town Justice Daniel DiMatteo.....	The Bank of Castile
Town Justice Barb Smith.	The Bank of Castile

Councilman Thompson 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 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 56 cents per mile).

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

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 8:

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

Resolved, that the Byron Town Board has authorized Highway Superintendent Gerald Heins to purchase supplies and materials, according to current procurement policies, and necessary to operate the Town Highway Dept. for the year 2014 based on his management decisions.

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

Vote:

Ayes: 5

Nays: 0

RESOLUTION #9:

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

Resolved, that the Byron Town Board approve the following:

Item #1

Account #DA5110.1

General

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

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 15:

Councilman Austin 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 2014.

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

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 17:

Councilman Wooton 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 Austin seconded the resolution which was adopted by the following vote:

Vote:

Ayes: 5

Nays: 0

RESOLUTION #18:

Councilwoman Fuller 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.)

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

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 19:

Councilman Austin 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 to nineteen (19), students to twenty-five (25). 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 1st, 2013- December 31st, 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 1st.

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.

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

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 20:

Councilman Thompson 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)
- Councilman Austin seconded the resolution which was adopted by the following vote:
- Vote: Ayes: 5

Nays: 0

RESOLUTION # 21:

Councilman Wooton 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.

Supervisor Yasses seconded the resolution which was adopted by the following vote:

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 22:

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 Wooton seconded the resolution which was adopted by the following vote:

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 23:

Councilman Austin 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 # 24:

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. 1 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. 1 is on file in the Town Clerk's Office.

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

Vote: Ayes: 5

Nays: 0

RESOLUTION # 25:

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

Vote: Ayes: 5

Nays: 0

RESOLUTION # 26:

Councilman Thompson 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 2014.

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

Vote: Ayes: 5

Nays: 0

RESOLUTION #27:

Councilman Wooton 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 2014, not to exceed \$1,500 total for the year.

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

Vote: Ayes: 5

Nays: 0

RESOLUTION #28:

Councilwoman Fuller 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.

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

Vote:

Ayes: 5

Nays: 0

DRUG AND ALCOHOL TESTING REGULATIONS:

RESOLUTION # 29:

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

Vote:

Ayes: 5

Nays: 0

ADJOURN:

A ***MOTION*** was made by Councilman Austin to adjourn the Byron Town Board Organizational Meeting at 8:00 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