

***BYRON TOWN BOARD MEETING***

October 14, 2015

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.....	Jeff Thompson
	Sue Fuller
	Harold Austin
	Jim Cudney
Town Clerk.....	Debra Buck-Leaton
Highway Superintendent.....	George Heins
Assessor.....	Barry Flansburg

Public:

David Chupp.....	Tripp Road, Byron
Candace Hensel.....	Byron
Mickey Truax.....	Swamp Road, Byron
Vic Digregorio.....	Warboys Road, Byron
Bill and Barb Emerson.....	Terry Street, Byron
Michelle and Jacob Yasses.....	Byron-Holley Road, Byron
George Squires.....	McElver Street, Byron
John Sackett.....	Townline Road, Byron

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Supervisor Yasses.

## PUBLIC HEARING –TAX CAP OVERRIDE:

A **motion** was made by Councilwoman Fuller to open the Public Hearing to override the tax cap at 7:00 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:           Ayes: 5                   Nays: 0

**LEGAL NOTICE  
SPECIAL MEETING  
TOWN OF BYRON**

***PLEASE TAKE NOTICE***, that the Town Board of the Town of Byron will hold a Public Hearing on Wednesday, October 14, 2015 regarding Local Law entitled, “Local Law No. 1 of 2015 – Authorization of the Town Board to Override the Tax Levy Limit Established in General Municipal Law 3-c” at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York. A summary of the law is as follows:

*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.*

*The full text of the Proposed Local Law No. 1 of 2015 is on file at the office of the Town Clerk and is available for inspection during regular office hours.*

*Debra Buck-Leaton  
Byron Town Clerk*

**Local Law No. 1 of 2015  
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 2016 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 2016 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 ADOPTING LOCAL LAW NO. 1 OF 2015 – TAX CAP OVERRIDE**

### **RESOLUTION #68:**

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

**WHEREAS**, the Town Board of the Town of Byron, New York adopts 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 2016 that requires a real property tax levy in excess of the tax levy limit, also known as Town of Byron Local Law No. 1 of 2015.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Byron, New York that 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 Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is adopted upon filing with the Secretary of State.

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

Vote:                      Ayes: 5                      Nays: 0

### **Public Comments:**

John Sackett: Need to do override because the Governor passed the 2% tax override law.

Assessor Flansburg: The Town would go over the tax cap because of water districts even if the Town didn't give the \$10,000 back to each fire department.

A **motion** was made by Councilman Thompson to close the Public Hearing at 7:14 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

### **MINUTES:**

A **motion** was made by Councilman Austin to approve the Byron Town Board minutes of September 9, 2015 and the Special Town Board Meeting minutes of September 23, 2015 as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

### **PLANNING BOARD REPORT – Councilman Cudney:**

- Reviewed Land Separation for Sharon Kelly on Coward Road.
- Moved the November 3<sup>rd</sup> meeting to November 10<sup>th</sup> due to election.
- Reviewed solar energy language in the Zoning Law and talked about making changes to the language.
- Planning Board would like to have \$25,000 put into the budget for a professional consultant to help with the Comprehensive Plan.

Candace Hensel: The Planning Board and Comprehensive Plan Committee need direction and she thinks the rate of burn out is going to be quick because nothing is moving forward.

George Squires: Bergen's Comprehensive Plan cost approximately \$20,000

- After some discussion it was decided to do a budget adjustment and move the money when needed for 2016.

A **motion** was made by Councilwoman Fuller 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

#### **SEWER REPORT:**

##### ***Monthly:***

- Checked and maintained all filter bed umps (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:***

- Had a homeowner complaint about an odor issue at 6412 Mill Pond Road. Found broken plumbing on his house pump to be the cause. Replaced plumbing.
- Also had a high level alarm at 6409 Mill Pond Road. Found plumbing that was broke. Replaced plumbing.
- Responded to stake outs.

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

Vote:                      Ayes: 5                      Nays: 0

#### **HIGHWAY SUPERINTENDENT'S REPORT:**

- CHIP funding arrived in September on time
- Trucks getting prepared for winter
- Continuing drainage work
- Helping other Towns do work

A **motion** was made by Councilman Thompson to approve the Highway Superintendent's Report as written. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

#### **CEO/ZEO REPORT:**

Number of Inspections: 25  
Number of Zoning/Building Permits Issued: 9  
Number of Land Separations: 1  
Number of Building C.O./C.C. Issued: 4  
Number of Zoning Complaints Filed: 3  
Number of Zoning Complaints Resolved: 3

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

Vote:                      Ayes: 5                      Nays: 0

### **PARK COMMITTEE REPORT – Councilman Cudney:**

- Community service volunteer painted benches
- Playground equipment at Trestle Park repainted
- New basketball hoops installed
- Tennis net needs to be repaired because posts were bent
- Boy Scouts camped at Trestle Park
- More catfish put in Trestle Pond

A **motion** was made by Councilwoman Fuller to approve the Park 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:**

- Fall dinner and meeting was held last Thursday with presentation from Lee Blair on the Bergen Swamp.
- Dick Glazier retiring from Board, and Lee Blair is becoming a Board member.

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

Vote:                      Ayes: 5                      Nays: 0

### **ABSTRACTS**

#### **RESOLUTION #69:**

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

***Resolved,*** that the Byron Town Board pay the following abstracts:

<b><i>Fund:</i></b>	<b><i>Abstract:</i></b>	<b><i>Vouchers:</i></b>	<b><i>Amount:</i></b>
General Fund	#10	#231 - #251	\$ 11,611.16
Highway Fund	#10	#128- #144	\$ 49,867.23
Sewer Fund	#10	#46	\$ 3,266.17
General Fund	PA#9	#46 - #50	\$ 1,723.88
Sewer Fund	PA#9	#31 - #32	\$ 530.01
Water District No. 5	#3	#7 - #9	\$ 90,169.83

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

Vote:                      Ayes: 5                      Nays: 0

### **TOWN CLERK'S REPORT:**

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 79.00
Paid to NYS Environmental Conservation.....	\$4,141.33
Paid to NYS Comptroller for Games of Chance.....	\$ 15.00
Paid to NYS Health Department for Marriage Licenses.....	\$ 22.50
Paid to the Town of Byron Supervisor.....	<u>\$3,253.97</u>
Total Disbursed for September 2015.....	\$7,511.80

A **motion** was made by Councilman Austin to approve the Town Clerk's Report as given for September 2015. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

### **FINANCIAL REPORT:**

- The September 2015 Financial Report was reviewed.

A **motion** was made by Councilwoman Fuller to approve the September 2015 Financial Report as written. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

### **SUPERVISOR'S REPORT:**

- The no parking dusk to dawn sign is up at the entrance to Trestle Park.
- Will be checking with Paul Boylan on renewing the Time Warner contract.
- Problems on railroad bed with holes that were filled in by the Highway Department. The Highway Superintendent removed the dirt that was used to fill in the holes and the Supervisor would like to purchase 8 loads of recycled concrete to fill in the holes.
- Insurance renewal meeting with Lawley Genesee on October 21<sup>st</sup> at 11:00 a.m.
- Highway employees attending training.

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

Vote:                      Ayes: 5                      Nays: 0

### **OTHER BUSINESS:**

#### **2016 BUDGET:**

- The Town Board reviewed changes made to the 2016 Tentative Budget as per the September 23, 2015 Special Meeting.
- Last time sewer rents were increased was October 2013. Should the Town Board increase the sewer rents to \$110 per unit per quarter to increase reserve amount. It was decided that this issue should be revisited next year, but for 2016 the sewer rents should remain the same (\$100 per unit per quarter).

#### **PUBLIC HEARING – BUDGET:**

A **motion** was made by Supervisor Yasses to approve the 2016 Tentative Budget with the changes as discussed above, and to set the Public Hearing on the 2016 Preliminary Budget and Fire Protection Contracts for October 27, 2015 at 7:00 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

#### **WATER DISTRICT NO. 5:**

- Job progress meeting tomorrow.
- Progress has slowed down and the Supervisor will let Highlander know the Town is disappointed.
- Restoration of roadsides (stone) needs to be redone, crusher stone is too large.
- Sink holes have started to develop. The Town will hold money for restoration of sink holes.

**WATER DISTRICT NO. 6:**

- Pre Bid meeting on October 29<sup>th</sup>
- Bid opening will be on November 5th.

**WATER DISTRICT NO. 7:**

·Still waiting for more income surveys to be returned prior to moving forward with legal petition. Several residents have not returned survey so Ken Pike, a district resident, will be asked to try to contact them.

**GILLETT/IVISON/COCKRAM ROAD WATER DISTRICT:**

- Waiting for income surveys to be returned.

**NOVEMBER 11, 2015 (VETERANS DAY) TOWN BOARD MEETING DATE CHANGE:**

A **motion** was made by Councilman Thompson to change the Wednesday, November 4, 2015 Town Board meeting to Tuesday, November 4, 2015 at 7:00 p.m. because of Veterans Day. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

**PUBLIC COMMENTS:**

None

**ADJOURN:**

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 8:42 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk