

PUBLIC HEARING

November 24, 2009

The Public Hearing was called to order by Supervisor Thomas Felton at 7:00 p.m. with the following people present:

Supervisor.....Thomas Felton
Council Members.....Jeanne Freeman
 John Ivison
Town Clerk.....Debra Buck-Leaton
Highway Superintendent.....George Heins

Public:

Jim and Dorothy Lamkin.....	6969 Ivison Road, Byron
Kristy and Scott Murphy.....	6951 Ivison Road, Byron
Sue Fuller.....	Cockram Road, Byron
Pam Lynch.....	6950 Ivison Road, Byron

Invited Guests:

Eric Wies.....Clark Patterson Associates

PLEDGE TO THE FLAG:

Supervisor Felton led the people in attendance in the Pledge of Allegiance.

PUBLIC HEARING – MAXIMUM TO BE EXPENDED FOR WATER DISTRICT
NO. 4:

A **motion** was made by Councilwoman Freeman to open the Public Hearing regarding the maximum to be expended for Water District No. 4 at 7:02 p.m. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 3 Nays: 0

LEGAL NOTICE

***PUBLIC HEARING
TOWN OF BYRON***

A regular meeting of the Town Board of the Town of Byron in the County of Genesee, New York, was held at the Town Hall, in said Town, on the 10th day of November, 2009.

PRESENT:

*Thomas Felton, Supervisor
Jeanne Freeman, Councilwoman
Jack Redick, Councilman
John Ivison, Councilman
Craig Ferguson, Councilman*

<i>In the Matter of the</i>	:	ORDER CALLING PUBLIC
<i>Increase in Maximum Amount to Be Expended for Improvement of Facilities of Water District No. 4 (Cockram Road) in the Town of Byron in Genesee County, New York, Pursuant to Section 202-b of the Town Law</i>	:	HEARING INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED

WHEREAS, the Town Board of the Town of Byron (the "Town Board" and the "Town," respectively), in the County of Genesee, New York, on behalf of Water District No. 4 (Cockram Road) in the Town (the "District"), has requested Clark Patterson Lee, duly licensed Engineer (the "Engineer"), to prepare a preliminary map, plan and report dated February 2008 for the increase and improvement of facilities of the District consisting of the installation of 2,150 lineal feet of water mains and eleven (11) lateral connections on Cockram Road in the Town of Byron and including land or rights in land, furnishings, equipment, machinery and apparatus required therefor, and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the estimated maximum cost thereof to be \$156,000.00; and

WHEREAS, the Town duly adopted a resolution and order after public hearing in the above entitled proceeding on May 14, 2008, authorizing the expenditure of \$156,000.00 to provide for the increase and improvement of facilities of the District; and

WHEREAS, due to generally increased costs of labor and materials, the maximum amount now proposed to be expended for said improvement of the water system is \$191,000.00, being an increase of \$35,000.00; now, therefore, be it

ORDERED, that in accordance with the provisions of section 202-b of the Town Law, a further hearing to be held in this proceeding at a meeting of the Town Board be held at the Town Hall, 7028 Rte. 237 in the Town, on November 24, 2009, at 7:00 p.m. to consider an increase in the maximum amount to be expended for said improvement of facilities of the District from \$156,000.00 to \$191,000.00 and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in The Daily News, a newspaper published in Batavia, New York, and hereby designated as the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

Town Board of the Town of Byron

Supervisor Felton: Reviewed budgets for Water District Nos. 3 and 4

Water District No. 3: \$143,000 will remain the same
 \$113,000 loan
 \$ 30,000 Rural Development Grant
 \$ 2,700 Municipal share that is non-refundable

Water District No. 4: \$156,000 originally
 \$191,000 bid came in at
 \$121,000 loan
 \$28,000-\$30,000 Rural Development Grant
 \$32,300 originally - \$67,300 required, therefore our

request is to have RD increase their grant from \$32,300 to \$67,300

·Waiting to hear from Rural Development regarding additional funding.

Paperwork is currently with the state office.

·The Town will need to go back to the Comptroller for permission to increase funding.

·Loan and debt service will remain the same, they are only changing the grant amount.

·Bids are good for 120 days.

Jim Lamkin: What is the estimated time frame in receiving the necessary permission from the Comptroller so it doesn't go over the 120 days? And does the Town have any other options in extending the 120 days?

Eric Wies: One option is to ask the low bidder to uphold their bid prices for additional time.

Councilman Iverson: Why is there a difference between construction costs for Water District No. 3 and 4?

Eric Wies: He believes it is the creeks on Cockram Road that make the cost higher. Monroe County Water Authority has made a policy change regarding the kind of pipe that can be used.

Pam Lynch: If the additional grant funding for Water District No. 4 does not go through, does that mean Water District No. 3 will be eliminated also?

Supervisor Felton: They would have to be separated out and rebid.

Sue Fuller: Why is there a difference in the administrative fees?

Eric Wies: The percentage of cost should have been higher, and there will be additional legal expenses.

A **motion** was made by Councilman Ivison to close the Public Hearing at 7:20 p.m. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 3 Nays: 0

ADJOURN:

A **motion** was made by Councilwoman Freeman to adjourn the Public Hearing at 7:20 p.m. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote: Ayes: 3 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk