

BYRON TOWN BOARD MEETING

May 13, 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

Absent:
Highway Superintendent.....George Heins

Invited Guests:

Paul Chatfield.....	Chatfield Engineering
Bill Downey.....	V2D, LLC
Dawn Bowerman.....	Action Security

Public:

Vic Digregorio.....	Warboys Road, Byron
Candace Hensel.....	The Byron Hotel
Bill and Barb Emerson.....	Terry Street, Byron
George Squires.....	McElver Street, Byron
Josh Kent.....	Ivison Road, Byron
Mickey Truax.....	Swamp Road, Byron
Gerry Birge.....	Coward Road, Byron
Phil Ferrara.....	Coward Road, Byron
Stacey Muscarella.....	Cockram Road, Byron

PLEDGE TO THE FLAG:

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

MINUTES:

A **motion** was made by Councilwoman Fuller to approve the Byron Town Board minutes of April 8, 2015 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – Councilwoman Fuller:

- Laura Bestehorn is resigning as the Planning Board Secretary.
- Worked on Comprehensive Plan.
- Next meeting of the Comprehensive Plan is May 19th.

A **motion** was made by Councilman Cudney to accept the resignation of Planning Board Secretary Laura Bestehorn, with regret. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Cudney to approve the Planning Board Report as given. The motion was seconded by Councilman Austin 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:

- Lost power to N. Byron filter bed. Called Dan Burns and he found broken wires under ground by meter. Conduit and new wire installed to fix problem.
- Ordered new control panel box for N. Byron lift station inside filter bed.
- Had call out for high level alarm at 6441 Mill Pond Road. Found burned out pump. Replaced pump the next morning.

A **motion** was made by Councilwoman Fuller 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:

- Continuing plow and truck maintenance and repairs
- Getting ready to haul road materials to highway yard for stockpiling for summer road work
- The email notices from NYS OGS contracts has the Caterpillar contract for wheel loaders expiring on October 31, 2015. The state will probably not have a new bid contract on loaders after . expiration. A new system will be implemented nationwide. The Town loader will be 5 years old in August 2015 with about 1150 hours. Approximately 250 hours per year of use. The tires are about 1/3 left and new replacement tires are around \$10,000.00. Caterpillar has offered an excellent trade-in offer (\$110,000) with the state contract purchasing program to replace the 2010 loader (cost \$129,000) and offer a yearly trade deal for \$10.00 per hour plus a small percentage of the yearly price increase. I am presenting this to the board to consider tonight, but the Machinery Committee could meet to discuss further as I just received final figures on May 7th from Caterpillar. Teitsworth suggested to take the trade from CAT. To be fiscally responsible this offer should certainly be considered to get the most value from the loader before the contract expires and salt causes more repairs (cab pedals, floor/door rust, wheel rust).
- Replacement of the loader will need to be presented to the Equipment Committee for further review.

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 10
Number of Zoning/Building Permits Issued: 7
Number of Land Separations: 0
Number of Building C.O./C.C. Issued: 4
Number of Zoning Complaints Filed: 0
Number of Zoning Complaints Resolved: 0

·Permit applications are picking up with increased phone activity with zoning questions.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Councilman Cudney:

·The Committee is continuing to do research on trail improvements.
·The Committee reviewed 2015 project plans, which include slide repair, flower beds, Duck Race, cleaning of restrooms.
·Boy scouts will be camping at Trestle Park in early June.

A **motion** was made by Councilwoman Fuller to approve the Park Committee Report as written. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

MUSEUM REPORT:

·First meeting of the year is tomorrow evening.
·Annual meeting will be held on May 21st at the First Presbyterian Church. Cost is \$9, which includes dinner. RSVP required.

A **motion** was made by Councilman Thompson 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 #47:

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

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

<i>Fund:</i>	<i>Abstract:</i>	<i>Vouchers:</i>	<i>Amount:</i>
General Fund	#5	#99 - #127	\$23,349.19
Highway Fund	#5	#59 - #73	\$13,062.57
Sewer Fund	#5	#15 - #29	\$ 5,596.16
General Fund	PA#4	#19 - #22	\$ 2,034.54
Sewer Fund	PA#4	#10 - #12	\$ 904.26

Councilwoman Fuller 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.....	\$ 87.00
Paid to NYS Environmental Conservation.....	\$ 99.20
Paid to the Town of Byron Supervisor.....	<u>\$2,722.60</u>
Total Disbursed for April 2015.....	<u>\$2,908.80</u>

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The April 2015 Financial Report was reviewed.

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

SLEDS OF STAFFORD:

A **motion** was made by Councilman Austin to authorize the Supervisor to sign the Landowner Permission Form For Land Use for Sleds Of Stafford Trails for the 2015-2016 Season. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

1ST QUARTER SALES TAX:

·Received first quarter Sales Tax in the amount of \$139,949.85.

TAX CAP:

·The Town needs to pass a resolution regarding the tax cap because the Town will go over due to installing water.

TAX FREEZE

RESOLUTION #48:

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

WHEREAS, the State of New York has passed Property Tax Freeze legislation; and

WHEREAS, the State of New York is allowing each of its municipalities to file Tax Freeze documentation (Government Efficiency Plans and Certifications) using their County as Lead Entity rather than filing individually; and

WHEREAS, The State of New York will consider plans submitted to the Lead Agency as having fulfilled the municipality filing requirements under the Tax Freeze legislation;

THEREFORE, the Town of Byron hereby resolves to recognize our County as Lead Entity and submit our documentation to them rather than directly to the State.

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

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Cudney 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:

IVISON/GILLETT ROAD WATER PETITION:

·The Town Board received a Petition from 10 residents on Ivison, Cockram, and Gillett Roads requesting water.

A **motion** was made by Councilman Cudney to accept the petition requesting water presented by residents of Ivison, Cockram and Gillett Roads, and to have Chatfield Engineers prepare a cost analysis. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 5:

- Notice-to-Proceed issued May 1, 2015
- Pre-Construction meeting scheduled for May 14, 2015
- MCWA/resident sign up session scheduled for July 9th at the Town Hall. MCWA will be sending correspondence to residents regarding meeting.
- Date of Substantial Completion is September 28, 2015 (150 days from NTP)
- Date of Final Closeout of Contract is October 28, 2015 (180 days from NTP)

MONROE COUNTY WATER AUTHORITY MAIN EXTENSION AGREEMENT FOR WATER DISTRICT NO. 5

RESOLUTION #49:

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

RESOLVED, that the Supervisor of the Town of Byron is hereby authorized as the official representative of the Town to execute the Water District Main Extension Agreement with the Monroe County Water Authority for the Town of Byron Water District No. 5.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 6:

- Plans are done for Water District No. 6 and will be available at the Town Hall.
- Hutchinson property on Searls Road will be included.
- Paperwork going out for approval to Rural Development.
- Need to discuss when the best time would be to put the project out to bid.

WATER DISTRICT NO. 7:

- Finalizing report
- Next step would be to have public informational meeting and do legal petitions

OTHER FUTURE WATER DISTRICTS:

·Paul Chatfield and Supervisor Yasses looked at different areas for future water districts, which included Rte. 262, Transit Road and Tower Hill Road. Cost analysis done and projects would be very cost prohibitive.

MUNICIPAL SOLUTIONS, INC. PROPOSAL FOR SERVICES FOR WATER DISTRICT NO. 6 – COCKRAM ROAD/N. BYRON ROAD

RESOLUTION #50:

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

RESOLVED, that the Supervisor of the Town of Byron is hereby authorized as the official representative of the Town to execute the Proposal for Services between the Town of Byron and Municipal Solutions, Inc. This Agreement authorizes Municipal Solutions, Inc. to assist the Town in the financial services of the project to extend public water to the area designated as Water District No. 6, and to comply with the requirements of Rural Development. Municipal Solution Inc.'s fee for such work shall not to exceed \$5,000.00.

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

Vote: Ayes: 5 Nays: 0

FINAL APPLICATION REQUESTING FINANCIAL ASSISTANCE FOR WATER DISTRICT NO. 6 WITH USDA RURAL DEVELOPMENT

RESOLUTION #51:

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

RESOLVED, that the Supervisor of the Town of Byron is hereby authorized as the official representative of the Town to execute and submit an application for loan and grant assistance to the U.S. Department of Agriculture, Rural Development for improvements to the Town of Byron Water District No. 6, and is hereby authorized and directed to act in connection with the submission of the application and to provide such additional information and to execute such documents as may be required in connection with obtaining said loan and grant funds.

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

Vote: Ayes: 5 Nays: 0

BOND RESOLUTION – WATER DISTRICT NO. 6

RESOLUTION #52:

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

BOND RESOLUTION DATED MAY 13, 2015.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$240,000 BONDS OF THE TOWN OF BYRON, GENESEE COUNTY, NEW YORK, TO PAY COSTS OF THE ESTABLISHMENT OF WATER DISTRICT NO. 6, IN AND FOR THE TOWN OF BYRON, GENESEE COUNTY, NEW YORK.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12 of the Town Law, and more particularly a resolution dated November 12, 2014, the Town Board of the Town of Byron, Genesee County, New York, has established Water District No. 6 in the Town of Byron, Genesee County, New York; and

WHEREAS, with regard to the improvements proposed therefor, as more fully set forth in said resolution establishing Water District No. 6 in the Town of Byron, Genesee County, New York, it is now desired to authorize the financing thereof; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Byron, Genesee County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the establishment of a water district to be known as Water District No. 6 in and for the Town of Byron, Genesee County, New York, consisting of the installation of approximately 15,100 linear feet of water main, hydrants and other appurtenances, as well as incidental costs in connection therewith, at a maximum estimated cost of \$960,000, as more fully described in the report relating thereto, there are hereby authorized to be issued \$240,000 serial bonds of the Town of Byron, Genesee County, New York pursuant to the provisions of the Local Finance Law. The balance of such cost shall be paid from a \$720,000 grant from the federal government.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 4. The faith and credit of said Town of Byron, Genesee County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall annually be levied upon and collected from the several lots and parcels of land within said Water District No. 6, in the manner provided by law, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Supervisor shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, said Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are

reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Vote: Ayes: 5 Nays: 0

SURVEILLANCE CAMERA QUOTES:

- Received quotes from V2D, Action Security and Russell Alarm
- After presentations from Action Security and V2D, LLC the Town Board decided they will research the three quotes further and review the subject again at the June Town Board meeting.

GENERATOR:

- Received quotes from 4 County Electric, Elite Controls and Radec
- After reviewing the quotes, there were some questions and the Town Board decided they will discuss the differences and review the subject again at the June Town Board meeting.

Elite Controls: \$25,582.00

4 County Electric (Dan Burns): \$11,934.00

Radec: \$21,200.00

PUBLIC COMMENTS:

- Gerry Birge would like to have the Town Attorney talk to the Sheriff's Department about the Dog Control Law. They are still having problems with Golden Oaks Kennel (Don Jack) on Coward Road.
- Supervisor Yasses will call Attorney Boylan.

ADJOURN:

A **motion** was made by Councilman Cudney to adjourn the Byron Town Board Meeting at 9:28 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