

BYRON TOWN BOARD MEETING

June 14, 2017

The Byron Town Board Meeting was called to order by Supervisor Yasses at 7:08 p.m. with the following people present:

Supervisor.....	Pete Yasses
Councilmen.....	Sue Fuller
	Jim Cudney
	Fred Klycek
CEO/ZEO.....	Mike Morris
Town Clerk.....	Debra Buck-Leaton
Absent.....	Councilman Thompson
	Highway Superintendent Brian Forsyth
Public:	
Mickey Truax.....	Swamp Road, Byron
David Chupp.....	Tripp Road, Byron
George Squires.....	McElver Street, Byron
Vic Digregorio.....	Warboys Road, Byron
Candance Hensel.....	Byron-Holley Road, Byron
Bill and Barb Emerson.....	Terry Street, Byron
Kerri Diehl.....	5858 Upper Holley Road, Byron
Maria Pericozzi.....	The Batavian

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

MINUTES:

A **motion** was made by Councilwoman Fuller to approve the Byron Town Board minutes of May 10, 2017 as written. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – Councilman Cudney:

·No new business came before the Planning Board.

A **motion** was made by Councilwoman Fuller to approve the Planning Board Report as given. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 4 Nays: 0

COMPREHENSIVE COMMITTEE REPORT –George Squires:

- More discussion on results of Comprehensive Plan survey.
- Next meeting will be June 27th instead of July 4th.
- Laura Bestehorn will be done being secretary in August so we will need to advertise the position.

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

Vote: Ayes: 4 Nays: 0

MUSEUM REPORT –Councilwoman Fuller:

·Dick Laub from the Buffalo Museum gave a very nice presentation at the annual dinner.

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

Vote: Ayes: 4 Nays: 0

SEWER REPORT:

Monthly:

·Checked and maintained all filter bed pumps (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:

·Fixed wiring issue on a house pump at 6776 Byron-Holley Road. Also, homeowner called back with a plugged sewer line. Dug up septic tank to inspect, nothing was wrong on our end.
·Switched valving at all three filter beds.

FENCE PROPOSALS:

·Shawn received 2 proposals for new fencing at the North Byron sewer treatment facility. The existing fence leaves very little space for a car/truck to park to unlock the gate, and it is very unsafe. He would like to have the fencing moved to allow for safer parking. The fence was also hit and needs to be repaired.
·The first proposal is from Excel Fence, Inc. for \$6,881.00
·The second proposal is from H & S Fence Co. for \$3,900.00

SEWER FENCING FOR NORTH BYRON FILTER BED

RESOLUTION #44:

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

Resolved, that the Byron Town Board accepts the proposal from H&S Fence Co. at a cost not to exceed \$3,900.00 to replace the fencing and gate at the North Byron filter bed.

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

Vote: Ayes: 4 Nays: 0

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: 4 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – Brian Forsyth:

·Been at Cornell Local Roads Program (highway school) from June 11-14 so won’t be here.
·Been around once mowing roadsides, with all the rain start around again shortly.
·Helped Stafford put on shoulders. This week pave with Elba, next week pave with Bethany

- Wait to hear from County Highway for a start date for our paving, but will probably have to hire a private contractor like Bethany did to get it done sooner as opposed to later.
- Chipping stone all in plus little extra, waiting on a start date, but tentatively in July.
- Stockpiling shoulder material. Waiting on 7 springs gravel to make more.
- Work platform worked VERY WELL. All flags were up in about an hour with no safety concerns.
- Have been doing research to try to find flag hardware to slow down tangling. Other company doesn't offer, but I think I've found one but need to call a rep to set up a tax free account.
- Any questions, concerns, "atta boys" can be directed through the usual channels.

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

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT – Mike Morris:

Number of Inspections: 14
 Number of Zoning/Building Permits Issued: 8
 Number of Building C.O./C.C. Issued: 1
 Number of Zoning Complaints Filed: 2
 Number of Zoning Complaints Resolved: 2

·The new NYS Code now says a resident can't have any vehicles without license plates on a property unless they are in an enclosed structure. The Town may want to pass a local law allowing 1 or 2 unlicensed vehicles on a property without being in an enclosed structure.

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

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT – Councilman Cudney:

·Did an inspection of bathroom facilities and everything is in working order.

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

Vote: Ayes: 4 Nays: 0

ABSTRACTS

RESOLUTION #45:

Councilman Klycek 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	#6	#130 - #158	\$28,055.04
Highway Fund	#6	#82 - #97	\$19,002.56
Sewer Fund	#6	#22 - #23	\$ 3,351.90
General Fund	PA#5	#25 - #31	\$ 2,324.27
Sewer Fund	PA#5	#11 - #13	\$ 997.58

·The Town Board would like to hold Highway Fund Voucher #86 in the amount of \$2,200.00 payable to John Ivison until it is discussed with the Highway Superintendent for further clarification.

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

Vote: Ayes: 4 Nays: 0

TOWN CLERK'S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 132.00
Paid to NYS DEC.....	\$ 122.82
Paid to Department of Health for Marriage Licenses.....	\$ 67.50
Paid to the Town of Byron Supervisor.....	<u>\$3,456.48</u>
Total Disbursed for May 2017.....	\$3,778.80

A **motion** was made by Councilwoman Fuller to approve the Town Clerk's Report as given for May 2017. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The May 2017 Financial Reports were reviewed.

A **motion** was made by Councilman Klycek to approve the May 2017 Financial Reports as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SUPERVISOR'S REPORT:

·Received 1st quarter mortgage tax check in the amount of \$10,283.16, which amount is \$3,474.78 less than last year at this time.

Highway Garage Committee:

·Held second meeting last month. Paul Chatfield met with the group. Supervisor Yasses feels that the numbers for the last Highway Garage vote were not true numbers because the reserve fund money was not subtracted from the \$1.8 million. Supervisor Yasses also believes the contingency fund was very high. He believes that some of the costs in the proposed contingency fund (asbestos and soil boring tests) can be decided ahead of time for a minimal cost. The committee is also discussing the possibility of taking one of the bays off of the proposed project and removing the storage building. There is already room for the sewer equipment. The next meeting is Wednesday, June 21st at 7:00 p.m. Supervisor Yasses would like the Town Board to consider hiring a company to do preliminary asbestos testing to remove the contingency variable in the cost of the proposed highway garage. After some discussion, the Town Board decided that they would like to table taking further action until they receive more information.

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

Vote: Ayes: 4 Nays: 0

OTHER BUSINESS:

WATER DISTRICT NO. 7:

BOND RESOLUTION – WATER DISTRICT NO. 7

RESOLUTION #46:

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

BOND RESOLUTION DATED JUNE 14, 2017.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,086,000 SERIAL BONDS OF THE TOWN OF BYRON, GENESEE COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF THE TOWN OF BYRON WATER DISTRICT NO. 7 IN SAID TOWN.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12 of the Town Law, and more particularly an order dated June 15, 2016, the Town Board of the Town of Byron, Genesee County, New York, has established Water District No. 7 in the Town of Byron, Genesee County, New York;

WHEREAS, with regard to the improvements proposed therefor, as more fully set forth in said order establishing Water District No. 7 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. 7 in and for the Town of Byron, Genesee County, New York, consisting of the construction of a water distribution system, including the installation of approximately 32,800 linear feet of water main, hydrants and other appurtenances, as well as incidental costs in connection therewith, at a maximum estimated cost of \$2,086,000, as more fully described in the report relating thereto, there are hereby authorized to be issued \$2,086,000 serial bonds of the Town of Byron, Genesee County, New York pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds to be issued shall be reduced to the extent grants are received in connection therewith.

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. 7, 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.

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

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Yasses: Aye
Councilman Cudney: Aye
Councilwoman Fuller: Aye
Councilman Klycek: Aye
Councilman Thompson: Absent

The resolution was thereupon declared duly adopted.

NYS DEPARTMENT OF HEALTH DOH-348, NYSDEC AND USACE JOINT APPLICATION, NYSDEC PERMISSION TO INSPECT PROPERTY, NYSDEC NOTICE OF INTENT AND GENESEE COUNTY HIGHWAY DEPARTMENT PERMIT APPROVALS FOR WATER DISTRICT NO. 7

RESOLUTION #47:

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

WHEREAS, the Town Board of the Town of Byron authorizes the Town of Byron Supervisor, Peter Yasses, to sign and execute the NYS Department of Health DOH-348, NYSDEC and USACE Joint Application, NYSDEC Permission to Inspect Property, NYSDEC Notice of Intent and Genesee County Highway Department Permit Approvals for Water District No. 7.

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

Vote: Ayes: 4 Nays: 0

WATER DISTRICT NO. 8:

·Town Attorney Paul Boylan working on Application to the Comptroller.

WATER DISTRICT NOS. 9 AND 10:

·Waiting for income surveys.

PUBLIC COMMENTS:

Kerri Diehl: She is a resident of Upper Holley Road and she attended the Town of Clarendon Town Board meeting. The Clarendon Supervisor passed out a spreadsheet for a proposed water district that Clarendon would like to do jointly with the Town of Byron.

Supervisor Yasses: The Town of Clarendon Supervisor was supposed to be in attendance at tonight's meeting, but has not shown up to discuss this. He will call to see if he would be able to come to next month's meeting.

ADJOURN:

A **motion** was made by Councilman Klycek to adjourn the Byron Town Board Meeting at 8:16 p.m. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk