

BYRON TOWN BOARD MEETING

August 10, 2016

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.....	Sue Fuller
	Jim Cudney
	Fred Klycek
	Jeff Thompson
Highway Superintendent.....	Brian Forsyth
Town Clerk.....	Debra Buck-Leaton

Public:

Bill and Barb Emerson.....	Terry Street, Byron
Lori Sutch	Coward Road, Byron
Josh Kent.....	Iverson Road, Byron
Candace Hensel.....	Byron-Holley Road, Byron
George Squires.....	McElver Street, Byron
Mickey Truax.....	Swamp Road, Byron
Vic Digregorio.....	Warboys Road, Byron
Dean Iverson.....	Coward Road, Byron
Roger Rouse.....	Lyman Road, Byron
Dutch VanWynngarden.....	Coward Road, Byron

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

PUBLIC HEARING – LOCAL LAW AUTHORIZING GAMES OF CHANCE BY AUTHORIZED ORGANIZATIONS WITHIN THE TOWN OF BYRON:

A **motion** was made by Councilwoman Fuller to open the Public Hearing for a Local Law authorizing Games of Chance by authorized organizations within the Town of Byron at 7:05 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:	Ayes: 5	Nays: 0
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LEGAL NOTICE PUBLIC HEARING TOWN OF BYRON

PLEASE TAKE NOTICE, that the Town Board of the Town of Byron will hold a Public Hearing on Wednesday, August 10, 2016 at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, NY 14422, regarding a Local Law authorizing Games of Chance by authorized organizations within the Town of Byron, subject to a referendum to be submitted to the voters at the election to be held on November 8, 2016. Copies of the proposed Local Law may be obtained from the Town Clerk during her regular business hours.

By Order of the Town Board

Debra Buck-Leaton, Town Clerk

PUBLIC COMMENTS:

Dean Ivison:

A **motion** was made by Councilman Klycek to close the Public Hearing at 7:08 p.m. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

LOCAL LAW NO. 2 OF 2016 AUTHORIZING GAMES OF CHANCE BY AUTHORIZED ORGANIZATIONS WITHIN THE TOWN OF BYRON

RESOLUTION #59:

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

Resolved, that the Byron Town Board hereby adopts Local Law No. 2 of 2016 authorizing Games of Chance by authorized organizations within the Town of Byron, subject to a referendum to be submitted to the voters at the election to be held on November 8, 2016.

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

Vote: Ayes: 5 Nays: 0

MINUTES:

A **motion** was made by Councilman Cudney to approve the Byron Town Board minutes of July 13, 2016 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – Councilman Cudney:

- Continuation of Comprehensive Plan Committee
- Discussed budget line item for 2017

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

Vote: Ayes: 5 Nays: 0

COMPREHENSIVE COMMITTEE REPORT – Chairman George Squires:

- Received revised contract with Wendell
- Town Attorney Paul Boylan has approved the revised version
- They continue to work on the Comprehensive Plan

COMPREHENSIVE PLAN CONTRACT WITH WENDELL
RESOLUTION #60:

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

Resolved, that the Byron Town Board authorizes the Supervisor to sign the revised contract with Wendell for services for preparing the Town of Byron Comprehensive Plan.

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

Vote:

Ayes: 5

Nays: 0

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

Vote:

Ayes: 5

Nays: 0

MUSEUM REPORT – Councilwoman Fuller:

·Need a new roof on the back and middle buildings of the museum. They received estimates, which run from \$11,000-\$13,000. they would like money budgeted next year to replace.

·The museum would like to be a part of the Town's 200th celebration planning which is in 4 years.

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: 5

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:

·On 7/6/16 at 5:00 p.m. called out for a high level alarm at 6415 Mill Pond Road. Was able to pump the wet well down to get the homeowner through the night. Fixed broken plumbing the next day.

·Responded to an emergency stake out.

·Responded to a high level alarm at 6776 Byron-Holley Road. Fixed an electrical issue.

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

Vote:

Ayes: 5

Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT – Brian Forsyth:

·Chapell Road blacktopped. Intersection June 28, remaining June 29th for a total of 7/10 of a mile. 767.8 ton price went up July 1st \$5.00/ton, saved \$3,839.40.

·Bought Home Depot millings with Elba's help for Chapell Road.

·Set up a re trac account with NYS for electric waste disposal in February or March

·Set up an account with Sun King in Brockport for disposal of electronic waste.

·Cleaned out a ditch on Shelt Road

·Starting to clean recycling center out back. Restacking pipes

·Looking into Zoladz with other towns for bulk tree grinding out back

·Ongoing process of continuing to help our neighbors

·New pickup

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

Number of Inspections: 12
Number of Zoning/Building Permits Issued: 3
Number of Land Separations: 0
Number of Building C.O./C.C. Issued: 2
Number of Zoning Complaints Filed: 1
Number of Zoning Complaints Resolved: 1
Number of Stop Work Orders Issued: 0

·Dean Ivison had questions regarding doing a land separation. He was told to go to the next Planning Board meeting.

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

·No Park Committee meeting in August

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

ABSTRACTS

RESOLUTION #61:

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	#8	#171 - #194	\$ 5,330.06
Highway Fund	#8	#99 - #110	\$59,051.37
Sewer Fund	#8	#24 - #26	\$ 3,277.38
General Fund	PA#7	#38 - #43	\$ 5,913.99
Sewer Fund	PA#7	#19 - #20	\$ 522.33
Highway Fund	PA#3	#3	\$ 2,600.00
Water District No. 5	#6	#8	\$ 1,437.50
Water District No. 6	#8	#13	\$ 3,175.00

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

Vote: Ayes: 5 Nays: 0

TOWN CLERK'S REPORT:

Paid to the Byron Park Committee for Pavilion Rental.....	\$ 60.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 82.00

Paid to NYS DEC.....	\$ 138.88
Paid to the Town of Byron Supervisor.....	<u>\$2,880.12</u>
Total Disbursed for July 2016.....	\$3,161.00

Summer Youth Recreation Program:

- Ran from June 27th – August 12th
- There was an average of 25 children per day, most that attended in one day was 36 children
- There was 1 leader and 1 aide (paid by the Town), and 1 Genesee County Job Development employee (paid for by the County).
- Took several field trips and did 2 community service projects.
- Received free lunches through the school, which the Town Clerk and Laura Platt took turns getting from the school.

A **motion** was made by Councilwoman Fuller to approve the Town Clerk's Report as given for July, 2016. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

- The July 2016 Financial Report was reviewed.

A **motion** was made by Councilwoman Fuller to approve the July 2016 Financial Reports. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

·**Sales Tax:** Received Sales Tax Payment in the amount of \$153,356.78, which is \$5,845.61 less than this time last year.

·**Health Insurance:** Supervisor Yasses and Councilman Thompson met with the union employees and it was mutually agreed that the Town would change the health insurance coverage for Town employees from Univera ValUcare Plus Silver 4 to BCBS of WNY Gold PPO 7100 HSAQ. Beginning August 1, 2016 the Town will contribute \$1,300 into each HSA account. Up to and including December 31, 2016, after using all of their \$1,300 deductible, active and retired employees can submit for repayment of copayments up to \$900. The union and the Town will negotiate the benefit for 2017 and future years.

·**Justice Grant:** Justice Smith would like an additional camera at the bench for the Judge's viewing, an electronic gate opener for the Judge and court clerk to park in the back of the building, safety shield for the judge's bench and a hand held metal detector. Grant needs to be in by October 1st.

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

Vote: Ayes: 5 Nays: 0

MEMORANDUM OF AGREEMENT BY AND BETWEEN THE TOWN OF BYRON AND TEAMSTERS LOCAL #264

RESOLUTION #62:

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

RESOLVED, that the Byron Town Board hereby allows the Supervisor to sign the Memorandum of Agreement By and Between the Town of Byron and Teamsters Local #264. Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

PAUL BOYLAN:

·Last month there were some questions on his billing for Water District No. 5 and No. 6. He has revised his invoices and resubmitted these to comply with the Legal Services Agreements previously signed between he and the Town for these areas.

WATER DISTRICT NO. 6:

·Received the Certificate of Substantial Completion for Water District No. 6 from Chatfield Engineering. The Town Board needs to approve the Certificate.

·Received Change Order No. 1 to decrease the contract price of \$17,664.00

WATER DISTRICT NO. 6 CERTIFICATE OF SUBSTANTIAL COMPLETION

RESOLUTION #63:

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

Resolved, that the Byron Town Board authorizes the Supervisor to sign the Certificate of Substantial Completion for Water District No. 6.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 6 CHANGE ORDER NO. 1

RESOLUTION #64:

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

Resolved, that the Byron Town Board approves of Change Order No. 1 to decrease the contract price by \$17,664.00 for Water District No. 6.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 7:

·Waiting for the well tests to be done by the Genesee County Health Department

·USDA requires that the Legal Services Agreement that was approved in May by the Town Board between the Town and Paul Boylan, Esq. have a “not to exceed” amount included, therefore, Paul Boylan has submitted a revised Legal Services Agreement for the Town Board’s approval

WATER DISTRICT NO. 7 LEGAL SERVICES AGREEMENT

RESOLUTION #65:

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

Resolved, that the Byron Town Board authorizes the Supervisor to sign the Legal Services Agreement with Paul S. Boylan, Esq. with regard to Water District No. 7. The fee for such work shall be \$220.00 per hour, not to exceed \$20,000.00.

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

Vote:

Ayes: 5

Nays: 0

WATER DISTRICT NO. 8:

WATER DISTRICT NO. 8 MAP, PLAN AND REPORT

RESOLUTION #66:

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

Resolved, that the Byron Town Board authorizes Chatfield Engineers, P.C. to prepare the map, plan and report for Water District No. 8, which includes Coward, Freeman, Gillette, Lyman, Cockram, Beaver Meadows, Tripp and Iverson Roads, at a cost of \$3,250.00.

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

Vote:

Ayes: 5

Nays: 0

FUTURE WATER DISTRICTS:

·Water District No. 9 (Tower Hill) and No. 10 (Warboys Road) income surveys have gone out.

AUDIT:

·Councilman Klycek will be doing a summary of the financial portion of the Town audit for the next Town Board meeting.

JUSTICE AUDIT:

RESOLUTION #67:

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

RESOLVED, that the Byron Town Board hereby approves the Town of Byron Town Justice Audit for the year ended December 31, 2015 prepared by Raymond Wager, P.C., Certified Public Accountants.

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

Vote:

Ayes: 5

Nays: 0

AGREED-UPON PROCEDURES FOR 2016 JUSTICE AUDIT:

RESOLUTION #68:

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

RESOLVED, that the Byron Town Board hereby approves the Quotation for Agreed-Upon Procedures for the Town Justice Accounts for 2016 to be prepared by Raymond Wager, P.C., Certified Public Accountants for a cost of \$1,450.00.

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

Vote:

Ayes: 5

Nays: 0

ENGAGEMENT LETTER FOR ACCOUNTING SERVICES FOR 2016:

RESOLUTION #69:

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

RESOLVED, that the Byron Town Board hereby approves the Engagement Letter for Accounting Services for 2016 for the Town General, Highway, Sewer and Water Accounts by Raymond Wager, P.C., Certified Public Accountants for a cost of \$8,950.00.

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

Vote:

Ayes: 5

Nays: 0

BULK MUNICIPAL WATER APPLICATION:

John Ivison submitted an application for Helena Chemicals for Bulk Municipal Water for use in spraying crops. The Town Board had a concern that the water will be mixed with chemicals on the Town's property. The Town Attorney advised the board that they can add an addendum to the Request Form stating that there shall be no mixing of chemicals directly from the Town facilities or on Town property. The Town Board agreed this was the best solution and that this wording should be included on all future forms.

A **motion** was made by Supervisor Yasses to approve the Bulk Municipal Water Request from Helena Chemical Company, Inc. for the purchase of bulk water from the Town of Byron, with the addition of the following wording: It shall be agreed between the parties that the foregoing Agreement is hereby amended as follows: There shall be no mixing of chemicals directly from the Town facilities or on Town property. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

Roger Rouse: Would like to know if a farmer can get a meter and hook it up to a hydrant to irrigate their crops.

Supervisor Yasses: He believes they can. They would need to contact MCWA to find out and get approval, but he will check with MCWA.

ADJOURN:

A **motion** was made by Councilman Cudney to adjourn the Byron Town Board Meeting at 8:54 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