

BYRON TOWN BOARD MEETING

August 12, 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

Invited Guests.....Amanda Bow and Jeanne Walton from the YWCA

Public:

Stacey Muscarella.....	6644 Cockram Road, Byron
Vic DiGregorio.....	Warboys Road, Byron
John Sackett.....	Townline Road, Byron
George Squires.....	6860 McElver Street, Byron
Candace Hensel.....	Byron-Holley Road, Byron
Bill and Barb Emerson.....	Terry Street, Byron
David Leaton.....	Byron Road, Byron

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 July 8, 2015, and the Special Town Board meeting minutes of July 22, 2015 as written. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – Councilwoman Fuller:

·Special Use/Site Plan application submitted for Planning Board review application to install ground mount residential solar array system at 6632 Byron-Holley Road. A Public Hearing will be held on September 1, 2015.

- Flyer was made up to be handed out with information regarding the Comprehensive Plan.
- Continue to move forward with Comprehensive Plan.

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

- Switched valving in each of the filter beds.
- Took samples for monthly testing.
- Responded to and marked out for stake outs throughout the month.
- Had flow meter calibrated and no adjustments were necessary.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT:

- Road surfacing completed for stone and oil sealing – 6 miles
- Continuing drainage work and culvert replacement
- Shared services with other towns and county highway for machinery and labor to complete road work
- Road striping done on 28 miles of Town roads

A **motion** was made by Councilman Thompson 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: 24
Number of Zoning/Building Permits Issued: 16
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

- Special Use/Site Plan application submitted for Planning Board review application is to install ground mount residential solar array system at 6632 Byron-Holley Road.
- The Department of State has adopted a rule that amends the Uniform Code by adding provisions applicable to carbon monoxide alarms in commercial buildings. I have attached information – Notice of Emergency Rule Adoption effective June 27, 2015 – Carbon Monoxide Alarms – Commercial Buildings.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Councilman Cudney:

- Main focus was cleanup of Town parks

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

Vote: Ayes: 5 Nays: 0

MUSEUM REPORT:

- Next meeting will be September 16th
- Presentation at Byron-Bergen went well
- Plaque that was discussed at last month's meeting was from Corky Shaw's barn
- October 8th is fall meeting at Byron Fire Hall
- Cleaning museum
- Trying to obtain a permanent Charter

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #62:

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	#181 - #207	\$ 35,352.62
Highway Fund	#8	#103- #115	\$ 31,867.99
Sewer Fund	#8	#41 - #43	\$ 4,472.17
General Fund	PA#7	#32 - #39	\$ 1,576.03
Highway Fund	PA#1	#1	\$ 93,572.75
Sewer Fund	PA#7	#22 - #26	\$ 1,798.20
Water District No. 5	#1	#1	\$317,576.82

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.....	\$ 93.00
Paid to NYS Environmental Conservation.....	\$ 200.30
Paid to the Town of Byron Supervisor.....	\$2,983.30
Total Disbursed for July 2015.....	\$3,276.60

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The July 2015 Financial Report was received late and are not complete. Approval will be tabled until the September 2015 meeting.

SUPERVISOR'S REPORT:

·Received Sales Tax check in the amount of \$159,202.39, which is \$18,854.18 more than last year at this time.

·Received Tentative Water Audit from Raymond Wager, CPA, spoke with Tom Baldwin regarding findings and he will draft a response.

·Received several phone calls from an attorney that spoke at GAM regarding the Cable Franchise Agreement. As far as we can tell the Agreement expired in 2014 and renewed automatically. Supervisor Yasses talked to the Town Attorney, Paul Boylan, and he will look into the matter.

·Security cameras are up and running and will be adding an additional camera to the highway garage looking north in the parking lot.

·The generator is up and running.

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

YWCA OFFICE OF DOMESTIC VIOLENCE

·Domestic violence services were found to be needed in three Genesee County towns, with Byron being one of them. The YWCA is seeking office space one day a week, until further notice, to provide domestic violence services to town residents. Internet service and space is all that is needed.

Supervisor Yasses: No office space available, but could use courtroom.

Town Clerk: Information could be put in newsletter and website.

A **motion** was made by Councilman Thompson to allow the YWCA domestic violence services to use the Town Hall facilities on Tuesdays beginning December 1, 2015. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 5:

·First payment to Highlander is being made with vouchers this month.

·Had construction meeting last Wednesday. Only complaint was dirt/dust on roads, trying to control by using water to keep dust down.

WATER DISTRICT NO. 6:

·Met with USDA last week:

Total Project Cost - \$960,000

Loan Amount - \$246,000

Grant Amount - \$714,000

Interest Rate: 2.125% for 38 years

WATER DISTRICT NO. 6 LOAN RESOLUTION

Resolution #63:

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

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE TOWN COUNCIL AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS WATER FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Byron (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of Two Hundred Forty-Six Thousand & 00/100 pursuant to the provisions of Subject to New York State Municipal Finance Law ; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then

outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.

7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.

8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.

9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.

10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.

12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.

13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.

14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written

approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.

16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed \$714,000.00 under the terms offered by the Government; that the Peter Yasses and Debra M. Buck-Leaton of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 7:

·Supervisor Yasses met with Oxbo and they agreed to increase the number of units they would be charged for from 6 to 10. This will decrease the cost to residents by \$170. First year cost would be \$2,836.30, and second year cost would be \$1,456.30, with the debt service being 1,144.85 per year.

·Received Map, Plan and Report from Paul Chatfield

·Informational Meeting to be held on Wednesday, August 26, 2015 at 7:00 p.m at the South Byron Fire Hall. The Town Clerk will mail out letter to residents.

A **motion** was made by Councilman Austin to hold an Informational Meeting for Water District No. 7, Cockram/Batavia-Byron/Walkers Corners/Caswell Roads) on Wednesday, August 26, 2015 at 7:00 p.m. at the South Byron Fire Hall. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

GILLETT/IVISON/COCKRAM ROAD WATER DISTRICT:

·Received different scenerios for this water district from Chatfield Engineers. See Attached

GILLETT/IVISON/COCKRAM ROAD WATER DISTRICT INCOME SURVEYS:

RESOLUTION #64:

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

Resolved, that the Byron Town Board authorizes Labella Associates, D.P.C. to do an income survey for the Gillett/Iverson/Cockram Road water district with a cost not to exceed \$500.00.

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

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

NONE

ADJOURN:

A **motion** was made by Councilman Austin to adjourn the Byron Town Board Meeting at 8:10 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