

## ***SPECIAL BYRON TOWN BOARD MEETING***

September 23, 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
	Jim Cudney
	Harold Austin
Town Clerk.....	Debra Buck-Leaton
Highway Superintendent.....	George Heins
Absent.....	Highway Superintendent George Heins
Public:	
David Leaton.....	Batavia-Byron Road, Byron
Josh Kent.....	Iverson Road, Byron
George Squires.....	McElver Street, Byron
John Sackett.....	Townline Road, Byron

### **PLEDGE TO THE FLAG:**

Supervisor Yasses led the people in attendance in the Pledge of Allegiance followed by a moment of silence for Barry Miller, an EMT and County Coroner from Bergen who died in the line of duty.

### **Bond Resolution for Water District No. 6:**

\$460,000 present bond. Difference between total cost of district and amount of grant. There was a difference of \$6,000 between the grant and total grant. A RAN was authorized to be issued for \$6,000, after considerable discussion with USDA, the Town Attorney and Orrick it doesn't meet requirements of USDA, so need to do a new bond resolution. New bond resolution for \$960,000 will need to be authorized to be issued, and therefore the Town needs to pass a new Resolution.

### **BOND RESOLUTION – WATER DISTRICT NO. 6**

#### **RESOLUTION #67:**

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

#### **BOND RESOLUTION DATED SEPTEMBER 23, 2015.**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$960,000 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 \$960,000 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 of project costs after grants (estimated at \$714,000) 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. 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 supersedes the bond resolution adopted on May 13, 2015, 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 Cudney seconded the resolution which was adopted by the following vote:

Vote:                      Ayes: 5                      Nays: 0

#### **BYRON-BERGEN FIELD TRIP TO BLACK CREEK:**

·The Supervisor received a letter from the Byron-Bergen Junior/Senior High Principal requesting permission to cross Town property to get to Black Creek for a stream study.

A **motion** was made by Councilman Thompson to allow Byron-Bergen High School students to cross the Town of Byron property so that they may access Black Creek under the Trestle in the Byron Town Park for a stream study. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

#### **DOT SNOW AND ICE CONTRACT:**

Highway Superintendent Heins, Councilman Cudney and Supervisor Yasses met with State DOT regarding plowing State Route 237. The Town is currently receiving \$37,463, the Town received an extra \$10,085 because of the rough winter (Amendment B to Snow and Ice Agreement). In 2016 the Town will receive \$37,463, then \$30,000 in 2017, in 2018 the Town will receive \$23,000 plus any increases, and then the DOT will use 3 years of data to determine future amounts.

#### **PROPOSED 2016 TOWN OF BYRON BUDGET:**

·The Town Board discussed the Proposed Tentative 2016 Town of Byron Budget. The following comments and inquiries were made:

#### **General Fund/Highway/Sewer Funds Preliminary Budget:**

·A1010.1 (Town Board Services): The Town Board would like to see this remain at \$12,000, \$3,000 per Council(wo)man.

·A1110.1C (Court Clerk): Increasing to \$9,000 because going over budget this year due to more of a work load.

·SS9950.9 (Sewer Reserve Fund): The numbers in the Tentative Budget do not make sense. Supervisor Yasses will talk with Tom Baldwin to see why these numbers aren't correct.

·SS8130.4C (VRI Contract): Supervisor Yasses contacted Camden Group and they will be requesting a 1.5% increase.

·SS2120 (Sewer Rents): Supervisor Yasses will discuss with Baldwins whether the sewer rents should be increased

·Water District No. 5: Should the Town collect principal and interest for 2016?

·Water District No. 6: Need to collect interest in 2016.

### **ADJOURN:**

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 8:40 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton  
Byron Town Clerk