

BYRON TOWN BOARD MEETING

September 9, 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

Public:

David Leaton.....	Byron Road, Byron
Candace Hensel.....	Byron
Mickey Truax.....	Swamp Road, Byron
Vic Digregorio.....	Warboys Road, Byron
Bill and Barb Emerson.....	Terry Street, Byron
Brian Forsyth.....	Gillett Road, Byron
George Squires.....	McElver Street, Byron
Josh Kent.....	Ivison 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 August 12, 2015 as written. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – Councilwoman Fuller:

..Special Use/Site Plan application submitted for review to install ground mount residential solar array system at 6632 Byron-Holley Road. Application was approved.

- The Planning Board was advised to review language with regard to solar panels
- Worked on 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

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:

- 900 ton of salt delivered before new contract
- Price increase of \$5.66 saved – over \$5,000
- Mowing roadsides for third time and will be trimming backside when crops harvested
- DOT wants to change snow contract dropping \$14,333 from Town contract. I recommend to discontinue plowing State Route 237. Plow with three truck routes as surrounding towns do.

Supervisor Yasses: He also met with DOT to review plowing State Route 237. He does not believe the Town should give up plowing Route 237. He would like the Highway Superintendent to review the numbers again and get back to DOT. He would like to wait and have the next Highway Superintendent decide what should be done.

Highway Superintendent Heins: The Town has a contract with State DOT and he doesn't understand how they can renege on the contract.

Supervisor Yasses: He will contact the DOT to set up a meeting with the Town Board.

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

- Number of Inspections: 28
- Number of Zoning/Building Permits Issued: 9
- 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. Application was approved with no requirements.

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

- There was no Park Committee meeting due to lack of a quorum.
- Trestle Pond has been restocked.

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:

- No meeting last month, next meeting is tomorrow night.

A **motion** was made by Councilman Austin 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 #65:

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	#9	#208 - #230	\$ 29,243.00
Highway Fund	#9	#116- #127	\$ 56,334.87
Sewer Fund	#9	#44 - #45	\$ 3,582.17
General Fund	PA#8	#40 - #45	\$ 2,331.35
Sewer Fund	PA#8	#27 - #30	\$ 1,518.73
Water District No. 5	#2	#2 - #6	\$290,578.96

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.....	\$ 71.00
Paid to NYS Environmental Conservation.....	\$1,352.10
Paid to the Town of Byron Supervisor.....	\$3,593.90
Total Disbursed for August 2015.....	\$5,017.00

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

- The July and August 2015 Financial Reports were reviewed.

A **motion** was made by Councilman Austin to approve the July and August 2015 Financial Reports as written. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

·The 5th security camera at the front of the building has been installed and is now operational.

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:

WATER DISTRICT NO. 5:

·Waiting on sampling to be done and to pass before finishing curb stop installation and restoration. The contractors are expected to be back next week to finish work.

WATER DISTRICT NO. 6:

·Did test holes a couple of weeks ago.
·Bid opening should be at the beginning of October.

WATER DISTRICT NO. 7:

·The Town Board held an informational meeting at the end of August. Waiting for some income surveys to be returned prior to moving forward with legal petition.

GILLETT/IVISON/COCKRAM ROAD WATER DISTRICT:

·Income surveys have gone out.

PUBLIC COMMENTS:

Barb Emerson: Cars/people are going into Trestle Park after dark again. She wondered if there are rules and regulations because there was some trouble last weekend and the Sheriffs were called.

George Squires: This is the first time he's heard of problems in the parking lot.

Supervisor Yasses: Call the Sheriffs Department. George Squires and the Supervisor will get together and have signage made to make parking in the parking lot from dusk to dawn illegal.

A **motion** was made by Councilman Thompson to add a sign to the entrance of the Trestle Park parking lot on Terry Street that says "No parking dusk to dawn". The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

2016 BUDGET:

·The Town Board reviewed the 2016 Tentative Budget.

A **motion** was made by Councilman Thompson to hold a Budget meeting on Wednesday, September 23, 2015 at 7:00 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Local Law No. 1 of 2015 Town of Byron County of Genesee

A Local Law to override the tax levy limit established in General Municipal Law 3-c

Section 1 Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Byron pursuant to General Municipal Law §3-c, and to allow the Town of Byron to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2 Authority

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a Local Law approved by vote of sixty percent (60%) of the Town Board.

Section 3 Tax Levy Limit Override

The Town Board of the Town of Byron, County of Genesee, is hereby authorized to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c.

Section 4 Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5 Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. 1 OF 2015 AND TO SCHEDULE A PUBLIC HEARING

RESOLUTION #66:

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

WHEREAS, the Town Board of the Town of Byron, New York desires to consider adopting legislation to override the limit on the amount of real property taxes that may be levied by the Town of Byron pursuant to General Municipal Law Section 3-c, and to allow the Town of Byron to adopt a town budget for fiscal year 2016 that requires a real property tax levy in excess of the tax levy limit, also known as Town of Byron Local Law No. 1 of 2015.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Byron, New York that proposed Local Law No. 1 of 2015 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-c", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until October, 2015, and that a Public Hearing be held before this Town Board on the 14th day of October, 2015, at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York, on the advisability of enacting said proposed Local Law; and

BE IT FURTHER RESOLVED that a copy of said proposed local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Byron, New York not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said Public Hearing;

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said Public Hearing to be published once in the Batavia Daily News at least five (5) days prior to the date of said Public Hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

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

Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was made by Councilman Austin to adjourn the Byron Town Board Meeting at 8:38 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