

BYRON TOWN BOARD MEETING

November 8, 2017

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 (left at 7:45 p.m.)
- Highway Superintendent.....Brian Forsyth
- Mike Morris.....CEO/ZEO
- Town Clerk.....Debra Buck-Leaton
- Absent.....Councilman Thompson
- Invited Guests:.....Tim Hens, Genesee County Highway Dept.
Kevin Earl, Genesee County Attorney
Matt Landers, Genesee County Assistant Manager

- Public:
- David Chupp.....Tripp Road, Byron
- Mickey Truax.....Swamp Road, Byron
- Vic Digregorio.....Warboys Road, Byron
- Candace Hensel.....Rte. 237, Byron
- George Squires.....McElver Street, Byron
- Roger Rouse.....Lyman Road, Byron
- Rick and Judy Flanagan.....Searls Road, Byron
- Steve Doty.....Byron-Elba 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 October 11, 2017 as written. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PUBLIC HEARING –TAX CAP OVERRIDE:

A **motion** was made by Councilwoman Fuller to open the Public Hearing to override the tax cap at 7:05 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 4 Nays: 0

**LEGAL NOTICE
SPECIAL MEETING
TOWN OF BYRON**

PLEASE TAKE NOTICE, that the Town Board of the Town of Byron will hold a Public Hearing on Wednesday, November 8, 2017 regarding Local Law entitled, "Local Law No. 3 of 2017 – Authorization of the Town Board to Override the Tax Levy Limit Established in General Municipal Law 3-c" at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York. A summary of the law is as follows:

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 2018 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

The full text of the Proposed Local Law No. 3 of 2017 is on file at the office of the Town Clerk and is available for inspection during regular office hours.

*Debra Buck-Leaton
Byron Town Clerk*

**Local Law No. 3 of 2017
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 2018 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 2018 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 ADOPTING LOCAL LAW NO. 3 OF 2017 – TAX CAP OVERRIDE

RESOLUTION #74:

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

WHEREAS, the Town Board of the Town of Byron, New York adopts 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 2018 that requires a real property tax levy in excess of the tax levy limit, also known as Town of Byron Local Law No. 3 of 2017.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Byron, New York that Local Law No. 3 of 2017 entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-c”, which Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is adopted upon filing with the Secretary of State.

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

Vote: Ayes: 4 Nays: 0

Public Comments: Rick Flanagan asked the Supervisor to explain the Tax Cap Override further.

A **motion** was made by Councilman Klycek to close the Public Hearing at 7:17 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PUBLIC HEARING – FIRE PROTECTION AND EMERGENCY SERVICES CONTRACTS:

A **motion** was made by Councilwoman Fuller to open the Public Hearing for the fire protection and emergency services contracts at 7:18 p.m. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 4 Nays: 0

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, November 8, 2017 at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York to consider extending the current fire protection and other emergency services contract, including emergency medical services, with the Byron Fire Dept. No. 1, Inc. for 2018 in the amount of \$78,570.00.00. And also to consider extending the current fire protection and other emergency services contract with the South Byron Vol. Fire Co. Inc. for 2018 in the amount of \$78,570.00. A copy of the complete contract is on file in the Town Clerk's Office and may be examined at any time during regular business hours.

By Order of the Byron Town Board
Debra Buck-Leaton, Town Clerk

PUBLIC COMMENTS: None

A **motion** was made by Councilwoman Fuller to close the Public Hearing for the fire protection and emergency services contracts at 7:20 p.m. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 4 Nays: 0

2018 FIRE PROTECTION AND EMERGENCY SERVICES CONTRACTS

RESOLUTION #75:

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

Resolved, that the Byron Town Board hereby adopts the Contract For Emergency Services with Byron Fire Department No. 1 and the South Byron Volunteer Fire Company, Inc. for 2018 in the amount of \$78,570.00 each.

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

Vote: Ayes: 4 Nays: 0

*LEGAL NOTICE
TOWN OF BYRON
2018
PRELIMINARY BUDGET*

PLEASE TAKE NOTICE, that the Preliminary Budget for the Town of Byron, the Preliminary Budget and Assessment Roll for the Byron Sewer District and the Preliminary Budgets and Assessment Rolls for the Byron Water District No. 1, Byron Water District No. 2, Byron Water District No. 3, Byron Water District No. 4, Byron Water District No. 5, Byron Water District No. 6 and Byron Water District No. 7 for the fiscal year beginning January 1, 2018 have been completed and filed in the office of the Byron Town Clerk, 7028 Rte. 237, Byron, New York where they are available for public inspection during regular business hours. Further notice is hereby given, that said Preliminary Budget, the Preliminary Budget and Assessment Roll of said Sewer District and the Preliminary Budgets and Assessment Rolls for the Byron Water District No. 1, Byron Water District No. 2, Byron Water District No. 3, Byron Water District No. 4, Byron Water District No. 5, Byron Water District No. 6 and Byron Water District No. 7 will be reviewed at a Public Hearing to be conducted by the Town Board of Byron at the Byron Town Hall, 7028 Rte. 237, Byron, NY on Wednesday, November 8, 2017 at 7:15 p.m., at which time all interested persons will be heard and objection to said Assessment Rolls considered, pursuant to Section 108 of Town Law. The proposed salaries of the following Town of Byron Officials are as follows:

<i>Supervisor</i>	<i>\$ 11,444</i>
<i>Deputy Supervisor</i>	<i>\$ 1,000</i>
<i>Councilmen (4/each)</i>	<i>\$ 3,121</i>
<i>Town Justice</i>	<i>\$ 12,000</i>

Town Justice	\$ 11,786
Highway Superintendent	\$ 54,545
Town Clerk	\$ 28,734
Tax Collector	\$ 4,818
Registrar of Vital Statistics	\$ 471

By Order of the Byron Town Board
Debra Buck-Leaton, Byron Town Clerk

PUBLIC HEARING – 2018 BUDGET:

A **motion** was made by Councilman Klycek to open the Public Hearing for the 2018 Budget 7:22 p.m. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 4 Nays: 0

HIGHLIGHTS OF THE 2018 PRELIMINARY BUDGET:

- Amount to be raised by taxes is General Fund: \$100,000; Highway Fund: \$282,725.00
- General and Highway Funds: the tax rate is \$3.4226/1,000, which is an increase of .86 over 2017.
- Sewer District: \$0 to be raised by taxes. O&M to remain at \$100/unit/quarter (\$400/year), and debt service will be \$0. There are 315.50 units.
- Water District #1: \$120,000.00 to be raised by taxes (301.60 units)
- Water District #2: \$74,738.00 to be raised by taxes, with the Town of Byron having 164.70 units, and the Town of Stafford having 28 units
- Water District #3: \$6,490.00 to be raised by taxes (9.10 units)
- Water District #4: \$5,174.00 to be raised by taxes (11 units)
- Water District #5: \$20,168.00 to be raised by taxes (55.50 units)
- Water District #6: \$9,609.00 to be raised by taxes (29.50 units)
- Water District #7: \$25,249.00 to be raised by taxes – interest only (65.50 units)

PUBLIC COMMENTS: None

A **motion** was made by Councilman Klycek to close the Public Hearing for the 2018 Budget at 7:25 p.m. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 4 Nays: 0

**2018 TOWN OF BYRON BUDGET
RESOLUTION #76:**

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

Resolved, that the Byron Town Board hereby adopts the 2018 Town of Byron Preliminary Budget as presented.

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

Vote: Ayes: 4 Nays: 0

WATER AGREEMENT WITH GENESEE COUNTY:

- Expansion has created a shortage of supply of water, therefore, improvements are being made to support expansion.
- There are 2 changes in the contract between the County and Monroe County Water Authority: language guaranteeing unlimited water, and the need to raise the surcharge to fund Phase II of the water project.
- Worst case scenario is that the surcharge will increase about \$.75 above the current rate.
- The contract would be for 40 years.

PLANNING BOARD REPORT – Councilman Cudney:

- Will be meeting next Tuesday because of the election

COMPREHENSIVE COMMITTEE REPORT:

- Will be meeting next Tuesday because of the election

·Black Creek/Oatka Creek Watershed meeting was held in Stafford a couple weeks ago. There are 2 booklets (25 pages each) that each municipality needs to review and decide if there are enough benefits for the Town to join an intermunicipal organization. The intent of the intermunicipal organization is to maintain the natural ability of the watershed to retain the integrity of the environment, and to get municipalities to work together.

Councilman Klycek dismissed himself from the meeting at this time and did not return

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:

- Topped off propane tanks

·Councilwoman Fuller had a resident come into her store that was concerned because his tank hadn't been pumped in four years and it's behind a locked gate. It was agreed that the Supervisor will ask Shaun what the best way would be to notify residents when their tanks will be pumped.

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: 3 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT – Brian Forsyth:

- Trucks undercoated remaining one done Monday
- Sanders gone through and checked over. George and Swede bill
- Plows wings and sanders hooked up including backup truck
- Ordered 300 ton of salt, building full

- Inventory looks good on wearable parts but will probably order more
- Springs done at Thruway Spring on 401 and 405
- Truck 402 back from Northeast Cummins. Transferring money from blacktopping that wasn't used.
- Old 400 black pickup brakes calipers bearing, bill next month
- Waiting on road striping bill to buy more road lighting barrels barricades
- Updating local highway inventory for the state
- Terry Street basement water issue
- Start using building money, new heater, overhead door, make list
- Make an I.C.E. contact list for employees

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

Vote: Ayes: 3 Nays: 0

CEO/ZEO REPORT – Mike Morris:

- Number of Inspections: 17
- Number of Zoning/Building Permits Issued: 4
- Number of Land Separations: 0
- Number of Special Use Permit Applications: 0
- Number of Building C.O./C.C. Issued: 11
- Number of Zoning Complaints Filed: 0
- Number of Zoning Complaints Resolved: 0
- Number of Stop Work Orders Issued: 0
- Number of Violations Sent: 0
- Number of Violations Resolved: 1

- Pool violation reported about last month has been resolved.

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

Vote: Ayes: 3 Nays: 0

PARK COMMITTEE REPORT – Councilman Cudney:

- Christmas lights will be put up before Thanksgiving
- Quotes came in high for fencing on playground
- Election of officers will be held next month

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

Vote: Ayes: 3 Nays: 0

MUSEUM REPORT –Councilwoman Fuller:

- Held meeting on October 19th
- Getting more information on insulating building

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

Vote: Ayes: 3 Nays: 0

ABSTRACTS

RESOLUTION #77:

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

Resolved, that the Byron Town Board pay the following abstracts:

<u>Fund:</u>	<u>Abstract:</u>	<u>Vouchers:</u>	<u>Amount:</u>
General Fund	#11	#264 - #282	\$28,992.43
Highway Fund	#11	#173 - #190	\$51,738.32
Sewer Fund	#11	#36 - #39	\$ 5,350.86
General Fund	PA#11	#56 - #60	\$ 1,293.70
Sewer Fund	PA#11	#25 - #27	\$ 4,639.97

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

Vote: Ayes: 3 Nays: 0

TOWN CLERK'S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 68.00
Paid to NYS DEC.....	\$ 510.21
Paid to State Health Dept. for Marriage Licenses.....	\$ 45.00
Paid to the Town of Byron Supervisor.....	<u>\$2,428.29</u>
Total Disbursed for October 2017.....	\$3,051.50

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

Vote: Ayes: 3 Nays: 0

APPROVAL OF OFFICIAL UNDERTAKING FOR TAX COLLECTOR

RESOLUTION #78:

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

Resolved, that the Town Board of the Town of Byron, County of Genesee, State of New York, does hereby approve the undertaking or bond issued by Lawley Genesee Agency as to its form, manner of execution, amount and sufficiency thereof, and to the sureties named thereon. Said undertaking or bond shall be conditioned that the collector of the taxes shall well and truly keep, pay over and account for all moneys and property coming into her hands as such collector.

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

Vote: Ayes: 3 Nays: 0

FINANCIAL REPORT:

The October 2017 Financial Report was reviewed.

A **motion** was made by Councilwoman Fuller to approve the October 2017 Financial Report. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 3 Nays: 0

SUPERVISOR'S REPORT:

·Received 3rd Quarter Sales Tax in the amount of \$178,025.36

Dollar General:

·There may be a chance that Dollar General may want to build in Byron

Health Insurance:

·Meeting with Bene-Care to review health care renewals

Town of Amherst 200th Anniversary Proclamation:

PROCLAMATION COMMEMORATING THE 200TH ANNIVERSARY OF THE TOWN OF AMHERST, NEW YORK

RESOLUTION #79:

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

WHEREAS, the Town of Amherst, New York celebrates its Bicentennial in the year of 2018 and it is fitting to recognize the Town of Amherst on the occasion of this special milestone and to applaud its distinguished history; and

WHEREAS, the Town of Amherst was officially created on April 10, 1819 from part of the Town of Buffalo (later known as the City of Buffalo), has a total area of 53.28 square miles, is the largest Town in Erie County, New York and includes the Village of Williamsville as well as the hamlets of Eggertsville, Getzville, Snyder, Swormville and East Amherst; and

WHEREAS, in the nineteenth century Amherst was a prosperous farming community with seven grist mills, several saw mills, a tannery and boot and shoe factory and two forges with commercial activity centered in Williamsville; and

WHEREAS, the Town grew from being primarily a farming community to an urban community in the twentieth century with the creation of new subdivisions, the building of the University of Buffalo Campus in Amherst and the location of the Millard Fillmore Suburban Hospital within the Town; and

WHEREAS, the Town today is comprised of 125,000 residents and provides many facilities and attractions including: a four rink recreational facility that attracts national and international ice tournaments, a state of the art senior center, three libraries, and a State Park; and

WHEREAS, the Town of Amherst will proudly mark its 200th Anniversary with a series of celebrations throughout its Bicentennial Year, beginning on January 1, 2018 with a 200th Birthday Party, and continuing with a gigantic parade, historic walking tours, slogan contest, Interclub Service Club luncheon and gala Bicentennial Ball; and

WHEREAS, in recognition of the Town of Amherst's rich history and enduring contributions, it is indeed an honor to pay tribute to this Town upon the occasion of its Bicentennial; now, therefore be it

RESOLVED, that congratulations are sent to the Town of Amherst on their Bicentennial and the Town and its residents are to be enthusiastically recognized as they celebrate this auspicious occasion; and be it further

RESOLVED, that a copy of this Resolution, suitable engrossed, be transmitted to the Town of Amherst Bicentennial Commission.

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

Vote: Ayes: 3 Nays: 0

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: 3 Nays: 0

OTHER BUSINESS:

WATER DISTRICT NO. 7:

·Need to finish getting easements

WATER DISTRICT NO. 8:

·Waiting for Comptroller approval

PUBLIC COMMENTS:

Rick Flanagan: Asked if anything can be done to plow trucks to reduce the damage done by wing blades on yards.

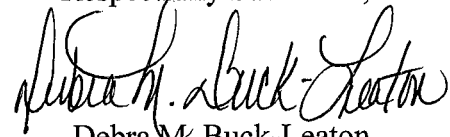
Highway Superintendent Brian Forsyth: They tried something different last year that didn't work and will not be doing it again this year.

ADJOURN:

A **motion** was made by Councilman Cudney to adjourn the Byron Town Board Meeting at 9:18 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 3 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk