

TOWN OF BYRON ORGANIZATIONAL MEETING

January 2, 2009

The Byron Town Board Meeting was called to order by Supervisor Thomas Felton at the Byron Town Hall, 7028 Byron Holley Road, Byron, New York at 4:30 p.m. with the following present:

Supervisor	Thomas Felton
Councilmen	Craig Ferguson
	Jack Redick
	Jeanne Freeman
	John Ivison
Town Clerk	Debra Buck-Leaton
Highway Superintendent.....	George Heins
CEO/ZEO.....	Ken Kuter

Public: None

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Felton.

APPOINTMENTS:

A **MOTION** was made by Councilman Ivison to appoint Jack Redick as Councilman to the Town Board effective January 1, 2009 – December 31, 2009. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

A **MOTION** was made by Councilman Redick to appoint the Byron Highway Superintendent to oversee the Byron Transfer Station and the sale of Municipal Bulk Water, and assist with work being done for the Byron Park System, as part of his duties as the Highway Superintendent. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **MOTION** was made by Councilman Ferguson to appoint Councilman John Ivison as Deputy Town Supervisor. The motion was seconded by Councilman Redick and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **MOTION** was made by Councilwoman Freeman to appoint Dennis Maid to a five year term as Zoning Board Chairman effective January 1, 2009 – December 31, 2013. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **MOTION** was made by Councilman Ivison to appoint Aaron Sharp to a five year term as Planning Board member effective January 1, 2009 – December 31, 2013. The motion was seconded by Councilman Ferguson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **MOTION** was made by Councilman Redick to appoint Nelson Grimm to a five year term as Board of Assessment Review member effective October 1, 2008 – September 30, 2013. The motion was seconded by Councilman Ivison and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

SALARIES OF ELECTED AND APPOINTED PUBLIC OFFICIALS:

The Town Board discussed the salaries of the elected and appointed public officials. The salaries are on attachment **Pages A thru M**, they are as follows:

RESOLUTION # 1:

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

Resolved, that the Byron Town Board appoint the appointees and fix the salaries of the Town of Byron Elected Officials, appointees and employees for the year 2009 at the amounts respectfully stated and that the salaries shall be payable at the frequencies specified on **Pages A thru M**.

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

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 2:

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

Resolved, that the Byron Town Board has designated the regular Byron Town Board Meeting to be held the second (2nd) Wednesday of each month during the year 2009.

Further Be It Resolved, that the Town Board Meetings are to be held at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York 14422.

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

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 3:

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

Resolved, that the Byron Town Board authorize the Town of Byron Supervisor to invest town monies in any commercial NYS Bank. When funds are available investments may be made in collateralized Certificates of Deposit.

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

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 4:

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

Resolved, that the following have named these banks to be their depositories:

Supervisor Thomas Felton.....	The Bank of Castile
Town Clerk Debra Buck-Leaton	The Bank of Castile
Town Justice Daniel DiMatteo.....	The Bank of Castile
Town Justice James Lamkin.....	Bank of America

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

Vote:

Ayes: 4

Nays: 0

Abstain: 1 (Councilman Felton)

RESOLUTION # 5:

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

Resolved, that the vouchers with dates and destinations be submitted by employees for town business mileage. Mileage is to be paid at the stated IRS mileage rate for that time period (currently .55 per mile).

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

Vote:

Ayes: 5

Nays: 0

RESOLUTION # 6:

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

Resolved, that the Byron Town Board has authorized Highway Superintendent Gerald Heins to purchase supplies and materials, according to current procurement policies, and necessary to operate the Town Highway Dept. for the year 2009 based on his management decisions.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION #7:

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

Resolved, that the Byron Town Board approve the following:

Item #1	Account #DA5110.1	General Repairs Personal Service
	Account #DA5110.4	General Repairs Contractual Expense
	Account #DA5112.2	General Repairs CHIPS Capital Expense

Agreement for the 2009 expenditures of the Town Highway monies for general repairs and primary work, for 40.92 miles of Town of Byron roads, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof in the amount of **\$248,000.00** as on file with the Town of Byron Highway Superintendent.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 8:

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

Resolved, that the Byron Town Board accept the low bids of Genesee County and New York State on road materials.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 9:

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

Resolved, that the 2009 Town of Byron Sewer Hook-up Fee be \$1,000.00 per unit.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 10:

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

Resolved, that the Byron Sewer District reimburse residents for electrical usage for pump stations where pumps are hooked into the residential electrical meters. Payments to be made at a rate of \$85.00 per a 12 month period, per unit based on the current National Grid Electric Rate.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION #11:

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

Resolved, that the Byron Town Board authorizes the Town Supervisor to attend Training Schools or conferences as required. Costs exceeding \$500.00 will be approved by the Board.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 12:

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

Resolved, that the Byron Town Board establish the Late Notice Fee pursuant to Section 987 (1) of the

Real Property Tax Law, that the Town of Byron is hereby authorized to impose a **\$2.00** service charge to cover the expense of the mailing out a notice of delinquency to taxpayers.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 13:

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

Resolved, that the Byron Town Board approve Town Clerk Debra Buck-Leaton to attend the New York State Town Clerks Conference, Regional and County Meetings for 2009.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION #14:

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

Resolved, that the Byron Town Board authorizes Brian Forsyth to attend training schools or conferences providing contact hours for re-certification, as approved by the Town Supervisor.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 15:

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

Resolved, that the Byron Town Board accept and continue the 3rd party custodial agreement with any commercial New York State Bank regarding funds on deposit in excess of \$100,000.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 16:

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

Resolved, that the Byron Town Board hereby authorizes **\$ 50,000.00** Highway Funds to be placed in the Highway Reserve, Account #DA9950.9. The money deposited will be from funds in the Highway Fund Budget to be used for the purchase of equipment in the Highway Dept. for the Town of Byron.

Further Be It Resolved, that this fund is subject to a Permissive Referendum with notice given to the public according to New York State General Municipal Law.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION #17:

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

Resolved, that the Byron Town Board hereby authorizes **\$14,980.00** Sewer Funds to be placed in the Sewer Capital Improvement and Equipment Reserve Fund, Account #SS9950.9. The money deposited will be from funds in the Sewer Fund Budget for capital improvements and equipment.

Further Be It Resolved, that this fund is subject to a Permissive Referendum with notice given to the public according to New York State General Municipal Law.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 18:

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

Resolved, that the Byron Town Board maintain an Equipment Inventory Account of items purchased at a

cost of \$400.00 or more from the General, Highway and Sewer Budgets.

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

Vote: Ayes: 5 Nays: 0

DRUG AND ALCOHOL TESTING REGULATIONS:

RESOLUTION # 19:

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

Resolved, that the Byron Town Board adopts the Drug and Alcohol Testing Regulations for employees with a CDL License as follows:

DRUG AND ALCOHOL TESTING REGULATIONS FOR EMPLOYEES WITH CDL LICENSE:

The United States Department of Transportation (DOT) has issued regulations pursuant to the Omnibus Transportation Employee Testing Act of 1991 (the “Act”) governing the use of drugs and alcohol and alcohol by persons holding commercial drivers licenses (CDLs). These regulations require employers to conduct mandatory drug and alcohol testing of all drivers who operate commercial motor vehicles. This policy became effective on January 1, 1996.

COVERED EMPLOYEES:

Covered employees (hereinafter “drivers”) include all employees with a CDL who operate commercial motor vehicles. Commercial Motor Vehicles include:

- A. Vehicles with a gross combination rating of 26,001 or more pounds including a towing unit with a gross vehicle weight rating of more than 10,000 pounds,
- B. Vehicles having a gross weight rating of 26,001 or more pounds;
- C. A vehicle designed to transport 16 or more passengers, including the driver;
- D. A vehicle of any size that is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Material Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

SAFETY-SENSITIVE FUNCTIONS:

Drivers must be in compliance with the requirements of this policy while on duty or while performing safety-sensitive functions. “On duty time” means all time from the time a driver begins to work or is required to be in readiness to work until the time that the driver is relieved from work and all responsibility for performing work. It includes all time spent providing a breath or urine specimen, including travel time to and from the collection site, in order to comply with the required random, reasonable suspicion, post-accident, return-to-duty, or follow-up testing required by the DOT regulations. Safety-sensitive functions include:

- A. All time at or on employer property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the Town of Byron.
- B. All time inspecting equipment or otherwise servicing or conditioning any commercial motor vehicle at any time;
- C. All time spent at the driving controls of a commercial motor vehicle in operation;
- D. All time, other than driving time, spent in or upon any commercial motor vehicles;
- E. All time spent loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments loaded or unloaded;
- F. All time spent performing the driver requirements of CFR 392.40 and 392.41 relating to accidents

PROHIBITED ACTIVITIES:

A driver may not report for duty or remain on duty requiring the performance of a safety-sensitive function while having an alcohol concentration of 0.02 or greater. Drivers may not be on duty or operate a commercial motor vehicle while possessing or using alcohol, including alcohol found in any medication, beverage, mixture or preparation. No driver may use alcohol while on duty or perform safety-sensitive functions within four (4) hours after using alcohol. No driver may report for duty or remain on duty requiring the performance of a safety-sensitive function if that driver has used any controlled substances, except when the use is pursuant to the instructions of a physician who has advised the driver employee that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. A driver must inform his or her supervisor of any therapeutic drug use.

REQUIRED TESTING:

Drivers are required to undergo pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing, as necessary.

Pre-Employment Testing: Prior to the first time that a driver performs a safety sensitive function for the Town of Byron the driver must undergo testing for alcohol and controlled substances. Pre-employment testing is also required when a person transfers into a safety-sensitive function from some other areas of employment with the Town of Byron.

Post-Accident Testing: This must be performed as soon as possible after an accident involving a commercial motor vehicle. This type of testing will be performed on drivers who receive a citation for a moving traffic violation or who are involved in an accident involving loss of human life. Post-accident testing shall usually be one within two (2) hours of the accident. An accident includes any occurrence involving a commercial motor vehicle operating on a public road which results in:

- a. A fatality
- b. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;
- c. One of more motor vehicles involved in the accident incurring disabling damage as a result of the accident requiring the vehicle to be transported away from the scene by a tow truck or other vehicle accident. Driver required to take a post-accident alcohol test may not use alcohol for eight (8) hours after the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first. A post-accident alcohol test will not be performed more than eight (8) hours after an accident. Post-accident controlled substance tests shall be performed within thirty-two (32) hours following the accident or will not be performed at all.

Random Testing: Unannounced random alcohol testing will be performed on twenty-five percent (25%) of the average number of drivers and random controlled substances testing process will insure that each driver has an equal chance of being tested each time selections are made. Random testing for controlled substances may be done at any time the driver is at work. Each driver selected for random testing must proceed immediately to the test site.

Reasonable Suspicion Testing: This testing is conducted when the Highway Superintendent/Supervisor observes specific behavior or appearance that is characteristic of alcohol or controlled substance use. These observations must be made just before, during, or just after the performance of a safety-sensitive function.

Return-To-Duty and Follow-Up Testing: Each driver who has tested positively for alcohol and/or

controlled substances use must undergo a return-to-duty test before being allowed to resume the performance of a safety-sensitive function. A return-to-duty alcohol test must result in a verified negative finding.

Follow-Up alcohol and/or controlled substances testing will be unannounced. The frequency of such follow-up testing will be directed by a substance abuse professional and consist of at least six (6) tests in the first twelve months following the driver's return to duty. Follow-up testing may take place up to sixty (60) months after the driver returns to duty.

METHODS OF TESTING:

Alcohol Testing: Alcohol testing is performed by a certified Breath Alcohol Technician ("BAT") in a location where no one except the BAT and the driver can see or hear the test results. An evidential breath testing device ("EBT") approved by the National Highway Traffic Safety Administration will be used.

The BAT will require the driver to provide positive identification (such as a photo I.D. card or identification by a Town of Byron representative and then explain the testing procedure to the driver. After the driver has completed the test, the BAT must show the driver the test results.

If the screening test indicates a breath alcohol concentration of less than 0.02 the driver has passed the test and must sign the certification and fill in the date on the test form. If the test result is 0.02 or over, a confirmation test must be performed. The BAT will instruct the driver how to proceed. If the screening and confirmation test results are not identical, the confirmation test result is considered the final result. If the confirmation test is 0.02 or over, the driver has failed the test.

Controlled Substances Testing: The Town of Byron must test drivers for marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP) Testing is accomplished by analyzing a urine sample provided by the driver. The testing is performed in private at designated testing locations. The collected urine specimen is divided into one "primary" specimen and one "split" specimen. Both specimens are then sent to a certified testing laboratory. The primary specimen is tested for drugs. If the test is positive, a confirmation test using gas chromatographmass spectrometry techniques to ensure that over the counter drugs are not reported positive. If there is a confirmed positive test result, the Medical Review Officer (MRO) will contact the driver before any test result is reported to the Town of Byron. The MRO is a licensed physician with knowledge of substance abuse disorders. The MRO will review the chain of custody and contact the driver to determine whether there may be an alternate medical explanation for any positive test result. If requested, the MRO will authorize a re-analysis of the original sample if requested to do so by the driver within seventy two (72) hours after the driver receives actual notice of a positive test result. A retest will be performed at a different Department of Health and Human Services Certified Laboratory. This process is used to safeguard the validity of the test results and to ensure that those results are attributed to the correct driver.

REFUSAL TO TAKE A TEST:

A driver may not refuse to take any drug or alcohol test administered pursuant to this policy. A refusal to submit to an alcohol and/or drug test will be treated as a positive test. Refusal to submit to an alcohol or controlled substances test means that the driver:

- A. Failed to provide an adequate breath for testing without a valid medical explanation after the driver has received notice of the requirement for breathe testing;
- B. Failed to provide an adequate urine sample for controlled substances testing without a valid medical explanation;

- C. Failed to appear at a designated testing site after being notified to do so; or
- D. Engaged in conduct that clearly obstructs the testing process.

CONSEQUENCES FOR ENGAGING IN PROHIBITED ACTIVITY:

A driver who tests positive for alcohol and/or controlled substances will be immediately removed from safety-sensitive functions. That driver will be informed of the resources available to that driver in evaluating and resolving problems associated with the misuse of alcohol and/or controlled substances. Drivers who test positive face disciplinary action up to and including termination. In addition, the driver who test result is confirmed positive will also be subject civil and criminal penalties imposed by the DOT and, if caught by law enforcement officers while driving under the influence, various civil and criminal penalties may also apply. Drivers who are not terminated will be evaluated by a substance abuse professional who shall determine what assistance, if any, the driver requires to resolve those problems.

CONSEQUENCES FOR DRIVERS FOUND TO HAVE AN ALCOHOL CONCENTRATION OF BETWEEN 0.02 AND 0.04:

A driver whose test result falls between 0.02 and 0.04 is considered temporarily unfit to perform his or her duties. That driver will be immediately removed from safety-sensitive functions and will not be permitted to perform or continue to perform those functions until the beginning of the driver’s next regularly scheduled duty, but not less than 24 hours following the administration of the alcohol testing. In addition, the driver will be subject to discipline, up to and including termination.

Further Be It Resolved, that all employees are to sign a form stating that they have been made aware of the Drug and Alcohol Testing Program in the Town of Byron and that this form will be placed in their personal file.

Councilman Ferguson seconded the resolution which was adopted by the following vote:
 Vote: Ayes: 5 Nays: 0

RESOLUTION # 20:

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

Resolved, that the Byron Town Board will pay any costs associated with the normal deductible amounts under the policies of insurance now in effect and any cost approved by the Town Board as payable under the Dental Expense Reimbursement Policy up to \$700.00 for each full-time employee and their families. Any money not used in the current year up to \$350.00 will accrue to the next year. The maximum amount that can be in the account in any calendar year shall be \$1,050.00.

(The family will consist of employee, spouse and any children while they are still attending high school.)

Councilman Ferguson seconded the resolution which was adopted by the following vote:
 Vote: Ayes: 5 Nays: 0

RESOLUTION # 21:

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

Resolved, that the Byron Town Board offer three (3) options to their full-time employees:

- 1.) A Health Insurance Policy (**family, two person, or a single person**) for full time employees.
- 2.) Sixty percent (**60%**) of the current Health Insurance Policy premium (**the amount in which the Town of Byron pays**) for payment in lieu of Health Insurance.
- 3.) Employees hired on or after May 1, 2004, will share the cost of health insurance for two person or family plans as follows:

<u>Years of Service</u>	<u>Employers Share</u>	<u>Employees Share</u>
0 - 20 years	80%	20%
20 years and thereafter	100%	0%

2.) Public works contract over \$20,000 shall be formally bid pursuant to GML 103

GUIDELINE #3: All Estimated Purchases Of:

- 1.) Less than \$10,000 but greater than \$3,000 require a written request for a Responsible Formal Proposal (RFP) and written/fax quotes from 3 vendors
- 2.) Less than \$3,000 but greater than \$1,000 require an oral request for the goods and oral/fax quotes from 2 vendors
- 3.) Less than \$1,000 but greater than \$250 are left to the discretion of the purchaser.

GUIDELINE #4: All Estimated Public Works Contract Of:

- 1.) Less than \$20,000 but greater than \$10,000 requires a written RFP and fax/proposals from 3 contractors
- 2.) Less than \$10,000 but greater than \$3,000 requires a written RFP and fax/proposals from 2 contractors
- 3.) Less than \$3,000 but greater than \$500 are left to the discretion of the purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase of public works contract.

GUIDELINE #5: The lowest responsible proposal or quotes shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

GUIDELINE #6: A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

GUIDELINE #7: Except when directed by the Byron Town Board no solicitation of written proposals or quotations shall be required under the following circumstances:

- a.) Acquisition of professional services
- b.) Emergencies
- c.) Sale source situations
- d.) Goods purchased from agencies for the blind or severely handicapped
- e.) Goods purchased from correctional facilities
- f.) Goods purchased from another governmental agency
- g.) Goods purchased from an auction
- h.) Goods purchased for less than \$250
- I.) Public works contracts for less than \$500

GUIDELINE #8: This policy shall be reviewed annually by the Byron Town Board at its Organizational Meeting or as soon as thereafter as is reasonably practicable.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 24:

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

Resolved, that the Byron Town Board select the Batavia Daily News as the legal newspaper for the Town of Byron.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 25:

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

Resolved, that the Byron Town Board cover the following **full-time employees** under Disability Insurance through the Town of Byron.

- a.) **Highway Superintendent**
- b.) **Town Clerk**
- c.) **Highway Employees**

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 26:

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

Resolved, that the Town of Byron pay \$50.00 to the Byron Fire Dept. No. I for the use of the municipal water for the restroom facilities at the Byron Community Park on McElver Street, plus \$1.00 for the annual rent of the facilities.

Therefore Let It Be Resolved, that a total of \$51.00 will be an annual amount to be paid.

Further Be Resolved, that a copy of this agreement between the Town of Byron and the Byron Fire Dept. No. I is on file in the Town Clerk's Office.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 27:

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

Resolved, that if an appointed part-time salaried employee has requested a ***“Medical Leave of Absence”*** this is to be done with a written statement from their physicians stating they are unable to perform their duties for the Town of Byron.

Further Be It Resolved, that if an appointed part-time salaried employee is unable to perform his or her duties, said employee will be paid his or her salary for a period of one (1) month, starting from the date of disability, after that period the salary will be terminated.

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

Vote: Ayes: 4 Nays: 1 (Councilman Redick)

ZONING/CODE SCHEDULE OF FEES:

The Town Board discussed with Ken Kuter, the Zoning/Code Enforcement Officer, changes in the Schedule of Fees, the following was decided:

1. **A1. Residential Building Permit Fees – One and Two Family Dwellings:** Will increase from \$0.055/sq. ft. to \$0.10/sq. ft., and increase the minimum from \$130 to \$150 on one and two family dwellings.

2. **A2. Residential Building Permit Fees – Multi-Family Dwellings:** Will increase from \$0.065/sq. ft. to \$0.10/sq. ft.

3. **B2. Inspections and other Miscellaneous Fees – Work commenced without a Building Permit:** Will increase from \$25 to \$100

4. **B5. Inspections and other Miscellaneous Fees – Demolition Permit:** Will increase from \$0 to \$50 for structures between 500 and 2,999 sq. ft., 3,000 sq. ft. and greater will be \$80

5. **B8. Remodeling to Habitable Space:** Increase from \$0.65/sq. ft. to \$0.10/sq. ft.

6. **C1. Commercial & Industrial – New Structures:** Add renovations to existing structures at the same rate. Will increase from \$0.065/sq. ft. to \$.10/sq. ft. for all structures or renovations up to 10,000 sq. ft. Each additional 100 sq. ft. will be charged \$2.00/100 sq. ft.

7. Remove satellite dish fee from Zoning Schedule of Fees

8. Add Final Approval Fee of Certificate of Occupancy/Compliance: \$50

9. Add Fence Fee: \$35

10. Increase Work Started Without a Permit from \$25 to \$100

RESOLUTION # 28:

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

Resolved, that the Byron Town Board approves the Building Permits, Zoning Permits and Land Separation Schedule of Fees for 2009.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION #29:

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

Resolved, that the Byron Town Board authorizes the Town of Byron council members to attend training classes for 2009, not to exceed \$1,500 total for the year.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION #30:

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

Resolved, that the Byron Town Board authorizes the Highway Superintendent to appoint a Deputy Highway Superintendents for 2009. The appointments will be from 01/01/09 - 12/31/09 for a total of \$1,200.00 per year or \$100.00 per month. This compensation is to be paid semi-annually.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION #31:

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

Resolved, that the Byron Town Board approved the Official Undertaking/Crime Insurance Policy and for the Tax Collector and Deputy Tax Collector to be covered by the Town of Byron's Theft Insurance in the amount of \$650,000.00.

Further Be It Resolved, that a copy of this approval of Official Undertaking be given to the Genesee County Clerk with a copy of the insurance.

Further Be It Resolved, that the Town of Byron theft insurance cover the Supervisor and Deputy Supervisor for \$40,000.00, and all other employees for \$10,000.00.

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

Vote: Ayes: 5 Nays: 0

ADJOURN:

A **MOTION** was made by Councilman Ferguson to adjourn the Byron Town Board Meeting at 7:15 p.m. The motion was seconded by Councilwoman Freeman and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk