

**BYRON TOWN BOARD MEETING**

March 14, 2018

The Byron Town Board Meeting was called to order by Supervisor Rouse at 7:00 p.m. with the following people present:

- Supervisor.....Roger Rouse
- Councilmen.....Jim Cudney  
Sue Fuller  
Fred Klycek  
Jeff Thompson
- Highway Superintendent.....Brian Forsyth
- CEO/ZEO.....Mike Moris
- Town Clerk.....Debra Buck-Leaton
- Invited Guests.....Town Attorney, Paul Boylan
- Public:
- Vic Digregorio.....Warboys Road, Byron

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Supervisor Rouse.

**MINUTES:**

A **motion** was made by Councilman Cudney to approve the Byron Town Board minutes of February 14, 2018 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**PLANNING BOARD REPORT – Councilman Cudney:**

- No new business
- Johnson’s Elder Care would like to put up a sign, but with the current zoning does not allowed it. The CEO/ZEO is looking into it.

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

Vote:           Ayes: 5           Nays: 0

**COMPREHENSIVE COMMITTEE REPORT – Councilman Cudney:**

- Worked on goals
- Reviewed Wendell’s comments/recommendations

A **motion** was made by Councilman Klycek to approve the Comprehensive 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 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

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:**

- Working on Bridge NY funding
- Continuing to bid truck out. The Town Board would like to table a decision for the purchase of a new plow truck until next month so they can review the specs.

A **motion** was made by Councilman Klycek to table the approval of a new plow truck until next month pending review of the paperwork presented by the Highway Superintendent. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**BRIDGE NY GRANT APPLICATIONS**

**RESOLUTION #38:**

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

WHEREAS, the New York State Department of Transportation is soliciting applications for the Bridge-NY Program which provides 100% state funding for up to 1 bridge replacements and 3 culvert replacements for a municipality per year.

WHEREAS, Genesee County maintains all bridges and culverts over 5 feet in diameter for each municipality in the County.

WHEREAS, the New York State Department of Transportation allows municipalities to sponsor applications to the Bridge-NY program for all bridges and culverts within their community regardless of ownership.

WHEREAS, Genesee County is looking to maximize the use of state aid to help alleviate its backlog of bridge and culvert replacements.

WHEREAS, Genesee County will prepare Bridge-NY applications, provide interim funding and administer the program at no cost to the Town.

WHEREAS, Towns are required to authorize Bridge-NY applications as the sponsor of the projet.

RESOLVED, the Town Board does hereby authorize the Town Highway Superintendent to submit the applications for the Bridge-NY Program as recommended by Genesee County.

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

Vote:           Ayes: 5           Nays: 0

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

Vote:           Ayes: 5           Nays: 0

**CEO/ZEO REPORT – Mike Morris:**

- Number of Inspections: 16
- Number of Zoning/Building Permits Issued: 2
- Number of Land Separations: 0
- Number of Special Use Permit Applications: 0
- Number of Building C.O./C.C. Issued: 5
- 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: 0

·Working on cleaning up vacant houses.

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

Vote:           Ayes: 5           Nays: 0

**PARK COMMITTEE REPORT – Councilman Cudney:**

- Had election of officers with no changes
- Discussed tennis court fencing
- The Town Clerk sent out bids for gatekeeper and port-o-potties

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

Vote:           Ayes: 5           Nays: 0

**ABSTRACTS**

**RESOLUTION #39:**

Councilman Klycek offered the following resolution and moved for its adoption:  
***Resolved,*** that the Byron Town Board pay the following abstracts:

<b><i>Fund:</i></b>	<b><i>Abstract:</i></b>	<b><i>Vouchers:</i></b>	<b><i>Amount:</i></b>
General Fund	#3	#57 - #91	\$ 23,143.78
Highway Fund	#3	#36 - #56	\$ 36,112.36
Sewer Fund	#3	#6 - #7	\$ 3,758.71
General Fund	PA#2	#5 - #9	\$ 2,534.32
Sewer Fund	PA#2	#4 - #5	\$ 719.43
Water District #1	#1	#1	\$120,000.00

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.....	\$ 53.00
Paid to the Town of Byron Supervisor.....	<u>\$1,935.10</u>
Total Disbursed for February 2018.....	<u>\$1,988.10</u>

A **motion** was made by Councilwoman Fuller to approve the Town Clerk’s Report as given for February

2018. The motion was seconded by Councilman Cudney and carried with the following vote:  
Vote: Ayes: 5 Nays: 0

**FINANCIAL REPORT:**

·The February 2018 Financial Report was reviewed.

A **motion** was made by Councilman Cudney to approve the February 2018 Financial Report. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

**SUPERVISOR'S REPORT:**

**Byron-Bergen CSD Permission Letter:**

A **motion** was made by Councilwoman Fuller to grant permission for a party of approximately 20 people associated with Byron-Bergen CSD to enter onto property owned by the Town of Byron located on Black Creek under trestle in May, 2018. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 5 Nays: 0

**RAYMOND WAGER, CPA ENGAGEMENT LETTER FOR 2018**

**RESOLUTION #40:**

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

**RESOLVED**, that the Town Board of the Town of Byron hereby authorizes the Supervisor to execute the Engagement Letter for accounting services for year ended December 31, 2018 on behalf of the Town of Byron for \$9,250.00.

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

Vote: Ayes: 5 Nays: 0

**RAYMOND WAGER, CPA ENGAGEMENT LETTER FOR 2019**

**RESOLUTION #41:**

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

**RESOLVED**, that the Town Board of the Town of Byron hereby authorizes the Supervisor to execute the Engagement Letter for accounting services for year ended December 31, 2019 on behalf of the Town of Byron for \$9,250.00.

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

Vote: Ayes: 5 Nays: 0

**Snow and Ice Check:**

·Received check in the amount of \$54,876.99 for Snow and Ice on County Roads.

**Letter from Heritage Wind for Town of Barre:**

·Received letter from Heritage Wind for wind farm that is going in the Town of Barre. Supervisor Rouse has a copy of the letter if anyone would like to see it.

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

Vote: Ayes: 5 Nays: 0

**OTHER BUSINESS:**

**WATER DISTRICT NO. 7:**

- Almost ready to go to bid.
- There is one easement remaining to be signed, all others have been recorded.
- Need to have BAN issued - Municipal Solutions has not done this yet because they were waiting for it to go out to bid, but need BAN before it can go out to bid.

**WATER DISTRICT NO. 8:**

**ORRICK APPROVAL OF SERVICES – WATER DISTRICT NO. 8**

**RESOLUTION #42:**

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

**RESOLVED**, that the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the Bond Counsel Agreement with Orrick, Herrington & Sutcliffe, LLP with regard to Water District No. 8. The fee for such work shall not exceed \$5,000.00.

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

Vote:                      Ayes: 5                      Nays: 0

**BOND RESOLUTION – WATER DISTRICT NO. 8**

**RESOLUTION #43:**

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

**BOND RESOLUTION DATED MARCH 14, 2018.**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,858,000 SERIAL BONDS OF THE TOWN OF BYRON, GENESEE COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF THE TOWN OF BYRON WATER DISTRICT NO. 8 IN SAID TOWN.**

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12 of the Town Law, and more particularly an order dated December 14, 2016, the Town Board of the Town of Byron, Genesee County, New York, has established Water District No. 8 in the Town of Byron, Genesee County, New York;

WHEREAS, with regard to the improvements proposed therefore, as more fully set forth in said order establishing Water District No. 8 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. 8 in and for the Town of Byron, Genesee County, New York, consisting of the construction of a water distribution system, including the installation of approximately 50,600 linear feet of water main, valves, hydrants and other appurtenances, as well as incidental costs in connection therewith, at a maximum estimated cost of \$2,858,000, as more fully described in the report relating thereto, there are hereby authorized to be issued \$2,858,000 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 grants are received in connection therewith (there being a \$750,000 grant anticipated from the Federal government).

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. 8, 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 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 Thompson seconded the resolution which was adopted by the following vote:

Vote:                    Ayes: 5                    Nays: 0

**PUBLIC COMMENTS:**

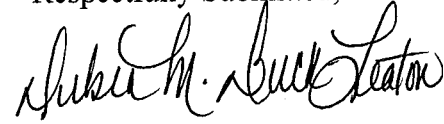
·None

**ADJOURN:**

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 8:09 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton  
Byron Town Clerk