

BYRON TOWN BOARD MEETING

November 7, 2018

The Byron Town Board Meeting was called to order by Supervisor Rouse at 7:13 p.m. with the following people present:

- Supervisor.....Roger Rouse
- Councilmen.....Sue Fuller
Jeff Thompson
- Highway Superintendent.....Brian Forsyth
- Town Clerk.....Debra Buck-Leaton

- Absent.....Councilman Cudney
Councilman Klycek

- Public:
- Candace Hensel.....Byron-Holley Road, Byron
- John Sackett.....Townline Road, Byron
- Pete Yasses.....Byron-Holley Road, Byron
- Laurel Smith.....Warboys Road, Byron

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Rouse.

PUBLIC HEARING –TAX CAP OVERRIDE:

A **motion** was made by Councilwoman Fuller to open the Public Hearing to override the tax cap at 7:18 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 3 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 7, 2018 regarding Local Law entitled, "Local Law No .1 of 2018 – 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 2019 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. 1 of 2018 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. 1 of 2018
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 2019 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 2019 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.

Public Comments: None

A **motion** was made by Councilwoman Fuller to close the Public Hearing at 7:25 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 3 Nays: 0

RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2018 – TAX CAP OVERRIDE

RESOLUTION #75:

Councilman Thompson 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 2019 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 2018.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Byron, New York that Local Law No. 1 of 2018 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.

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

Vote: Ayes: 3 Nays: 0

*LEGAL NOTICE
TOWN OF BYRON
2019
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, 2019 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 7, 2018 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>\$ 12,240</i>
<i>Town Justice</i>	<i>\$ 12,020</i>
<i>Highway Superintendent</i>	<i>\$ 55,636</i>
<i>Town Clerk</i>	<i>\$ 29,309</i>
<i>Tax Collector</i>	<i>\$ 4,914</i>
<i>Registrar of Vital Statistics</i>	<i>\$ 480</i>

By Order of the Byron Town Board

Debra Buck-Leaton, Byron Town Clerk

PUBLIC HEARING – 2019 BUDGET:

A **motion** was made by Councilwoman Fuller to open the Public Hearing for the 2019 Budget at 7:35 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 3 Nays: 0

HIGHLIGHTS OF THE 2019 PRELIMINARY BUDGET:

- Amount to be raised by taxes is General Fund: \$200,000; Highway Fund: \$282,725
 - General and Highway Funds: the tax rate is \$4.3072/1,000, up \$.8846 from 2018
 - 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: \$90,000.00 to be raised by taxes (301.60 units)
 - Water District #2: \$72,541.00 to be raised by taxes, with the Town of Byron having 164.20 units, and the Town of Stafford having 28 units
 - Water District #3: \$5,293.00 to be raised by taxes (9.10 units)
 - Water District #4: \$4,855.00 to be raised by taxes (11 units)
 - Water District #5: \$19,147.00 to be raised by taxes (55.50 units)
 - Water District #6: \$9,527.00 to be raised by taxes (29.50 units)
 - Water District #7: \$25,249.00 to be raised by taxes (65.50 units)
- There was a discussion regarding the Fire District budget: The Town Board will be budgeting \$100,000 for each fire department for 2019. There was also a discussion regarding fit testing and the new cancer bill.

PUBLIC COMMENTS: John Sackett – asked why interest income was so low, and also would like to know how many years are left for debt service on Water District #1 and why money from fund balance wasn't used to lower amount of debt service.

Supervisor Rouse – interest income could be low because CDs were opened last year when rates were lower and now the Town is using an investment firm. There is 3 years left for the debt service for Water District #1.

A **motion** was made by Councilwoman Fuller to close the Public Hearing for the 2019 Budget at 8:17 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 3 Nays: 0

2019 TOWN OF BYRON BUDGET

RESOLUTION #76:

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

Resolved, that the Byron Town Board hereby adopts the 2019 Town of Byron Preliminary Budget as presented.

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

Vote: Ayes: 2 Nays: 1 (Councilman Thompson)

*The Town Board did not pass the 2019 Preliminary Budget by a supermajority and called the Town Attorney, Paul Boylan, during the meeting to see what the next step would be. Paul Boylan stated that the Town Board will need to hold another Public Hearing prior to November 20th to see if the budget will pass, if not, the Preliminary Budget, with such changes as the Town Board may have made, will constitute the budget for the ensuing fiscal year.

PUBLIC HEARING – 2019 BUDGET:

A **motion** was made by Councilman Thompson to set an Additional Public Hearing on the 2019 Preliminary Budget for November 14, 2018 at 7:00 p.m. The motion was seconded by Councilwoman Thompson and carried with the following vote:

Vote: Ayes: 3 Nays: 0

PUBLIC COMMENTS:

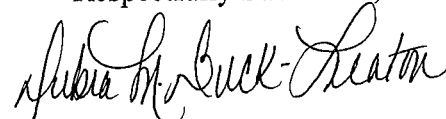
·Pete Yasses spoke to the Town Board regarding the bad road conditions and practices of the contractors for Water District #7. He would like the Town Board and/or Highway Superintendent to speak with the Town Engineers regarding the roads being covered in mud and the lack of a person directing traffic when needed. Supervisor Rouse stated that he will contact the Town Engineers to discuss this matter.

ADJOURN:

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 8:51 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