

TOWN OF BYRON ORGANIZATIONAL MEETING

January 6, 2010

The Byron Town Board Meeting was called to order by Supervisor Robert Crnkovich at the Byron Town Hall, 7028 Byron Holley Road, Byron, New York at 7:00 p.m. with the following present:

Supervisor	Robert Crnkovich
Councilpersons.....	Jeffrey Thompson
	Jack Redick
	Jeanne Freeman
	John Ivison
Town Clerk	Debra Buck-Leaton
Highway Superintendent.....	George Heins
CEO/ZEO.....	Ken Kuter

Public:

John L. Sackett, Jr.....	6548 Townline Road, Byron
Everett Roda.....	Rte. 237, Byron
Jim Cudney.....	7072 Rte. 237, Byron
Sue Fuller.....	Cockram Road, Byron

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Crnkovich.

APPOINTMENTS:

A **MOTION** was made by Councilman Thompson 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 Ivison and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **MOTION** was made by Councilman Redick to appoint John L. Sackett, Jr. to a five year term on the Zoning Board of Appeals effective January 1, 2010 – December 31, 2014. The motion was seconded by Councilwoman Freeman and carried with the following vote:

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

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 L** they are as follows:

RESOLUTION # 1:

Councilman Ivison 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 2010 at the amounts respectfully stated and that the salaries shall be payable at the frequencies specified on **Pages A thru L**, with the exception of the Zoning/Code Enforcement Officer’s salary, which shall be amended to include the approved budgeted amount in general account A8010.1Z in the amount of \$5,000, contingent upon the ZEO putting in

additional hours and completing additional zoning enforcement.

Councilwoman Freeman 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 2010.

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 Redick seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

RESOLUTION # 3:

Councilman Thompson 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 Ivison 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 Robert Crnkovich.....	Five Star Bank
.....	The Bank of Castile
Town Clerk Debra Buck-Leaton	Five Star Bank
.....	The Bank of Castile
Town Justice Daniel DiMatteo.....	The Bank of Castile
Town Justice James Lamkin.....	Bank of America

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 5:

Councilman Ivison 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 .50 per mile).

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 6:

Councilwoman Freeman 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 2010 based on his management decisions.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION #7:

Councilman Thompson 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 2010 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 **\$253,000.00** 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 Redick 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 Highway Department usage of diesel, gas and road maintenance supplies.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 9:

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

Resolved, that the 2010 Town of Byron Sewer Hook-up Fee be \$1,000.00 per unit.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 10:

Councilwoman Freeman 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 Thompson 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.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 12:

Councilman Redick 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 2010.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION #14:

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 15:

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

Resolved, that the Byron Town Board hereby authorizes **\$ 95,000.00** 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:

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

Resolved, that the Byron Town Board hereby authorizes **\$20,000.00** 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.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 18:

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

Vote: Ayes: 5 Nays: 0

RESOLUTION #19:

Councilman Thompson 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 Redick seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

RESOLUTION # 20:

Councilman Redick 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%

The cost of a single plan health insurance will be paid in full by the Town of Byron. All full-time employees (**Non-union and Union**) must show proof of insurance and this proof must be in their personal file, to receive the payment in lieu of Health Insurance. The in lieu of Health Insurance Benefit will be pro-rated and paid according to their pay schedule or pro-rated and payable after time worked for the Town of Byron.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 21:

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

Resolved, that the Byron Town Board hereby adopt the following policy in regards to the payment of premiums for Health Insurance covering retired employees:

- 1.) The Town of Byron shall pay such premiums covering employees during their lifetime who retire from full time employment from the Town provided that all the following conditions are:
 - a.) That the retiring employee shall have been an active working employee for a minimum of twenty five (25) years.
 - b.) One (1) year for early retirement may be considered in calculating said twenty five (25) years.
 - c.) That on the effective date or the employee’s retirement, he or she shall be at least fifty five (55) years of age.
 - d.) Any full-time or part-time elected or appointed Town of Byron employee that starts work after January 1, 2003 their Health Insurance Coverage will no longer have their Health Insurance Coverage paid by the Town of Byron after their retirement.
- 2.) The retired employee may obtain additional coverage for his/her spouse and/or children at his/her cost by paying the Town an amount equal to any additional premium due at least five (5) days prior to the due date of payment by the Town on its policy.
- 3.) This policy does not guarantee that coverage pursuant to the policy or policies as may be in effect from time to time covering Town employees shall be made available to the retired employees.
- 4.) At such time, as the eligible retired employees shall become eligible for medicare, the Town shall provide only Medicare Supplement Coverage for him/her.

- 5.) The above provisions will run consistent with the current Union Contract, except for item 1.) d)
Councilman Redick seconded the resolution which was adopted by the following vote:
Vote: Ayes: 5 Nays: 0

RESOLUTION # 22:

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

Resolved, that the Byron Town Board adopt the following Procurement Policy:

Whereas, Section 104-B of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements and GML 103 or any other law; and

Whereas, comments have been solicited from those officers of the town involved with procurement;

Therefore Be It Resolved, that the Town of Byron does hereby adopt the following procurement policies and procedures:

TOWN OF BYRONS PROCUREMENT POLICY

GUIDELINE #1: Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103

GUIDELINE #2: All Purchases Of:

- 1.) Supplies or equipment which will exceed \$10,000 in the fiscal year
- 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 Thompson seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

RESOLUTION # 23:

Councilman Thompson 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 Redick seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

RESOLUTION # 24:

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 25:

Councilman Ivison 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.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 26:

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

Vote: Ayes: 5 Nays: 0

RESOLUTION # 27:

Councilman Thompson 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 2010.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION #28:

Councilman Redick 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 2010, not to exceed \$1,500 total for the year.

Councilwoman Freeman 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 Highway Superintendent to appoint a Deputy Highway Superintendents for 2010. The appointments will be from 01/01/10 - 12/31/10 for a total of \$1,200.00 per year or \$100.00 per month. This compensation is to be paid semi-annually.

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

Vote: Ayes: 5 Nays: 0

RESOLUTION #30:

Councilwoman Freeman 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 the Town of Byron theft insurance cover the Supervisor and Deputy Supervisor for \$40,000.00, and all other employees for \$10,000.00.

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

Vote: Ayes: 5 Nays: 0

DRUG AND ALCOHOL TESTING REGULATIONS:

RESOLUTION # 31:

Councilman Thompson 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.

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 Redick seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

ADJOURN:

A **MOTION** was made by Councilman Ivison to adjourn the Byron Town Board Meeting at 7:58 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