

TOWN OF BYRON BOARD MEETING
August 14, 2024

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

Supervisor..... Candace Hensel
Councilman..... Martin Dilcher
Councilman..... Fred Klycek
Councilman..... Jeff Thompson
Councilman..... Nathan Knickerbocker

Highway Superintendent.....David Leaton
Town Clerk.....Kristy Murphy

Invited Guests.....Scott Mattison, MRB

Public: K. Doty H. Kent R. McCartney D. Chupp Jim Lamkin Don Yaxley
Robert Palmer Bill Stevens Barbie Starowitz Lori Ivison Vic DeGregori Nancy Baily
Sally Capurso Anna Marie Barclay Shirley Wade JR Fabretti Mariyln Weinert
Ben Raccuia,

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Supervisor Hensel.

APPROVAL OF MINUTES:

A **motion** was made by Councilman Klycek to approve the minutes from July 10, 2024
Councilman Thompson seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

WATER IMPROVEMENT BENEFIT AREA NO. 1 MRB Group:

Contract A-Hydroseeding on north road still needs to be done

Contract B- Working through the contract to get it finished

RESOLUTION # 66

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

BE IT RESOLVED, that the Byron Town Board authorizes the Supervisor to sign the
Amendment No. 2 Engineer Agreement Extension with MRB Engineering Group

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

Councilman Klycek- Aye
Councilman Thompson- Aye
Councilman Dilcher- Aye
Councilman Knickerbocker- Aye
Supervisor Hensel- Aye
Vote: Ayes: 5 Nays: 0

RESOLUTION# 67

Councilman Klycek offered the following resolution and adoption:

BE IT RESOLVED, that the Byron Town Board hereby approves and authorizes the supervisor to sign the contractors "Application for Payment #10 to Pilon Construction Co. Inc, in the amount of \$271,813.05 (Two Hundred Seventy One Eight Hundered Thirteen Dollars and Five Cents) for construction of Water Improvement Benefit #1, Contract A,

Councilman Dilcher seconded the resolution an adopted by the following polled vote:

Councilman Klycek-	Aye		
Councilman Thompson-	Aye		
Councilman Dilcher-	Aye		
Councilman Knickerbocker-	Aye		
Supervisor Hensel-	Aye		
Vote:	Ayes: 5	Nays:	0

COMPTROLLER RESPONSE DISCUSSION

RESOLUTION # 68

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

BE IT RESOLVED, that the Byron Town Board authorizes the Town Clerk to send the completed Audit Response Letter to the NYS Comptroller.

Councilman Knickerbocker seconded the resolution which was adopted by the following poll vote:

Councilman Klycek-	Aye		
Councilman Thompson-	Aye		
Councilman Dilcher-	Aye		
Councilman Knickerbocker-	Aye		
Supervisor Hensel-	Aye		
Vote:	Ayes: 5	Nays:	0

ROUTE 262 SOLAR DISCUSSION

RESOLUTION#69

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

AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE A BOND AGREEMENT WITH GREEN STREET POWER PARTNERS, LLC ON BEHALF OF GSPP ROUTE 262 LLC FOR A SOLAR ARRAY TO BE LOCATED AT 6963 TOWNLINE ROAD

WHEREAS, on or about August 18, 2022, GSPP Route 262 LLC (the "Applicant") submitted its initial application to construct a solar array at 6963 Townline Road on a parcel bearing tax map number 11.-2-67 (the "Project"), and **WHEREAS**, the Project has received all necessary approvals from the Town of Byron, and **WHEREAS**, the Special Use Permit requires that a bond be furnished to the Town prior to the construction of the Project in an amount sufficient to cover the costs of decommissioning, which bond shall remain in place until all decommissioning activities have been completed by Principal pursuant to the Decommissioning Plan, and **WHEREAS**, a Bond Agreement is required for the Decommissioning Bond, and

NOW, THEREFORE, the Town Board of the Town of Byron hereby authorizes the Town Supervisor to execute the Bond Agreement that conforms with the November Decommissioning Agreement.

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

Councilman Klycek-	Aye
Councilman Thompson-	Aye
Councilman Dilcher-	Aye
Councilman Knickerbocker-	Aye
Supervisor Hensel-	Aye
Vote: Ayes: 5	Nays: 0

RESOLUTION# 70

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

ADOPTION BY THE TOWN BOARD OF THE TOWN OF BYRON OF A RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A HOST COMMUNITY AGREEMENT WITH GSPP ROUTE 262 LLC FOR A SOLAR ARRAY TO BE LOCATED AT 6963 TOWNLINE ROAD

WHEREAS, on or about August 18, 2022, GSPP Route 262 LLC (the “Applicant”) submitted its initial application to construct a solar array at 6963 Townline Road on a parcel bearing tax map number 11.-2-67 (the “Project”), and **WHEREAS**, the Project has received all necessary approvals from the Town of Byron, and **WHEREAS**, pursuant to the Host Community Agreement, under which the Project Owner (or any successor owner of the Project) will be required to make payments to the Town of Byron for each year during the term of this Agreement, and **WHEREAS**, a copy of the proposed Host Community Agreement between the Project Owner and the Town of Byron is attached hereto, and **NOW, THEREFORE**, the Town Board resolves to authorize the Town Supervisor to execute the Host Community Agreement on behalf of the Town of Byron. **AND THEREFORE**, the Town Clerk is hereby directed to enter this resolution in the minutes of this meeting.

Councilman Dilcher seconded the resolution which was adopted by the following polled vote:

Councilman Klycek-	Aye
Councilman Thompson-	Aye
Councilman Dilcher-	Aye
Councilman Knickerbocker-	Aye
Supervisor Hensel-	Aye
Vote: Ayes: 5	Nays: 0

ABSTRACTS

A discussion was led by Councilman Klycek that the amounts of the abstract to be paid to the fire departments is not correct. The discrepancy of \$5,000.00 between the minutes of last year and the South Byron Fire Department contract needs to be discussed further before payment is made.

RESOLUTION # 71

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

BE IT RESOLVED, that the Byron Town Board pay the following abstracts:

<u>Fund</u>	<u>Abstract</u>	<u>Vouchers</u>	<u>Amount</u>
General Fund	#8	#171 - 195	\$19,401.05
Highway Fund	#8	#61 -71	\$190,038.89
Sewer Fund	#8	#49 - 54	\$14,824.75
Water Improv Benefit Area #1	#8	#16 - 25	\$424,841.94
General Post Audit	#7	#166- 170	\$1056.30
Sewer Post Audit	#7	#47-48	\$543.60

Councilman Dilcher seconded the resolution which was adopted by the following polled vote:

Councilman Klycek- Aye
Councilman Thompson- Aye
Councilman Dilcher- Aye
Councilman Knickerbocker- Aye
Supervisor Hensel- Nay
Vote: Ayes: 4 Nays: 1

REPORTS:

Highway Superintendent Report- David Leaton

- Paved Cook Road
- Paving west end of Cockram Road
- Working on mowing roadsides

Councilman Klycek makes the **MOTION** to accept the highway report.
Councilman Dilcher seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Town Clerk Report-Kristy Murphy

- Paid Ag & Market for the spay & neuter program.....\$89.00
- NYS Health Department \$45.00
- Paid DEC \$61.40
- Town of Byron Supervisor \$3,472.60
- Byron Park.....\$120.00
- Email program has updated along with the server as of Monday
- Rec Program ends this week

Councilman Klycek makes the **MOTION** to accept the clerk report.
Councilman Dilcher seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Supervisors Report- Candace Hensel:

- Financials reviewed
- Security camera monitor quotes being retrieved by the supervisor for her office

-Ban payoff complete
-SAM.GOV form needs to be signed by a board member for the Supervisor to gain access as the administrator

-General Codes discussed online access is available

Councilman Dilcher makes the **MOTION** to accept the supervisor report
Councilman Knickerbocker seconded the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Historical Society/Museum Report-Don Yaxley:

-Tree debris needs to be removed from the property of the museum Mike Glazier will donate his time to prune the tree that is hovering the roof

-Hiring a new employee is discussed

RESOLUTION #72

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

BE IT RESOLVED, the Byron Town Board authorizes the Historical Society/Museum to create and hire a curator position to be filled and paid for by the Historical Society.

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

Vote: Ayes: 5 Nays: 0

Councilman Klycek makes the **MOTION** to accept the historical society report.
Councilman Thompson seconded the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Parks Report- George Squires:

-Pond Scum in the pond at Trestle Park

Councilman Dilcher makes the **MOTION** to accept the parks committee report
Councilman Knickerbocker seconded the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Fire/EMS:

-Per the contract for each fire department is to meet with the Accountant and Town Board to discuss financials and training. Meeting is scheduled for September 10th at the Town Hall

Councilman Dilcher makes the **MOTION** to accept the Fire/EMS report
Councilman Knickerbocker seconded the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

CEO/ZEO Report- Melissa Ierlan:

-Four Permits Issued

-Dollar General Closed

-Unsafe Structure Public Hearing needs to be set

Councilman Thompson makes the **MOTION** to accept the CEO/ZEO report
Councilman Knickerbocker seconded the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Planning/ZBA Nathan Knickerbocker:

-Budget being completed

Councilman Dilcher makes the **MOTION** to accept the planning board report
Councilman Thompson seconded the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Communications Committee- Ben Raccuia

Councilman Knickerbocker makes the **MOTION** to accept the communication report
Councilman Dilcher seconded the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

CERIC Candy Hensel:

-Grant awarded from NYSERTA in the amount of \$15,000.00 for an energy audit in the amount of \$5,000.00. The remainder could be used towards a defiance found in the energy audit.
Supervisor Hensel advised the Town Board there was a contract in order to receive this grant that needed to be signed.

-Discussion had that the Town Board would prefer to table signing the grant contract due to the fact that no one has had a chance to review the contract first.

Councilman Dilcher makes the **MOTION** to table the discussion until the next meeting
Councilman Klycek seconded the motion and carried the following vote:

Vote: Ayes: 4 Nays: 1

Councilman Knickerbocker makes the **MOTION** to accept the CERIC report
Councilman Thompson seconded the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Sewer Report:

-Bids discussed for septic pumping and septic tank replacement from A.D. Call and Barefoot Septic

-Pumping 1000 gallon tank, Barefoot Septic cost is \$200.00 per tank (65)

-Pumping 1000 gallon tank A.D. Call cost is \$240.00 per tank (multiple)

-Tank Replacement 1000 gallons Barefoot Septic \$7445.00

-Tank Replacement 1000 gallons A.D. Call \$5,800.00

RESOLUTION # 73

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

BE IT RESOLVED, that the Byron Town Board authorizes Shaun Dempsey to hire A.D. Call for replacing a 1,000 gallon septic tank in the amount of \$5,800.00 (Five Thousand Eight Hundred Dollars)

Supervisor Hensel seconded the resolution which was adopted by the following polled vote:

Councilman Klycek- Aye
Councilman Thompson- Aye
Councilman Dilcher- Aye

Councilman Knickerbocker- Aye
Supervisor Hensel- Aye
Vote: Ayes: 5 Nays: 0

RESOLUTION # 74

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

BE IT RESOLVED that the Byron Town Board authorizes Shaun Dempsey to hire Barefoot Septic for the remaining 2024 septic pumping in the amount of \$200.00 (Two Hundred Dollars) per 1000 gallon tank.

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

Councilman Klycek- Aye
Councilman Thompson- Aye
Councilman Dilcher- Aye
Councilman Knickerbocker- Aye
Supervisor Hensel- Aye
Vote: Ayes: 5 Nays: 0

-7/10 There was a backup at #6738 Rt 237 by the old school house. The highway department came in and pushed a tree off the septic tank so it could be dug up

-7/24 There was an overflow at a manhole on Rt 237. A breaker was tripped at center Byron in the filter bed. The breaker was after the transfer switch to the generator

-7/26 CPE had to come in to reset and reprogram the flow meter after the power outage. Also switched valves out the filter beds

-7/29 Replaced the cement cover on one of the distribution boxes at south Byron filter bed

-7/30 The highway department cleaned fallen trees and brush around center Byron

-7/31 DEC Inspection

Councilman Thompson makes the **MOTION** to accept the Sewer report
Councilman Knickerbocker seconded the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

NEW BUSINESS:

-Website is being updated

-Imagination Library

PUBLIC COMMENTS:

-Byron Bergen Library- Sally Capurso gives a presentation regarding 2025 budget requests

-Anthony Nicolucci- What can be done about the Grange Building? He would like the Town Board to make a decision on how to rectify the situation. Meeting is set up for August 22, 2024 at 5:00pm held at the Town Hall

-Ben Raccuia comments about how the Town Board replied to his comments last month about how the Highway Superintendent handled a situation in May. He also asked for clarification on why the Town Board removed the Fire Department payments earlier in the meeting.

-Supervisor Hensel explained that there is a discrepancy between the contract and the resolution that was passed regarding contract totals

-J.R Fabretti-He states he is interested in purchasing the Playmates Building in South Byron and he asks the Town Board what type of business they would like to see instead. If the guidelines could be given to him about what type of business is allowed to open there?

-Councilman Knickerbocker advised Mr. Fabretti to contact the Coding/Zoning Enforcer Melissa Ierlan with questions

ADJOURN:

A **motion** was made by Councilman Klycek to adjourn the Byron Town Board meeting at 8:51pm. Councilman Dilcher seconded the motion which was carried by the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Kristy Murphy
Town Clerk