

BYRON TOWN BOARD MEETING

October 11, 2023

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

- Deputy Supervisor.....Jeff Thompson
- Councilmen.....Josh Kent
Eric Zuber
Martin Dilcher
- Highway Superintendent.....David Leaton
- Town Clerk.....Debra Buck-Leaton
- Absent.....Supervisor Yasses
- Invited Guests.....Attorney Paul Boylan

Public:

- | | | | |
|----------------------|-----------------|------------------|----------------------|
| Steve Lockner | Pete Lockner | Reggie MacDonald | Fred Klycek |
| Theresa Hammer | Jan Kent | Sara Stockwell | Brian Hickey |
| Tony Barniak | Rob Palmer | Bill Stevens | Candy Hensel |
| Barbie Starowitz | Vic Digregorio | Eric Richenberg | Bob and Beth Wilson |
| Cheryl Thompson | Karen Jaczynski | Matt Meier | Darla Barnum |
| Jeremy Fuller | Dean Ivison | Don Yaxley | Bethany Berggren |
| Loren and Kim Parsel | | Candy Hensel | Bob and Lori Mruczek |
| Michael DePumpo | | Tom D'Augustino | Norberto Burgado |

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Deputy Supervisor Thompson.

MINUTES:

A **motion** was made by Councilman Zuber to approve the Byron Town Board minutes of September 13, 2023 and the Special Town Board minutes of September 27, 2023 as written. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote: Ayes: 4 Nays: 0

2024 TENTATIVE BUDGET:

Further discussion by the Town Board on the 2024 Tentative Budget and what amount to give to the fire departments. It was decided that Councilmen Zuber and Dilcher will meet with the fire departments on Tuesday, October 17th to further discuss their needs and amount to be expended in the budget for both fire departments, and will give their recommendation to the Town Board.

A **motion** was made by Councilman Zuber to hold a Special Meeting on Wednesday, October 18, 2024 at 7:00 p.m. to review the 2024 Tentative Budget. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 4 Nays: 0

WATER IMPROVEMENT BENEFIT AREA NO. 1:

·Contract B (Rochester Pipeline) – Completed Cockram Road, Started Walkers-Corners Road at the existing main. Filled and pressure tested Cockram and Bank Street Roads. In the next 2 weeks they'll be finishing Walkers-Corners Road and testing Tower Hill and Byron Roads.

·Contractor A (Pilon Construction Co., Inc.) – Anticipate mobilizing the week of October 23rd. They're confident they'll get project done on time (April 2024). They will supply a schedule to the Town in the next few days.

WATER IMPROVEMENT BENEFIT AREA # 1 CONTRACT B CONTRACTOR'S PAYMENT APPLICATION NO. 5 RESOLUTION #96:

Councilman Kent offered the following resolution and moved for its adoption:
BE IT RESOLVED, that Byron Town Board hereby approves and authorizes the Supervisor to sign the Contractor's Application for Payment No. 5 to Rochester Pipeline, Inc. in the amount of \$371,296.48 for construction of Water Improvement Benefit Area No. 1.

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

Vote: Ayes: 4 Nays: 0

WATER IMPROVEMENT BENEFIT AREA NO. 1 – FORM E NO. 3

RESOLUTION #97:

Councilman Kent offered the following resolution and moved for its adoption:
BE IT RESOLVED, that Byron Town Board hereby approves and authorizes the Supervisor to sign the Form E No. 3 for Water Improvement Benefit Area No. 1.

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

Vote: Ayes: 4 Nays: 0

SEWER REPORT:

·Installed new covers at the old school house lift station and on Walkers Corners Road lift station.

·Switched valving at sewer beds.

·Lab surcharge (testing) is increasing by 12.5% beginning with October 2023 labs.

A **motion** was made by Councilman Kent to approve the Sewer Report as written. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – Councilman Kent:

·Roger and Karen Jaczynski's Special Use Permit was referred back to the ZBA because it is a pre-existing/non-conforming use.

·Reviewed and approved a Land Separation for Donny Hohn to Cole Carlson.

·Discussion on Zoning Law was tabled.

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

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – David Leaton:

·Nothing new to report

CEO/ZEO REPORT – Melissa Ierlan:

- 9 new permits
- 1 complaint for unregistered vehicles
- 1 Special Use Permit for home based general events
- 1 Land Separation

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

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT – Don Yaxley:

·Highway Superintendent will be planting trees along McElver Street
 ·Project list for 2024 was discussed and they would like to either repair or put a new dock in at Trestle Park due to the disrepair of the current dock.

A **motion** was made by Councilman Kent to approve the Park Committee Report as given. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote: Ayes: 4 Nays: 0

ABSTRACTS

RESOLUTION #98:

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

Resolved, that the Byron Town Board pay the following abstracts:

<i>Fund:</i>	<i>Abstract:</i>	<i>Vouchers:</i>	<i>Amount:</i>
General Fund	#10	#191 - #208	\$10,512.76
Highway Fund	#10	#81 - #90	\$25,342.19
Sewer Fund	#10	#54 - #57	\$8,917.02
Water Improv. Benefit Area #1	#10	#24 - #25	\$386,155.58
General Post Audit	#9	#58 - #63	\$3,095.27
Sewer Post Audit	#9	#26 - #27	\$521.77

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

Vote: Ayes: 4 Nays: 0

TOWN CLERK’S REPORT – Debra Buck-Leaton:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$75.00
Paid to the DEC for Hunting and Fishing Licenses.....	\$1,293.46
Paid to NYS Dept. of Health for Marriage Licenses.....	\$22.50
Paid to the Town of Byron Supervisor.....	\$4,103.54
Total Disbursed for September 2023.....	\$5,494.50

A **motion** was made by Councilman Zuber to approve the Town Clerk's Report as given for September 2023. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The August September 2023 Financial Report was reviewed.

A **motion** was made by Councilman Kent to approve the September 2023 Financial Reports. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SUPERVISOR'S REPORT:

WATER DISTRICTS BOOKKEEPING ADJUSTMENTS

RESOLUTION #99:

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

BE IT RESOLVED, that Byron Town Board hereby approves and authorizes BBS Accounting, LLC to make the following accounting adjustments:

1. Water District No. 1 Capital Account balance of \$93.92 should have been paid back to General Fund for the original setup costs of the district. Correcting entry – Post \$93.92 to SW1-9901.9 and post \$93.92 to A5031 to return the money to General Fund.
2. Water District No. 7 Capital Account balance of \$27,719.24 should have been transferred to General Fund A to pay back the original attorney and engineer fees that were paid out of General Fund to start the district and were not paid back – Post \$27,719.24 to HW7-9901.9 and post \$27,719.24 to A5031.
3. Water District No. 8 Capital Account balance of \$1,103.66 should have been transferred to General Fund A to pay back additional cost associated with attorney feeds and financial audits conducted and charged to the Capital District, but had townwide benefits – Post \$1,103.66 to A9901.9 and post \$1,103.66 to HW8-5031.

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

Vote: Ayes: 4 Nays: 0

TRANSFER STATION:

·The Highway Superintendent received proposals from Casella and Waste Management for roll-offs.

Casella:

\$600/month for four 8 yard containers
\$250.00 + \$85/ton for 30 yard roll-off
6% increase in pricing for 2025 and 8% increase in 2026

Waste Management:

\$634/month for five 8 yard containers
\$268.00 + \$82.70/ton for 30 yard roll-off

\$125.00 container Usage/month

WASTE MANAGEMENT CONTRACT

RESOLUTION #100:

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

Resolved, that the Byron Town Board hereby approves the contract for refuse and roll-off services between the Town of Byron and Waste Management from January 1, 2024 to December 31, 2026 for \$634/month for five 8 yard containers + \$268.00 + \$82.70/ton for 30 yard roll-off + \$125.00 container usage/month.

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

Vote: Ayes: 4 Nays: 0

·After some discussion it was decided that the Highway Superintendent would also get a proposal from Bruce Scofield.

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

Vote: Ayes: 4 Nays: 0

PUBLIC COMMENTS:

·After some discussion it was decided that Councilman Kent will be the new liaison to the Historical Society due to Councilman Felton leaving.

·There was more discussion on the procedure for appointing someone to the Town Board after a member resigns.

EXECUTIVE SESSION:

A **motion** was made by Councilman Kent to go into executive session to discuss matters relating to proposed, pending or current litigation at 8:17 p.m. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

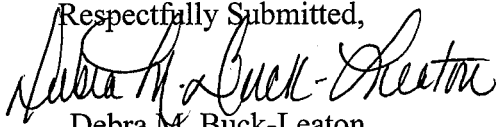
A **motion** was made by Councilman Kent to come out of executive session at 8:43 p.m. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

ADJOURN:

A **motion** was made by Councilman Kent to adjourn the Byron Town Board Meeting at 8:44 p.m. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk