

**BYRON TOWN BOARD MEETING**

November 1, 2023

The Byron Town Board Meeting was called to order by Supervisor Yasses at 6:00 p.m. with the following people present:

- Supervisor.....Peter Yasses
- Councilmen.....Jeff Thompson  
Eric Zuber  
Martin Dilcher
- Highway Superintendent.....David Leaton
- Town Clerk.....Debra Buck-Leaton
- Absent.....Councilman Kent
- Invited Guests.....Justin Bennett, BBS Accounting  
Christina Salamone, BBS Accounting

**Public:**

- Fred Klycek                      Candy Hensel                      Darla Barnum                      Barbie Starowitz
- Theresa Hammer                      Reggie MacDonald

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Supervisor Yasses.

*LEGAL NOTICE  
TOWN OF BYRON  
2024  
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, Byron Water District No. , Byron Water District No. 8 and Water Improvement Benefit Area No. 1 for the fiscal year beginning January 1, 2024 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, Byron Water District No. 7, Byron Water District No. 8 and Water Improvement Benefit Area No. 1 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 1, 2023 at 6:00 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>\$12,502</i>
<i>Deputy Supervisor</i>	<i>\$1,000</i>
<i>Councilmen (4/each)</i>	<i>\$3,382.50</i>
<i>Town Justice</i>	<i>\$10,300</i>
<i>Town Justice</i>	<i>\$10,000</i>
<i>Highway Superintendent</i>	<i>\$72,000</i>
<i>Town Clerk</i>	<i>\$38,000</i>
<i>Tax Collector</i>	<i>\$5,367</i>
<i>Registrar of Vital Statistics</i>	<i>\$515</i>

*By Order of the Byron Town Board*

**PUBLIC HEARING – 2024 BUDGET:**

A **motion** was made by Councilman Zuber to open the Public Hearing for the 2024 General, Highway, Sewer and Water Districts Budget at 6:02 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 4                   Nays: 0

**HIGHLIGHTS OF THE 2024 PRELIMINARY BUDGET:**

- Amount to be raised by taxes is General Fund: \$0.00; Highway Fund: \$513,485.00
- General and Highway Funds: the tax rate is \$370.74/1,000, a reduction of \$40.71 from 2023
- Sewer District: \$0 to be raised by taxes. O&M to remain at \$115/unit/quarter (\$460/year), and debt service will be \$0. There are 316 units.
- Water District #1: \$0.00 to be raised by taxes (debt service is complete)
- Water District #2: \$60,743.00 to be raised by taxes, with the Town of Byron having 165 units, and the Town of Stafford having 28 units
- Water District #3: \$4,640.00 to be raised by taxes (10 units)
- Water District #4: \$5,093.00 to be raised by taxes (12 units)
- Water District #5: \$16,730.00 to be raised by taxes (56 units)
- Water District #6: \$9,069.00 to be raised by taxes (32.0 units)
- Water District #7: \$42,250.00 to be raised by taxes (66 units)
- Water District #8: \$90,461.00 to be raised by taxes (113 units)
- Water Improvement Benefit Area #1: \$215,577.00 to be raised by taxes (247 units)
- Fire Districts: \$231,000.00
- Byron Rescue Squad: \$30,000.00
- Due to the addition of Water Improvement Benefit Area #1 the Town will go over the tax cap and will need to have a Public Hearing to go over the tax cap.

**PUBLIC COMMENTS:**

- Candy Hensel: What is unexpended balance?
- Justin Bennett: The use of the savings account to balance the budget.
- Candy Hensel: What is the Comptroller expenses?
- Justin Bennett: Bookkeeping expenses.
- Candy Hensel: Why the decrease for the Deputy Clerk?
- Justin Bennett: Historical usage.
- Candy Hensel: What is the Public Works Administration line item?
- Justin Bennett: Renaming of A5010.1B – Street Admin., Serv-Trash, Park and Water.
- Candy Hensel: Why was there a decrease in Sewer Administration?
- Debra Buck-Leaton: This should be \$5,200, must be a typo.
- Barbie Starowitz: Did the museum receive \$30,000 from NextEra?
- Debra Buck-Leaton: They haven't received any money from NextEra because the project hasn't started.
- Candy Hensel: Where are the Councilmen wages? And why did the Highway Superintendent get such a large increase?
- Supervisor Yasses: Highway Superintendent is way below average compared to the other Highway Superintendents in the County and he does an excellent job.
- Fred Klycek: The Highway Superintendent's job is one of the worst jobs in the world. He's on call 24/7 and most of the time his workers make more than he does.

Fred Klycek: Is the fire services appropriation to be split up through the contract?

Supervisor Yasses: There will have to be another meeting with fire departments to figure out the contract. Councilmen Dilcher and Zuber will need to get together with the fire departments to come up with a meeting date.

A **motion** was made by Councilman Zuber to close the Public Hearing for the 2024 General, Highway, Sewer and Water Districts Budget at 6:30 p.m. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

## **2024 TOWN OF BYRON BUDGET**

### **RESOLUTION #102:**

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

***Resolved***, that the Byron Town Board hereby adopts the 2024 Town of Byron General, Highway, Sewer and Water Districts Preliminary Budget as presented.

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

Vote:           Ayes: 4           Nays: 0

## **TAX CAP OVERRIDE:**

### **Local Law No. 2 of 2023 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 2024 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 2024 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.

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. 2 OF 2023 AND TO SCHEDULE A PUBLIC HEARING**

**RESOLUTION #103:**

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

**WHEREAS**, the Town Board of the Town of Byron, New York desires to consider adopting 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 2024 that requires a real property tax levy in excess of the tax levy limit, also known as Town of Byron Local Law No. 2 of 2023.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Byron, New York that proposed Local Law No. 2 of 2023 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-c", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

**BE IT FURTHER RESOLVED** that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until December 13, 2023, and that a Public Hearing be held before this Town Board on the 13<sup>th</sup> day of December, 2023, at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York, on the advisability of enacting said proposed Local Law; and

**BE IT FURTHER RESOLVED** that a copy of said proposed Local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Byron, New York not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said Public Hearing;

**BE IT FURTHER RESOLVED** that the Town Clerk shall cause notice of said Public Hearing to be published once in the Batavia Daily News at least five (5) days prior to the date of said Public Hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

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

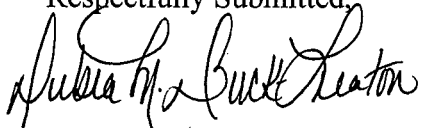
Vote:                      Ayes: 4                      Nays: 0

**ADJOURN:**

A **motion** was made by Councilman Zuber to adjourn the Byron Town Board Meeting at 6:40 p.m. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton  
Byron Town Clerk