

BYRON TOWN BOARD MEETING

November 9, 2022

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

- Supervisor.....Peter Yasses
- Councilmen.....Jeff Thompson
Josh Kent
Eric Zuber
Tom Felton
- Highway Superintendent.....David Leaton
- Town Clerk.....Debra Buck-Leaton
- Invited Guests.....Town Attorney Paul Boylan

Public:

- | | | | | |
|-----------------|--------------|--------------------|------------------|---------------|
| George Squires | John Durand | Sara Stockwell | Candy Hensel | Rob Palmer |
| Karen Jaczynski | Bob Mrucek | Vic DiGregorio | Barbie Starowitz | Jonell Chudyk |
| Darla Jo Barnum | Bill Stevens | Dayanara Caballero | Kerri Diehl | Kim Parsels |
| Loren Parsels | | | | |

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

MINUTES:

A **motion** was made by Councilman Thompson to approve the Byron Town Board minutes of October 12, 2022 as written. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SEWER REPORT:

Monthly:

- Checked and maintained all filter bed pumps (N, S+C)
- Keeping track of pump hours on all pumps including Old School House, Walkers Corners and McElver Street lift station
- Took monthly samples

Wastewater Treatment System Improvements – Scott Mattison, MRB Group:

·MRB Group is finalizing their report and will set up a meeting once completed with the Town and Attorney to review and set up a schedule moving forward. They will be in attendance at the December Town Board Meeting to discuss their report and the path forward from here. They have also provided a schedule for the town’s review as well as the Attorney.

Mobile Home Community Collection System Study – Scott Mattison, MRB Group:

·MRB Group is moving forward with the flow testing and report. They will work to tie this report to the Treatment System report so that the entire project can be funded as one.

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

Vote: Ayes: 5 Nays: 0

SEWER RELEVY

RESOLUTION #87:

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

Resolved, that the Byron Town Board approves the relevy of all unpaid sewer bills in the amount of Twenty-Six Thousand One Hundred Fifty-One and 25/100 Dollars (\$26,151.25) onto the 2023 Town/County tax bills.

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

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – George Squires:

- Sara Stockwell resigned as of November 18, 2022.
- Public Hearing on Green Street Power Partners (Miller) Solar Project on Rte. 262. There were very few comments.
- Discussion and application from Dollar General for Site Plan Review for the corner of McElver Street and Rte. 262. Planning Board voted to have the Town Board make an amendment a definition in the Zoning Law. Supervisor Yasses with send the proposed change to Attorney Paul Boylan for review and then a Public Hearing on the changes will be needed.
- Special Meeting on Green Street Solar Project on November 16th to go over full SEQR
- Discussion on a Special Use Permit and potential violation. Hearing date is set for December 6th
- Discussion on email addresses for Planning Board members. After speaking with the Town's IT person, it was decided that the Planning Board could make their own gmail addresses to use.
- The Town Board would like to thank Sara Stockwell for her time as the Planning Board Secretary.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT – David Leaton:

- Buried Bicentennial Time Capsule
- Working in parks. Put new roof on park shed
- Getting ready for winter

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT – Melissa Ierlan:

- A copy of the report is on file with the CEO/ZEO
- Pulled the certificate of occupancy and condemned a property as it can't be inhabited. Reported the septic system to the County as it clearly is not operating. Waste on the ground from the septic tank vent and kitchen sink is dumping on the ground behind the house.
- Working on the Dollar General application – they are seeking variances and being reviewed by the County Planning Board.
- There are a few more fire/safety inspections to do before the end of the year.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – George Squires:

·Meeting was cancelled last week

CLEAN ENERGY RESOURCES INFORMATION COMMITTEE – Candy Hensel:

- Next meeting is November 21st at 6:00 p.m.
- Streamlined process for energy audit for residents and Candy has paperwork available
- Paperwork for the \$5,000 grant has been submitted by the Town

A **motion** was made by Councilman Felton to approve the Clean Energy Resources Information Committee report as given. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #88:

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	#11	#237 - #261	\$17,083.67
Highway Fund	#11	#107 - #117	\$18,568.01
Sewer Fund	#11	#52 - #55	\$5,139.29
Water Improv. Benefit Area #1	#10	#14	\$2,299.26
Celebrations	#6	#34	\$30.33
General Post Audit	#10	#56 - #59	\$1,395.33
Sewer Post Audit	#10	#24 - #25	\$718.05

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

Vote: Ayes: 5 Nays: 0

TOWN CLERK'S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$40.00
Paid to NYS DEC for hunting/fishing licenses.....	\$359.05
Paid to the State Comptroller for Games of Chance.....	\$30.00
Paid to the Town of Byron Supervisor.....	\$3,499.75
Total Disbursed for October 2022.....	\$3,928.80

A **motion** was made by Councilman Felton to approve the Town Clerk's Report as given for October 2022. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

APPROVAL OF OFFICIAL UNDERTAKING FOR TAX COLLECTOR

RESOLUTION #89:

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

Resolved, that the Town Board of the Town of Byron, County of Genesee, State of New York, does hereby approve the undertaking or bond issued by Lawley Genesee Agency as to its form, manner of execution,

amount and sufficiency thereof, and to the sureties named thereon. Said undertaking or bond shall be conditioned that the collector of the taxes shall well and truly keep, pay over and account for all moneys and property coming into her hands as such collector.

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The October 2022 Financial Report was reviewed.

A **motion** was made by Councilman Felton to approve the October 2022 Financial Reports. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

Park Lease:

·John Durand from Byron Fire Department will present the Park Lease to the fire company for approval.

FIRE DEPARTMENT PARK LEASE

RESOLUTION #90:

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

Resolved, that the Town Board of the Town of Byron approves and hereby authorizes the Supervisor to sign the Lease Agreement between the Byron Fire Department No. 1, Inc. and the Town of Byron.

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

Vote: Ayes: 5 Nays: 0

Resignation of Sara Stockwell:

A **motion** was made by Councilman Kent to accept the resignation of Sara Stockwell as Planning and Zoning Board of Appeals Secretary, with regret, effective November 18, 2022. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Appointment of Patrick Carr as the Planning Board and Zoning Board of Appeals Secretary:

A **motion** was made by Councilman Felton to appoint Patrick Carr as the Planning and Zoning Board of Appeals Secretary effective November 18, 2022. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Moment of Silence for Jeanne Freeman

·Jeanne was the former Town Clerk and passed away recently

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

WATER IMPROVEMENT BENEFIT AREA NO. 1:

·Scott Mattison from MRB Group has discussed the four (4) easements that we were unable to obtain with the MCWA and we can work around them. Laurie Fox from MRB Group has sent out an email and is coordinating the remaining prior to bid items with the parties who need to provide them. Once we have obtained all remaining documents from the prior to bid letter we will submit them and should be ready to bid the project.

WATER IMPROVEMENT BENEFIT AREA NO. 1 OUT TO BID

RESOLUTION #91:

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

Resolved, that the Town Board of the Town of Byron authorizes putting the Water Improvement Benefit Area No. 1 project out to bid contingent upon approval from USDA Rural Development.

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

Vote: Ayes: 5 Nays: 0

REAPPOINTMENT OF SHANNON THOMPSON TO BOARD OF ASSESSMENT REVIEW:

A **motion** was made by Councilman Felton to appoint Shannon Thompson to the Board of Assessment Review for a five year term effective October 1, 2022 – September 30, 2027. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0 Abstain: 1 (Councilman Thompson)

THIRD QUARTER SALES TAX:

·Received the 3rd Quarter Sales Tax in the amount of \$113,211.03

TRANSIT ROAD – RESOLUTION AUTHORIZING DELINQUENT WATER BILLS TO BE LEVIED AGAINST 2023 TAX WARRANT

RESOLUTION #92:

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

WHEREAS, the Town Clerk has received a list of all property owners who owe for water rents in Water District #2 to the Town of Batavia; and

WHEREAS, Section 229-15(c) of Town Law stipulates that such amounts owing shall be levied against the property to which the service is rendered.

NOW, THEREFORE, BE IT RESOLVED, that the attached list in the amount of \$266.94 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2023 tax warrant at 7069 Transit Road, Genesee County, Tax Map No. 6-1-31.21.

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

Vote: Ayes: 5 Nays: 0

TRANSIT ROAD – RESOLUTION AUTHORIZING THE RELEVY OF OUTSTANDING WATER DEBT SERVICE CHARGES ON TOWN/COUNTY REAL PROPERTY TAXES

RESOLUTION #93:

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

WHEREAS, all Town Board Members having received due notice of said meeting; and

WHEREAS, pursuant to the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place of the meeting was given as required by law; and

WHEREAS, the Town has in place certain Water Customer Agreements whereby the Town provides water to certain out-of-district customers; and

WHEREAS, the Town has one such Water Customer Agreement in place with A. Elizabeth Prinzi, residing at 709 Transit Road, Elba, NY 14058, for service to property located at 7069 Transit Road, Town of Byron, County of Genesee, and State of New York by and through the Town of Elba Water District No. 2; and

WHEREAS, said agreement calls for a debt service charge of \$711.54 for the year 2022 with payment to be made within forty-five (45) days after receipt of the statement showing such charge; and

WHEREAS, the Town duly provided a statement to the customer for payment of the debt service charge at the time of signing the agreement; and

WHEREAS, forty-five (45) days have elapsed since the customer's receipt of said statement; and

WHEREAS, pursuant to N.Y. Town Law §198(3)(a), if a property owner fails to pay the uniform service charge, a statement showing the name of the property owner and the amount unpaid and containing a brief description of the real property shall be transmitted to the board of supervisors of the county and such amount shall be levied and collected as an assessment against the real property; and

RESOLVED, that the Town Board hereby acknowledges and declares that the above-referenced customer has not paid their debt service fee for the year 2022, and the debt service fee owed has been outstanding for a period greater than forty-five (45) days; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to transmit to the Genesee County Board of Supervisors a statement showing the name of the property owner and the amount of debt service charges left unpaid along with a brief description of the real property and a request that said outstanding amount be levied and collected as an assessment against the real property.

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

Vote: Ayes: 5 Nays: 0

SAM REGISTRATION PROCESSING:

The Town is required to be registered yearly in SAM (System for Award Management) in order to receive grant funding for water, sewer, etc. The Town Clerk has renewed the Town's SAM registration yearly, however, this year the process has become more complicated and needed help from Laurie Fox at MRB Group. MRB is willing to do the yearly updates, and the Supervisor would like the Town Board to approve the letter to appoint MRB as the administrator for the Town of Byron yearly registration.

SAM REGISTRATION

RESOLUTION #94:

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

Resolved, that the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the letter appointing MRB Group as the Entity Administrator for the Town of Byron SAM Registration.

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

Vote: Ayes: 5 Nays: 0

FIRE CONTRACTS:

Paul Boylan is very uncomfortable setting up a contract especially with the ambulance service. Paul would like to have the Byron Fire Department speak with their attorney prior to the Town moving forward.

Fire and EMS Contract Public Hearing:

A **motion** was made by Councilman Zuber to call a Public Hearing on the 2023 South Byron and Byron Fire and Emergency Medical Services Contracts for Wednesday, December 14, 2022 at 7:00 p.m. at the Byron Town Hall. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

Candy Hensel: Cost of MRB Group doing SAM?

Debra Buck-Leaton, Town Clerk: It will only take MRB Group ½-1 hour and they will bill it under general engineering work.

EXECUTIVE SESSION:

A **motion** was made by Councilman Kent to go into executive session to discuss matters relating to collective negotiations under the Taylor Law at 8:37 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Kent to come out of executive session at 8:47 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

UNION CONTRACT WAGE INCREASE

RESOLUTION #95:

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

Resolved, that the Town Board of the Town of Byron hereby authorizes the following changes to the Union Contract effective January 1, 2023:

Article 10: Compensation

Section 10.2 – The Town has agreed to increase the hourly pay for the year 2023. The increase would be \$1.25 for the year 2023 and the annual yearly raise of 2% will also be applied.

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

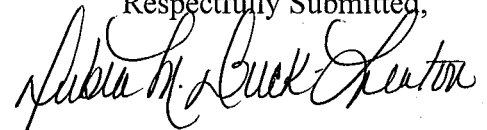
Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 8:54 p.m. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk