

**BYRON TOWN BOARD MEETING**

December 13, 2023

The Byron Town Board Meeting was called to order by Supervisor Yasses at 7:06 p.m. with the following people present:

Supervisor.....Pete Yasses  
Councilmen.....Josh Kent  
Jeff Thompson  
Martin Dilcher  
Highway Superintendent.....David Leaton  
Town Clerk.....Debra Buck-Leaton  
Absent.....Councilman Zuber  
  
Invited Guests.....Town Attorney Paul Boylan  
Scott Mattison, MRB Group

**Public:**

John Durand                      Karen Jaczynski                      Vic Digregorio                      Bill Stevens  
Rob Palmer                      Steve Lockner                      Pete Lockner                      Bob Mruczek  
Brandon Crossett                      Reggie MacDonald                      Candy Hensel                      Ben Raccuia  
Ted Darocha

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Supervisor Yasses.

**PUBLIC HEARING –TAX CAP OVERRIDE:**

A **motion** was made by Councilman Thompson to open the Public Hearing to override the tax cap at 7:07 p.m. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

**LEGAL NOTICE  
SPECIAL MEETING  
TOWN OF BYRON**

***PLEASE TAKE NOTICE***, that the Town Board of the Town of Byron will hold a Public Hearing on Wednesday, December 13, 2023 regarding Local Law entitled, "Local Law No .2 of 2023 – Authorization of the Town Board to Override the Tax Levy Limit Established in General Municipal Law 3-c" at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York. A summary of the law is as follows:

*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.*

*The full text of the Proposed Local Law No. 2 of 2023 is on file at the office of the Town Clerk and is available for inspection during regular office hours.*

*Debra Buck-Leaton  
Byron Town Clerk*

**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.

**Public Comments:** Councilman Thompson – due to Water Improvement Benefit Area No. 1

A **motion** was made by Councilman Thompson to close the Public Hearing at 7:09 p.m. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2023 – TAX CAP OVERRIDE**

**RESOLUTION #118:**

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

**WHEREAS**, the Town Board of the Town of Byron, New York adopts 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 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 Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is adopted upon filing with the Secretary of State.

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

Vote:                      Ayes: 4                      Nays: 0

**MINUTES:**

A **motion** was made by Councilman Thompson to approve the Byron Town Board minutes of November 8, 2023 and November 16, 2023 as written. The motion was seconded by Councilman Kent and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

**WATER IMPROVEMENT BENEFIT AREA NO. 1 – Scott Mattison, MRB Group:**

- Contractor A (Pilon Construction Co., Inc.) – Approximately 14% complete.
- Contract B (Rochester Pipeline) – Approximately 60% complete.
- Both contractors are aware that they need to be done with the project by April 2024.

**WATER IMPROVEMENT BENEFIT AREA # 1 CONTRACT A CONTRACTOR’S PAYMENT APPLICATION NO. 2**

**RESOLUTION #119:**

Councilman Thompson 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. 2 to Pilon Construction Co., Inc. in the amount of \$799,247.22 for construction of Water Improvement Benefit Area No. 1.

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

Vote:                      Ayes: 4                      Nays: 0

**WATER IMPROVEMENT BENEFIT AREA # 1 CONTRACT B CONTRACTOR’S PAYMENT APPLICATION NO. 7**

**RESOLUTION #120:**

Councilman Thompson 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. 7 to Rochester Pipeline, Inc. in the amount of \$56,624.43 for construction of Water Improvement Benefit Area No. 1.

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

Vote:           Ayes: 4           Nays: 0

**APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW**

**RESOLUTION #121:**

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

*WHEREAS*, the Monroe County Water Authority ("Authority") intends to provide public water service to 5941 South Holley Road and 6719 North Bergen Road located in the Town of Byron; and

*WHEREAS*, the property owner has elected to retain and maintain the private well water source(s) on the premises and maintain separation between the plumbing that contains the public water (the "private system"); and

*WHEREAS*, the acquisition of the permanent irrevocable access easement is necessary to allow the Authority to inspect the public and private systems to make sure they are not interconnected as required by the New York State Sanitary Code; and

*WHEREAS*, the permanent irrevocable access easement is located at 5941 South Holley Road (Tax Acct. No. 12.0-1-3.112), which is owned by Austin Ludwig and 6719 North Bergen Road (Tax Acct. No. 3-1-13) which is owned by Ellen R. Gerhardy; and

*WHEREAS*, §1096(6-a) of New York's Public Authorities Law requires the Authority to obtain the prior approval of the Town Board for the above-referenced acquisition; now therefore be it

*RESOLVED*, that the Town hereby approves of the Authority's acquisition of the permanent irrevocable access easement located at 5941 South Holley Road and 6719 North Bergen Road in accordance with §1096(6-a) of the New York Public Authorities Law and be it further

*RESOLVED*, that a copy of this resolution be provided to the Authority.

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

Vote:           Ayes: 4           Nays: 0

**PLANNING BOARD REPORT:**

·Meeting was cancelled for December.

**SEWER:**

**WIIA Grant:**

·Received \$2,706,250.00 from the NYS Water Infrastructure Improvement Act (WIIA) Grant for wastewater treatment plant improvements. According to Scott Mattison additional grant funding may be available. The Town already received \$1 million for disinfection.

**NYS INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT**

**RESOLUTION #122:**

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

**BE IT RESOLVED**, that Byron Town Board hereby authorizes the Supervisor to sign the Acknowledgement and Acceptance of WIIA Grant Award issued by the NYS Environmental Facilities Corporation on December 12, 2023.

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

Vote:                      Ayes: 4                      Nays: 0

**SEWER REPORT:**

- 11/13/23 – Had A.D. Calls pump out Crosby’s due to a backup issue into store.
- 11/17/23 – Had A.D. Calls back to dig up inlet line at Crosby’s. Found old galvanized pipe was plugged and collapsing. Digging and replacement cost was levied onto Crosby’s.

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

Vote:                      Ayes: 4                      Nays: 0

**HIGHWAY SUPERINTENDENT’S REPORT – David Leaton:**

- Christmas decorations are up

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

Vote:                      Ayes: 4                      Nays: 0

**CEO/ZEO REPORT:**

- No report given.

**PARK COMMITTEE REPORT:**

- No meeting in December

**ABSTRACTS**

**RESOLUTION #123:**

Councilman Kent offered the following resolution and moved for its adoption:  
***Resolved***, that the Byron Town Board pay the following abstracts:

<b><i>Fund:</i></b>	<b><i>Abstract:</i></b>	<b><i>Vouchers:</i></b>	<b><i>Amount:</i></b>
General Fund	#12	#227 - #247	\$16,990.95
Highway Fund	#12	#105 - #120	\$41,799.46
Sewer Fund	#12	#62 - #64	\$4,307.81
Water Improv. Benefit Area #1	#12	#29 - #31	\$881,372.09
General Post Audit	#11	#66 - #77	\$6,013.87
Sewer Post Audit	#11	#30 - #33	\$1,179.61

Councilman Thompson 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.....\$35.00

Paid to the DEC for Hunting and Fishing Licenses.....	\$702.99
Paid to the Town of Byron Supervisor.....	\$11,800.51
Total Disbursed for November 2023.....	\$12,538.50

A **motion** was made by Councilman Thompson to approve the Town Clerk’s Report as given for November 2023. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**FINANCIAL REPORT:**

The November 2023 Financial Report was reviewed.

A **motion** was made by Councilman Thompson to approve the November 2023 Financial Reports. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**SUPERVISOR’S REPORT:**

- Received \$5,000 from the County for grant writing reimbursement
- Resignation of Town Justice William Forsyth. A notice will go out for applicants. Whoever is appointed will need to complete schooling in March before they can sit on the bench.

A **motion** was made by Councilman Kent to accept the resignation of William Forsyth as Byron Town Justice effective December 10, 2023. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

A **motion** was made by Councilman Thompson to approve the Supervisor’s Report. The motion was seconded by Councilman Kent and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**OTHER BUSINESS:**

**End-of Year Meeting:**

A **motion** was made by Councilman Thompson to set the end of year meeting for December 27, 2023 at 7:00 p.m. at the Byron Town Hall. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**Organizational Meeting:**

A **motion** was made by Councilman Thompson to set the Organizational Meeting for January 2, 2024 at 7:00 p.m. at the Byron Town Hall. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**Fire and EMS Contracts:**

- South Byron Fire Department is fine with the contract as is.
- Byron Fire Department would like the amount for the ambulance broken out from what the fire department is receiving.
- Paul Boylan will modify the contracts and have them ready for the public hearing.

**Special Meeting for Fire and EMS Contracts Public Hearing:**

A **motion** was made by Councilman Kent to hold a Special Meeting for a Public Hearing on December 27, 2023 at 7:00 p.m. at the Byron Town Hall with regard to the 2024 Fire and Emergency Services Contracts with the Byron and South Byron Fire Departments. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

**PUBLIC COMMENTS:**

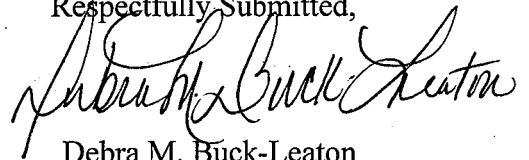
·Town Attorney Paul Boylan – will be retiring as Town Attorney at the end of December 2023.

**ADJOURN:**

A **motion** was made by Councilman Kent to adjourn the Byron Town Board Meeting at 7:39 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton  
Byron Town Clerk