

BYRON TOWN BOARD MEETING

February 8, 2023

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
	Tom Felton
Highway Superintendent.....	David Leaton
Town Clerk.....	Debra Buck-Leaton
Absent.....	Councilman Zuber
Invited Guest.....	Town Attorney, Paul Boylan
	Mark Bailey, MRB Group

Public:

George Squires	Rob Palmer	Barbie Starowitz
Roger Wood	Bill Stevens	Vic DiGregorio

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

MINUTES:

A **motion** was made by Councilman Felton to approve the Byron Town Board minutes of January 11, January 18 and January 25, 2023 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

LOCAL LAW NO. 1 OF 2023:

At the January 11, 2023 Town Board meeting the Town Board held a Public Hearing regarding Amending Article IX District Regulations Section 9.05 of the Town of Byron Zoning Law Regarding C-1 Neighborhood Commercial District which would eliminate certain parking regulations for commercial buildings. The SEQRA Resolution was made declaring the Board’s intent to be Lead Agency, and now the Town Board needs to complete the SEQRA process by passing the resolutions below.

LOCAL LAW NO. 1 OF 2023 SEQRA RESOLUTION – LEAD AGENCY RESOLUTION #35:

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

WHEREAS, this Board has heretofore notified all involved agencies of its intend to declare itself Lead Agency in the SEQRA proceeding regarding the enactment of a Local Law amending the Town of Byron Zoning Law; and

WHEREAS, the Town has not received any responses from any such involved agency indicating any objection to it so declaring.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby declare its intent to be designated as the lead agency for the Action, and identifies that it is a Type 1 Action pursuant to SEQRA; and

BE IT FURTHER RESOVED, that the Town Board of the Town of Byron does hereby declare itself to be the Lead Agency in the SEQRA proceeding regarding the enactment of Local Law No. 1 of 2023 amending the Town of Byron Zoning Law.

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

Vote: Ayes: 4 Nays: 0

LOCAL LAW NO. 1 OF 2023 SEQRA RESOLUTION – NEGATIVE DECLARATION
RESOLUTION #36:

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

RESOLVED, That the Town Board of the Town of Byron acting as Lead Agency for the SEQRA proceeding does hereby adopt the Part II of the Short Form Environmental Assessment Form as attached hereto and Part III of the Short Form Environmental Assessment Form and does hereby issue a Negative Declaration as set forth on said Part III.

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

Vote: Ayes: 4 Nays: 0

LOCAL LAW NO. 1 OF 2023 – AMENDMENT TO TOWN OF BYRON ZONING LAW
ELIMINATING PARKING RESTRICTIONS IN NEIGHBORHOOD COMMERCIAL DISTRICTS
RESOLUTION #37:

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

BE IT ENACTED by the Town Board of the Town of Byron as follows:

A LOCAL LAW TO BE KNOWN AS LOCAL LAW NO. 1-2023

TITLE: AMENDMENT TO TOWN OF BYRON ZONING LAW ELIMINATING PARKING RESTRICTIONS IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

Section 1.

Article IX Section 9.05(b)(i) shall be amended to read as follows:

“Retail business establishments which are clearly community service characteristic, including but not limited to the following.”

Section 2.

This Local Law shall take effect upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

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

Vote: Ayes: 4 Nays: 0

SEWER CONSOLIDATION – Mark Bailey, MRB Group:

- Map, Plan and Report to combine Districts 1, 2 and 3 into one district is complete
- Next it needs to be determined which parcels will be included in the sewer district because some properties that were in the original boundaries are connected to the sewer and not getting charged.

RESOLUTION APPROVING DRAFT JOINT CONSOLIDATION AGREEMENT FOR THE
CONSOLIDATION OF SEWER DISTRICTS 1, 2 & 3
RESOLUTION #38:

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

RESOLVED, That the Draft Joint Consolidation Agreement attached hereto providing for the consolidation of Byron Sewer District No. 1, Byron Sewer District No. 2 and Byron Sewer District No. 3 into one consolidated Sewer District to be known as Byron Consolidated Sewer District is hereby approved.

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

Vote: Ayes: 4 Nays: 0

A RESOLUTION CALLING PUBLIC HEARING CONSOLIDATING THREE TOWN OF BYRON SEWER DISTRICTS INTO ONE CONSOLIDATED SEWER DISTRICT SUBJECT TO THE COMPLETION OF PROCEEDINGS PURSUANT TO ARTICLE 17-A OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK AND FURTHER APPROVING AND AUTHORIZING THE EXECUTION OF A JOINT CONSOLIDATION AGREEMENT

RESOLUTION #39:

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

WHEREAS, there exists within the Town of Byron three sewer districts: Sewer District No. 1, Sewer District No. 2 and Sewer District No. 3; and

WHEREAS, the aforesaid three sewer districts have been created for a similar purpose; and

WHEREAS, the Town Board is desirous of conducting a Public Hearing pursuant to the provisions of Article 17-A of the General Municipal Law for the purpose of hearing all persons upon the question of consolidating the three Town of Byron sewer districts, to wit: Sewer District No. 1, Sewer District No. 2 and Sewer District No. 3 into one consolidated sewer district subject to the completion of proceedings pursuant to Article 17-A of the General Municipal Law of the State of New York and further approving and authorizing the execution of a joint consolidation agreement by the Supervisor of the Town of Byron; and

WHEREAS, a map, plan and report prepared by MRB Group, competent engineers, describing the proposed consolidation has been filed in the Town Clerk's Office; and

WHEREAS, in the event of consolidation, future debt repayment and capital charges for the aforesaid three sewer district shall be imposed annually among all parcels or any additional parcels contained within the Consolidated Sewer District as follows: \$460.00 per equivalent dwelling unit for the first year of consolidation and then adjusted annually thereafter, if necessary. The number of equivalent dwelling units for each parcel is determined from the Schedule of Assessment Units (EDU) for each property type and is attached as Appendix C to the map, plan and report on file in the Town Clerk's office; and

WHEREAS, in the event of consolidation expenses for the operation and maintenance for the aforesaid three sewer districts and any future related extensions shall be imposed annually along all parcels or any additional parcels contained within the consolidated sewer district as follows:

The costs, as yet undetermined, shall be shared equally among all EDUs.

NOW THEREFORE, IT IS,

ORDERED, that the Town Board of the Town of Byron shall meet and hold a Public Hearing at the Town Hall, 7028 Byron-Holley Road, Byron, New York at 7:00 o'clock p.m. on the 22nd day of March, 2023, to consider the consolidation of the three Town of Byron Sewer Districts and related extensions, to wit: Sewer District No. 1, Sewer District No. 2 and Sewer District No. 3 into a single consolidated sewer district, known as the Town of Byron Consolidated Sewer District; to consider the execution and approval of a Joint Consolidation Agreement; and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as shall be required or authorized by law, and it is further,

ORDERED, the Joint Consolidation Agreement proposes to consolidate the three Town of Byron Sewer Districts pursuant to the provisions of Article 17-A of the General Municipal Law and that as of May 1, 2023 it is proposed to consolidate the three aforesaid sewer districts located within the Town of Byron pursuant to Article 17-A of the General Municipal Law of the State of new York, and it is further,

ORDERED, the proposed Joint Consolidation Agreement is on file in the Town of Byron Town Clerk's Office at 7028 Byron-Holley Road, Byron, New York. A copy of the proposed Joint Consolidation Agreement

and a summary thereof are also displayed upon and available for public inspection on the Town of Byron's Town Clerk's Bulletin Board, at the Town Clerk's Office at the Town of Byron Town Hall, 7028 Byron-Holley Road, Byron, New York, and on the Town of Byron website; and it is further

ORDERED, that a copy of the Summary of the Joint Consolidation Agreement is attached to this resolution as Exhibit A, and that a description of the geographic boundaries of the proposed consolidated sewer district is attached to this resolution as Exhibit B;

AND IT IS FURTHER,

RESOLVED, that the Town Clerk is hereby directed to cause this Resolution Calling a Public Hearing to be published in The Batavia Daily News once a week for four (4) consecutive weeks to wit: February 15 and 22 and March 1 and 8.

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

Vote: Ayes: 4 Nays: 0

TOWN OF BYRON SEWER DISTRICT CONSOLIDATION SEQR RESOLUTION
RESOLUTION #40:

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

WHEREAS, the Town of Byron Town Board (Hereinafter referred to as "Town Board") is proposing to consolidate the Town's three (3) existing sewer districts including Sewer District No. 1 – Central Byron; Sewer District No. 2 – South Byron; and Sewer District No. 3 – North Byron into one (1) consolidated sewer district, and

WHEREAS, this action constitutes "maintenance or repair involving no substantial changes in an existing structure or facility;" "conducting...preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;" and "adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;" which the New York State Environmental Quality Review (SEQR) Act are listed as Type II actions for which it has been determined there are no significant adverse effects on the environment; and

NOW, THEREFORE, BE IT RESOLVED THAT, THE Town Board does hereby classify the above-referenced action to be a Type II Action under 6 N.Y.C.R.R. Section 617.5 [c] [1] [27] [33] of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Town Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

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

Vote: Ayes: 4 Nays: 0

SEWER REPORT:

Had callouts at Lot 26 and Lot 28 on two separate dates for backup in trailers. Located both tanks, pulled inlet covers and everything was clear, so the backup was someplace in the trailer and the Town wasn't responsible.

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

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – George Squires:

- Most of meeting was focused on the Battery Energy Storage Local Law. There was discussion on the section regarding noise and the prime farmland issue, but believes they're resolved. He would hope to have a draft to the board next month.
- Would like to have another alternate appointed because 2 members weren't present at the last meeting.
- Worked on Zoning Law revisions.

A **motion** was made by Councilman Thompson to approve the Planning Board 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:

- Picked up new pickup truck last Tuesday

EXTENSION OF SNOW AND ICE AGREEMENT

RESOLUTION #41:

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

WHEREAS, the Town of Byron is under contract with the New York State Department of Transportation to provide snow and ice control on specified State roads within the Town, and

WHEREAS, the base agreement was extended for the 2021/2022 season by Resolution No. 103, dated November 13, 2019, setting an estimated total cost for the season at \$35,129.56, and

WHEREAS, due to increase in labor, materials, equipment, and/or overall costs during 2022/2023, the total cost to perform this service is estimated at \$41,262.93.

NOW, THEREFORE, BE IT RESOLVED, to authorize the Town Supervisor to execute an Amendment to the present Agreement. Said Amendment would increase the estimated cost to perform snow and ice control for the 2022/2023 season by \$6,133.37.

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

Vote: Ayes: 4 Nays: 0

SALE OF SURPLUS HIGHWAY EQUIPMENT

RESOLUTION #42:

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

WHEREAS, the Town Board of the Town of Byron hereby authorizes the sale of the following surplus equipment:

·2020 White 2500HD 4 door Chevy Silverado pickup truck (VIN#1GC5YLE74LF241602) with 2011 Western 8' Plow.

·1986 John Deere 2350 Tractor (VIN#L02350A560076) with IH Sickle Bar Mower.

·2004 Alamo Flail Mower-SHD96 (VIN#01628).

·2007 Power Max 100 Plasma Cutter.

·Gasboy Fuel Pump.

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

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT – Melissa Ierlan:

·No report

PARK COMMITTEE REPORT – George Squires:

·Didn't meet, and no report

ABSTRACTS

RESOLUTION #43:

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

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

<u>Fund:</u>	<u>Abstract:</u>	<u>Vouchers:</u>	<u>Amount:</u>
General Fund	#2	#28 - #42	\$9,153.04
Highway Fund	#2	#6 - #14	\$4,058.53
Sewer Fund	#2	#4 - #7	\$14,481.74
Water Improv. Benefit Area #1	#2	#5 - #7	\$6,920.34
Fire District #1	#1	#1	\$135,000.00
Fire District #2	#1	#1	\$105,000.00
General Post Audit	#1	#1 - #10	\$5,751.21
Highway Post Audit	#1	#1	\$52,267.50
Sewer Post Audit	#1	#1 - #2	\$669.12

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

Vote: Ayes: 4 Nays: 0

TOWN CLERK'S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$79.00
Paid to NYS DEC for hunting and fishing licenses.....	\$4.72
Paid to the Town of Byron Supervisor.....	<u>\$2,770.88</u>
Total Disbursed for January 2023.....	<u>\$2,854.60</u>

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

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The January 2023 Financial Report was reviewed; however, Councilman Felton would like to take approval until the AUD is finished and the correct amounts show on the balance sheets.

A **motion** was made by Councilman Felton to table approval of the January 2023 Financial Reports until after the AUD is finished in order to show the correct amounts on the balance sheets. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SUPERVISOR'S REPORT:

Sales Tax:

·Received \$113,211.03 for the 4th Quarter 2022 Sales Tax Distribution

New Park Pavilion at Firemen's Park:

·Working on getting quotes out for new pavilion at Firemen's Park by the end of the week.

- Discussed plans and specifications with the fire department
- Hope to have the pavilion complete by May 1, 2023.

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: 4 Nays: 0

OTHER BUSINESS:

Water Improvement Benefit Area No. 1:

- Agreements were sent out on January 31, 2023 to both contractors and are due back by February 15th. Following this they will be sent to the Town for review and approval.
- Pilon Construction (Contract A) plans to start as soon as they can get materials. According to them that will be June, but MRB will let the Town Board know if something changes.
- Rochester Pipeline (Contract B) plans to start in April. They have already sent over their pipe submittal in order to get materials ordered.
- Pre-construction meeting will be held around April 3, 2023, but may need to be adjusted as we get closer based on actual start dates.
- Monroe County Water Authority will be setting up three separate sessions approximately two weeks apart with the first session possibly in early April to allow property owners an opportunity to ask specific questions and to make payment in person. The meetings will be at the Town Hall during mid-afternoon through early evening. MCWA will send letters out to property owners once dates are set.

PUBLIC COMMENTS:

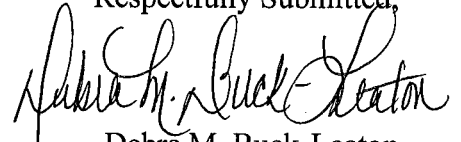
Councilman Kent: Candy Hensel is sick but wanted the Board to know that she will be applying for another Main Street grant application.

ADJOURN:

A **motion** was made by Councilman Kent to adjourn the Byron Town Board Meeting at 7:33 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