

BYRON TOWN BOARD MEETING

April 14, 2021

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

- Supervisor.....Peter Yasses
- Councilmen.....Sue Fuller
Jeff Thompson
Josh Kent
Eric Zuber
- Highway Superintendent.....David Leaton
- Town Clerk.....Debra Buck-Leaton
- Invited Guests:.....Town Attorney Paul Boylan, Esq.

Public (Via Zoom):

- Ben Raccuia Dave Engle Gayla Starowitz Kaitlyn Moucha
- Debbie Mulcahy Tom Felton Pam Lynch Candy Hensel
- Vic DiGregorio Sara Stockwell George Squires Maureen Fink
- George Heins Barbie Starowitz Scott Fisher, George and Swede
- Michelle Piasecki, Harris Beach

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

MINUTES:

A **motion** was made by Councilwoman Fuller to approve the Byron Town Board minutes of March 10, 2021 as written. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – George Squires:

·Discussed uses, definitions and clarifications for proposed new hamlet district.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – David Leaton:

- Doing small projects
- Closing bridge on Tower Hill Road around end of May beginning of June, it will hopefully be completed by October.

Supervisor Yasses: The Supervisor and Highway Superintendent discussed the lease or purchase of a new loader last year before COVID-19 hit and decided not to purchase or lease one because of the uncertainty of COVID. George and Swede have agreed to sell/lease the Town a loader at the same price as last year, but if the Town leased a new loader it would cost a considerable amount more than it would be to purchase one.

Loader:

·Received a quote from George & Swede Sales and Service for the purchase of a 2021 Hyundai HL940A wheel loader for \$142,253.00 minus the trade in of our loader of \$44,124.00 for a total purchase of \$98,129.000.

PURCHASE OF 2021 HL940A WHEEL LOADER FROM GEORGE & SWEDE SALES AND SERVICE

RESOLUTION #48:

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

RESOLVED, that the Byron Town Board hereby approves the purchase of a 2021 HL940A Wheel Loader from George & Swede Sales and Service for \$142,253.00, minus the trade in of the Town’s current loader for \$44,124.00, for a total purchase price of \$98,129.00, which purchase amount shall be withdrawn from the Highway Equipment Reserve Account, and is subject to Permissive Referendum.

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

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

SOLAR:

·Ben Wisniewski, Esq., from The Zoghlin Group has made several comments on the Host and PILOT Agreement. The Town Board would need to go into executive session to discuss these comments. Supervisor Yasses would suggest having a Special Meeting to discuss Ben’s comments in executive session.

A **motion** was made by Councilman Kent to hold a Special Meeting on April 21, 2021 at 7:00 p.m. via ZOOM video conferencing to discuss the comments made by Ben Wisniewski, Esq., from the Zoghlin Group, with regards to the Host and PILOT Agreement. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Battery Energy Storage Law – Councilman Kent:

·Councilman Kent will contact Ben Wisniewski, Esq. from The Zoghlin Group to get started.

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

Other:

- March 8th – stakeouts for Freeman Road, stakeouts in South Byron for new electric poles
- March 11th – High level alarm at 6404 Mill Pond Road, replaced float
- March 19th – Met with Redman Construction about the McElver Street lift station. Pumped out valve pits and changed valving at each filter bed.
- March 22nd – High level alarm at 6415 Mill Pond Road, changed out float.
- March 25th – AD Calls replaced baffle at 6415 Mill Pond Road.

·The State is trying to change SPEDES contract to do testing daily, but Camden Group is fighting the change. It will be a heavy burden on Camden and very expensive for the Town if this happens.

APPROVAL OF APPLICATION TO CONNECT TO THE TOWN OF BYRON SEWER SYSTEM FOR 6418 FREEMAN ROAD, SOUTH BYRON

RESOLUTION #49:

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

RESOLVED, that the Byron Town Board hereby approves the Application to Connect to the Town of Byron Sewer System for 6418 Freeman Road in South Byron, subject to approval by the Superintendent of Sewer.

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

REMOVAL OF SEWER RENT FROM 6776 BYRON-HOLLEY ROAD

RESOLUTION #50:

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

WHEREAS, Tax Map Parcel 5-1-100 is located in Sewer District No. 1; and

WHEREAS, Sewer District No. 1 has no debt; and

WHEREAS, Sewer District No. 1 does not assess a benefit assessment; and

WHEREAS, the building formerly occupying said parcel has been removed; and

WHEREAS, the owner of the said parcel will no longer use the sewer system; and

NOW, THEREFORE, BE IT RESOLVED:

That Tax Map Parcel 5-1-100 may no longer be charged sewer rent provided that the septic tank and associated plumbing are removed.

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 0 Abstain: Supervisor Yasses

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT – Mike Morris:

·A copy of the report is on file with the CEO/ZEO

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – George Squires:

·Discussion regarding an Eagle Scout project in Trestle Park in which the scout would like to complete the ½ mile trail through the woods. The scout would also like to fill in some wet spots with wood chips along the trail.

·Elba Scout troop would like to camp at Trestle Park from June 10-12.

West Shore Park Law/Town of Byron Parks Law:

·Discussed and made changes to the Byron Parks Law. The next step would be to hold a Public Hearing. The Parks Law will be available on the Town website for residents to view.

A **motion** by Councilman Zuber to hold a Public Hearing on May 12, 2021 at 7:00 p.m. via ZOOM video conferencing to consider adopting a Local Law known as the Town of Byron Parks Law. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

CLEAN ENERGY RESOURCES INFORMATION COMMITTEE – Candace Hensel:

·Discussed progress on action items:

1. Clean energy upgrades (Town Hall new HVAC/Furnace)
2. EV ready programs (Candy may be installing EV charging stations at the Byron Hotel)
3. LED street lights (The Highway Superintendent is working on)
4. Benchmarking (Resolution to track data)
5. Unified solar permits (Approved at last month’s meeting)

·If 4 of the actions items are completed the Town will be certified as a clean energy community and will be eligible for grant funding.

·The Committee would like the Town Board to consider passing the following resolution with regard to benchmarking.

ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

RESOLUTION #51:

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

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Byron is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Byron Town Board desires to use Building Energy Benchmarking - a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Byron; and

WHEREAS, the Town of Byron Town Board desires to establish procedure or guideline for Town of Byron staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Byron that is 1,000 square feet or larger in size or building/structure receiving financial assistance from the town such as a museum, park, fire department(s), etc.

(5) “Department” shall mean the [Department selected to enforce the Benchmarking Policy – needs to be decided by the Town Board].

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered

Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

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

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

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #52:

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	#4	#82 - #98	\$15,696.64
Highway Fund	#4	#39 - #48	\$7,779.46
Sewer Fund	#4	#10 - #13	\$4,418.87
Water Improv. Bene. Area #1	#4	#9	\$20,679.46
General Post Audit	#3	#13 - #21	\$2,242.06
Sewer Post Audit	#3	#5 - #6	\$640.21

Councilwoman Fuller 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.....	\$50.00
Paid to NYS DEC for hunting and fishing licenses.....	\$2.76
Paid to the Town of Byron Supervisor.....	\$4,991.74
Total Disbursed for March 2021.....	\$5,044.50

A **motion** was made by Councilwoman Fuller to approve the Town Clerk's Report as given for March, 2021. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

The March 2021 Financial Report was reviewed.

A **motion** was made by Councilman Zuber to approve the March 2021 Financial Reports. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

PUBLIC EMPLOYER HEALTH EMERGENCY PLAN

RESOLUTION #53:

Councilwoman Fuller offered the following resolution and moved for its adoption:

RESOLVED, that the Byron Town Board hereby approves of the Public Employer Health Emergency Plan between the Town of Byron and Teamsters Local 264.

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

Vote: Ayes: 5 Nays: 0

Sleds of Stafford Landowner Permission Form:

A **motion** was made by Councilman Kent to approve the Sleds of Stafford Landowner Permission for Land Use for S.O.S. Trails for 2021-2022. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Byron Fire Department Activity Log:

·The Byron Fire Department shared a copy of their Incident Type Report Summary.

Voluntary Distribution for March 2021:

·The Town of Byron received \$38,578.00 for voluntary distribution for March 2021.

Recognition of Laura Platt:

·Laura Platt, a member of the Byron Rescue Squad, recently received the Gold Trauma Star Life Saving Award on behalf of the U of R Medical Center after she applied a life-saving tourniquet on a patient who suffered a severe arm laceration caused by a chain saw accident. The Town Board would like to recognize Laura for a job well done and to congratulate her on her award.

A **motion** was made by Councilman Kent 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:

·Still waiting to hear from the Comptroller's Office.

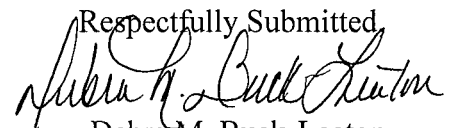
PUBLIC COMMENTS:

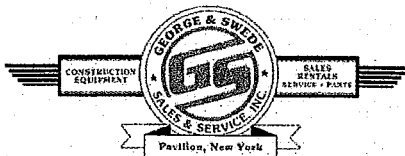
Candy Hensel – Has anymore been discussed about the Excelsior Solar Project and Community Solar?
Town Attorney Paul Boylan – Community Solar will be part of the application. It would be a credit against your electric bill, approximately 10%.

ADJOURN:

A **motion** was made by Councilman Zuber to adjourn the Byron Town Board Meeting at 8:24 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk



Town of Byron Highway Department
7028 Byron Holley Road
Byron NY 14422
Dave Leaton
585-548-7123

7155 BIG TREE RD.
PAVILION, NY 14525

WWW.GEORGEANDSWEDE.COM
PH: 585-584-3425 or 1-800-724-8722
FAX: 585-584-8853

SCOTT FISHER - SALES
scottf@georgeandswede.com
CELL: 585-297-2271

GEORGE & SWEDE RECEIVES CONTRACT AWARD FOR HYUNDAI HL940A WHEEL LOADER

Sourcewell contract # 032119-HCE

Hyundai HL940A Wheel Loader with Cummins B6.7C Tier IV Final Engine

AM/FM Radio	Air Con	PAY LOAD SCALE SYSTEM	20.5 X 25 Triangle Radial	Block Heater
Rear Camera	Beacon	Air Ride Heated Seat	Extra Counter Weight	Heated Mirrors
Fuel Warmer & Fuel pre filter		Reversible cooling fan	Front Diff Lock	3rd spool valve
Fire Extinguisher	RIDE CONTROL	3 YEAR OR 3,000 HOUR FULL MACHINE WARRANTY		

HL940F0ST	Front Attachment Including cylinders	\$	118,428	<input checked="" type="checkbox"/> ADD	\$ 118,428
HL940FOXT	XTD FRONT ATTACHMENT	\$	1,924	<input type="checkbox"/> ADD	
HL940FOTM	Tool Master Attachment	\$	3,700	<input type="checkbox"/> ADD	

BUCKET and COUPLER OPTIONS

HL940LB01	3 YARD BUCKET WITH CUTTING EDGE Z BAR	\$	2,807	<input checked="" type="checkbox"/> ADD	\$ 2,807
HL940ALQ01TM	Hyundai style coupler for Tool Master	\$	2,019	<input type="checkbox"/> ADD	
TM BUCKET	TOOL MASTER 3 YARD BUCKET WITH CUTTING EDGE	\$	2,807	<input type="checkbox"/> ADD	
VL BUCKET	VOLVO STYLE 3 YARD BUCKET WITH CUTTING EDGE	\$	2,807	<input type="checkbox"/> Add	
VL COUPLER	VOLVO STYLE COUPLER FOR TOOL MASTER	\$	3,384	<input type="checkbox"/> ADD	

OTHER OPTIONS

HL940LE02	DUAL BRAKE PEDALS -**FACTORY ORDER ONLY**	\$	728	<input type="checkbox"/> ADD	
HL940E102	ALL AROUND VIEW CAMERA **FACTORY ORDER ONLY**	\$	1,350	<input type="checkbox"/> ADD	
HL940EB20	FULL LED LIGHT PACKAGE - **FACTORY ORDER ONLY**	\$	2,963	<input type="checkbox"/> ADD	
HL940LP04	REAR FENDERS	\$	4,487	<input type="checkbox"/> ADD	
HL940OL03	BELLY PAN GUARD	\$	510	<input type="checkbox"/> ADD	
HL940HB11	EXTRA PIPING WITH 3RD SPOOL	\$	1,500	<input type="checkbox"/> Add	
HL940H01	AUTO LUBE	\$	8,000	<input type="checkbox"/> Add	
HL940XFR2	Front Limited Slip / Rear Limited Slip Axle **FACTORY ORDER ONLY**	\$	1,299	<input type="checkbox"/> Add	
HL940XTHQ01	Quick Coupler Piping Only	\$	1,500	<input type="checkbox"/> Add	
HL940AEWR1	Rear Detection System & 2nd Monitor	\$	1,249	<input type="checkbox"/> Add	
HL940AJS01	Joystick Steering	\$	1,664	<input type="checkbox"/> Add	
HL940ASV01	Rear sun shade	\$	177	<input type="checkbox"/> Add	
HL940XTDY14	Push button start with unique smart key fob **FACTORY ORDER ONL	\$	468	<input type="checkbox"/> Add	
DY22	Remote Door Open W/ Universal Key **FACTORY ORDER ONLY**	\$	412	<input type="checkbox"/> Add	
DY24	Remote Door Open w/ Smart Key Fob **FACTORY ORDER ONLY**	\$	907	<input type="checkbox"/> Add	

SUB TOTAL \$ 121,235

FREIGHT TO DEALER \$ 3,000
FREIGHT TO CUSTOMER \$ 500
PRE DELIVERY INSPECTION \$ 2,500
CUSTOMER TRAINING \$ 1,500

ANY OTHER OPTIONS CAN BE QUOTED UPON REQUEST

Cat Fusion Coupler \$ 4,923
3 Yard Bucket to fit Cat Fusion Coupler \$ 6,795
Instalation of Coupler & Bucket \$ 1,800

Trade: Caterpillar 938H Wheel Loader s/n cat0938hvmjc0134 w/ bucket \$ (44,124)

TOTAL SALE PRICE \$ 98,129

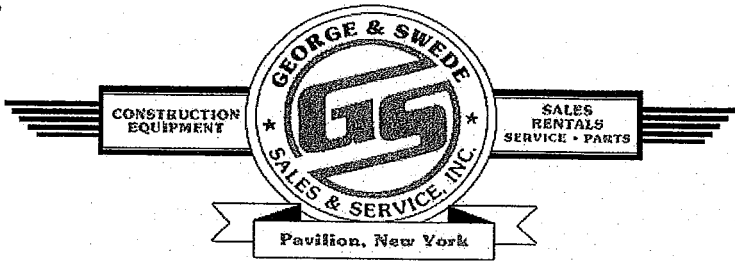
Customer Approval Signature _____

Date _____

3/16/2021
George and Swede Sales and Service _____

Date _____

GN 11/6/10 FINAL



Customer Order

George and Swede Sales and Service, Inc.
 7155 Big Tree Road
 Pavilion, NY 14525
 Ph 585-584-3425 Fx 585-584-8853
 www.georgeandswede.com

Customer: Town of Byron Highway Department

Contact

name/cell: Dave Leaton - cell 585-402-4717

E-mail / superintendent@byronny.com

phone: 585-548-7123

Billing

Address: 7028 Route 237, Byron NY 14422

Shipping

Address:

Date: 4/14/2021

Purchase Order #: _____

FOB _____

Will this need plates? Yes No _____

UNIT #	DESCRIPTION	SERIAL #	AMOUNT
	2021 Hyundai HL940A Wheel Loader-w/ scale system		\$ 142,253.00
	20.5x25 Triangle Radial Tires, Rear Camera, Beacon		
	Air Ride & Heated Seat, Heated Mirrors, 3rd. Spool		
	Valve, Fire Extinguisher, Ride Control, Front Diff Lock		
	Special Coupler- Cat IT28		
	3 Yard Bucket for Cat IT28 Coupler		

(All equipment subject to availability) (No warranty expressed or implied, sold as is where is unless stated otherwise)

Trade In information:

Total Price \$ 142,253.00

Make Caterpillar

Year 2010

Model 938H

Hours 2425

Trade In Amount \$ 44,124.00

Serial # CAT0938HVMJC134

Attachments: _____

Deposits: \$ _____

Financing: _____

0 TIRES
 EXEMPT 0.00%
 12% YES
 3% YES

Balance After Trade \$ 98,129.00

Tire Tax -

Sales Tax (if any) \$ -

FET Tax -

Credit Card Convenience Fee (if any) -

TOTAL BALANCE DUE \$ 98,129.00

THANK YOU, WE APPRECIATE YOUR BUSINESS

GEORGE & SWEDE

ACCEPTANCE

CUSTOMER

Scott Fisher

(salesperson)

4/14/2021

(date)

Scott Fisher-Salesman

cell: 585-297-2271

e-mail: scottf@georgeandswede.com

Town of Byron
 (Company Name)
[Signature]
 (Signature)
Superintendent
 (Title)

(Date)

NEW AND USED EQUIPMENT / SALES, RENTALS, SERVICE, AND PARTS



PURCHASE OF 2021 HL940A WHEEL LOADER FROM GEORGE & SWEDE SALES AND SERVICE

RESOLUTION #48:

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

RESOLVED, that the Byron Town Board hereby approves the purchase of a 2021 HL940A Wheel Loader from George & Swede Sales and Service for \$142,253.00, minus the trade in of the Town's current loader for \$44,124.00, for a total purchase price of \$98,129.00, which purchase amount shall be withdrawn from the Highway Equipment Reserve Account, and is subject to Permissive Referendum.


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

Supervisor Yasses	Aye
Councilwoman Fuller	Aye
Councilman Zuber	Aye
Councilman Thompson	Aye
Councilman Kent	Aye

STATE OF NEW YORK)
COUNTY OF GENESEE)
TOWN OF BYRON) ss.:

I, Debra M. Buck-Leaton, Town Clerk of the Town of Byron, New York, do hereby certify that I have compared the foregoing with the resolution duly adopted by the Town of Byron on the 14th day of April, 2021, and entered in the minutes of the proceeding of said Board and that the foregoing is a true and correct copy of the said resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 22nd day of April, 2021.


Debra M. Buck-Leaton, Town Clerk

Seal:



Public Employer Health Emergency Plan for TOWN OF BYRON

April 14, 2021

This plan has been developed in accordance with NYS legislation S8617B/A10832.

Promulgation

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable.

This plan has been developed with the input of Teamsters Local 264, as required by the amended New York State Labor Law.

No content of this plan is intended to impede, infringe, diminish, or impair the rights of us or our valued employees under any law, rule, regulation, or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

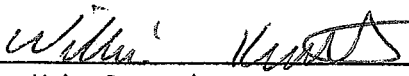
This plan has been approved in accordance with requirements applicable to the agency, jurisdiction, authority, or district, as represented by the signature of the authorized individual below.

As the authorized official of Town of Byron, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with S8617B/A10832 which amends New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable, to address public health emergency planning requirements.

Signed on this day: April 14, 2021

By: Peter Yasses Signature:  Title: Town of Byron Supervisor

ACCEPTED AND APPROVED

By: 
Union Steward
Teamsters Local 264

Record of Changes

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Purpose, Scope, Situation Overview, and Assumptions

Purpose

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable. These laws were amended by the passing of legislation S8617B/A10832 signed by the Governor of New York State on September 7, 2020, requires public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. The plan includes the identification of essential positions, facilitation of remote work for non-essential positions, provision of personal protective equipment, and protocols for supporting contact tracing.

Scope

This plan was developed exclusively for and is applicable to The Town Of Byron. This plan is pertinent to a declared public health emergency in the State of New York which may impact our operations; and it is in the interest of the safety of our employees and contractors, and the continuity of our operations that we have promulgated this plan.

Situation Overview

On March 11, 2020 the World Health Organization declared a pandemic for the novel coronavirus which causes the COVID-19 severe acute respiratory syndrome. This plan has been developed in accordance with amended laws to support continued resilience for a continuation of the spread of this disease or for other infectious diseases which may emerge and cause a declaration of a public health emergency.

The health and safety of our employees and contractors is crucial to maintaining our mission essential operations. We encourage all employees and contractors to use CDC Guidance for Keeping Workplaces, Schools, Homes, and Commercial Establishments Safe. The fundamentals of reducing the spread of infection include:

- Using hand sanitizer and washing hands with soap and water frequently, including:
 - o After using the restroom
 - o After returning from a public outing
 - o After touching/disposing of garbage
 - o After using public computers, touching public tables, and countertops, etc.
- Practice social distancing when possible
- If you are feeling ill or have a fever, notify your supervisor immediately and go home. If you start to experience coughing or sneezing, step away from people and food, cough or sneeze into the crook of your arm or a tissue, the latter of which should be disposed of immediately. Clean and disinfect workstations at the beginning, middle, and end of each shift
- Other guidance which may be published by the CDC, the State Department of Health, or County health officials.

Planning Assumptions

This plan was developed based on information, best practices, and guidance available as of the date of publication. The plan was developed to largely reflect the circumstances of the current Coronavirus pandemic but may also be applicable to other infectious disease outbreaks.

The following assumptions have been made in the development of this plan:

The health and safety of our employees and contractors, and their families, is of utmost importance. The circumstances of a public health emergency may directly impact our own operations. Impacts of a public health emergency will take time for us to respond to, with appropriate safety measures put into place and adjustments made to operations to maximize safety.

- The public and our constituency expects us to maintain a level of mission essential operations. Resource support from other jurisdictions may be limited based upon the level of impact the public health emergency has upon them.
- Supply chains, particularly those for personal protective equipment (PPE) and cleaning supplies, may be heavily impacted, resulting in considerable delays in procurement.
- The operations of other entities, including the private sector (vendors, contractors, etc.), non-profit organizations, and other governmental agencies and services may also be impacted due to the public health emergency, causing delays or other disruptions in their services.
- Emergency measures and operational changes may need to be adjusted based upon the specific circumstances and impacts of the public health emergency, as well as guidance and direction from public health officials and the governor.
- Per S8617B/A10832, 'essential employee' is defined as a public employee or contractor that is required to be physically present at a work site to perform their job.
- Per S8617B/A10832, 'non-essential employee' is defined as a public employee or contractor that is not required to be physically present at a work site to perform their job.

Concept of Operations

The Supervisor of the Town Of Byron, their designee, or their successor holds the authority to execute and direct the implementation of this plan. Implementation, monitoring of operations, and adjustments to plan implementation may be supported by additional personnel, at the discretion of the Supervisor.

Upon the determination of implementing this plan, all employees and contractors of The Town Of Byron shall be notified by e-mails, broadcast media, Town website and press releases, with details provided as possible and necessary, with additional information and updates provided on a regular basis. Residents of the Town Of Byron, Teamsters Local 264 and office employees will be notified of pertinent operational changes by way of telephone, two-way radio, email and text messages. Other interested parties, such as vendors, will be notified by phone and/or email as necessary. The Town Clerk will maintain communications with the public and constituents as needed throughout the implementation of this plan.

The Supervisor of the Town Of Byron his/her, designee, or their successor will maintain awareness of information, direction, and guidance from public health officials and the Governor's office, directing the implementation of changes as necessary.

Upon resolution of the public health emergency, the Supervisor of the Town of Byron, his/ her designee, or their successor will direct the resumption of normal operations or operations with modifications as necessary.

Mission Essential Functions

When confronting events that disrupt normal operations, is committed to ensuring that essential functions will be continued even under the most challenging circumstances.

Essential functions are those functions that enable an organization to:

1. Maintain the safety of employees, contractors, and our constituency
2. Provide vital services
3. Provide services required by law
4. Sustain quality operations
5. Uphold the core values of the Town Of Byron

The Town of Byron has identified as critical only those priority functions that are required or are necessary to provide vital services. During activation of this plan, all other activities may be suspended to enable the organization to concentrate on providing the critical functions and building the internal capabilities necessary to increase and eventually restore operations. Appropriate communications with employees, contractors, our constituents, and other stakeholders will be an ongoing priority.

Essential functions are prioritized according to:

- The time criticality of each essential function
- Interdependency of a one function to others
- The recovery sequence of essential functions and their vital processes

Priority 1 identifies the most essential of functions, with priority 4 identifying functions that are essential, but least among them.

The mission essential functions for the Town Of Byron have been identified as:

Complete the table below by identifying each essential function with a description and identified priority. Provide as much detail as necessary to identify and describe each function. You may press TAB to advance through the table and to add rows if needed. The purple highlighted text is provided as an example. While this is not a requirement of the plan, it will help you in the identification of essential personnel.

Essential Function Description Priority		
Highway	Maintain all roads in the Town to insure access of its residents to all emergency service and facilities	1
Water Service	Provide sanitary water to all emergency facilities and residences	2
Sewer	Provide sanitary conditions for all emergency services and facilities	3
Garbage disposal	Provide removal of all garbage and any contaminated material	4
Town Clerk	Maintain communication among emergency workers and public	5
Code Enforcement	Provide effective enforcement of all codes and local laws for the protection of essential workers and citizenx	6
Court	Provide effective enforcement of all laws	7

Essential Positions

Each essential function identified above requires certain positions on-site to effectively operate. The table below identifies the positions or titles that are essential to be staffed on-site for the continued operation of each essential function. Note that while some functions and associated personnel may be essential, some of these can be conducted remotely and do not need to be identified in this section.

Using the same list of essential functions you identified above, identify the essential positions or titles (not people by name) that are necessary to the continued operation of that function. Provide a justification for each position, answering the question 'Why must this position be staffed on-site?'. The purple highlighted text is provided as an example.

Essential Function	Essential Positions/Titles	Justification for Each
Highway	Highway Superintendent · Deputy Highway Superintendent · Highway Department Employees	The Superintendent provides direction to accomplish the maintenance of all roads The deputy acts in the place of the Superintendent in the absence or incapacity of thre Superintendent The employees carry out the directions of the Superintendent and perform the actual work of maintaining the roads
Water	MCWA	The Authority's employees maintain the water service in the Town
Sewer	Camden Group	The Camden Group's employees maintain the sewer system in the Town
Garbage	·Waste Management	Waste Management maintains the Town refuse area . Individual residences contract with various collector for removal from those individual sites
Town Office	Town Clerk Deputy Town Clerks	The Town Clerk maintains the Town office and is responsible for the communication with the residents by way of the Town website, news releases, to the broadcast and print media
Code Enforcement	Zoning Enforcement officer/ Code Enforcement Officer	The CEO/ZEO Officer provides enforcement of codes and local laws and ensures compliance therewith for the protection of all citizens
Courts	Town Justices Court Clerk	Provides enforcement of all laws and violations thereof occurring in the Town of Byron

Reducing Risk Through Remote Work and Staggered Shifts

Through assigning certain staff to work remotely and by staggering work shifts, we can decrease crowding and density at work sites and on public transportation

Remote Work Protocols

Non-essential employees and contractors able to accomplish their functions remotely will be enabled to do so at the greatest extent possible. Working remotely requires:

1. Identification of staff who will work remotely
2. Approval and assignment of remote work
3. Equipping staff for remote work, which may include:
 - a. Internet capable laptop
 - b. Necessary peripherals
 - c. Access to VPN and/or secure network drives
 - d. Access to software and databases necessary to perform their duties
 - e. A solution for telephone communications
 - i. Note that phone lines may need to be forwarded to off-site staff

Employees of the Town Clerk's office will be notified by the Town Clerk by email or text message of their requirement to work remotely and when necessary provided with cell phones , computers and any other equipment necessary for them to perform their functions

The Supervisor will notify all other non-highway employees and contractors of the schedules for them to work remotely and when , on a staggered basis, they may work at the Town Hall

Highway employees must be at the highway department garage but must wear protective equipment [PPE] to prevent the transmission of any disease

Staggered Shifts

Implementing staggered shifts may be possible for personnel performing duties which are necessary to be performed on-site but perhaps less sensitive to being accomplished only within core business hours. As possible, management will identify opportunities for staff to work outside core business hours as a strategy of limiting exposure. Regardless of changes in start and end times of shifts, the Town of Byron will ensure that employees are provided with their typical or contracted minimum work hours per week. Staggering shifts requires:

1. Identification of positions for which work hours will be staggered
2. Approval and assignment of changed work hours

Shifts shall be assigned by the Town Clerk , Supervisor and Highway Superintendent as set forth above .

Personal Protective Equipment

The use of personal protective equipment (PPE) to reduce the spread of infectious disease is important to supporting the health and safety of our employees and contractors. PPE which may be needed can include:

- Masks
- Face shields
- Gloves

- Disposable gowns and aprons
- Hand Sanitizers

Note that while cleaning supplies are not PPE, there is a related need for cleaning supplies used to sanitize surfaces, as well as hand soap and hand sanitizer. The Coronavirus pandemic demonstrated that supply chains were not able to keep up with increased demand for these products early in the pandemic. As such, we are including these supplies in this section as they are pertinent to protecting the health and safety of our employees and contractors.

Protocols for providing PPE include the following:

1. Identification of need for PPE based upon job duties and work location
2. Procurement of PPE
 - a. As specified in the amended law, public employers must be able to provide at least two pieces of each required type of PPE to each essential employee and contractor during any given work shift for at least six months
 - b. Public employers must be able to mitigate supply chain disruptions to meet this requirement
3. Storage of, access to, and monitoring of PPE stock
 - a. PPE must be stored in a manner which will prevent degradation
 - b. Employees and contractors must have immediate access to PPE in the event of an emergency
 - c. The supply of PPE must be monitored to ensure integrity and to track usage rates

Highway Department PPE will be stored in a locker designated for that purpose in the Highway garage and available to the employees on as needed basis

Office PPE will be stored in a room in the Town Office and available to employees of the Town Clerk's office, bookkeeper and ZEO/CEO on an as needed basis

Supplies will be obtained from the Genesee County Emergency Management Office.

Staff Exposures, Cleaning, and Disinfection

Staff Exposures

Staff exposures are organized under several categories based upon the type of exposure and presence of symptoms. Following CDC guidelines, we have established the following protocols:

- A. If employees or contractors are exposed to a known case of communicable disease that is the subject of the public health emergency (defined as a 'close contact' with someone who is confirmed infected, which is a prolonged presence within six feet with that person):
 1. Potentially exposed employees or contractors who do not have symptoms should remain at home or in a comparable setting and practice social distancing for the lesser of 14 days or other current CDC/public health guidance for the communicable disease in question.
 - a. As possible, these employees will be permitted to work remotely during this period of time if they are not ill.
 - b. The Highway Superintendent, Supervisor and Town Clerk are all individually responsible enforcing the protocols in each of their respective areas of responsibility and authority
 - c. See the section titled Documentation of Work Hours and Locations for additional information on contact tracing
 2. CDC guidelines for COVID-19 provide that critical essential employees may be permitted to continue

work following potential exposure, provided they remain symptom-free and additional precautions are taken to protect them, other employees and contractors, and our constituency/public.

- a. Additional precautions will include the requirement of the subject employee or contractor, as well as others working in their proximity, to wear appropriate PPE at all times to limit the potential of transmission.
- b. In-person interactions with the subject employee or contractor will be limited as much as possible.
- c. Work areas in which the subject employee or contractor are present will be disinfected according to current CDC/public health protocol at least every hour, as practical. See the section on Cleaning and Disinfection for additional information on that subject.
- d. If at any time they exhibit symptoms, refer to Item B below.
- e. See above from individuals responsible for enforcing the protocols

B. If an employee or contractor exhibits symptoms of the communicable disease that is the subject of the public health emergency:

1. Employees and contractors who exhibit symptoms in the workplace should be immediately separated from other employees, customers, and visitors. They should immediately be sent home with a recommendation to contact their physician.
2. Employees and contractors who exhibit symptoms outside of work should notify their supervisor and stay home, with a recommendation to contact their physician.
3. Employees should not return to work until they have met the criteria to discontinue home isolation per CDC/public health guidance and have consulted with a healthcare provider.
4. The Town of Byron will not require sick employees to provide a negative test result for the disease in question or healthcare provider's note to validate their illness, qualify for sick leave, or return to work; unless there is a recommendation from the CDC/public health officials to do so.
5. CDC criteria for COVID-19 provides that persons exhibiting symptoms may return to work if at least 24 hours have passed since the last instance of fever without the use of fever-reducing medications. If the disease in question is other than COVID-19, CDC and other public guidance shall be referenced.
6. See A [1] b above

C. If an employee or contractor has tested positive for the communicable disease that is the subject of the public health emergency:

1. Apply the steps identified in Item B, above, as applicable.
2. Areas occupied for prolonged periods of time by the subject employee or contractor will be closed off.
 - a. CDC guidance for COVID-19 indicates that a period of 24 hours is ideally given before cleaning, disinfecting, and reoccupation of those spaces will take place. If this time period is not possible, a period of as long as possible will be given. CDC/public health guidance for the disease in question will be followed.
 - b. Any common areas entered, surfaces touched, or equipment used shall be cleaned and disinfected immediately.
 - c. See the section on Cleaning and Disinfection for additional information on that subject.
3. Identification of potential employee and contractor exposures will be conducted
 - a. If an employee or contractor is confirmed to have the disease in question, the Supervisor or their designee should inform all contacts of their possible exposure. Confidentiality shall be

maintained as required by the Americans with Disabilities Act (ADA).

b. Apply the steps identified in item A, above, as applicable, for all potentially exposed personnel.

4. See A[1] b above

We recognize there may be nuances or complexities associated with potential exposures, close contacts, symptomatic persons, and those testing positive. We will follow CDC/public health recommendations and requirements and coordinate with our local public health office for additional guidance and support as needed.

Cleaning and Disinfecting

CDC/public health guidelines will be followed for cleaning and disinfection of surfaces/areas. Present guidance for routine cleaning during a public health emergency includes:

1. As possible, employees and contractors will clean their own workspaces in the beginning, middle, and end of their shifts, at a minimum.
 - a. High traffic/high touch areas and areas which are accessible to the public/constituents will be disinfected at least hourly.
 - b. See A[1] b above
2. Staff tasked with cleaning and disinfecting areas will be issued and required to wear PPE appropriate to the task.
3. Soiled surfaces will be cleaned with soap and water before being disinfected.
4. Surfaces will be disinfected with products that meet EPA criteria for use against the virus in question and which are appropriate for that surface.
5. Staff will follow instructions of cleaning products to ensure safe and effective use of the products.

Employee and Contractor Leave

Review and modify the following as necessary, though note that it is based upon current legal requirements

Public health emergencies are extenuating and unanticipated circumstances in which the Town of Byron is committed to reducing the burden on our employees and contractors. The *Families First Coronavirus Response Act* provided requirements related to the COVID-19 pandemic, which form the policies outlined below. This policy may be altered based upon changes in law or regulation, as applicable.

It is our policy that employees of the Town of Byron will not be charged with leave time for testing. Employees will be provided with up to two weeks (80 hours) of paid sick leave at the employee's regular rate of pay for a period which the employee is unable to work due to quarantine (in accordance with federal, state, or local orders or advice of a healthcare provider), and/or experiencing symptoms and seeking medical diagnosis.

Further, the Town of Byron will provide up to two weeks (80 hours) of paid sick leave at two-thirds the employee's regular rate of pay if the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to federal, state, or local orders or advice of a healthcare provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to the public health emergency, and/or the employee is experiencing a substantially similar condition as specified by the CDC/public health officials. This provision may be modified if an employee is able to effectively work remotely and the need exists for them to do so.

Additionally, the Town of Byron will provide up to an additional 10 weeks of paid expanded family and medical leave at two-thirds of the employee's regular rate of pay where an employee, who has been employed for at least 30 calendar days by the Town of Byron, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to the public health emergency. This provision may be modified if an employee is able to effectively work remotely and the need exists for them to do so.

Additional provisions may be enacted based upon need and the guidance and requirements in place by federal and state employment laws, FMLA, executive orders, and other potential sources.

Contractors, either independent or affiliated with a contracted firm, are not classified as employees of the Town of Byron, and as such are not provided with paid leave time by the Town of Byron unless required by law.

Documentation of Work Hours and Locations

In a public health emergency, it may be necessary to document work hours and locations of each employee and contractor to support contact tracing efforts. Identification of locations shall include on-site work, off-site visits.

This information may be used by the Town of Byron to support contact tracing within the organization and may be shared with local public health officials.

The Highway employees are required to record their work hours on a time clock and the Highway Superintendent is responsible for tracking those hours

Other employees and contractors will be required to log in on time sheets and the Town Clerk shall be responsible for maintaining those records

Housing for Essential Employees

There are circumstances within a public health emergency when it may be prudent to have essential employees lodged in such a manner which will help prevent the spread of the subject communicable disease to protect these employees from potential exposures, thus helping to ensure their health and safety and the continuity of the Town of Byron's essential operations.

If such a need arises, hotel rooms are expected to be the most viable option. If hotel rooms are for some reason deemed not practical or ideal, or if there are no hotel rooms available, the Town of Byron will coordinate with the Genesee County Emergency Management Office to help identify and arrange for these housing needs. The Supervisor with the advice of the Highway Superintendent shall oversee this function.