

BYRON TOWN BOARD MEETING

June 9, 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):

Michelle Piasecki, Harris Beach	Nancy Engle	Kaitlyn Moucha
Jim Lamkin	Vic DiGregorio	Gayla Starowitz
George Squires	Ben Raccuia	Candy Hensel

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

MINUTES:

A **motion** was made by Councilman Zuber to approve the Byron Town Board minutes of May 12 and May 28, 2021 as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:	Ayes: 5	Nays: 0
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PLANNING BOARD REPORT – George Squires:

- Discussed further revisions to the Town Zoning Law
- Holding off on hamlet district boundaries
- Need more information to define Ag and Ag/Residential land, especially small sale ag.

A **motion** was made by Councilwoman Fuller 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
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HIGHWAY SUPERINTENDENT’S REPORT – David Leaton:

- Paved Lyman Road, doing shoulders next week
- Replaced culvert on Beaver Meadows Road
- Highway guys are helping other towns do road work

HIGHWAY SHARED SERVICES AGREEMENT RESOLUTION #60:

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

Resolved, that the Byron Town Board authorizes the Town of Byron Supervisor to sign an agreement on behalf of the Town of Byron which authorizes the Supervisor to directly contract with the Superintendents of persons holding similar public office in other municipalities who possess similar authorization for borrowing or lending of materials and supplies and the exchanging, leasing, renting of machinery and equipment, including the operators thereof, for the purpose of aiding the Superintendent in the performance of his/her duties.

WHEREAS, all municipalities, including the Town of Byron, have the power and authority to contract for the purpose of renting, leasing, exchanging or borrowing of machinery and equipment, with or without operators, with other municipalities, and

WHEREAS, all municipalities, including the Town of Byron, have the power and authority to borrow or lend materials and supplies to other municipalities, and

WHEREAS, it is hereby determined that the Town of Byron and other municipalities have machinery and equipment which is not used at all times, but lie idle during certain periods, and

WHEREAS, it is determined that the Town of Byron and other municipalities often have materials and supplies on hand which are not immediately needed, and

WHEREAS, it is hereby determined that by renting, borrowing, exchanging or leasing of highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Byron and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or keeping of a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and

WHEREAS, it is recognized and determined from a practical working arrangement, that no program of borrowing, exchanging, leasing or renting of highway machinery and equipment or borrowing or lending of materials can be successful if each individual arrangement or agreement has to receive prior approval by the Town Board and the governing board of each of the municipalities, which may be made on short notice and at times when governing boards are not in session, and

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be quickly obtained with a minimum of paperwork and inconvenience and with a swift approval process, and

WHEREAS, it is the intent of this Town Board to give the Supervisor the authority to enter into renting, exchanging, borrowing and lending agreements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the Town Board prior to the making of each individual agreement, and

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities which contract will grant the person holding the position capable to that of the Highway Superintendent authority to make similar agreements, and

WHEREAS, it is hereby determined that it will be in the best interest of the Town of Byron to be a party to such an agreement,

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Byron is hereby authorized to sign, on behalf of the Town of Byron, the Highway Shared Services Agreement which shall be effective on the date of signing, and be it further

RESOLVED, that the Highway Superintendent of the Town of Byron is authorized and directed to file a copy of the Highway Shared Services Agreement with the Supervisor/Mayor and Superintendent of Highways/Supervisor of Public Works of each municipality/government agency within the County of Genesee and neighboring counties.

Councilman Zuber 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:

·GCEDC Board passed all incentives to Excelsior Solar

INTERVENOR FUND STANDARD VOUCHER #1

RESOLUTION #61:

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

WHEREAS, the Town of Byron Town Board authorizes the Supervisor to sign the Intervenor Fund Standard Voucher #1 in the amount of \$50,192.00 between the Town of Byron and the NYS Department of Public Service.

Councilwoman Fuller seconded the resolution which was adopted by 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

Other:

- Worked on SPEDS permit changes.
- Had a ZOOM Meeting with DEC regarding permit changes
- Had a backup in the trailer park, A.D. Calls pumped tank
- Various stakeouts throughout the sewer district
- Changed valving at each of the filter beds
- Trying to confirm a date with Koester to rebuild McElver Street Lift Station

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – George Squires:

- Received and awarded bids for Port-O-Johns, Creekside was the low bidder
- Received only one bid for Gatekeeper and was awarded to George Squires for \$500 per year
- Discussed the Boy Scout project for Trestle Park
- Discussed insurance report regarding playground and equipment

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 – Kaitlyn Moucha:

- Participated in ZOOM meeting “Color Your Community Green”
- Discussed DEC Climate Smart Community Program
- Working on action items

A **motion** was made by Councilwoman Fuller 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 #62:

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	#6	#111 - #128	\$23,610.73
Highway Fund	#6	#65 - #77	\$93,153.93
Sewer Fund	#6	#27 - #29	\$11,361.66
Water Improv. Bene. Area #1	#6	#11	\$33,818.58
General Post Audit	#5	#30 - #36	\$2,112.88
Sewer Post Audit	#5	#10 - #12	\$1,112.82

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.....	\$44.00
Paid to NYS DEC for hunting and fishing licenses.....	\$413.61
Paid to the Town of Byron Supervisor.....	<u>\$4,080.69</u>
Total Disbursed for May 2021.....	\$4,538.30

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

- The May 2021 Financial Report was reviewed.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR’S REPORT:

Voluntary Distribution for May 2021:

- Received Voluntary Distribution Payment in the amount of \$38,578.00 for May 2021.

Mortgage Tax Payment:

- Received Mortgage Tax Payment in the amount of \$21,697.85

Franchise Tax Payment:

·Received Franchise Tax Payment in the amount of \$7,131.49

Museum Door Quotes:

·Received 2 quotes for the purchase and installation of an entrance door at the museum, however, the quote from Low Key Construction also has a quote for insulation on it, and the Supervisor doesn't know why this is included. The Supervisor will also ask the Historical Society to have S&K Construction include a price for the disposal of the old door and materials. The Town Board would like to table its discussion and decision until the July meeting.

Park Law – Speed Limit:

·The Town Attorney has suggested that the Town amend the Park Law to change speed limit from April 1st to December 1st to 10 mph.

·George Squires would suggest having signs posting the speed limit from Byron Road to Trestle Park. If tickets are issued by the Sheriff's Department the Judges will need to levy fines.

·Ken Radley (Sleds of Stafford) – If speed limit is not posted then the speed limit is 55 mph.

·Supervisor Yasses would like to discuss this further at the next meeting.

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 Comptroller regarding approval

·Councilman Thompson spoke with Scott Mattison at MRB Group and he believes if the Town went out to bid right now for construction of the water district it would be overbid because the cost of pipe has gone up so much.

COMMUNITY BLOCK GRANT:

**COMMUNITY BLOCK GRANT SEQR - INTENT TO DECLARE LEAD AGENCY STATUS
RESOLUTION #63:**

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

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Byron hereby announces its intent to serve as Lead Agency to conduct an environmental review of the Byron Hotel structure located at 6874 Byron-Holley Road, Byron.

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

Vote: Ayes: 5 Nays: 0

BULK MUNICIPAL WATER REQUEST:

·Terry Withop Jr., 9280 Alexander Road, Batavia, NY 14020 would like approval to purchase Bulk Municipal Water from the Town of Byron for his water hauling business.

A **motion** was made by Councilman Kent to approve the purchase of Bulk Municipal Water for Terry Withop, Jr. from the Town of Byron. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

Ben Raccuia – would like to request having in-person meetings again.

Councilman Kent – If the Town Board starts offering in-person meetings they will need to figure out a system to do zoom also.

Jim Lamkin – Residents believe there will be a large reduction in taxes, but he believes there won't be. Does the Town Board know how much the taxes will be?

Councilman Zuber – 1/3 of the \$1 million will go towards tax relief with the other 2/3 going to other things.

Supervisor Yasses – The Town Board doesn't know yet because the Town won't receive any money until the project begins.

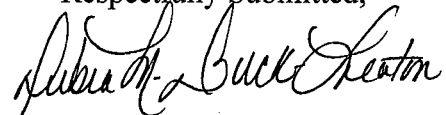
Councilman Kent – He believes it would be short-sighted of the Town Board to make the tax rate zero.

ADJOURN:

A **motion** was made by Councilman Kent to adjourn the Byron Town Board Meeting at 8:20 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