

BYRON TOWN BOARD MEETING

November 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.....Pete Yasses
- Councilmen.....Josh Kent
Jeff Thompson
Eric Zuber
Martin Dilcher
- Highway Superintendent.....David Leaton
- Town Clerk.....Debra Buck-Leaton
- Invited Guests.....Attorney Paul Boylan

Public:

- Darla Barnum Karen Jaczynski Steve Hohn Morgan Leaton
- Bill Stevens Vic DiGregorio Alan and Mike White
- Nathan Knickerbocker Candace Hensel Rob Palmer

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Deputy Supervisor Thompson.

MINUTES:

A **motion** was made by Councilman Thompson to approve the Byron Town Board minutes of October 11, 2023 and the Special Town Board minutes of October 18, 2023 and November 1, 2023 as written. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

WATER IMPROVEMENT BENEFIT AREA NO. 1:

- Contractor A (Pilon Construction Co., Inc.) – Began construction the week of October 23rd. Working on Cook Road for the next couple of weeks.
- Contract B (Rochester Pipeline) – Completed Walkers-Corners and Byron Roads. Working on cleanup, fixing driveways and hookup.

WATER IMPROVEMENT BENEFIT AREA # 1 CONTRACT A CONTRACTOR'S PAYMENT APPLICATION NO. 1

RESOLUTION #104:

Councilman Kent 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. 1 to Pilon Construction Co., Inc. in the amount of \$369,681.21 for construction of Water Improvement Benefit Area No. 1.

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

Vote: Ayes: 5 Nays: 0

WATER IMPROVEMENT BENEFIT AREA # 1 CONTRACT B CONTRACTOR'S PAYMENT APPLICATION NO. 6

RESOLUTION #105:

Councilman Zuber 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. 6 to Rochester Pipeline, Inc. in the amount of \$375,792.07 for construction of Water Improvement Benefit Area No. 1.

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

Vote: Ayes: 5 Nays: 0

WATER IMPROVEMENT BENEFIT AREA NO. 1 – FORM E NO. 4

RESOLUTION #106:

Councilman Zuber 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 Form E No. 4 for Water Improvement Benefit Area No. 1.

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

Vote: Ayes: 5 Nays: 0

SEWER RELEVY

RESOLUTION #107:

Councilman Thompson offered the following resolution and moved for its adoption:
Resolved, that the Byron Town Board approves the relevy of all unpaid sewer bills in the amount of Twenty-Five Thousand Three Hundred Sixty-Four and 55/100 Dollars (\$25,364.55) onto the 2024 Town/County tax bills.

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

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT:

·No report given

HIGHWAY SUPERINTENDENT'S REPORT – David Leafon:

- Planted trees at Firemen's Park
- Snow fence is up and plows are ready for snow
- New fuel tanks are in

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT – Melissa Ierlan:

·5 building permits were issued

- 1 property maintenance complaint resolved.
- Green Street Power Partners is applying for their building permit for the solar project on Rte. 262 and are getting ready to start the project.
- Dollar General site has had the demo work done, no other activity so far on that project.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT:

·No report given

ABSTRACTS

RESOLUTION #108:

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	#11	#209 - #226	\$10,393.19
Highway Fund	#11	#91 - #104	\$97,231.88
Sewer Fund	#11	#58 - #61	\$6,146.21
Water Improv. Benefit Area #1	#11	#26 - #28	\$766,843.29
General Post Audit	#10	#64 - #65	\$37.86
Sewer Post Audit	#10	#28 - #29	\$387.10

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

Vote: Ayes: 5 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.....	\$430.85
Paid to NYS Dept. of Health for Marriage Licenses.....	\$45.00
Paid to the State Comptroller for Games of Chance.....	\$30.00
Paid to the Town of Byron Supervisor.....	\$2,591.65
Total Disbursed for October 2023.....	\$3,132.50

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

Vote: Ayes: 5 Nays: 0

APPROVAL OF OFFICIAL UNDERTAKING FOR TAX COLLECTOR

RESOLUTION #109:

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

Resolved, that the Town Board of the Town of Byron, County of Genesee, State of New York, does hereby approve the undertaking or bond issued by Lawley Genesee Agency as to its form, manner of execution, amount and sufficiency thereof, and to the sureties named thereon. Said undertaking or bond shall be conditioned that the collector of the taxes shall well and truly keep, pay over and account for all moneys and property coming into her hands as such collector.

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The October 2023 Financial Report was reviewed.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

·Received \$107,198.04 in Sales Tax from Genesee County
·Receiving an additional \$34,611.00 in Sales Tax due to additional sales tax received by the County

OTHER BUSINESS:

Health Insurance Renewal:

·The health insurance premiums are increasing by 13.17% for 2024. The Town employees met with representatives from Bene-Care and reviewed other options which were not comparable to their current program. They have decided to stay with Highmark Gold Complete.

HEALTH INSURANCE PREMIUM INCREASE:

RESOLUTION #110:

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

WHEREAS, the Town Board of the Town of Byron hereby authorizes the increase in health insurance premiums for full-time employees of the Town of Byron effective January 1, 2024 (December 2023 billing) as stated in the Notice of Renewal dated November 3, 2023.

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

Vote: Ayes: 5 Nays: 0

Union Contract:

UNION CONTRACT

RESOLUTION #111:

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

Resolved, that the Town Board of the Town of Byron hereby approves the Union Agreement between the Town of Byron and the Highway Employees effective January 1, 2024-December 31, 2028.

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

Vote: Ayes: 5 Nays: 0

Water Charge Relevy – Transit Road, Byron:

TRANSIT ROAD – RESOLUTION AUTHORIZING DELINQUENT WATER BILLS TO BE LEVIED AGAINST 2024 TAX WARRANT

RESOLUTION #112:

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the attached list in the amount of \$450.38 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2024 tax warrant at 7069 Transit Road, Genesee County, Tax Map No. 6-1-31.21.

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

Vote: Ayes: 5 Nays: 0

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

RESOLUTION #113:

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

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

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

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

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

WHEREAS, said agreement calls for a debt service charge of \$714.29 for the year 2023 with payment to be made within forty-five (45) days after receipt of the statement showing such charge; an

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

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

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

RESOLVED, that the Town Board hereby acknowledges and declares that the above-referenced customer has not paid their debt service fee for the year 2023, and the debt service fee owed has been outstanding for a period greater than forty-five (45) days; and be it further

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

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

Vote: Ayes: 5 Nays: 0

Transfer Station:

The Highway Superintendent rebid and received proposals from Casella and Waste Management and Bruce Scofield for roll-offs.

Casella:

- \$600/month for four 8 yard containers
- \$250.00 + \$85/ton for 30 yard roll-off
- 6% increase in pricing for 2025 and 8% increase in 2026

Waste Management:

- \$568/month for five 8 yard containers
- \$260.00 + \$82.00/ton for 30 yard roll-off
- \$54.00 container usage/month
- \$8.50 administrative charge

Bruce Scofield:

- \$300.00 + \$79.00/ton for 30 yard roll-off

WASTE MANAGEMENT CONTRACT

RESOLUTION #114:

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

Resolved, that the Byron Town Board hereby rescinds Resolution #100 titled Waste Management Contract made by Councilman Kent and seconded by Councilman Dilcher as approved on October 11, 2023.

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

Vote: Ayes: 5 Nays: 0

WASTE MANAGEMENT CONTRACT

RESOLUTION #115:

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

Resolved, that the Byron Town Board hereby approves the contract for refuse and roll-off services between the Town of Byron and Waste Management from January 1, 2024 to December 31, 2026 for \$568/month for five 8 yard containers + \$260.00 + \$82.00/ton for 30 yard roll-off + \$54.00 container usage/month + \$8.50 administrative charge.

Councilman Dilcher 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 Supervisor's Report as given. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

Candy Hensel: Attended Planning Board meeting, and there were questions about the Zoning Board of Appeals and appointing a Chairman and calling a meeting.

Town Attorney, Paul Boylan - The Town Board appoints a Chairman, and if the Town Board doesn't then the ZBA can appoint one.

Steve Hohn - There have been several email exchanges between the ZBA Secretary and the ZBA members. A meeting has been set up for October 29th

Candy Hensel: Has the Town Board sent the letter in that CERIC requested to receive \$5,000, which can be used for next NYSEDA round. CERIC has been in contact with all the solar projects and the campaign will partner with them for any community solar available.

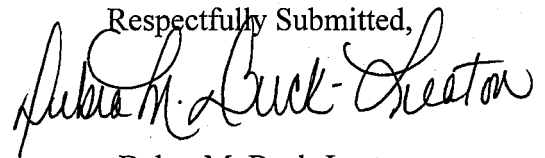
Supervisor Yasses: He has not seen the email.

ADJOURN:

A **motion** was made by Supervisor Yasses to adjourn the Byron Town Board Meeting at 7:45 p.m. The motion was seconded by Councilman Dilcher and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk