

**BYRON TOWN BOARD MEETING**

July 12, 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  
Eric Zuber
- Highway Superintendent.....David Leaton
- Town Clerk.....Debra Buck-Leaton
- Absent.....Tom Felton
- Invited Guests.....Town Attorney, Paul Boylan  
Scott Mattison, MRB Group

- Public:
- Rob Palmer                      Eric Richenburg                      Barbie Starowitz
- Candy Hensel                      Darla Barnum

**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 June 14, 2023 as written. The motion was seconded by Councilman Kent and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

*Legal Notice  
Public Hearing*

*At a Regular Meeting of the Town Board of the Town of Byron in the County of Genesee, held at the Town Hall in the Town of Byron on the 14th day of June, 2023.*

***PRESENT:***

- Peter Yasses, Supervisor*
- Thomas Felton, Councilman*
- Eric Zuber, Councilman*
- Josh Kent, Councilman*

*In the Matter of the Increase and Improvement of the Facilities of the Town of Byron Consolidated Sewer District in the Town of Byron, Genesee County, New York.*

**ORDER CALLING  
PUBLIC HEARING**

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*WHEREAS, the Town Board of the Town of Byron duly adopted a resolution directing the Town Engineer, MRB Group, P.C., to supervise the preparation of a general plan, report and map for providing sewer improvements in the Town of Byron Consolidated Sewer District; and*

*WHEREAS, the proposed improvements to the Consolidated Sewer District will include the abandonment of the sand filter beds in Central Byron and South Byron, the construction of one (1) new Waste Water Treatment Plant at Central Byron, the construction of a new pump station at South Byron and the construction of a force main from South Byron to the new treatment plant at Central Byron. The Water Treatment Plant will be sized to accept effluent from North Byron if and when it becomes necessary.*

*WHEREAS, on May 31, 2023, the Town Engineer duly filed said plan, report and map in the Office of the Town Clerk of the Town of Byron which is now on file there and available for inspection by the public during her regular business hours; and*

*WHEREAS, the maximum amount proposed to be expended for such sewer improvements (including the cost of construction, easements, engineering fees, legal fees and financing fees) is Eleven Million Eight Hundred Thirty Thousand Dollars (\$11,830,000); and*

*WHEREAS, the cost of construction of the said Sewer District Improvements shall be paid from the issuance of bonds, notes, certificates or other indebtedness of the Town of Byron for a period not to exceed forty (40) years; and from grants from the New York State Department of Environmental Conservation in the amount of One Million Dollars (\$1,000,000) from the New York State Environmental Facilities Corporation (WIIA) in the amount of Two Million Seven Hundred Six Thousand Two Hundred Fifty Dollars (\$2,706,250) and a grant from the funds available under the Bi-Partisan Infrastructure Bill of Two Million Seven Hundred Six Thousand Two Hundred Fifty Dollars (\$2,706,250)*

*Upon final approval of the project the issuance of a Serial Bond in the amount of Five Million Four Hundred Twelve Thousand Five Hundred Dollars (\$5,412,500) payable over a period of forty (40) years at an interest rate of zero percent (0%)*

*WHEREAS, it is estimated that the annual cost to the typical one or two family home will be One Thousand Thirty-Seven Dollars (\$1,037). The estimate includes debt repayment of principal, maintenance and repair of the sewer system and an amount to be paid into a repair reserve account;*

*NOW THEREFORE, IT IS HEREBY ORDERED that a meeting of the Town Board of the said Town of Byron shall be held at the Town Hall, located at 7028 Byron-Holley Road (Route 237), in the Town of Byron, New York on the 12th day of July, 2023, at 7:00 in the evening of that day to consider the said Sewer District Improvement and to hear all persons interested on the subject thereof and for such other action on the vote of said Town Board with relation to the said Sewer District improvement as may be proper or required by law; and it is further*

*ORDERED that the Town Clerk of the Town of Byron is hereby authorized and directed to publish a copy of this order in the official newspaper of the Town and post it on the official website of the Town of Byron and post a copy of the same on the bulletin board in the Office of the Town Clerk, not less than ten (10) days, but not more than twenty (20) days, prior to the date set for said public hearing.*

*Dated: June 14, 2023  
Debra Buck-Leaton  
Byron Town Clerk*

A **motion** was made by Councilman Thompson to open the Public Hearing regarding the Increase and Improvement of the Facilities of the Town of Byron Consolidated Sewer District pursuant to Section 202-b of the Town Law at 7:03 p.m. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

**Town Attorney Paul Boylan:** This Public Hearing is to discuss the abandonment of the sand filter beds in Central Byron and South Byron, the construction of one (1) new Waste Water Treatment Plant at Central Byron, the construction of a new pump station at South Byron and the construction of a force main from South Byron to the new treatment plant at Central Byron. The

Water Treatment Plant will be sized to accept effluent from North Byron if and when it becomes necessary. The estimated cost of the project is \$11,830,000.00. The Town is hoping to receive grants in the amount of \$2,706,250.00 from the DEC and the Bi-Partisan Infrastructure Bill, leaving the Town's need to get serial bonds in the amount of \$5,417,500.00.

**Public Comments:**

- Candy Hensel – Has the Town looked at other sources of funding?
- Scott Mattison, MRB Group – Yes, and MRB will continue to look for additional funding
- Candy Hensel – Is the term 30 years or 40 years for the bond?
- Paul Boylan – It can be up to 40 years

A **motion** was made by Councilman Thompson to close the Public Hearing regarding the Increase and Improvement of the Facilities of the Town of Byron Consolidated Sewer District pursuant to Section 202-b of the Town Law at 7:15 p.m. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

**RESOLUTION #70:**

At a Regular Meeting of the Town Board of the Town of Byron in the County of Genesee, New York, held at the Town Hall at 7028 Byron-Holley Road in the said Town on the 12<sup>th</sup> day of July, 2023.

PRESENT:

- Peter Yasses, Supervisor
- Thomas Felton, Councilman
- Eric Zuber, Councilman
- Josh Kent, Councilman
- Jeff Thompson, Councilman

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In the Matter of the Increase and Improvement of the Facilities of the Town of Byron Consolidated Sewer District in the Town of Byron, Genesee County, New York pursuant to Section 202-b of the Town Law.

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**RESOLUTION AND ORDER  
FOLLOWING A PUBLIC  
HEARING**

Councilman Kent offered the following resolution and moved for its adoption:  
**WHEREAS**, the Town Board of the Town of Byron in the County of Genesee, State of New York on behalf of the Byron Consolidated Sewer District (hereinafter referred to as "District") has determined to increase and improve the facilities of the District by the elimination of the existing sand filter beds in South Byron and at Central Byron, the construction of a sewer treatment plant, the construction of a force main to convey sewage from South Byron to the treatment plant at central Byron, the replacement of existing specific septic tanks with new septic

tanks, and the construction of a pump station, including furnishings and apparatus required for the operation thereof (hereinafter referred to as "Project") at the estimated cost of Eleven Million Eight Hundred Thirty Thousand and 00/100 Dollars (\$11,830,000.00) which will be provided from a grant of One Million and 00/100 Dollars (\$1,000,000.00) from New York State Department of Environmental Conservation, an estimated grant of Two Million Seven Hundred Six Thousand Two Hundred Fifty and 00/100 Dollars (\$2,706,250.00) from the New York State Environmental Facilities Corporation (Water Infrastructure Improvement Act Grant), an estimated grant of Two Million Seven Hundred Six Thousand Two Hundred Fifty and 00/100 Dollars (\$2,706,250.00) from funds available under the Bi-Partisan Infrastructure Bill, and upon final approval of the Project, the issuance of Serial Bonds in the estimated amount of Five Million Four Hundred Seventeen Thousand Five Hundred and 00/100 Dollars (\$5,417,500.00); and

**WHEREAS**, pursuant to an Order Calling Public Hearing adopted on June 8, 2023 and a Public Hearing duly called and held on the 12<sup>th</sup> day of July, 2023 at the Town of Byron Town Hall at 7028 Byron-Holley Road, Byron, New York and discussion having been had and all persons present wishing to be heard were heard regarding the improvements to the District; and

**NOW THEREFORE**, on the basis of the Map, Plan and Report compiled by MRB Group and information given at the hearing; it is hereby

**DETERMINED**, that it is in the public interest to increase and improve the facilities of the Byron Consolidated Sewer District by undertaking the Project at the estimated cost of Eleven Million Eight Hundred Thirty Thousand and 00/100 Dollars (\$11,830,000.00); and it is hereby

**ORDERED**, that the facilities of the District shall be so increased and improved and that the Project shall be so constructed and, further, that the Engineer heretofore retained, to wit: MRB Group, shall prepare specifications and make careful estimates of the expense of the Project and with the assistance of the Town Attorney, prepare a proposed contract or contracts for the Project, which specifications, estimates and proposed contracts shall be presented to the Town Board; and it is further

**ORDERED**, that the expense of the Project shall be financed by a grant from the New York Department of Environmental Conservation in the amount of One Million and 00/100 Dollars (\$1,000,000.00), a grant from The New York State Environmental Facilities Corporation (Water Infrastructure Improvement Act Grant) in the estimated amount of Two Million Seven Hundred Six Thousand Two Hundred Fifty Dollars and 00/100 Dollars (\$2,706,250.00), a grant from the funds available from the Bi-Partisan Infrastructure Bill in the estimated amount of Two Million Seven Hundred Six Thousand Two Hundred Fifty and 00/100 Dollars (\$2,706,250.00), and upon approval of the Project, the issuance of Serial Bonds by the Town of Byron in the estimated amount of Five Million Four Hundred Seventeen Thousand Five Hundred and 00/100 Dollars (\$5,417,500.00) payable over a period of forty (40) years at an interest rate of zero percent (0%) and the costs thereof, including principal and interest on said Serial Bonds, shall be assessed, levied and collected by the Town Board, on a benefit basis, upon the several lots and parcels of land within the District in the manner provided by law, but if not paid from such sources, all the taxable property within said Town shall be subject to the levy, on an ad valorem basis, without limitation as to rate or amount, sufficient to pay the principal and interest on the said bonds which was not paid by the levy on the lots and parcels within the District; and it is further

**ORDERED**, that the Town Clerk record a certified copy of this Resolution and Order Following a Public Hearing in the office of the County Clerk of Genesee County within ten (10) days after the date hereof.

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

Vote:                   Ayes: 4                   Nays: 0

**RESOLUTION TO AMEND THE JOINT CONSOLIDATION AGREEMENT DATED MAY 1, 2023, CONSOLIDATING SEWER DISTRICTS 1, 2 AND 3**

**RESOLUTION #71:**

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

**RESOLVED**, that subsection (1) of the Joint Consolidation Agreement dated May 1, 2023, consolidating Sewer Districts 1, 2 and 3 is hereby amended to read:

“The effective date of the proposed consolidation shall be May 1, 2023.”

In all other respects the said Joint Consolidation Agreement is hereby ratified and confirmed.

This Resolution shall take effect immediately.

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

Vote:                   Ayes: 4                   Nays: 0

**BOND RESOLUTION DATED JULY 12, 2023 - A RESOLUTION AUTHORIZING THE ISSUANCE OF \$11,830,000 SERIAL BONDS OF THE TOWN OF BYRON, GENESEE COUNTY, NEW YORK, TO PAY COSTS IN CONNECTION WITH THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE BYRON CONSOLIDATED SEWER DISTRICT IN THE TOWN OF BYRON, GENESEE COUNTY, NEW YORK**

**RESOLUTION #72:**

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

**WHEREAS**, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated July 12, 2023, said Town Board has determined it to be in the public interest to increase and improve the facilities of the Byron Consolidated Sewer District in the Town of Byron, Genesee County, New York, at a maximum estimated cost of \$11,830,000 (the “Public Interest Order”); and **WHEREAS**, it is now desired to authorize financing on behalf of the Byron Consolidated Sewer District;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Byron, Genesee County, New York, as follows:

**Section 1.** For the specific object or purpose of paying the cost of the increase and improvement of the facilities of Byron Consolidated Sewer District in the Town of Byron, Genesee County, New York, consisting of wastewater treatment improvements as described in the Public Interest Order of even date herewith, including improvements and costs incidental thereto, at a maximum estimated cost of \$11,830,000, there are hereby authorized to be issued not to exceed \$11,830,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the plan for the financing of such class of objects or purposes is by the issuance of \$11,830,000 serial bonds hereby authorized to be issued therefor pursuant to this bond resolution. provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith, it being anticipated that such grants will be received as described in the Public Interest Order.

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years. -2- 4142-0913-1080

**Section 4.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

**Section 5.** The faith and credit of said Town of Byron, Genesee County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall be annually assessed upon all the taxable real property within said Byron Consolidated Sewer District in the manner provided by law an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

**Section 6.** Such bonds shall be in fully registered form and shall be signed in the name of the Town of Byron, Genesee County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

**Section 7.** The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town.

**Section 8.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of -3- 4142-0913-1080

a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

**Section 9.** The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

**Section 10.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 11.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 12.** This resolution which takes effect immediately shall be published in summary in the official newspaper of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law. 4142-0913-1080

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

Vote:                      Ayes: 4                      Nays: 0

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

· Water main has been installed along Tower Hill and should be just about done with Byron Road, and then moving on to Rte. 262.

· Contractors for Contract B should begin in mid-August

**WATER IMPROVEMENT BENEFIT AREA # 1 CONTRACT B CONTRACTOR'S PAYMENT APPLICATION NO. 2**

**RESOLUTION #73:**

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. 2 to Rochester Pipeline, Inc. in the amount of \$567,959.54 for construction of Water Improvement Benefit Area No. 1.

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

Vote:                      Ayes: 4                      Nays: 0

**SEWER REPORT:**

- 6/20/23 – Had an in-house safety inspection with our safety coordinator.
- 6/21/23 – Had a backup at Lot 34 in the trailer park. Dug up and pumped tank, and situation was resolved on the Town’s end.
- 6/29/23 – Had a backup at 6939 Rte. 237 in Center Byron. Dug up and pumped tank, inlet was plugged.
- The lift station at the old schoolhouse and the lift station on Walkers Corners Road just have a solid cover, in order to inspect pumps and piping the whole cover has to be unbolted and removed, which is very time consuming, cumbersome and there is a safety concern. All other lift stations in our system have trap door access covers, and Shaun, the sewer department manager, would like the Town to purchase 2 aluminum access covers at a cost of \$1,360.00 each.

**PURCHASE OF TWO (2) ALUMINUM ACCESS COVERS FOR LIFT STATIONS**  
**RESOLUTION #74:**

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

***BE IT RESOLVED***, that Byron Town Board hereby approves and authorizes the sewer department manager to purchase two (2) aluminum access covers for the lift station on Walkers Corners Road and at a cost of \$1,360.00 each.

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

Vote:                   Ayes: 4                   Nays: 0

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

Vote:                   Ayes: 4                   Nays: 0

**PLANNING BOARD REPORT:**

- The Planning Board meeting is tomorrow evening due to the 4<sup>th</sup> of July holiday.

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

·Discussed the purchase of a new dump plow truck. The dealers have stated that a new truck would be 15 months out. The truck that will be replaced is a 2009. Resale would be around \$60,000. The Highway Superintendent would like the Board to make a decision tonight on whether or not to approve the purchase.

**PURCHASE OF 2024 BEAM MACK DUMP PLOW TRUCK**  
**RESOLUTION #75:**

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

***WHEREAS***, the Town Board of the Town of Byron hereby authorizes the Highway Superintendent to purchase a 2024 Mack Model Granite 64FR tandem axle dump truck and chassis from Beam Mack Sales Service, Inc., on Onondaga County Heavy Truck Class 8 Statewide Contract #8996 bid, in the total amount of \$303,492.00, subject to Permissive Referendum.

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



Vote: Ayes: 4 Nays: 0

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

- Continuing to do yearly fire and safety inspections
- There are no new complaints
- Attended monthly Planning Board meeting
- Completed 4 more hours of the yearly required 24 hours provided by the Orleans county Planning Dept. On June 27<sup>th</sup>.

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: 4 Nays: 0

**PARK COMMITTEE REPORT:**

- The Park Committee didn't meet in July.

**ABSTRACTS**

**RESOLUTION #76:**

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

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

<b><u>Fund:</u></b>	<b><u>Abstract:</u></b>	<b><u>Vouchers:</u></b>	<b><u>Amount:</u></b>
General Fund	#7	#142 - #164	\$15,704.56
Highway Fund	#7	#48 - #60	\$221,739.26
Sewer Fund	#7	#40 - #43	\$7,102.73
Water Improv. Benefit Area #1	#7	#19	\$14,846.25
General Post Audit	#7	#34 - #42	\$5,666.72
Sewer Post Audit	#7	#17 - #20	\$2,456.37

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

Vote: Ayes: 4 Nays: 0

**TOWN CLERK'S REPORT – Debra Buck-Leaton:**

Paid to the NYS Ag and Markets for spay/neuter program.....	\$64.00
Paid to the DEC for Hunting and Fishing Licenses.....	\$47.24
Paid to NYS Dept. of Health for Marriage Licenses.....	\$22.50
Paid to the Park Committee for Pavilion Rental.....	\$90.00
Paid to the Town of Byron Supervisor.....	<u>\$3,376.26</u>
Total Disbursed for June 2023.....	\$3,600.00

Summer Recreation Program: There have been between 25-47 kids since June 26<sup>th</sup> attending rec

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

Vote:                   Ayes: 4                   Nays: 0

**FINANCIAL REPORT:**

·The June 2023 Financial Report was reviewed.

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

Vote:                   Ayes: 4                   Nays: 0

**SUPERVISOR'S REPORT:**

·Received \$12,933.80 for the 1<sup>st</sup> installment of Mortgage Tax

**TOWN CLERK DEBRA BUCK-LEATON CELL PHONE STIPEND**

**RESOLUTION #77:**

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

***WHEREAS***, the Town Board did on or about December, 2018 agree to pay Forty-Five Dollars (\$45.00) per month of the cell phone bill of the Town Clerk Debra Buck-Leaton beginning in January, 2019 for the reason that she is required to be available to residents during times that her office is not open; and

***WHEREAS***, no formal resolution enacting said agreement was ever adopted, but she was reimbursed for Forty-Five Dollars (\$45.00) per month for the said cell phone pursuant to said agreement.

***NOW, THEREFORE, BE IT RESOLVED***, that the Town of Byron does hereby agree to pay Forty-Five Dollars (\$45.00) per month of the cell phone bill incurred by the Town Clerk Debra Buck-Leaton and that the agreement entered into in December of 2018 is hereby ratified and confirmed; and be it

***RESOLVED***, that any and all reimbursements heretofore paid to the Town Clerk Debra Buck-Leaton are also ratified, confirmed and approved.

This Resolution shall take effect immediately.

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

Vote:                   Ayes: 4                   Nays: 0

**TOWN JUSTICE BARBARA SMITH CELL PHONE STIPEND**

**RESOLUTION #78:**

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

***WHEREAS***, the Town Board did on or about December, 2022 agree to pay Forty-Five Dollars (\$45.00) per month of the cell phone bill of the Town Justice beginning in January, 2023 for the reason that she is required to be available to attorneys, law enforcement officers and defendants during times that her office is not open; and

***WHEREAS***, no formal resolution enacting said agreement was ever adopted, but she was reimbursed for Forty-Five Dollars (\$45.00) per month for the said cell phone pursuant to said agreement.

***NOW, THEREFORE, BE IT RESOLVED***, that the Town of Byron does hereby agree to pay Forty-Five Dollars (\$45.00) per month of the cell phone bill incurred by Town Justice Barbara Smith, and that the agreement entered into in December of 2022 is hereby ratified and confirmed; and be it

***RESOLVED***, that any and all reimbursements heretofore paid to Town Justice Barbara Smith are also ratified, confirmed and approved.

This Resolution shall take effect immediately.

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

Vote:                      Ayes: 4                      Nays: 0

A **motion** was made by Councilman Zuber 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

**PUBLIC COMMENTS:**

**Barbie Starowitz** – On June 6<sup>th</sup> attended meeting for MCWA and hooking up water. Concerned why residents were only notified 21 days prior to the meeting.

**Supervisor Yasses** – The MCWA sets up the water meetings and the Town Board has nothing to do with the mailings, dates or times. The Town just provides the meeting place. She would need to contact MCWA to find out why she only received 21 day notice.

**Barbie Starowitz** – Who does she contact for 4-wheeler problems?

**Supervisor Yasses** – Contact him and he will give you contact numbers

**Councilman Kent** – What's the town's liability regarding 4-wheelers

**Paul Boylan** – The Town has insurance and the 4-wheelers are required to be registered and insured.

**Barbie Starowitz** – Side-by-sides are not required to be licensed and insured per NYS Law.

**ADJOURN:**

A **motion** was made by Councilman Zuber to adjourn the Byron Town Board Meeting at 7:56 p.m. The motion was seconded by Councilman Kent and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton  
Byron Town Clerk