

SPECIAL BYRON TOWN BOARD MEETING

January 27, 2022

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.....	Tom Felton
	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

Barbie Starowitz

Brian Stacey

Steve Smith

Vic DiGregorio

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

**SPECIAL MEETING
OF THE BYRON TOWN BOARD**

The Byron Town Board will hold a Special Meeting on Thursday, January 27, 2022 at 6:00 p.m. via ZOOM video conferencing, a link can be found on the Town of Byron website at www.byronny.com, to discuss Water Improvement Benefit Area No.

1.

*Debra Buck-Leaton
Byron Town Clerk*

WATER IMPROVEMENT BENEFIT APPLICATION TO INCREASE THE MAXIMUM AMOUNT TO BE EXPENDED FOR AREA NO. 1 – APPLICATION TO COMPTROLLER

RESOLUTION #36:

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

WHEREAS, this Town Board did on the 10th of November, 2021, adopt a resolution to Increase the Maximum Amount to be Expended for Water Improvement Benefit Area No. 1 in the Town of Byron and subject to the approval for the New York State Comptroller and a permissive referendum.

NOW, BE IT RESOLVED, that the Supervisor is hereby authorized and directed to make an application to the New York State Comptroller for permission to Increase the Maximum Amount to be Expended for Water Improvement Benefit Area No. 1 with the Town of Byron, Genesee County, and

BE IT FURTHER RESOLVED, that this Board hereby determines the Increase the Maximum Amount to be Expended for Water Improvement Benefit Area No. 1 in the Town of Byron is in the public interest, and

BE IT FURTHER RESOLVED, that the Increase will not constitute an undue burden on the property which will bear the cost thereof, and

BE IT FURTHER RESOLVED, that the increased cost of the improvements is to be assessed against the benefited area and that any real property so assessed will be benefitted thereby and that no benefitted properties has been excluded from the Water Improvement Benefit Area No. 1.

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

Vote: Ayes: 5 Nays: 0

WATER IMPROVEMENT BENEFIT APPLICATION TO INCREASE THE MAXIMUM AMOUNT TO BE EXPENDED FOR AREA NO. 1 – APPLICATION TO COMPTROLLER

RESOLUTION #37:

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

WHEREAS, the Town Board has held a Public Hearing concerning the Increase in the Maximum Amount to be Expended for the Water Improvement Benefit Area No. 1 in the Town of Byron on the 4th day of November, 2021.

WHEREAS, following said public hearing the said Town Board on the 10th day of November, 2021, did adopt a resolution determining that said Increase in the Maximum Amount to be Expended for the Water Improvement Benefit Area No. 1 in the Town of Byron was in the public interest and did authorize the said increase for the Increase in the Maximum Amount to be Expended for the Water Improvement Benefit Area No. 1 in the Town of Byron subject to the approval of the New York State Comptroller.

NOW BE IT RESOLVED, that in conformity with NYCRR Part 85 Section 85.3 Section 85.2(b)(1) the Increase in the Maximum Amount to be Expended for the Water Improvement Benefit Area No. 1 in the Town of Byron is in the Public Interest and will not constitute an undue burden on the property which will bear the cost thereof, and

BE IT FURTHER RESOLVED AND DETERMINED, that the reason that an Increase in the Maximum Amount to be Expended for the Water Improvement Benefit Area No. 1 in the Town of Byron is the dramatic increase in the cost of material necessary to construct the water mains, hydrants and appurtenant structure required for the said Benefit Area as set forth in the Revised Map Plan and Report prepared by MRB Group, licensed engineers, and dated October 29, 2021.

BE IT FURTHER RESOLVED, that the increased cost of the improvements are to be assessed against the benefited area and that any real property so assessed will be benefitted thereby and that no benefitted properties has been excluded.

Councilwoman Thompson seconded this resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

Councilman Felton: On page 3 of the application it states that the loan from USDA is 1.75%, how often does it reset?

Town Attorney Paul Boylan: Never

Councilman Felton: On page 4 it that there is \$5,066,000 outstanding, are these expenses that have already been incurred?

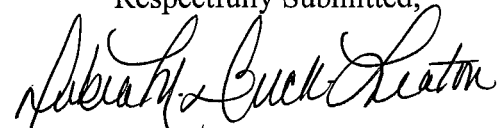
Town Attorney Paul Boylan: This is from all water districts.

ADJOURN:

A motion was made by Councilman Felton to adjourn the Byron Town Board Meeting at 6:25 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