

BYRON TOWN BOARD MEETING

December 14, 2022

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
- Eric Zuber
- Tom Felton
- Highway Superintendent.....David Leaton
- Sewer Department.....Shaun Dempsey
- Town Clerk.....Debra Buck-Leaton
- Absent.....Councilman Josh Kent
- Invited Guests.....Town Attorney Paul Boylan
- Scott Mattison, MRB Group
- Bill Davis, MRB Group
- Mark Bailey, MRB Group
- Gary Puckhaber, Action Security

Public:

- | | | | |
|----------------|---------------|--------------------|------------------|
| John Durand | Steve Lockner | Brad Nickerson | Reggie MacDonald |
| Jeff Starowitz | Chris Hilbert | Bob Wilson | Allie Gurgel |
| Bob Mrucz | Jake Yasses | Candy Hensel | Augusta Rolfe |
| Hayley Rimmer | Dan Rimmer | Michelle Dougherty | Mathew Dougherty |
| Chase Cone | Ashley Gurgel | Katie Rassel | Bill Stevens |

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

PUBLIC HEARING – 2023 CONTRACTS FOR EMERGENCY SERVICES:

A **motion** was made by Councilman Felton to open the Public Hearing on the 2023 Contracts for Emergency Services at 7:05 p.m. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

*LEGAL NOTICE
PUBLIC HEARING
TOWN OF BYRON*

PLEASE TAKE NOTICE, that the Town Board of the Town of Byron will hold a Public Hearing on Wednesday, December 14, 2022 at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, NY to consider entering into a contract for fire protection and other emergency services, including emergency medical services, with the Byron Fire Dept. No. 1 for 2023 in the amount of \$105,000.00. And also to consider entering into a contract for fire protection and other emergency services with the South Byron Volunteer Fire Co., Inc. for 2023 in the amount of \$105,000.00. Copies of the complete contracts are on file in the Town Clerk's Office and may be examined at any time during regular business hours.

By Order of the Byron Town Board

Debra Buck-Leaton, Town Clerk

Public Comments: Steve Lockner – Would like a signed receipt for cancer insurance

A **motion** was made by Councilman Thompson to close the Public Hearing at 7:08 p.m. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

2023 FIRE PROTECTION AND EMERGENCY SERVICES CONTRACT WITH SOUTH BYRON VOLUNTEER FIRE COMPANY, INC.

RESOLUTION #96:

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

Resolved, that the Byron Town Board hereby adopts the Contract For Emergency Services with the South Byron Volunteer Fire Company, Inc. for 2023 in the amount of \$105,000.00.

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

Vote: Ayes: 4 Nays: 0

2023 FIRE PROTECTION AND EMERGENCY SERVICES CONTRACT WITH BYRON FIRE DEPT. NO. 1, INC.

RESOLUTION #97:

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

Resolved, that the Byron Town Board hereby adopts the Contract For Emergency Services with the Byron Fire Dept. No. 1, Inc. for 2023 in the amount of \$105,000.00.

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

Vote: Ayes: 4 Nays: 0

BYRON RESCUE SQUAD – Brad Nickerson:

- Loan will be processed in January.
 - Ambulance should be ready by April 1, 2023.
 - A down payment has been made.
 - The rescue squad would like to make annual payments, approximately \$45,000.
 - Business plan has been submitted.
 - They don't know what the interest rate will be yet.
 - They have a bank committal.
 - \$60,000 has been set aside to meet shortfalls since the Town will only be giving the rescue squad \$30,000 and annual payments will be approximately \$45,000.
 - Asking for \$30,000 per year for 5 years (a contingency of the loan agreement).
 - Attorney Paul Boylan would like a separate agreement with the fire department for the new ambulance.
- He would like the fire department attorney to review the contract with the bank prior to the Town Board making any decisions on giving the rescue squad \$30,000 per year.

ACTION SECURITY - Gary Puckhaber

· Recently the phone companies have been upgrading their phone services to a more digital type signal. This interferes with alarm panel signals and communications and will continue to get worse. Action Security was asked to update some codes in the panel by the Town Clerk; however, they are unable to change those codes over the phone lines. Their suggestion and solution would be as follows:

1. Installation of a cell communicator to help insure communication of the alarm system (provided sufficient cell service at the alarm panel). Cost: \$495 and \$12/month cell service.

2. Installation of a cell/internet communicator (provided sufficient cell service at the alarm panel) and connection to your network. Cost: \$595 and \$12/month cell/internet service.
3. Installation of a fire cell/internet communicator to provide that service and as you upgrade your phone services, would allow for communication of the system without the need for a phone line. Cost: \$695 and \$24/month fire cell service.

·Mr. Puckhaber would recommend the 1st option because it would make the necessary updates and take the Town into the future.

ACTION SECURITY ALARM SYSTEM

RESOLUTION #98:

Supervisor Yasses offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board hereby approves the purchase and installation of a cell communicator to help insure communication of the alarm system at a cost of \$495 plus \$12 per month cell service from Action Security.

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

Vote: Ayes: 4 Nays: 0

MINUTES:

A **motion** was made by Councilman Zuber to approve the Byron Town Board minutes of November 9, 2022 as written. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SOLAR:

REVISED INTERVENOR FUND STANDARD VOUCHER #8

RESOLUTION #99:

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

WHEREAS, the Town of Byron Town Board authorizes the Supervisor to sign the Revised Intervenor Fund Standard Voucher #8 in the amount of \$1,244.00 between the Town of Byron and the NYS Department of Public Service.

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

Vote: Ayes: 4 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

Wastewater Treatment System Improvements – Scott Mattison, Bill Davis and Mark Bailey MRB

Group:

· DEC is requiring disinfection. The application for grant money has been submitted. Solutions would include adding disinfection at facilities at a cost of \$1.6 million, this would be a short term fix and DEC may require additional upgrades. The Town could also opt to fix all of the wastewater treatment system issues for \$11-\$12 million, which would include replacement of septic tanks. Per G&G report, the town has good chance

to qualify for grant funding. In the next month or two a decision has to be made in which way to proceed. MRB Group would recommend that all three sewer districts be combined and consolidated.

·The Town Board will discuss consolidation of the sewer districts at the year-end meeting.

G&G MUNICIPAL CONSULTING REPORT:

·Received G&G Municipal Consulting Sewer Median Household Income Survey results. Total household in project service area was 285. Received 177 completed surveys (62.77% response rate). Median Household Income (MHI) was \$45,000. The area is in economic hardship for EFC (Environmental Facilities Corporation) scoring purposes. The results have been submitted to NYS EFC for scoring.

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

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – Chris Hilbert:

·Hearing to discuss violation of Special Use Permit for Roger and Karen Jaczynski. Planning Board revoked Special Use Permit and they are required to come into compliance by June 1, 2023

- Site Plan for Dollar General was reviewed. SEQR was passed and Site Plan approved.
- Discussed solar project on Ivison Road near Coward Road (approximately 35 acres).
- Special Use Permit and Site Plan approved for Rte. 262 solar project.

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

Vote: Ayes: 4 Nays: 0

PROPOSED LOCAL LAW NO. 1 OF 2023 AMENDING ARTICLE IX DISTRICT REGULATIONS SECTION 9.05 OF THE TOWN OF BYRON ZONING LAW REGARDING C-1 NEIGHBORHOOD COMMERCIAL DISTRICT:

Title: Proposed Local Law No. 1 of 2023 Amending Article IX District Regulations Section 9.05 of the Town of Byron Zoning Law Regarding C-1 Neighborhood Commercial District

ARTICLE IX DISTRICT REGULATIONS

Section 9.05 C-1 Neighborhood Commercial District

(a) Intent.

(i) The purpose in creating the Neighborhood Commercial –I (C-1) District is to provide locations where establishment may be appropriately located to serve frequent commercial and personal service needs of residents within convenient traveling distance. Other business uses which, in the opinion of the Planning Board, are similar in nature and scale to those permitted below.

(b) Permitted Principle Uses in a C-1 District.

(i) Retail business establishments which are clearly of a community service characteristic ~~that would not exceed six patrons or four vehicle~~ including but not limited to the following:

A **motion** was made by Councilman Felton to hold a Public Hearing on the Proposed Local Law No. 1 of 2023 to Amend Section 9.05 of the Town of Byron Zoning Law regarding C-1 Neighborhood Commercial District on January 11, 2023 at 7:00 p.m. at the Byron Town Hall. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – David Leaton:

·Roadside mowing on state highway agreement for 2023. Haven’t received final contract yet.

PURCHASE OF 2023 CHEVY SILVERADO 2500HD PICKUP:

RESOLUTION #100:

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

WHEREAS, the Town Board of the Town of Byron hereby authorizes the purchase of a 2023 Chevrolet Silverado 2500HD pickup truck from DeNooyer Chevrolet at the state bid price of \$52,267.50, subject to Permissive Referendum.

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

Vote: Ayes: 4 Nays: 0

PURCHASE OF 2022 JOHN DEERE 6105E CAB TRACTOR AND MOWER:

RESOLUTION #101:

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

WHEREAS, the Town Board of the Town of Byron hereby authorizes the purchase of a 2022 John Deere 6105E Cab Tractor and Mower from LandPro Equipment, LLC at the state bid price of \$130,333.20, subject to Permissive Referendum.

Councilman Felton 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 Report as given. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT – Melissa Ierlan:

- A copy of the report is on file with the CEO/ZEO
- Fire and safety inspection at 6957 Byron-Holley Road (Yasses)
- 12/6/22 Fire inspection at 6957 Byron-Holley Road (Yasses Construction): 1 outlet requiring a cover was noted. Fire extinguishers are present throughout both buildings.
- Completed the mandatory sexual harassment training.
- Working with the Planning Board on applications for solar and the Dollar General 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: 4 Nays: 0

CLEAN ENERGY RESOURCES INFORMATION COMMITTEE – Candy Hensel:

- NYSERDA has readjusted some programs.
- Continuing on with campaign.

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

Vote: Ayes: 4 Nays: 0

ABSTRACTS

RESOLUTION #102:

Councilman Zuber 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	#12	#262 - #286	\$9,659.77
Highway Fund	#12	#118 - #131	\$19,727.22
Sewer Fund	#12	#56 - #61	\$18,882.29
Water Improv. Benefit Area #1	#11	#15	\$2,575.00
Water Improv. Benefit Area #1	#12	#16 - #17	\$25,153.80
Celebrations	#7	#35 - #36	\$112.40
General Post Audit	#11	#60 - #65	\$1,504.31
Sewer Post Audit	#11	#26 - #29	\$2,287.85

Councilman Thompson seconded the resolution which was adopted by the following vote:
Vote: Ayes: 4 Nays: 0

TOWN CLERK’S REPORT:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$37.00
Paid to NYS DEC for hunting/fishing licenses.....	\$690.72
Paid to the Town of Byron Supervisor.....	\$2,520.48
Total Disbursed for November 2022.....	\$3,248.20

A **motion** was made by Councilman Felton to approve the Town Clerk’s Report as given for November 2022. The motion was seconded by Councilman Thompson and carried with the following vote:
Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The November 2022 Financial Report was reviewed.

A **motion** was made by Councilman Zuber to approve the November 2022 Financial Reports. The motion was seconded by Councilman Felton and carried with the following vote:
Vote: Ayes: 4 Nays: 0

SUPERVISOR’S REPORT:

Park Lease:

·The Town Board passed Resolution #90 last month authorizing the Supervisor to sign the Park Lease with the Byron Fire Department; however, Town Attorney Paul Boylan is revising Park Lease with the fire department attorney.

Mortgage Tax Payment:

·Received Mortgage Tax Payment in the amount of \$17,824.98

Cable Franchise Payment:

·Received Cable Franchise Payment in the Amount of \$7,429.59

Health Insurance Premiums:

·The health insurance premiums have increased for 2023.

HEALTH INSURANCE PREMIUM INCREASE:

RESOLUTION #103:

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 and HSA accounts for full-time employees of the Town of Byron effective December 15, 2022 as stated in the Notice of Renewal dated October 28, 2022.

Councilman Felton the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 0

Zoning and Building Schedule of Fees:

The Supervisor will be getting together with the CEO/ZEO to go over the Schedule of Fees and make any adjustments they see necessary for approval at the Organizational Meeting.

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

Vote: Ayes: 4 Nays: 0

OTHER BUSINESS:

WATER IMPROVEMENT BENEFIT AREA NO. 1:

- Received approval from USDA to go out to bid.
- December 20th the bid notice will be in the newspaper.
- January 3, 2023 is the pre bid meeting on both Contract A and B.
- January 10, 2023 open bids on Contract B.
- January 12, 2023 open bids on Contract A.

MUNICIPAL SOLUTIONS AGREEMENT:

Rural Development has requested a small change to the language included in the current contract for WIBA#1. This amendment does not change the not to exceed amount or any other fees.

MUNICIPAL SOLUTIONS WATER IMPROVEMENT BENEFIT AREA NO. 1 REVISED AGREEMENT:

RESOLUTION #104:

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

WHEREAS, the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the revised Agreement dated December 8, 2022 between the Town of Byron and Municipal Solutions, Inc. for Water Improvement Benefit Area No. 1.

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

Vote: Ayes: 4 Nays: 0

END-OF-YEAR MEETING:

A **motion** was made by Councilman Felton to set the end of year meeting for December 28, 2022 at 7:00 p.m. at the Byron Town Hall. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

ORGANIZATIONAL MEETING:

A **motion** was made by Councilman Felton to set the Organizational Meeting for January 3, 2023 at 7:00 p.m. at the Byron Town Hall. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PUBLIC COMMENTS:

Augusta Rolfe: Wondered if the Board had decided whether to resume ZOOM meetings?

Supervisor Yasses: No other towns are doing ZOOM at this time, and therefore the Town of Byron will not be.

Councilman Thompson: Is there anything in the Zoning Law that the Town Engineer has to approve commercial projects?

Paul Boylan, Town Attorney: He will look into it.

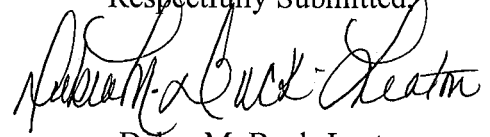
Supervisor Yasses: He is not leaving office contrary to what has been said in the public.

ADJOURN:

A **motion** was made by Councilman Felton to adjourn the Byron Town Board Meeting at 9:23 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk