

****The above legal notice of Public Hearing was revised to read as follows:

NOTICE OF PUBLIC HEARING
TOWN OF BYRON

PLEASE TAKE NOTICE that the Public Hearing regarding the proposed Local Law No. 1 of 2022 to Amend the Town of Byron Sewer Ordinance, being held on Wednesday, March 9, 2022, will be held in-person and not via ZOOM video conference.

Copies of the proposed Local Law may be obtained from the Town Clerk during her regular business hours or on the Town's website at www.byronny.com.

BY ORDER OF THE TOWN BOARD
TOWN OF BYRON
Debra Buck-Leaton
Town Clerk

Public Comments: None

A **motion** was made by Councilman Zuber to close the Public Hearing regarding the proposed Local Law No. 1 of 2022 to Amend the Town of Byron Sewer Ordinance at 7:05 p.m. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

LOCAL LAW NO. 1 OF 2022 TO AMEND THE TOWN OF BYRON SEWER ORDINANCE
RESOLUTION #40:

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

Be it enacted by the Town Board of the Town of Byron as follows:

TITLE: This Local Law shall be known as and may be cited as "Amendment No. 1 to the Town of Byron Sewer Ordinance".

PURPOSE: It is the purpose of this Local Law to add Sewer District 2 and 3 to the provisions of the Sewer Ordinance.

ENACTMENT: The Town of Byron Sewer Ordinance is hereby amended as follows:

(A) The Title of the Sewer Ordinance shall be AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE BUILDING SEWERS; INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE SEWER SYSTEM, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF: IN SEWER DISTRICTS NO. 1, 2 AND 3 OF THE TOWN OF BYRON, COUNTY OF GENESEE AND STATE OF NEW YORK.

(B) Section 22 is hereby amended to read: "SEWER DISTRICT" and/or "DISTRICT" SHALL MEAN Sewer District No. 1, Sewer District No. 2 and/or Sewer District No. 3 in the Town of Byron, Genesee County, New York.

EFFECTIVE DATE: This Local Law shall take effect upon adoption by the Town Board of the Town of Byron and filing with the Secretary of State pursuant to Municipal Home Rule Law Section 27.

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

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT –George Squires:

- Approved a land separation for Will Thompson at the corner of Hessenthaler Road and Swamp Road
- Site plan for Sutera for a pole barn on Lyman Road
- Discussion on revisions to Zoning Law

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

HIGHWAY SUPERINTENDENT’S REPORT – David Leaton:

- Loader is in and working well
- The Town Board has a quote for a 2022 Chevy Silverado from DeNooyer Chevrolet. The Highway Superintendent’s current pickup would be used for the highway men and the black pickup, which is a 2011, would probably be sold at auction. The purchase of the pickup would be made by piggybacking on the state bid from Franklin County.

PURCHASE OF 2022 CHEVROLET PICKUP TRUCK

RESOLUTION #41:

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 Chevrolet pickup truck from DeNooyer Chevrolet in the amount of \$44,362.50, 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’s Report as given. The motion was seconded by Councilman Felton and carried with 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

Other:

- February 3rd – Called my contact about the Center Byron’s flow meter not working.
- February 8th – Worked with a tech over the phone to reset Center Byron’s flow meter.
- February 17th – Wet weather operations went into effect
- February 24th – Had a call out at 6350 Rte. 262, home had a backup, dug up inlet and found the line was plugged from the house, contacted AD Calls to come and assist the homeowner with the issue.

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

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT – Melissa Ierlan:

·I have been doing fire inspections as a result of the letter sent out last month – Oxbo, Crosby’s, Byron Fire Department and S. Byron Fire Department.

I am addressing several property maintenance violations with one appearance ticket being issued for the next available court date.

I attended the Planning Board meeting for the Sutera site plan review, which should have been done before the house was constructed, a barn was approved on the site.

Thompson land separation was approved.

This week I have been in online training classes to get my 24 ours of required training in to retain my certification.

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: 4 Nays: 0

PARK COMMITTEE REPORT – George Squires:

Discussed the tree planting project to replace dead ash trees

Boy Scout’s camping June 3-5

Approved quotes for gatekeeper and Port-o-Johns

A **motion** was made by Councilman Zuber to allow the Elba Boy Scouts to camp at Trestle Park from June 3-5, 2022. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

A **motion** was made by Councilman Zuber to approve the Park Committee report as given. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

CLEAN ENERGY RESOURCES INFORMATION COMMITTEE – Candy Hensel:

Scoping document went to NYSERDA

Working with Pathstone and Heat Smart Program to move the program for the community to educate residents

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

Vote: Ayes: 4 Nays: 0

COMMUNITY BLOCK GRANT – Candace Hensel:

Paid final installment to In-Site

A **motion** was made by Councilman Zuber to approve the Community Block Grant report as given. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

ABSTRACTS

RESOLUTION #42:

Councilman Kent 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	#3	#52 - #82	\$22,516.83
Highway Fund	#3	#23- #31	\$9,129.64

Sewer Fund	#3	#7 - #10	\$5,209.85
General Post Audit	#2	#8 - #13	\$1,522.55
Sewer Post Audit	#2	#3 - #5	\$584.79

Councilman Zuber 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.....	\$41.00
State Comptroller for Games of Chance.....	\$30.00
Paid to the Town of Byron Supervisor.....	<u>\$2,195.90</u>
Total Disbursed for February 2022.....	\$2,266.90

A **motion** was made by Councilman Zuber to approve the Town Clerk’s Report as given for February, 2022. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

The February 2022 Financial Report was reviewed.

A **motion** was made by Councilman Zuber to approve the February 2022 Financial Reports. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SUPERVISOR’S REPORT:

Byron Fire Department and Rescue Squad Year-to-Date Incident Report:

- Received Year-to-Date Incident Report
- Councilman Zuber would like to get a report from the Rescue Squad for next month on amount they have to put down for a new ambulance and what their plan is moving forward in order to purchase a new ambulance.

Tompkins Community Bank Third Party Custodian Agreement:

The Bank of Castile has requested that the Town sign the Third Party Custodian Agreement for future deposits and securities with the bank.

THIRD PARTY CUSTODIAN AGREEMENT

RESOLUTION #43:

Councilman Kent 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 Third Party Custodian Agreement with Tompkins Community Bank (formerly known as Tompkins Trust Company) and The Bank of New York Mellon.

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

Vote: Ayes: 3 Nays: 0 Abstain: 1 (Councilman Felton)

Road Use Maintenance Agreement With NextEra:

Town Attorney Paul Boylan: Extensive Agreement that says Nextera will be using the roads and will be allowed to install cables along roadside, boaring will done whenever needed so roads aren’t cut, they will pay for a video showing baseline of all town roads. He believes the agreement is sufficient and standard.

ROAD USE MAINTENANCE AGREEMENT WITH NEXTERA

RESOLUTION #44:

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

WHEREAS, the Town of Byron Town Board authorizes the Supervisor to sign the Road Use Maintenance Agreement between the Town of Byron and Nextera.

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

Vote: Ayes: 3 Nays: 1 (Councilman Zuber)

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

·Still waiting for approval from Comptroller.

·Received Proposal from Deuel Archaeology to do an archaeology study. The Town Board will need to pass a resolution tonight, but the study and payment will not be made until the district is approved by the Comptroller.

WATER IMPROVEMENT BENEFIT AREA NO. 1 – ARCHAEOLOGY STUDY PROPOSAL FOR SERVICES

RESOLUTION #45:

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

WHEREAS, the Town of Byron Town Board authorizes the Supervisor to sign the Proposal for Services between the Town of Byron and Deuel Archaeology and Cultural Resource Management in the amount of \$13,995.00 for the Phase IA/1B Cultural Resource Investigation with regard to Water Improvement Benefit Area No. 1.

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

Vote: Ayes: 4 Nays: 0

AGREED-UPON PROCEDURES FOR 2021 JUSTICE AUDIT

RESOLUTION #46:

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

RESOLVED, that the Byron Town Board hereby approves the Proposal for Agreed-Upon Procedures for the Town Justice Accounts for 2021 to be prepared by Mengel, Metzger, Barr & Co, LLP, Certified Public Accountants for a cost of \$2,125.00.

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

Vote: Ayes: 4 Nays: 0

PUBLIC COMMENTS:

Councilman Felton: Barbie Starowitz sent the Town Board a packet regarding executive session and it discussed about attorney client privilege and executive sessions. There are specific requirements, but if it is with the attorney it falls under attorney client privilege.

Town Attorney Paul Boylan: Barbie Starowitz questioned whether or not it was proper to go into executive session for negotiations with Nextera. Normal contracts are subject to the open meetings law, but it has been an absolute law that when a client meets with an attorney about legal advice that conversation is

privileged and confidential, and not subject to the open meetings law. You can't take any actions in executive session.

Shirley Wade: Heather Kent will now be on the Byron-Bergen Library Board. She encourages everyone to send suggestions to the library to get residents from Byron to go to the Byron-Bergen Library.

Ben Raccuia: Spoke with Norm Pawlak, who was appointed to the Siting Board. He was asking Ben questions Ben feels he should have known, and he has very little information. He would ask the Board, BAAS, residents, etc. to get him whatever information they feel he needs.

Vic Digregorio: Bergen has gotten their pipe for waterline delivered, does the Supervisor know what the cost was for the pipe?

Supervisor Yasses: The price is creeping up.

Candy Hensel: BAAS has answered Nextera's request to accelerate or wave the restrictions for solar. Has the Town Attorney seen this?

Town Attorney Paul Boylan: He has not seen it.

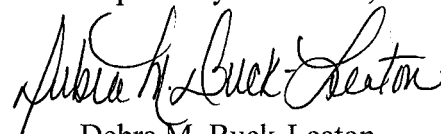
Tom Felton: Attended GAM meeting: EMS survey, FEMA ambulances left Friday that were here to help the County, plenty of COVID tests remaining, bids for new jail have gone out, COVID is trending down, tax revenue is up (12% increase), tree sale at Genesee County Soil and Water.

ADJOURN:

A **motion** was made by Councilman Felton to adjourn the Byron Town Board Meeting at 8:26 p.m. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk