

BYRON TOWN BOARD MEETING

May 10, 2023

The Byron Town Board Meeting was called to order by Supervisor Yasses at 7:07 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.....Councilman Felton
- Invited Guest.....Town Attorney, Paul Boylan
Mark Bailey, MRB Group
Laurie Fox, MRB Group

Public:

- George Squires
- Sara Stockwell
- Candy Hensel
- Barbie Starowitz
- Vic DiGregorio
- Darla Jo Barnum
- Bill Stevens

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 April 12, 2023 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

WASTEWATER TREATMENT SYSTEM IMPROVEMENTS PROJECT – Mark Bailey and Laurie Fox, MRB Group:

- A copy of the Draft Preliminary Engineering Report is on file at the Town Hall.
- The Town Board, along with MRB Group, will hold a Public Informational Meeting on May 31, 2023 at 7:00 p.m. at the South Byron Fire Hall.
- Grant funding for 50% cost is now available so Town needs to do SEQR and Part I Environmental Form tonight in order to get the grant in on time. Also applying for grant through DEC for construction costs (WQIP).
- The Town is eligible for a 30 year 0% loan.
- Mark Bailey reviewed the Full Environmental Assessment Form Part 1.

TOWN OF BYRON WASTEWATER TREATMENT SYSTEM IMPROVEMENTS PROJECT SEQR RESOLUTION DECLARING THE INTENT TO BE LEAD AGENCY

RESOLUTION #53:

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

WHEREAS, the Town of Byron Town Board (hereinafter referred to as “Town Board”) has reviewed the New York State Environmental Quality Review Act (“SEQR”) Full Environmental Assessment Form

("EAF") Part 1, prepared by MRB Group (hereinafter referred to as "Town Engineer") on the above-referenced Town of Byron Wastewater Treatment System Improvements project (hereinafter referred to as "Action"); and

WHEREAS, the Town Board determines that said Action is classified as a Type 1 Action under the State Environmental Quality Review ("SEQR") Regulations; and

WHEREAS, the Town Board determines that said Action is also subject to review and approval by other involved agencies under the SEQR Regulations; and

WHEREAS, the Town Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED, that the Town Board does hereby declare its intent to be designated as the lead agency for the Action and directs the Town Supervisor to sign and date the Full EAF Part 1.

BE IT FURTHER RESOLVED, that the Town Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on Monday, June 12, 2023.

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

Vote: Ayes: 4 Nays: 0

MRB GROUP PROPOSAL FOR GRANT WRITING SERVICES – WIIA and WQIP

RESOLUTION #54:

Councilman Kent 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 for grant writing services for the Water Infrastructure Improvement Act (WIIA) and Water Quality Improvement Project (WQIP) between the Town of Byron and MRB Group in the amount of \$9,870.00.

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

Vote: Ayes: 4 Nays: 0

SEWER REPORT:

- Had a callout at 6415 Mill Pond Road for an electrical issue with a panel box for a house pump
- 7505 Mechanic Street needed a new septic tank because of the dilapidated condition of the old one, which caused a severe hazard
- Responded to numerous stakeouts

A **motion** was made by Councilman Kent to hold an Informational Meeting on Wednesday, May 31, 2023 at the South Byron Fire Hall at 7:00 p.m. to discuss the Town's sanitary sewer treatment facilities and upgrades. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

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

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – George Squires:

- Brief discussion on the SEQR for Leatherleaf as proposed. Public Hearing to be held on June 7th at 7:05 p.m.
- Reviewed the Genesee County Planning Board comments on the Leatherleaf project.
- Discussed Proposed Local Law on Battery Energy Storage and MRB's comments.

·Each Planning Board member is looking at three of MRB's comments and they will discuss them at the next meeting. Once revised, based on Planning Board comments, they will forward it on to the Town Attorney for review.

·Working on Zoning Law revisions. Hopefully by mid-summer the Planning Board will have it to the Town Attorney and Town Board for approval.

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

Vote: Ayes: 4 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT – David Leaton:

- Working on new pavilion at Firemen's Park
- Mowing parks and sewer beds
- Maintenance on plow trucks
- Replaced culvert on Searls Road
- Working in other towns next week
- June 5th stone and oil Ivison Road and paving Searls Road

A **motion** was made by Councilman Zuber to approve the Highway Superintendent's 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:

- Issued 2 building permits, 2 fence permits, 2 generator permits and a pool permit
- Continue 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

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

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT – George Squires:

·Opened bids on portable toilet rentals and gatekeeper. Accepted bid from Creekside Rentals for portable toilets and one bid for gatekeeper for George Squires.

·Discussed new park pavilion.

·Discussed new recommendations for rental fee of Firemen's Park new pavilion. County charges \$70 for rental of their pavilions and the Park Committee would like to increase the rental fee to \$50 for the new pavilion only, and would also like to include a \$50 refundable deposit for any damages that might be done to the new pavilion.

·The Park Committee would also recommend additional rules for park pavilion rental as far as not using staples, nails, tape, etc. on the posts at the new pavilion.

·The Town Clerk has already implemented those changes on the new Pavilion Rental Applications.

·The Town should consider doing some improvements to tennis courts.

·Boy Scouts will be staying overnight at Trestle Park June 9th - June 11th and doing work. The Boy Scouts would like to plant a memorial tree for a young boy who passed away.

A **motion** was made by Councilman Zuber to allow the Boy Scouts to plant a memorial tree, with the direction of the Park Committee, in Trestle Park. The motion was seconded by Supervisor Yasses and carried with the following vote:

Vote: Ayes: 4 Nays: 0

A **motion** was made by Councilman Thompson to allow the Boy Scouts to camp in Trestle Park from June 9, 2023 – June 11, 2023. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

FIREMEN’S PARK LARGE PAVILION RENTAL FEE INCREASE

RESOLUTION #55:

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

WHEREAS, the Town of Byron Town Board authorizes the Park Committee to increase the fee for rental of the new (large) pavilion at Firemen’s Park from \$30.00 to \$50.00, and to include a \$50.00 refundable deposit to be used for any damage done to the pavilion while being rented.

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

Vote: Ayes: 4 Nays: 0

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

Vote: Ayes: 4 Nays: 0

ABSTRACTS

RESOLUTION #56:

Councilman Zuber 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	#5	#83 - #101	\$53,949.78
Highway Fund	#5	#29 - #35	\$17,845.29
Sewer Fund	#5	#20- #34	\$14,633.27
Water Improv. Benefit Area #1	#5	#12 - #14	\$26,325.79
Cemetery Fund	#1	#1	\$50,000.00
General Post Audit	#5	#26 - #28	\$733.98
Sewer Post Audit	#5	#10 - #12	\$884.29

Councilman Thompson 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.....	\$69.00
Paid to the DEC for Hunting and Fishing Licenses.....	\$33.07
Paid to the Town of Byron Supervisor.....	\$5,320.23
Total Disbursed for April 2023.....	\$5,422.30

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

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The April 2023 Financial Report was reviewed.

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

Vote: Ayes: 4 Nays: 0

SUPERVISOR’S REPORT:

SALES TAX:

·Received \$107,198.04 in Sales Tax

GRANT WRITING SERVICES FUNDING:

·Received \$5,000 Grant Writing Services Funding from Genesee County for the WQIP Sewer Grant for MRB’s fees.

FARMLAND PROTECTION PROJECT – BRANTON FARM:

·The Genesee Land Trust is preparing to submit a project for the anticipated upcoming Farmland Protection Implementation Grant, Round 19, through the New York State Department of Agriculture and Markets for Branton Farm. The grant protects the farm with conservation easements and funds the purchase of development rights. As part of the grant, projects must have a Town resolution to support the farm pursuing the project with Genesee Land Trust.

·There was a discussion regarding the program

FARMLAND PROTECTION PROJECT FOR BRANTON FARM

RESOLUTION #57:

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

WHEREAS, the Town of Byron adopted a Comprehensive Land Use Plan in 2019, and

WHEREAS, part of that plan includes providing support for local farms and identifies conservation easements and the purchase of development rights as a tool to protect farmland; and

WHEREAS, the Town of Byron received notice from the Genesee Land Trust, our partners in the preservation of farmland, that Branton Farm, LLC (Branton Realty, LLC, 8618 Buckley Road, LeRoy, NY 14482) applied for the Farmland Protection Implementation grant through NYSDAM in Round 19; and

THEREFORE, BE IT RESOLVED, that the Town of Byron authorizes the Town Supervisor to sign the attached letter of support for Branton Farms, LLC, which includes three (3) parcels of land totaling approximately 118 acres of land owned by Branton Realty, LLC (Tax Parcel Nos. 7.-1-55, 10.-1-24, and 10.-1-18), and to provide it to the Genesee Land Trust for inclusion with their application to the State.

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

Vote: Ayes: 4 Nays: 0

ELECTRONIC MANAGEMENT AGREEMENT:

·The Town needs to update the Shared Services Electronic Records Management Intermunicipal Agreement we currently have with the Town of Batavia and the Town of Alexander.

SHARED SERVICES ELECTRONIC RECORDS MANAGEMENT INTERMUNICIPAL AGREEMENT

RESOLUTION #58:

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

WHEREAS, the Town of Byron received a Local Government Records Management Improvement Fund (LGRMIF) Shared Services grant with the Towns of Batavia and Alexander for funding of digitizing Town records, and

WHEREAS, the Town of Byron wished to memorialize the terms under which the Town of Byron shall be permitted to store its records and/or documents utilizing the Town of Batavia's Electronic Document Storage System; and

NOW, THEREFORE BE IT RESOLVED, that the Byron Town Board hereby agrees to enter into a Shared Services Electronic Records Management Intermunicipal Agreement with the Towns of Batavia and Alexander.

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

Vote: Ayes: 4 Nays: 0

SLEDS OF STAFFORD LANDOWNER PERMISSION FORM:

A **motion** was made by Councilman Zuber to authorize the Supervisor to sign the Sleds of Stafford Landowner Permission for Land Use for S.O.S. Trails for 2023-2024. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

A **motion** was made by Councilman Kent 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

OTHER BUSINESS:

Water Improvement Benefit Area No. 1:

- Pre-construction meeting was held on Wednesday, May 3, 2023.
- MCWA will be sending letters out to residents who are part of Contract B (Batavia-Byron Road, Walkers-Corners Road, Clinton Street Road Rte. 33, Old State Road, Cockram Road, Bank Street Road, Byron-Elba Road (Rte. 262), Tower Hill Road and Searls Road) regarding sign-up sessions, probably on June 6th at 2:30 p.m. at the Town Hall.
- Letters will be going out to let residents know to put stakes out where they'd like curbside hookups to be placed.
- Rochester Pipeline starting in a couple weeks
- Pilon will be starting in July

PUBLIC COMMENTS:

- Candy Hensel – Discussed Town's method of public notices and whether the Town Board has considered changing their practices?
- Town Attorney Paul Boylan – The Town Board is doing what they are legally obligated to do.
- Candy Hensel – Next grant for action items is coming soon. Will the Town Board consider looking into ways to use clean energy funding.
- Supervisor Yasses – Yes
- Barbie Starowitz – The Town Board appointed a new member to the Planning Board. What procedure was followed?

·Supervisor Yasses – He’s not aware of any procedure that legally needs to be followed.

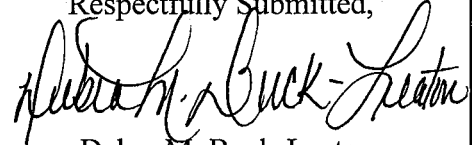
·Councilman Kent – The Town Board could use some feedback on ways to communicate with residents other than the forms of communication they’re using now. He knows they’re not happy with the current ways the Town Board communicates with residents, but they’re not giving them any solutions.

ADJOURN:

A **motion** was made by Councilman Kent to adjourn the Byron Town Board Meeting at 8:15 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