

# **BYRON TOWN BOARD MEETING**

September 13, 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
Invited Guests.....	Attorney Paul Boylan

**Public:**

Karen Jaczynski	Jim Northup	Darla Barnum	Bill Stevens
Vic DiGregorio	Candace Hensel	Sara Stockwell	John Boyce

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Supervisor Yasses.

**REPLACEMENT OF COUNCILMAN FELTON:**

The Republican Committee met and made a recommendation to the Town Board to appoint Martin Dilcher to the Town Board to fill the vacancy left due to the resignation of Councilman Tom Felton.

**APPOINTMENT OF MARTIN DILCHER TO THE TOWN BOARD TO COMPLETE THE TERM OF COUNCILMAN TOM FELTON**

**RESOLUTION #85:**

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

***BE IT RESOLVED***, that the Byron Town Board hereby appoints Martin Dilcher to the Byron Town Board, effective September 13, 2023, to fill the vacancy left due to the resignation of Councilman Tom Felton.

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

Vote:	Ayes: 3	Nays: 1 (Councilman Kent)
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**MINUTES:**

A **motion** was made by Councilman Zuber to approve the Byron Town Board minutes of August 9, 2023 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:	Ayes: 4	Nays: 0
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**WATER IMPROVEMENT BENEFIT AREA NO. 1:**

·Contract B - Water main is currently being installed along Bank Street from Rte. 262 to Cockram Road. Beginning to fill the water main along Byron Road, Tower Hill Road and Searls Road for testing and disinfection.

·Contractor for Contract A (Pilon Construction Co., Inc.) plans to begin work in early October. Councilman Thompson doesn't believe Pilon should be paid now because the material isn't located in the Town of Byron yet and he doesn't believe they'll be able to finish construction by the April 2024 deadline.

A **motion** was made by Councilman Thompson to table the payment of Payment Application No. 1 of Water Improvement Benefit Area #1 Contract A to Pilon Construction Co., Inc. in the amount of \$369,681.21. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**WATER IMPROVEMENT BENEFIT AREA # 1 CONTRACT B CONTRACTOR'S PAYMENT APPLICATION NO. 4**

**RESOLUTION #86:**

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. 4 to Rochester Pipeline, Inc. in the amount of \$212,439.10 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

**APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW**

**RESOLUTION #87:**

Councilman Zuber offered the following resolution and moved for its adoption:  
***WHEREAS***, the Monroe County Water Authority ("Authority") intends to provide public water service to 6960 Old State Road, Byron, 6917 Clinton Street Road, and 5630 Walkers Corners Road located in the Town of Byron; and

***WHEREAS***, the property owner has elected to retain and maintain the private well water source(s) on the premises and maintain separation between the plumbing that contains the public water (the "public system") and the plumbing that contains the well water (the "private system"); and

***WHEREAS***, the acquisition of the permanent irrevocable access easement is necessary to allow the Authority to inspect the public and private systems to make sure they are not interconnected as required by the New York State Sanitary Code; and

***WHEREAS***, the permanent irrevocable access easement is located at 6960 Old State Road (Tax Acct. No. 10.0-2-17.2), which is owned by John O. Boyce and Linda J. Boyce, at 6917 Clinton Street Road (Tax Acct. No. 10.0-2-10), which is owned by Michael E. Villareale and Betty Villareale, and at 5630 Walkers Corners Road (Tax Acct. No. 8.0-1-26.2), which is owned by Barbara A. Ognibene; and

*WHEREAS*, §1096(6-a) of New York's Public Authorities Law requires the Authority to obtain the prior approval of the Town Board for the above-referenced acquisition; now therefore be it

*RESOLVED*, that the Town hereby approves of the Authority's acquisition of the permanent irrevocable access easement located at 6960 Old State Road, 6917 Clinton Street Road, and 5630 Walkers Corners Road in accordance with §1096(6-a) of New York's Public Authorities Law and be it further

*RESOLVED*, that a copy of this resolution be provided to the Authority.

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

Vote:                      Ayes: 4                      Nays: 0

**APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW**

**RESOLUTION #88:**

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

*WHEREAS*, the Monroe County Water Authority ("Authority") intends to provide public water service to 7505 Mechanic Street and 7282 Caswell Road located in the Town of Byron; and

*WHEREAS*, the acquisition of the easement is necessary for operation, maintenance and the future replacement of the water main which will allow the Authority to continue to reliably provide potable water supply to the area; and

*WHEREAS*, the easement is located along the frontage of 7505 Mechanic Street (Tax Acct. No. 9.0-1-29), which is owned by Chaderic James Toal and Catherine C. Brumsted, and of 7282 Caswell Road (Tax Acct. No. 6.-1-17), which is owned by Richard W. Carnes; and

*WHEREAS*, §1096(6-a) of New York's Public Authorities Law requires the Authority to obtain the prior approval of the Town Board for the above-referenced acquisition; now therefore be it

*RESOLVED*, that the Town hereby approves of the Authority's acquisition of the frontage easement located at 7505 Mechanic Street and 7282 Caswell Road in accordance with §1096(6-a) of New York's Public Authorities Law and be it further

*RESOLVED*, that a copy of this resolution be provided to the Authority.

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

Vote:                      Ayes: 4                      Nays: 0

**SEWER REPAIR AND IMPROVEMENT:**

**TOWN OF BYRON WASTEWATER TREATMENT PLANT WOIP GRANT ADMINISTRATION PROPOSAL FOR PROFESSIONAL SERVICES BETWEEN MRB GROUP AND THE TOWN OF BYRON**

**RESOLUTION #89:**

Councilman Kent 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 Proposal for Professional Services for the Wastewater Treatment Plant

WQIP Grant Administration between MRB Group and the Town of Byron in the amount of \$5,500.00.

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

Vote:                   Ayes: 4                   Nays: 0

**SEWER REPORT:**

·Began pump outs in Center Byron.

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 – Councilman Kent:**

- Special Use Permit for Fly-By-Night was tabled for further research
- Special Use Permit for Yasses – deemed incomplete
- Reviewed Zoning revisions and language Paul put in and the PB will review
- Some discussion on grants that were brought up last month

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

Vote:                   Ayes: 4                   Nays: 0

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

- Filled salt barn with salt
- Finished roadside mowing
- Would like to purchase a snow plow for the pickup at a cost of \$7,350.30
- Would like to purchase a 2024 Case Backhoe at a cost of \$107,000 to replace the 2000 Case Backhoe

**PURCHASE OF WESTERN SNOW PLOW FOR 2023 CHEVY PICKUP**

**RESOLUTION #90:**

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

***WHEREAS***, the Town Board of the Town of Byron hereby authorizes the purchase of a Western Snow Plow for the 2023 Chevrolet pickup truck from Unicell Truck Equipment in the amount of \$7,350.30.

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

Vote:                   Ayes: 4                   Nays: 0

**PURCHASE OF 2024 CASE 580N BACKHOE**

**RESOLUTION #91:**

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 2024 Case 580N Backhoe from Monroe Tractor in the amount of \$107,000.00, 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 Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

**CEO/ZEO REPORT – Melissa Ierlan:**

·No report given

**ABSTRACTS**

**RESOLUTION #92:**

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

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

<b><i>Fund:</i></b>	<b><i>Abstract:</i></b>	<b><i>Vouchers:</i></b>	<b><i>Amount:</i></b>
General Fund	#9	#176 - #190	\$12,923.72
Highway Fund	#9	#69 - #80	\$36,774.01
Sewer Fund	#9	#50 - #53	\$23,973.65
Water Improv. Benefit Area #1	#9	#23 - #24	\$243,650.88
General Post Audit	#8	#49 - #57	\$2,870.10
Sewer Post Audit	#8	#24 - #25	\$518.03

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.....	\$98.00
Paid to the DEC for Hunting and Fishing Licenses.....	\$1,628.92
Paid to NYS Dept. of Health for Marriage Licenses.....	\$22.50
Paid to the Town of Byron Supervisor.....	\$4,077.78
Total Disbursed for August 2023.....	\$5,827.20

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

Vote: Ayes: 4 Nays: 0

**FINANCIAL REPORT:**

·The August 2023 Financial Report was reviewed.

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

Vote: Ayes: 4 Nays: 0

**SUPERVISOR'S REPORT:**

**CONTRACT FOR BOOKKEEPING AND PAYROLL SERVICES**

**RESOLUTION #93:**

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 Contract for Bookkeeping and Payroll Services between BBS Accounting, LLC and the Town of Byron in the amount of \$13,600.00.

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

Vote:                   Ayes: 4                   Nays: 0

**BUDGET MEETING:**

A **motion** was made by Councilman Thompson to hold a Special Budget Meeting on Wednesday, September 27, 2023 at 7:00 p.m. The motion was seconded by Councilman Kent and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**SEWER DRIVEWAY EASEMENT**

**RESOLUTION #94:**

Councilman Zuber offered the following resolution and moved for its adoption:  
***BE IT RESOLVED***, that the Byron Town Board hereby approves and authorizes the Supervisor to sign the Permanent Easement and all related documents pertaining to said easement. The easement will allow the Town to install a driveway on land owned by Aaron and Clifford Sharp for the purpose of accessing the North Byron Pump Station.

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 Supervisor's Report as given. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**PUBLIC COMMENTS:**

**Councilman Kent:** Would like to follow up on grants – spoke with Chair and the state. NY Forward would fit the Town of Byron best. Far from putting together everything the Town would like to apply the grant to. The Parks fall within the scope. Can be used for both public and private projects. The application is more of a vision of what you'd like to see done in the Town and what the Town has done so far. They want community engagement with a description of our vision. They are willing to discuss this with a committee and advise how to move forward, and he would like to have the Town Board form a committee.

**Candy Hensel:** CERIC committee has been awarded another opportunity for \$5,000 grant that the Town could utilize for a clean energy project. She has requested a summary from the contractor of what was expended and has not received yet for CERIC clean energy program.

There was a discussion on the process for appointment of Councilmen to the Town Board. The Board explained that they have the final say in who is appointed to the Board, and that the Republican committee solicited candidates and made a recommendation to the Town Board.

**EXECUTIVE SESSION:**

A **motion** was made by Councilman Kent to go into executive session to discuss matters relating to collective negotiations under the Taylor Law at 8:17 p.m. 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 come out of executive session at 8:39 p.m. The motion was seconded by Councilman Kent and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

**UNION CONTRACT WAGE INCREASE**

**RESOLUTION #95:**

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

***Resolved***, that the Town Board of the Town of Byron hereby authorizes the following changes to the Union Contract effective January 1, 2024:

Article 10: Compensation

Section 10.2 – The Town has agreed to increase the hourly pay for the year 2024. The increase would be \$.75 for the year 2024 (to \$27.28) and the annual yearly raise of 3.5% will also be applied for 2025, 2026, 2027 and 2028. And the contract will be extended five (5) additional years to December 31, 2028.

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

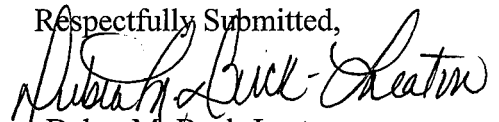
Vote:           Ayes: 4           Nays: 0

**ADJOURN:**

A **motion** was made by Councilman Kent to adjourn the Byron Town Board Meeting at 8:40 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