

TOWN OF BYRON BOARD MEETING  
November 13, 2024

The Byron Town Board Meeting was called to order by Supervisor Candace Hensel at the Byron Town Hall at 7:00 p.m. with the following people present:

Supervisor..... Candace Hensel  
Councilman..... Martin Dilcher  
Councilman..... Jeff Thompson  
Councilman..... Nathan Knickerbocker

**Absent**

Councilman..... Fred Klycek

Highway Superintendent.....David Leaton  
Town Clerk.....Kristy Murphy

Invited Guests..... Bridgette Cook, Town Attorney  
Scott Mattison, MRB Group  
Bill Davis, MRB Group

**Public:** K. Doty      Darla Barnum      Jim Lamkin      Shannon Thompson  
Vic Degregorio      Bill Stevens      Don Yaxley      Bill Davis      Laura Platt  
Karen Jacynski      Theresa Maid      Marilyn Weinert      Ben Raccuia

**Pledge of Allegiance:**

The pledge of allegiance was led by Supervisor Hensel.

**Public Hearing:**

A motion was made by Councilman Thompson to open the public hearing at 7:01pm  
Councilman Knickerbocker seconds the motion and carried with the following vote:

Vote:              Ayes: 4      Nays: 0

**Public Comments:**

- Theresa Maid- How much is the tax increase in dollars?
- Supervisor Hensel- It varies per household. It depends on water debt and assessment. I don't have the exact dollar figure
- Jim Lamkin- is the budget going over the cap or is this precautionary?
- Supervisor Hensel- It is necessary because we are going over the 2% cap due to the water debt and the fire protection budget

A motion was made by Councilman Thompson to close the public hearing at 7:08pm  
Councilman Knickerbocker seconds the motion and carried with the following vote:

Vote:              Ayes: 4      Nays: 0

**RESOLUTION ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE PROPOSED LOCAL LAW ENTITLED “LOCAL LAW NUMBER 1 OF 2024, TOWN OF BYRON LAW OVERRIDING THE TAX LEVY LIMIT” UNDER SEQRA**

**RESOLUTION #96:**

Councilman Thompson offered the following resolution and adoption:

**ADOPTION BY THE TOWN BOARD  
OF THE TOWN OF BYRON  
OF A RESOLUTION ADOPTING A NEGATIVE DECLARATION OF  
ENVIRONMENTAL SIGNIFICANCE FOR THE PROPOSED LOCAL LAW  
ENTITLED “Local Law Number 1 of 2024, Town of Byron Law Overriding the Tax Levy  
Limit” UNDER SEQRA**

ENTITLED “Local Law Number 1 of 2024, Town of Byron Law Overriding the Tax Levy Limit” UNDER SEQRA

WHEREAS, on or about October 9, 2024, the Town Board of the Town of Byron (the “Town Board”) introduced a proposed local law entitled “Local Law Number 1 of 2024, Town of Byron Law Overriding the Tax Levy Limit,” and

WHEREAS, the Town Board of the Town of Byron recognizes the need to override the limit on the amount of real property taxes that may be levied by the Town of Byron pursuant to General Municipal Law §3-c, and

WHEREAS, the Town of Byron’s current Code does not adequately meet the Town’s objectives, which include allowing the Town of Byron to adopt a budget for the fiscal year 2025 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c, and

WHEREAS, on October 9, 2024 the Town Board of the Town of Byron referred the Local Law to the Genesee County Planning Board pursuant to GML §239-m, and

WHEREAS, more than 30 days have elapsed and the Genesee County Planning Board failed to submit a report, and

WHEREAS, the Town Board adopted a Resolution on October 9, 2024, which classified the Local Law as an Unlisted Action under the New York State Environmental Quality Review Act (“SEQRA”), and

WHEREAS, the Town Board held a public hearing on November 7, 2024, and

WHEREAS, the Town Board has prepared a Short Environmental Assessment Form (“SEAF”) which is attached hereto, and

WHEREAS, the Town Board assumed lead agency status pursuant to 6 NYCRR 617.6(b)(1);

WHEREAS, The Town Board has considered the content of the proposed, Local law, the SEAF, communications from interested agencies, and

WHEREAS, The Town Board has considered any relevant public input, and

WHEREAS, the Town Board has thoroughly analyzed the relevant concerns discussed in the attached negative declaration of environmental significance, and has determined that no significant adverse environmental impacts will result from the proposed Local Law, and

NOW, THEREFORE, the Town Board hereby finds that enactment of the proposed Local Law will not have any significant adverse impacts on the environment.

AND THEREFORE, the Town Board further resolves to adopt a negative declaration of environmental significance with respect to the adoption of the proposed Local Law.

AND THEREFORE, the Town Board hereby adopts the attached negative declaration of environmental significance and incorporates it herein.

AND THEREFORE, the Town Clerk is hereby directed to enter this resolution and the attached negative declaration of environmental significance in the minutes of this meeting.

AND THEREFORE, the Town Clerk is hereby directed to transmit this negative declaration and resolution to the appropriate agencies in accordance with the requirements of 6 NYCRR 617.12(b).

Councilman Knickerbocker seconds the motion and carried the following vote:

|                           |         |         |  |
|---------------------------|---------|---------|--|
| Councilman Thompson-      | Aye     |         |  |
| Councilman Dilcher-       | Aye     |         |  |
| Councilman Knickerbocker- | Aye     |         |  |
| Supervisor Hensel-        | Aye     |         |  |
| Councilman Klycek-        | Absent  |         |  |
| Vote:                     | Ayes: 4 | Nays: 0 |  |

**RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2024 - TAX CAP OVERRIDE**

**RESOLUTION# 97**

Councilman Knickerbocker offered the following resolution and adoption:

*WHEREAS*, on or about October 9, 2024, the Town Board of the Town of Byron (the “Town Board”) introduced a proposed local law entitled “Local Law Number 1 of 2024, Town of Byron Law Overriding the Tax Levy Limit”, and

*WHEREAS*, the Town Board referred the proposed local law to the Genesee County Planning Board, pursuant to GML §239-m, and

**RESOLUTION FOR PROPOSED LOCAL LAW FOR BATTERY ENERGY STORAGE SYSTEM TO THE GENESEE COUNTY PLANNING BOARD PURSUANT TO GML 239-M**

**RESOLUTION #98**

Councilman Knickerbocker offered the following resolution and adoption:

**TOWN OF BYRON TOWN BOARD RESOLUTION  
TO REFER THE TOWN OF BYRON PROPOSED LOCAL LAW ENTITLED  
“Town of Byron Zoning Law - Battery Energy Storage System” TO THE GENESEE  
COUNTY PLANNING BOARD PURSUANT TO GML 239-M**

**WHEREAS**, the Town Board of the Town of Byron has introduced a proposed local law entitled **“Town of Byron Zoning Law - Battery Energy Storage System”** to amend the current zoning ordinance, and

**WHEREAS**, on November 13, 2024 the Town Board of the Town of Byron declared itself lead agency for purposes of SEQRA review of the proposed action and completed Part 1 of the Full Environmental Assessment Form, and

**WHEREAS**, the Town Board of the Town of Byron is required to refer any adoption or amendment of a zoning ordinance or local law to the County Planning Board pursuant to GML 239-m.

**NOW, THEREFORE**, Town Board of the Town of Byron hereby refers the proposed local law entitled **“Town of Byron Zoning Law - Battery Energy Storage System”** to the Genesee County Planning Board for a report and recommendation thereon, a copy of which is attached hereto and made a part thereof, and the Town Clerk is hereby directed to enter said proposed local law into the minutes of this meeting.

**AND IT IS FURTHER RESOLVED**, that the Town Clerk is directed to transmit a copy of this resolution and the completed portions of the Full Environmental Assessment Form Part 1 to the Genesee County Planning Board.

**AND IT IS FURTHER RESOLVED**, that failure of the Genesee County Planning Board to provide said report and recommendation to the Town Board within thirty (30) days after receipt of the referral by the Town shall be deemed approval of the proposed local law.

Councilman Thompson seconded the motion and carried the following votes:

|                           |         |         |  |
|---------------------------|---------|---------|--|
| Councilman Thompson-      | Aye     |         |  |
| Councilman Dilcher-       | Aye     |         |  |
| Councilman Knickerbocker- | Aye     |         |  |
| Supervisor Hensel-        | Aye     |         |  |
| Councilman Klycek         | Absent  |         |  |
| Vote:                     | Ayes: 4 | Nays: 0 |  |

**WHEREAS**, the Genesee County Planning Board failed to report within thirty days, so the Town Board of the Town of Byron may take final action on the proposed action without such report pursuant to GML 239-m and

**WHEREAS**, on October 9, 2024 the Town Board adopted a resolution which classified the Local Law as an Unlisted Action under the New York State Environmental Quality Review Act (“SEQRA”), and

**WHEREAS**, The Town Board prepared a Short Environmental Assessment Form, and

**WHEREAS**, The Town Board issued a Negative Declaration of Environmental Significance (a “Neg Dec”) and passed a resolution adopting said Neg Dec, and

**WHEREAS**, The Town Board has satisfied its obligation under the New York State Environmental Quality Review Act (“SEQRA”), and

**NOW, THEREFORE**, it is resolved that the Town Board hereby approves and adopts the Local Law, overriding the tax levy limit

**AND THEREFORE**, the Town Board hereby directs the Town Clerk to file the Local Law with the New York State Secretary of State in Albany within five days. This must be done on the appropriate forms provided by the Secretary of State and in accordance with Municipal Home Rule Law §27. These must be completed in accordance with the Department of State's instructions (rules for filing local laws). When the form is complete, the Town Attorney is directed to certify it on the final page. One original copy must be mailed to the Secretary of State, Records and Law Bureau, Department of State, which is located in Albany, New York. After filing is complete, the Town will receive a post card from the Secretary of State verifying that the law was filed, which the Town Clerk is directed to file in the Town Clerk's office as proof of filing.

**AND THEREFORE**, the Town Board hereby directs the Town Clerk to publish the Local Law, or a summary or abstract of the Local Law, in a newspaper published in the Town, if any, or in a County newspaper having circulation in the Town.

**AND THEREFORE**, the Town Board hereby directs the Town Clerk to enter this resolution and the attached Local Law in the minutes of this meeting

Councilman Thompson seconded the resolution and adopted by the following polled vote:

|                          |         |
|--------------------------|---------|
| Councilman Thompson      | Aye     |
| Councilman Dilcher       | Aye     |
| Councilman Knickerbocker | Aye     |
| Councilman Klycek        | Absent  |
| Supervisor Hensel        | Aye     |
| Vote: Ayes: 4            | Nays: 0 |

**Approval of Minutes:**

A motion was made by Councilman Dilcher to approve the minutes from the following: October 9, 2024, October 23, 2024 and November 7, 2024

Councilman Knickerbocker seconds the motion and carried the following vote:

Vote: Ayes: 4      Nays: 0

**RESOLUTION TO INTRODUCE THE PROPOSED LOCAL ZONING LAW FOR BATTERY ENERGY STORAGE SYSTEM**  
**RESOLUTION # 99**

Councilman Knickerbocker offered the following resolution and adoption:

**TOWN OF BYRON TOWN BOARD RESOLUTION  
TO INTRODUCE THE TOWN OF BYRON  
PROPOSED LOCAL LAW ENTITLED  
“Town of Byron Zoning Law – Battery Energy Storage System”**

**WHEREAS**, the Town Board of the Town of Byron recognizes that battery storage is an important component for grid reliability is supplementing intermittent sources of renewable energy and intends to accommodate the use of appropriately sited battery energy storage systems in the Town which are independent or ancillary to a new or existing electric generating facility, and

**WHEREAS**, the Town of Byron’s current Zoning Law does not address Battery Energy Storage Systems, and

**WHEREAS**, an amendment of the Town of Byron’s current zoning ordinance may be necessary to allow for the use of battery energy storage systems while meeting the objectives of the Town and its residents, and

**WHEREAS**, consideration is warranted of a proposed local law to regulate the siting of battery energy storage systems in the Town of Byron to establish a plan for well-sited battery energy storage systems in order to protect and promote the health, safety and welfare of the community, and

**WHEREAS**, Section 20, subsection 4 of New York State’s Municipal Home Rule Law allows for the introduction of a proposed local law by a member of a Town Board, and

**WHEREAS**, the Town Board of the Town of Byron hereby introduces the proposed “Town of Byron Zoning Law - Battery Energy Storage Systems,” a copy of which is attached hereto and made a part hereof, and the Town Clerk is hereby directed to enter said proposed local law into the minutes of this meeting.

Councilman Dilcher seconded the motion and carried the following votes:

|                           |         |
|---------------------------|---------|
| Councilman Thompson-      | Aye     |
| Councilman Dilcher-       | Aye     |
| Councilman Knickerbocker- | Aye     |
| Supervisor Hensel-        | Aye     |
| Councilman Klycek         | Absent  |
| Vote: Ayes: 4             | Nays: 0 |

**RESOLUTION OF THE PROPOSED LOCAL LAW ENTITLED ZONING LAW  
BATTERY ENERGY STORAGE SYSTEM SUBJECT TO SEQRA  
RESOLUTION#100**

Councilman Knickerbocker offered the following resolution and adoption:

**TOWN OF BYRON TOWN BOARD RESOLUTION  
THAT ENACTMENT OF THE PROPOSED LOCAL LAW ENTITLED  
“Town of Byron Zoning Law - Battery Energy Storage System”  
IS SUBJECT TO SEQRA AND CLASSIFYING CONSIDERATION OF THE  
PROPOSED LOCAL LAW AS A TYPE I ACTION UNDER SEQRA**

**WHEREAS**, on November 13, 2024 the Town Board of the Town of Byron introduced a proposed local law entitled **“Town of Byron Zoning Law - Battery Energy Storage System”** and

**WHEREAS**, adoption of the proposed local law would involve a change in allowable uses within at least one district affecting 25 or more acres of the district, and

**NOW THEREFORE**, the Town Board of the Town of Byron hereby declares itself lead agency for purposes of SEQRA review.

**AND THEREFORE**, the Town Board of the Town of Byron finds that the adoption of the current version of the proposed local law entitled **“Town of Byron Zoning Law - Battery Energy Storage System”** would qualify as a Type I action under SEQRA because it would involve a change in allowable uses within at least one district affecting 25 or more acres of the district under 6 NYCRR 617.4(b)(2).

**AND THEREFORE**, the Town Board of the Town of Byron further resolves that the proposed action is classified as a Type I Action under SEQRA.

**AND THEREFORE**, the Town Board of the Town of Byron will review continue its SEQRA review of the proposed local law by preparing a Full Environmental Assessment Form.

**AND THEREFORE**, the Town Board of the Town of Byron will hold a public hearing on proposed local law entitled **“Town of Byron Zoning Law - Battery Energy Storage System”** on December 11, 2024 at 7:00 PM at the Byron Town Hall.

**AND THEREFORE**, the Town Board of the Town of Byron will review any relevant submissions and comments related to the proposed local law in order to make a determination of environmental significance under SEQRA.

**AND THEREFORE**, the Town Clerk of the Town of Byron is hereby directed to enter this resolution into the minutes of this meeting.

Councilman Thompson seconded the motion and carried the following votes:

|                      |     |
|----------------------|-----|
| Councilman Thompson- | Aye |
| Councilman Dilcher-  | Aye |

Councilman Knickerbocker- Aye  
Supervisor Hensel- Aye  
Councilman Klycek Absent  
Vote: Ayes: 4 Nays: 0

**Water Improvement Benefit Area #1 Update: Scott Mattison**

-Contract A- Pilon Construction on July 16, 2024 had meant substantial completion with all the water turned on. In May of 2025 a final walk through of the project will be done to determine if there is anything that needs to be touched up at all.

-Contract B- Rochester Pipeline meant substantial completion June 28, 2024. Completion of restoration has not been done. Rochester Pipeline will be back out to try and complete restoration on November 18, 2024. Hydro seeding will not be done at this time; it will be done in the spring. In May of 2025 a walk-through of this project will also be done.

**Sewer- Waste Water Treatment Project**

-Bill Davis from MRB speaks regarding the WIIA Grant Approval. MRB applied for the grant on behalf of the Town of Byron. A letter was received from NYS EFC on November 1, 2024 that the Town of Byron has been awarded a 2024 enhanced award in the amount not to exceed \$2,706,250.00. This amount is in addition to our 2023 WIIA award. Total grant funding at this point towards the waste water treatment project is approximately \$6.4 million dollars. That will leave approximately \$5.4 million dollars that the Town would be eligible for an interest free loan.

-Supervisor Hensel signed the agreement of acceptance on November 4, 2024 and sent the confirmation back to NYS Environmental Facilities Corporation.

-WQIP grant has been applied for and are waiting on an answer

-CBDG grant may be applied for around July of 2025

**MUNICIPAL SOLUTIONS AMENDED CONTRACT**

**RESOLUTION #101:**

Supervisor Hensel offered the following resolution and adoption:

TO AMEND THE CONTRACT WITH MUNICIPAL SOLUTIONS, INC. FOR ASSISTANCE  
WITH THE TOWN OF BYRON'S WASTEWATER TREATMENT SYSTEM  
IMPROVEMENTS

WHEREAS, the Town of Byron Town Board contracted with Municipal Solutions, Inc. in connection with the Town of Byron's Wastewater Treatment System Improvements on July 13, 2022, and

WHEREAS, Municipal Solutions, Inc. are financial advisors and are seeking to amend the original contract to add grant and loan administration and MWBE reporting for the project under Fiscal Services to the contract scope, and

WHEREAS, Municipal Solutions, Inc. has provided an amended professional service contract to assist the Town Board with the Wastewater Treatment System Improvements; and



NOW, THEREFORE, Town Board of the Town of Byron hereby authorizes the Town Supervisor to execute the amended professional services contract on behalf of the Town of Byron.

Councilman Knickerbocker seconded the resolution an adopted by the following polled vote:

|                           |         |         |
|---------------------------|---------|---------|
| Councilman Thompson-      | Aye     |         |
| Councilman Dilcher-       | Aye     |         |
| Councilman Knickerbocker- | Aye     |         |
| Supervisor Hensel-        | Aye     |         |
| Councilman Klycek-        | Absent  |         |
| Vote:                     | Ayes: 4 | Nays: 0 |

**Approval for Septic Tank Replacements Resolutions:**

-Discussion had regarding quotes for septic tank replacements:

Tank replacement needed at #1 Trailer next to the Post Office Townline Road quotes

- Tank Replacement 1000 gallons A.D. Call \$6,210.00
- Tank Replacement 1000 gallons Barefoot Septic \$7,445.00

Tank replacement needed at 6448 Freeman Road quotes

- Tank Replacement 1000 gallons Barefoot Septic \$5,985.00
- Tank Replacement 1000 gallons A.D. Call \$6,575.00

**TANK REPLACEMENT FOR TRAILER #1 NEXT TO THE POST OFFICE  
RESOLUTION #102**

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

**BE IT RESOLVED**, that the Byron Town Board authorizes Shaun Dempsey to hire A.D. Call for septic tank replacement work at #1 Trailer next to the Post Office on Townline Road in the amount of \$6,210.00.

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

|                           |         |         |
|---------------------------|---------|---------|
| Councilman Thompson-      | Aye     |         |
| Councilman Dilcher-       | Aye     |         |
| Councilman Knickerbocker- | Aye     |         |
| Supervisor Hensel-        | Aye     |         |
| Councilman Klycek-        | Absent  |         |
| Vote:                     | Ayes: 4 | Nays: 0 |

**TANK REPLACEMENT FOR 6448 FREEMAN ROAD  
RESOLUTION #103**

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

**BE IT RESOLVED**, that the Byron Town Board authorizes Shaun Dempsey to hire Barefoot Septic for septic tank replacement work at 6448 Freeman Road in the amount of \$5985.00.

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

Councilman Thompson- Aye  
Councilman Dilcher- Aye  
Councilman Knickerbocker- Aye  
Supervisor Hensel- Aye  
Councilman Klycek- Absent  
Vote: Ayes: 4 Nays: 0

**REQUEST EXTENSION FOR SPEDE'S PERMIT WITH THE DEC  
RESOLUTION #104**

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

**BE IT RESOLVED**, that the Byron Town Board authorizes Supervisor Hensel to approve and sign the SPEDE'S Permit Extension.

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

Councilman Thompson- Aye  
Councilman Dilcher- Aye  
Councilman Knickerbocker- Aye  
Supervisor Hensel- Aye  
Councilman Klycek- Absent  
Vote: Ayes: 4 Nays: 0

**RFQ Response Discussion and Timeline:**

-Supervisor Hensel explains that the type of EFC Grant that we have received the RFQ is necessary to be done.

-MRB Engineering Firm and Square Engineering Firm were the two companies that responded and are interested in being hired for engineering services on the waste water treatment project

-Discussion held regarding how to interview the two candidates and how to move forward

-Councilman Knickerbocker states both firms seem qualified. MRB has been on the project from the beginning. MRB has helped out significantly with the grants we have received thus far. He feels that the town would be better suited with MRB due to that.

-Councilman Dilcher agrees with Councilman Knickerbocker and would also recommend continuing with hiring MRB for the project.

-Councilman Thompson states he agrees with both Councilman Dilcher and Councilman Knickerbocker. He states this one of the biggest projects we have done in the town and sees no point in not continuing with the relationship we have built with MRB.

A **MOTION** was made by Supervisor Hensel to except MRB as the waste water treatment project engineering group. MRB will provide a more detailed scope of work and fee schedule. An acceptance letter will be sent out to MRB and signed by Supervisor Hensel.

Councilman Dilcher seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0

**UNSAFE STRUCTURE ORDER FOR CORRECTION OF UNSAFE CONDITIONS**  
**RESOLUTION #105**

- Discussion had regarding how to proceed after the resolution.
- Quotes will be obtained for demolishing the structure and will be discussed at the next board meeting on December 11<sup>th</sup>.

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

TOWN OF BYRON RESOLUTION  
ORDERING CORRECTION OF DANGEROUS AND UNSAFE CONDITIONS  
AT 6538 BYRON HOLLEY ROAD  
PURSUANT TO TOWN OF BYRON'S UNSAFE BUILDINGS CODE

WHEREAS, by referral from the Town of Byron Code Enforcement Officer dated August 14, 2024, the Town Board became aware of the unsafe and dangerous conditions at property known as 6538 Byron Holley Road, bearing tax lot no. 5.-2.19 (the "Property");

WHEREAS, the Code Enforcement Officer conducted an exterior inspection of the Property and provided a report from said inspection to the Town Board; and

WHEREAS, the Town of Byron Code Enforcement Officer affixed a notice to the Property of the numerous violations of the Building Code and unsafe conditions at the Property; and

WHEREAS, on September 11, 2024, the Town Board found that the Property is in violation of Town of Byron Unsafe Buildings Law and the Uniform Construction Code; and

WHEREAS, the Order of Correction was served in accordance with the town code with notice of hearing regarding the same; and

WHEREAS, the Town Board held a hearing on October 9, 2024 at which the property owner did not appear; and

NOW THEREFORE, the Town Board hereby finds that the property owner has refused to comply with the Order of Correction and now directs Town of Byron Staff to remedy the unsafe and dangerous conditions at the Property.

AND THEREFORE, the Town Board orders that any expense associated with the Town of Byron's remedy of the unsafe and dangerous conditions at the Property shall be assessed against the Property as permitted by Town Unsafe Buildings Law Section 12 and Article 15 of the Town Law.

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

|                           |     |
|---------------------------|-----|
| Councilman Thompson-      | Aye |
| Councilman Dilcher-       | Aye |
| Councilman Knickerbocker- | Aye |
| Supervisor Hensel-        | Aye |

Councilman Klycek- Absent  
Vote: Ayes: 4 Nays: 0

**NYS DOT Five Year Extension Snow & Ice Removal Contract Resolution #106**

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

This Agreement made this 13th day of November, 2024 by and between THE PEOPLE OF STATE OF NEW YORK (hereinafter referred to as "STATE"), acting by and through the Commissioner of Transportation of the State of New York (hereinafter referred to as "COMMISSIONER"), and the Highway Superintendent of the TOWN OF BYRON (hereinafter referred to as "MUNICIPALITY") as follows: WHEREAS, the COMMISSIONER and the MUNICIPALITY have entered into an Agreement No.    D014872    entitled Municipal Snow and Ice Agreement between the New York State Department of Transportation and the Municipality of    TOWN OF BYRON    dated    12/18/2019   ; and WHEREAS, the term of the said Agreement is for a period of five years commencing July 1, 2019 and the said Agreement provides that the parties may at the end of each 5-year term of the Agreement extend such term for an additional five years; and WHEREAS, the present term of the Agreement, as extended, expires June 30, 2024; and Section 1 of said Agreement allows up to a maximum of three extension periods of five years each for a maximum contract life of twenty years; WHEREAS, Sections 5 of the said Agreement provides that the COMMISSIONER shall furnish the MUNICIPALITY with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement. WHEREAS, Section 13 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the COMMISSIONER subject to the provisions of Section 13 at the time for extension of the Agreement; NOW, THEREFORE, in consideration of the mutual covenants and benefits between the parties, WITNESSETH: 1. The aforementioned Snow and Ice Agreement between New York State Department of Transportation and the MUNICIPALITY" is hereby extended for a period of five years; now to expire on June 30, 2029, unless further extended. 2. The State Highways or parts thereof affected by this Agreement are as delineated on the attached map, agreed upon by the COMMISSIONER and the MUNICIPALITY, which shall be effective for the remainder of the term of the Agreement commencing July 1, 2023, unless changed by future agreement between the COMMISSIONER and the MUNICIPALITY. 3. All the terms and conditions of the original contract remain in effect except as follows. The estimated expenditure specified in Section 13 of the aforementioned Agreement shall be \$ 38,665.02 for    7.22    lane miles for each year of this five-year extension period, for a grand total of \$48, 374.41, commencing July 1, 2024, unless changed by future update. 4. This Agreement incorporates the June 2023 version of Appendix A, replacing the previous version dated January 2014 MUNICIPALITY" is hereby extended for a period of five years; now to expire on June 30, 2029, unless further extended. IN WITNESS WHEREOF, This Agreement has been executed by the State, acting by and through the duly authorized representative of the COMMISSIONER, and the MUNICIPALITY, which has caused this Agreement to be executed by its duly authorized officer on the date and year first above written.

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

Councilman Thompson- Aye  
Councilman Dilcher- Aye

Councilman Knickerbocker- Aye  
Supervisor Hensel- Aye  
Councilman Klycek- Absent  
Vote: Ayes: 4 Nays: 0

**Delinquent Water Bills To Be Levied Against 2025 Tax Warrant Resolution  
Resolution# 107**

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

AUTHORIZE DELINQUENT WATER BILLS TO BE  
LEVIED AGAINST 2025 TAX WARRANT

WHEREAS, the Town Clerk has received a list of all property owners who owe for water rents in Water District #2 to the Town of Batavia; and

WHEREAS, Section 229-15 (c) of Town Law stipulates that such amounts owing shall be levied against the property to which the service is rendered.

NOW, THEREFORE, BE IT RESOLVED, that the attached list in the amount of \$456.18 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant.

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

Councilman Thompson- Aye  
Councilman Dilcher- Aye  
Councilman Knickerbocker- Aye  
Supervisor Hensel- Aye  
Councilman Klycek- Absent  
Vote: Ayes: 4 Nays: 0

**Delinquent Water Debt Levied on Taxes Resolution #108**

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

WHEREAS, all Town Board Members having received due notice of said meeting; and

WHEREAS, pursuant to the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place of the meeting was given as required by law; and

WHEREAS, the Town of Elba and the Town of Byron has in place certain Water Customer Agreements whereby the Town of Elba provides water to certain out-of-district customers; and

**WHEREAS**, the Town has one such Water Customer Agreement in place with A. Elizabeth Prinzi, residing at 7069 Transit Rd., Elba, NY 14058, for service to property located at 7069 Transit Rd., Town of Byron, County of Genesee, and State of New York by and through the Town of Elba Water District No. 2; and

**WHEREAS**, said agreement calls for a debt service charge of \$713.15 for the year 2024 with payment to be made within forty-five (45) days after receipt of the statement showing such charge; and

**WHEREAS**, the Town of Elba duly provided a statement to the customer for payment of the debt service charge at the time of signing the agreement; and

**WHEREAS**, forty-five (45) days have elapsed since the customer's receipt of said statement; and

**WHEREAS**, pursuant to N.Y. Town Law § 198(3)(a), if a property owner fails to pay the uniform service charge, a statement showing the name of the property owner and the amount unpaid and containing a brief description of the real property shall be transmitted to the board of supervisors of the county and such amount shall be levied and collected as an assessment against the real property;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board hereby acknowledges and declares that the above referenced customer has not paid their debt service fee for the year 2024, and the debt service fee owed has been outstanding for a period greater than forty-five (45) days; and be it further

**RESOLVED**, that the Town Board hereby directs the Town Clerk to transmit to the Genesee County Board of Supervisors a statement showing the name of the property owner and the amount of debt service charges left unpaid along with a brief description of the real property and a request that said outstanding amount be levied and collected as an assessment against the real property.

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

|                           |         |
|---------------------------|---------|
| Councilman Thompson-      | Aye     |
| Councilman Dilcher-       | Aye     |
| Councilman Knickerbocker- | Aye     |
| Supervisor Hensel-        | Aye     |
| Councilman Klycek-        | Absent  |
| Vote: Ayes: 4             | Nays: 0 |

**Sewer Relevy Resolution #109**

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

**BE IT RESOLVED**, the Byron Town Board approves the relevy of all unpaid sewer bills in the amount of \$30,777.00 (Thirty Thousand Seven Hundred Seventy Seven Dollars) onto the 2025 Town/County Tax Bill.

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

Councilman Thompson- Aye  
Councilman Dilcher- Aye  
Councilman Knickerbocker- Aye  
Supervisor Hensel- Aye  
Councilman Klycek- Absent  
Vote: Ayes: 4 Nays: 0

**Approval Of Official Undertaking For Tax Collector Resolution #110**

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

BE IT RESOLVED, that the Town Board of the Town of Byron, County of Genesee, State of New York, does hereby approve the undertaking or bond issued by Lawley Genesee Agency as to its form, manner of execution, amount and sufficiency thereof, and to the sureties named thereon. Said undertaking or bond shall be conditioned that the collector of the taxes shall well and truly keep, pay over and account for all moneys and property coming into her hands as such collector.

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

Councilman Thompson- Aye  
Councilman Dilcher- Aye  
Councilman Knickerbocker- Aye  
Supervisor Hensel- Aye  
Councilman Klycek- Absent  
Vote: Ayes: 4 Nays: 0

**ABSTRACTS/VOUCHERS RESOLUTION # 110**

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

BE IT RESOLVED, that the Byron Town Board pay the following abstracts:

| <u>Fund</u>                  | <u>Abstract</u> | <u>Vouchers</u> | <u>Amount</u> |
|------------------------------|-----------------|-----------------|---------------|
| General Fund                 | # 11            | #261-273        | \$7,214.55    |
| Highway Fund                 | # 11            | #96-105         | \$27,173.37   |
| Sewer Fund                   | # 11            | #70-76          | \$10,184.68   |
| Water Improv Benefit Area #1 | # 11            | #33-35          | \$26,676.35   |
| General Post Audit           | # 10            | #237-243        | \$3281.47     |
| Sewer Post Audit             | # 10            | #67-68          | \$484.42      |

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

Councilman Thompson- Aye  
Councilman Dilcher- Aye  
Councilman Knickerbocker- Aye  
Supervisor Hensel- Aye  
Councilman Klycek- Absent  
Vote: Ayes: 4 Nays: 0

**REPORTS:**

**Highway Superintendent Report- David Leaton:**

-No report

-Councilman Thompson wanted to let the highway department know that he received a lot of compliments from people on the work that was done on Hessenthaler Road

Councilman Knickerbocker makes the **MOTION** to accept the Highway Superintendent report. Councilman Thompson seconds the motion and carried the following vote:

Vote: Ayes: 4      Nays: 0

**Town Clerk Report-Kristy Murphy:**

-Paid Ag & Market spay & neuter program..... \$54.00  
-Paid DEC ..... \$1,177.97  
-Town of Byron Supervisor ..... \$6,940.28

Councilman Thompson makes the **MOTION** to accept the clerk report. Supervisor Hensel seconds the motion and carried the following vote:

Vote: Ayes: 4      Nays: 0

**Supervisors Report- Candace Hensel:**

-Financials were reviewed

Councilman Thompson makes the **MOTION** to accept the Supervisors Financials. Councilman Knickerbocker seconds the motion and carried the following vote:

Vote: Ayes: 4      Nays: 0

-Energy audit that was done was sent back to the Town. Supervisor Hensel states that she will forward the audit to the board members for review.

-BBS Accounting sent a new contract over for the 2025. Supervisor Hensel is requesting a motion be made to sign the 2025 contract with BBS Accounting.

Councilman Thompson makes the **MOTION** to allow the Supervisor to sign the 2025 contract with BBS Accounting.

Councilman Knickerbocker seconds the motion and carried the following vote:

Vote: Ayes: 4      Nays: 0

-Supervisor Hensel has made calls to the Comptroller, NYS and the County regarding emergency services. Currently, Heath and O'Toole are drafting the contracts for the fire departments. She will let the town board know when they are finished for review.

-Supervisor Hensel requests a motion to give the authorization to vote at the Association of Towns conference next year.



Councilman Knickerbocker makes the **motion** to get the Town Boards Approval for the right to vote at the Association of Towns Conference on behalf of the Town of Byron.

Councilman Thompson seconds the motion and carried the following polled vote:

|                           |         |
|---------------------------|---------|
| Councilman Thompson-      | Aye     |
| Councilman Dilcher-       | Aye     |
| Councilman Knickerbocker- | Aye     |
| Supervisor Hensel-        | Aye     |
| Councilman Klycek-        | Absent  |
| Vote: Ayes: 4             | Nays: 0 |

Councilman Knickerbocker makes the **MOTION** to accept the supervisor report  
Councilman Dilcher seconded the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0

**Historical Society/Museum Report Don Yaxley:**

- The water will be turned off next week to the museum
- Window sheets have been installed and temp set to 50 degrees
- **DE accessioning** of Indian Pottery needs to be done

Councilman Dilcher makes the **MOTION** to accept the historical society report.  
Councilman Thompson seconded the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0

**Parks Report Don Yaxley :**

- Six people are currently on the parks committee. There may be one more interested.
- Bethany Berggren will take over as treasurer for the park committee
- Trees will be being planted in Trestle park 2025 with the help of Professor Andy Graham
- Trees were planted at Turtle park by the highway department
- All soccer and tennis nets that were at Firemans park have been taken down for the winter
- The bathrooms have all been winterized as well
- December 5<sup>th</sup> will be the next meeting held at the Byron Hotel at 7:00pm

Councilman Thompson makes the **MOTION** to accept the parks committee report  
Councilman Dilcher seconded the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0

**Fire/EMS:**

- No report

**CEO/ZEO Report-:**

-The Dollar General Store has finally put the shutters on the East side of the building. They failed miserably with their landscaping plan so I will have to address that in the spring with the new owners.

-There is an issue with two land separations that were approved last month. They were done without the knowledge of all parties that own the two properties. The county advised us that we

cannot rescind them and the matter has been turned over to the attorneys. We will change our procedure for applications to make sure this does not happen in the future. I am of the opinion that any costs associated with this be charged back to the parties who represented the applications in the first place.

| 10/01/2024 - 11/11/2024 |                           |                 |             |                 |
|-------------------------|---------------------------|-----------------|-------------|-----------------|
| Permit Type: All        |                           |                 |             |                 |
| Permit #                | Applicant                 | Parcel Location | SBL#        | Permit Type     |
| 28-24                   | Anthony Ridder            | 5629 Shelt Rd   | 2.-1-38.2   | Pole Barn       |
| 29-24                   | Donald Ruck               | 5843 Route 237  | 1.-2-4.2    | Generator       |
| 30-24                   | Lawrence Moore            | 5880 Bird Rd    | 1.-2-6.116  | Pole Barn       |
| 31-24                   | Christopher Liles         | 6417 Freeman Rd | 9.-1-10.112 | Generator       |
| 32-24                   | Louis Scafetta            | 7653 Byron Rd   | 8.-1-19.111 | Generator       |
| 33-24                   | Leslie Kuipers            | 5975 Merrill Rd | 12.-1-8.1   | Generator       |
| 34-24                   | Lawrence Moore            | 5880 Bird Rd    | 1.-2-6.116  | Pole Barn       |
| 35-24                   | Todd Novak                | 5857 Route 237  | 1.-2-4.12   | New Residential |
| 36-24                   | Alleghany Properties, LLC | 6896 Route 262  | 10.-1-27.12 | Garage          |

Councilman Knickerbocker makes the **MOTION** to accept the CEO/ZEO report  
 Councilman Thompson seconded the motion and carried the following vote:

Vote: Ayes: 4      Nays: 0

**Planning/ZBA Nathan Knickerbocker:**

- January 7<sup>th</sup> meeting will be the first meeting of the New Year
- Maps are being done through the county

Councilman Dilcher makes the **MOTION** to accept the planning board report  
 Councilman Thompson seconded the motion and carried the following vote:

Vote: Ayes: 4      Nays: 0

**Communications Committee- Ben Raccuia**

- December 9<sup>th</sup> is the next meeting to be held at the Town Hall at 6pm

Councilman Dilcher makes the **MOTION** to accept the communications report  
 Councilman Thompson seconded the motion and carried the following vote:

Vote: Ayes: 4      Nays: 0

**CERIC Report/Darla Barnm:**

-Eight residents have applied for energy grants in the community

-A new plan for Green Street Solar project is to be rolled out in January to residents

Councilman Dilcher makes the **MOTION** to accept the communications report

Councilman Knickerbocker seconded the motion and carried the following vote:

Vote: Ayes: 4      Nays: 0

**Old Business:**

-Councilman Knickerbocker reminds everyone to donate to Imagination Library

**Public Comments:**

-No Comments

**ADJOURN:**

A **motion** was made by Councilman Dilcher to adjourn the Byron Town Board meeting at 8:55 p.m. Councilman Knickerbocker seconded the motion which was carried by the following vote:

Vote: Ayes: 4      Nays: 0

Respectfully Submitted,

Kristy Murphy, Town Clerk