



Supervisor Hensel- Aye  
Councilman Klycek- Aye  
Vote: Ayes: 5 Nays: 0

**Byron-Bergen Library- Shirley Wade**

-Would like to make sure that we all know about the library and all it has to offer.

**ACCEPTANCE OF AUDIT FIRM FOR A BASIC FINANCIAL STATEMENTS, SINGLE LINE AUDIT, TOWN COURT AND TOWN CLERK FIRM**

**RESOLUTION #33**

Allied CPA's:	Basic Financial Statements	\$13,500.00
	Single Audit	\$ 3,150.00
	Town Court Records	\$ 2,500.00
	<u>Town Clerk Records</u>	<u>\$ 1,400.00</u>
	<b>TOTAL</b>	<b>\$20,550.00</b>
EFPR Group. CPA's:	Basic Financial Statements	\$21,000.00
	Single Audit, if required	\$ 5,000.00
	Justice Court	\$ 3,200.00
	<u>Town Clerk, if required</u>	<u>\$ 3,200.00</u>
	<b>TOTAL</b>	<b>\$32,400.00</b>
MMB + CO:	Regular Audit & Single Audit Not To Exceed	\$19,500.00
	Justice Audit	\$ 3,875.00
	<u>Town Clerk</u>	<u>\$ 3,950.00</u>
	<b>TOTAL</b>	<b>\$27,325.00</b>
Bonadio:	Declined to submit proposal	

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

**BE IT RESOLVED**, that the Byron Town Board hereby selects Allied CPA's to serve as the independent auditor for the Town of Byron Financial Statements required by Town Law Section 123, for the fiscal year ending 12/31/24 based on their demonstrated experience in municipal auditing, reputation, and competitive fee structure

**BE IT FURTHER RESOLVED**, The Byron Town Board authorizes the Town Supervisor to execute the necessary

Councilman Dilcher 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- Aye  
Vote: Ayes: 5 Nays: 0

**MRB ENGINEERING CONTRACT RESOLUTION #34**

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

**BE IT RESOLVED** that the Byron Town Board authorizes the Supervisor to sign the Letter of Engagement dated February 7, 2025 between the Town of Byron and MRB Group for services related to the Byron Consolidated Sewer District Improvements, Wastewater Treatment Plant Project- 2025

Councilman Knickerbocker 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-	Aye
Vote: Ayes: 5 Nays: 0	

**APPROVAL OF TERMS FOR LEGAL SERVICES RELATED TO WASTE WATER TREATMENT PLANT RESOLUTION #35**

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

**WHEREAS**, the Town of Byron is upgrading its wastewater treatment plant (WWTP); and,

**WHEREAS**, legal services related to that project are necessary; and,

**WHEREAS**, a letter of engagement outlining terms for Attorney John Sansone to provide legal services associated with this project has been submitted; and,

**WHEREAS**, the Town of Byron Board has experience with, and an on-going relationship with Attorney, and the town board believes Attorney possesses unique skill and experience related to such projects; and,

**NOW, BE IT RESOLVED**, the Town of Byron Board approves and accepts the terms of Attorney's letter of engagement, and,

**BE IT FURTHER RESOLVED**, Supervisor Hensel is authorized to execute any document necessary to engage the legal services of Attorney related to the WWTP project.

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

Councilman Thompson-	Aye
Councilman Dilcher-	Aye
Councilman Knickerbocker-	Aye
Supervisor Hensel-	Aye
Councilman Klycek-	Aye
Vote: Ayes: 5 Nays: 0	

**AMENDED ENVIRONMENTAL ASSESSMENT FORM PART 1 RESOLUTION #36**

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

**BE IT RESOLVED** that the Byron Town Board authorizes the Supervisor to sign the Amended Full Environmental Assessment Form Part 1 related to the Byron Consolidated Sewer District Improvements, Wastewater Treatment Plant Project- 2025

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-	Aye
Vote: Ayes: 5	Nays: 0

**TOWN OF BYRON WASTEWATER TREATMENT SYSTEM IMPROVEMENTS  
PROJECT-AMENDED 2025 SEQR RESOLUTION ACCEPTANCE OF AMENDED  
PROJECT AND AMENDED FULL EAF RESOLUTION # 37**

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

**WHEREAS**, the Town of Byron Town Board (hereinafter referred to as “Town Board”) previously reviewed the New York State Environmental Quality Review Act (“SEQRA”) Full Environmental Assessment Form (“EAF”) Parts 1, 2, and 3 including the supporting information on the Action prepared by the 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 previously determined that said Action is classified as a Type 1 under the State Environmental Quality Review (“SEQR”) Regulations; and

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

**WHEREAS**, the Town Board previously accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 including the supporting information on the Action prepared by the Town Engineer and made a determination of non-significance on June 20, 2023; and

**WHEREAS**, the Town Board has amended the above-mentioned project to now also include the replacement of Town-owned septic tanks throughout the Consolidated Sewer District.

**WHEREAS**, the Town Board has determined that said Amended Action is classified as a Type 1 Action under the State Environmental Quality Review (“SEQR”) Regulations; and

**WHEREAS**, the Town Board determined that said Amended Action is also subject to review by previously coordinated with involved agencies under the SEQR Regulations; and

**WHEREAS**, the Town Board determined that it is the most appropriate agency to ensure the notification of this Amended Action and provided written notifications to involved agencies, for informational purposes and making the determination of significance thereon under the SEQR Regulations.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby accept the Amended Full Environmental Assessment Form (EAF) Part 1 for the Amended Action and directs the Town Supervisor to sign and date the Amended Full EAF Part 1.

**BE IT FURTHER RESOLVED**, that the Town Engineer is directed to provide notice hereof to the involved and interested agencies of the Amended Town of Byron Wastewater Treatment System Improvements Project.

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-	Aye
Vote: Ayes: 5	Nays: 0

**MINORITY RESOLUTION #38**

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

**WHEREAS**, Potential recipients of financial assistance (Recipients) from the New York State Environmental Facilities Corporation (EFC) are required to designate a Minority Business Officer (MBO). The MBO must be an employee of the potential Recipient. The designated individual must possess the necessary operational resources and authority to effectively administer EFC's programs related to the Minority and Women-Owned Business Enterprise (MWBE), Disadvantaged Business Enterprise (DBE), Service-Disabled Veteran Owned Business Enterprise (SDVOB), and Equal Employment Opportunity (EEO) requirements.

**WHEREAS**, The MBO will be responsible for conducting good faith efforts to seek MWBE and SDVOB prime contractors, help contractors include certified MBEs, WBEs, and SDVOBs on their contracts, and monitor, track and enforce compliance with the MWBE, SDVOB, DBE and EEO requirements for the Recipient. The MBO is identified on the "MWBE/DBE/SDVOB/EEO Work Plan," an EFC form required as part of the paperwork necessary for listing a potential project on EFC's Intended Use Plan.

**THEREFORE**, Be it resolved , The Byron Town Board , hereby appoints, Byron Town Supervisor, Candace Hensel as the Towns designated MWBE officer for the EFC project no. : 6514-01-00.

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- Aye  
Vote: Ayes: 5 Nays: 0

**APPOINTING A CERTIFYING OFFICER FOR THE TOWN OF BYRON  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) WASTEWATER  
TREATMENT SYSTEM UPGRADES PROJECT RESOLUTION #39**

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

**WHEREAS**, The Town of Byron is applying for a Community Development Block Grant (CDBG) to install waste water treatment upgrades, specifically reconstruction of the central WWTP which includes a new UV Disinfection Treatment System, abandonment of the southern WWTP, installation of a pump station and force main to convey flow to the central WWTP, and the replacement of Town-owned septic tanks throughout the Consolidated Sewer District, and

**WHEREAS**, an environmental review of said projects must be completed prior to application and award, and

**WHEREAS**, a Certifying Officer must be appointed for the environmental review, and

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with the National Environmental Policy Act of 1069 (NEPA) and the related authorities listed at 24 CFR Part 58, the Town Board of the Town of Byron announces its intent to conduct an environmental review of said project, and

**BE IT FINALLY RESOLVED** that the Town Board designates *Candace Hensel, Town Supervisor* as the Certifying Officer, responsible for all activities associated with the environmental review process to be completed in conjunction with NYS CDBG projects.

Councilman Dilcher 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- Aye  
Vote: Ayes: 5 Nays: 0

0

**CDBG PUBLIC HEARING IS SCHEDULED ON MARCH 12, 2025 AT 7:00PM**

This public hearing is in regards to the Waste Water Treatment Project

**ADOPTING LOCAL LAW No. 1 OF 2025 BATTERY ENERGY STORAGE LAW  
RESOLUTION #40**

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

**WHEREAS**, Local Law No.1 of 2025 related to a Battery Storage Law was introduced on November 13, 2024; and,

**WHEREAS**, a public hearing was held on this proposed local law on December 11, 2024; and,

**WHEREAS**, said local law was referred to the county planning board for review and no recommendations being made thereon; and,

**NOW, BE IT RESOLVED**, that Local Law No. 1 of 2025 is hereby adopted and it is directed that this local law be filed with the New York Secretary of State as soon as practicable.

Supervisor Hensel 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-	Aye
Vote: Ayes: 5	Nays: 0

**EXCELSIOR ENERGY CENTER EASEMENT RESOLUTION #41**

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

**WHEREAS**, the Town of Byron owns property known as West Shore Railroad and,

**WHEREAS**, Excelsior Energy Project is requesting an easement across a portion of this Town owned property; and,

An Option and Collection easement, outlining terms for Town Attorney to provide legal advice associated with this easement has been submitted; and,

**WHEREAS**, the Town of Byron Board has reviewed said Option and Collection Agreement; and,

**NOW, BE IT RESOLVED**, the Town of Byron Board approves and accepts the terms of the Option and Collection Easement, and,

**BE IT FURTHER RESOLVED**, Supervisor Hensel is authorized to execute the Option and Collection agreement with Excelsior Energy Center.

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

Councilman Thompson-	Aye
Councilman Dilcher-	Aye
Councilman Knickerbocker-	Aye

Supervisor Hensel- Aye  
 Councilman Klycek- Aye  
 Vote: Ayes: 5 Nays: 0

**UNSAFE STRUCTURE UPDATES (6538 BYRON HOLLEY ROAD)**

-Councilman Dilcher states he was under the impression that the board had approved the removal of the structure. He would like clarification is to why we can't do it now

-Attorney Sansone states that there are several legal issues with demolishing this building right now. Since the ownership of the property is an individual not the town. He asks the question to the board, how the town can spend town money to benefit one individual.

-Long discussion had how to move forward with the property now that it is on the County's foreclosure schedule to take place in June 2025

-Councilman Dilcher will work with the town attorney on contacting the current owner and discussing the next step options.

**ABSTRACTS/VOUCHERS RESOLUTION #42**

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	# 2	# 23-44	\$48,629.01
Highway Fund	# 2	#10-19	\$10,315.51
Sewer Fund	# 2	# 3-8	\$4,576.05
Water Improv Benefit Area #1	# 2	# 2-3	\$12,561.83
General Post Audit	#1	#1-4	\$866.64
Sewer Post Audit	#1	#1-2	\$667.09
South Byron Fire Dept	#2	#1	\$150,000.00
Byron Fire Department	#2	#1	\$190,000.00

Councilman Klycek 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- Aye  
 Vote: Ayes: 5 Nays: 0



**REPORTS:**

**Highway Superintendent Report- David Leaton:**

- Councilman Klycek states that he has heard there is a shortage of salt. He asks if we have enough salt to get the town through
- Superintendent Leaton states he just ordered 300 more ton some of which has been delivered

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

Vote: Ayes: 5      Nays: 0

**Town Clerk Report-Kristy Murphy:**

- Home Town Hero Flag Project is underway. Information will be posted on the website regarding an application and instructions regarding the picture that needs to be sent in. The highway department will get them hung and the American Legion offered to store them in the winter

- Paid Ag & Market spay & neuter program..... \$45.00
- Town of Byron Supervisor ..... \$3,699.40
- State of Comptroller Games of Chance ..... \$30.00
- State Department of Health for Marriage Licenses ..... \$22.50

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

Vote: Ayes: 5      Nays: 0

**Supervisors Report- Candace Hensel:**

- Financials were reviewed

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

Vote: Ayes: 5      Nays: 0

- Supervisor Community Forum 4<sup>th</sup> Wednesday at 7pm
- Working on WWTP, Excelsior Solar and two small projects

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

Vote: Ayes: 5      Nays: 0

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

- Consolidating and organizing records
- Lowe's Hometown Grant was applied for yesterday. This would help to fund painting the exterior of the museum and building a handicap ramp if awarded.
- Storm windows or replacement windows are being looked into. Quotes have been requested for that work

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

Vote: Ayes: 5 Nays: 0

**Parks Report Bethany Berggren:**

- Three new members Kara Ivison, Nicole Kulzer and Brad Liles have been appointed to the parks committee.
- New Trestle Park Bench Plaque
- Trestle Park Riparian Restoration by Andy Graham, Suny Brockport. Planting will start in the fall of upwards of 300 trees per parcel
- Purchase approval for batteries & sim cards for the camera in Trestle Park
- Mike Merritt has also agreed to donate two more cameras to the park
- Don Yaxley said he was asked if the West Shore is considered a park. If so, there can be no fire arms/hunting along the West Shore. He is requesting an answer from the board.

Supervisor Hensel makes the **MOTION** to accept the appointments of the new park committee members, approval of the purchase of sim card, batteries the above Councilman Dilcher seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

**Fire/EMS Duane Weatherell:**

- 28 calls of service to date
- Feb 3<sup>rd</sup> Byron Fire Department and South Byron Fire Department were supposed to meet. However, there was a fire in Pembroke that prevented the meeting. Meeting will be rescheduled

Councilman Thompson makes the **MOTION** to accept the FIRE/EMS report  
Supervisor Hensel seconded the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

**CEO/ZEO Report:**

No Report

**Planning/ZBA Nathan Knickerbocker:**

- Planning board approved that there be additional requirement added to all requests to the planning board. All owners/applicants will need to be present and sign or produce a signed notarized document that they are able to act on behalf of the owner. Proof of ownership will need to be provided.
- Planning Board received a letter from a resident that was read regarding a land separation that was questioned by the Town Supervisor

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

Vote: Ayes: 5 Nays: 0

### **Sewer:**

- High level alarm#6750, Center Byron two floats were replaced
- High level alarm#6478, Freeman Rd, South Byron, replaced broken plumbing. Highway Department was very helpful with this repair
- Alarm #6441, Mill Pond Road; AD Call had to pump the tank due to a blockage in the home. The plumber was able to push out the blockage

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

Vote: Ayes: 5      Nays: 0

### **New Business:**

#### **Resident Request Letter Regarding Aged Exemption Sliding Scale be reviewed**

- All Owners Must Be At Least Age 65
- Annual (Gross) Income of All Owners Including Spouse Is As Follows:
- Town Income Limit Is \$24,900
- County Income Limit Is \$32,200

### **Newsletter**

- Phil Berggren and Don Yaxley offering assistance with recreating the town newsletter.

### **Agenda**

- Supervisor Hensel would like the board to consider putting a procedure in place regarding the agenda for meetings and the timing of finalization. She states a timeline will help with the last minute add on topics. Discussion had if there was a policy needed or not. No policy was created at this time.

### **PUBLIC COMMENTS:**

- Councilman Knickerbocker stated that there is a Go Fund me page to help Conte Auto in Bergen that recently had a fire to their business
- Councilman Thompson wants to congratulate our the Byron Bergen Boys Wrestling Sectional win. Two of the boys are our court clerk's sons.
- Councilman Klycek read a citizen's letter that was sent to the board regarding concern of censorship in the Town of Byron. This concern was pertaining to the planning board meeting not being available online at the request of the person whom paid/donated to have that meeting recorded
- Shirley Wade wants a newsletter
- Resident speaks to the Pumpkin Hill unsafe structure demanding something needs to be done. Long discussion had regarding what is the next step.
- Steve Hahn easement through railroad people are allowed to hunt you have no say
- Barbie Starowitz look at what the town did in South Byron with the unsafe structure

**ADJOURN:**

A **MOTION** was made by Councilman Dilcher to adjourn the Byron Town Board meeting at 8:53pm. Councilman Thompson seconded the motion which was carried by the following vote:

Councilman Klycek-  
Councilman Thompson-  
Councilman Dilcher-  
Councilman Knickerbocker-  
Supervisor Hensel-

Vote: Ayes:                      Nays:

Respectfully Submitted,

Kristy Murphy, Town Clerk