

TOWN OF BYRON PUBLIC HEARING AND TOWN BOARD MEETING

July 9, 2025

The Byron Town Board Meeting was called to order by Supervisor Candace Hensel at the Byron Town Hall at 6:30 p.m. with the following people present:

Supervisor.....	Candace Hensel
Councilman.....	Jeff Thompson
Councilman.....	Martin Dilcher
Councilman.....	Fred Klycek
Councilman.....	Brandon Mason
Highway Superintendent.....	David Leaton
Town Clerk.....	Kristy Murphy
Invited Guests	John Sansone, Town Attorney

PUBLIC: Barbie Starowitz Lori Ivison Eric Richenberg Laura Platt
Shannon Thompson Vic DiGregorio Rob Palmer Camryn Brookhart Mickey Truax
Anthony Nicolucci, Jr.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Supervisor Hensel.

PUBLIC HEARING REGARDING THE INTENT TO APPLY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR THE WASTE WATER TREATMENT PLANT

A **MOTION** was made by Councilman Klycek to open the public hearing at 6:30 pm regarding the Community Development Block Grant (CDBG) funding for the Waste Water Treatment Plant

Councilman Dilcher seconded the motion and carried the following polled vote:

Councilman Thompson-	Absent
Councilman Dilcher-	Aye
Supervisor Hensel-	Aye
Councilman Klycek-	Aye
Councilman Mason-	Aye
Vote: Ayes: 4	Nays: 0 Absent: 1

Town of Byron Town Board will hold a public hearing on Wednesday July 9, 2025 at 6:30pm at the Byron Town Hall 7028 Byron Holley Road, Byron NY 14422 for the purpose of hearing public comments on the Town of Byron community development needs, and to discuss the possible

submission of one or more Community Development Block Grant (CDBG) applications for the 2025 program year. The CDBG program is administered by the New York State Office of Community Renewal (OCR) and will make available to eligible local governments 20 million for the 2025 program year for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefiting low/moderate income persons. Town of Byron is applying for up to \$2,000,000 in CDBG funds to do Wastewater Treatment Plant Improvements. The hearing will provide further information about the CDBG program, including progress towards beneficiary goals and program objectives, and will allow for citizen participation in the development of any proposed grant applications and/or provide technical assistance to develop alternate proposals. Comments on the CDBG program or proposed project(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

The location of hearing is accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact Clerk of the board at 585-548-7123 at least three days in advance of the hearing date to allow for necessary arrangements. Written comments may also be submitted by email to townclerk@byronny.com July 11, 2025

Public Comments:

-Barbie Starowitz is only member of the public at the meeting. She stated trying to get a grant is a great thing other towns have gotten them so why not try.

A **MOTION** was made by Councilman Klycek to close the public hearing at 6:37 pm regarding the intent to apply for Community Development Block Grant (CDBG) Funding for the Waste Water Treatment Plant

Councilman Dilcher seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

APPROVAL OF MINUTES:

A **MOTION** was made by Councilman Klycek to approve the minutes from June 11, 2025.

Councilman Dilcher seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

A **MOTION** was made by Councilman Dilcher to approve the minutes from June 18, 2025.

Councilman Klycek seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

ABSTRACTS/VOUCHERS RESOLUTION #25-55

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	#7	#139 - #156	\$33,891.33
Highway Fund	#7	#61 - #68	\$13,878.59
Sewer Fund	#7	#40 - #44	\$16,892.07
Sewer Capital Fund	#7	#9 - #11	\$28,034.30
Water Improvement Benefit #1	#7	#10	\$18,187.13
General Post Audit	#6	#30 - #35	\$1,376.06
Sewer Post Audit	#6	#12 - #13	\$627.81

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

Councilman Thompson- Aye

Councilman Dilcher- Aye

Supervisor Hensel- Aye

Councilman Klycek- Aye

Councilman Mason- Aye

Vote: Ayes: 5 Nays: 0

WASTE WATER TREATMENT PLANT GRANT ITEM RESOLUTIONS:

RESOLUTION #25-56

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

TOWN OF BYRON BOARD RESOLUTION NO. 25-56 OF 2025

AUTHORIZING THE TRANSFER OF FUNDS FROM THE SEWER FUND CAPITAL RESERVE FUND TO THE INTERFUND TRANSFER LINE AND SUBSEQUENTLY TO THE WASTEWATER TREATMENT PLANT CAPITAL FUND, SUBJECT TO PERMISSIVE REFERENDUM

WHEREAS, the Town of Byron maintains a Sewer Fund Capital Reserve for the purpose of financing capital improvements related to the Town's sewer infrastructure; and

WHEREAS, the Town Board has determined it is in the best interest of the Town to transfer Five Hundred Ninety-Nine Thousand Four Hundred Seventy-Five Dollars (\$599,475.00) from the Sewer Fund Capital Reserve to the Interfund Transfer budget expenditure line; and

WHEREAS, the funds so transferred will be subsequently transferred to the Wastewater Treatment Plant Capital Fund to be used for capital needs related to the Town's wastewater treatment plant improvement project; and

WHEREAS, the proposed transfer is subject to a permissive referendum pursuant to Section 6-c of the General Municipal Law of the State of New York;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Byron, Genesee County, New York, as follows:

1. The Town Board hereby authorizes the transfer of Five Hundred Ninety-Nine Thousand Four Hundred Seventy-Five Dollars (\$599,475.00) from the Sewer Fund Capital Reserve Fund to the Interfund Transfer budget expenditure line.
2. The Town Board further authorizes the subsequent transfer of the same amount from the Interfund Transfer line to the Wastewater Treatment Plant Capital Fund.
3. This resolution is adopted subject to a permissive referendum, as provided in Section 6-c of the General Municipal Law.
4. The Town Clerk is hereby directed to publish and post the required notice of this resolution in accordance with Article 7 of the Town Law of the State of New York.

RESOLVED, this resolution shall take effect thirty (30) days after its adoption unless a petition is duly filed requesting that it be submitted to the voters of the Town in accordance with Section 91 of the Town Law.

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

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

TOWN OF BYRON FAIR HOUSING

- Councilman Thompson asked which grant this was required for
- Supervisor Hensel states it is required for the CDBG grant that the public hearing was for tonight. She states that she could be named as the Fair Housing Officer if the board chooses to until the end of the year
- Councilman Thompson asks Supervisor Hensel if this was to do with the letter that she sent to the governor declaring Byron a pro housing community
- Supervisor Hensel states yes, it is the same grant
- Councilman Thompson asks the supervisor why she would send that in without the board's knowledge. He states sending that in was speaking on behalf of the whole town
- Supervisor Hensel states it's a letter of intent, that's all it is
- Lengthy discussion had regarding what is and is not required for the CDBG grant
- Councilman Klycek read the following proposed resolution aloud so people would understand what this resolution entails. He was not offering this as a resolution:

TOWN OF BYRON FAIR HOUSING PROPOSED RESOLUTION

WHEREAS, all persons are afforded a right to full and equal housing opportunities in the neighborhood of their choice; and

WHEREAS, the Town of Byron (Town) will implement programs to ensure equal opportunity in housing for all persons regardless of race, color, sex, national origin, religion, familial status, disability, age, sexual orientation, gender identity, marital status, and use of service or support animals; and

WHEREAS, the Town has determined the need for a Fair Housing Officer to represent the Town to implement the Fair Housing programs; and

NOW, THEREFORE BE IT RESOLVED, that the Town declares the _____ as the Fair Housing Officer for the Town to be the primary point of contact for all Fair Housing issues; and

BE IT FURTHER RESOLVED, that within the available resources, the Town will assist all persons who feel they have been discriminated against because of race, color, sex, national origin, religion, familial status, disability, age, sexual orientation, gender identity, marital status, and use of service or support animals to seek equity under federal and state laws; and

BE IT FURTHER RESOLVED, that the Town shall make publicly known this Resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Act and any state or local laws or ordinances; and

BE IT FURTHER RESOLVED, that the Town will further this action, including but not limited to the following:

- Conduct at least one fair housing activity per year to better inform citizens of their rights under the Fair Housing Law;
- Display Fair Housing posters at conspicuous and appropriate locations;
- Display Fair Housing pamphlets and information at conspicuous and appropriate locations;
- Develop and implement a Fair Housing page on their municipal website;
- Develop a marketing plan to send out Fair Housing information at least yearly to water customers;
- Declare April "Fair Housing Month"

BE IT FURTHER RESOLVED, the Town will promote Fair Housing education with elected officials of the Town as well as developers, financial institutions, real estate professionals and residents of the community.

-Councilman Klycek states this resolution as it stands says a lot more than appointing a fair housing officer.

-No action was taken on this Fair Housing Officer Resolution at this time

MONROE COUNTY WATER AUTHORITY EASEMENT RESOLUTIONS:

RESOLUTION #25-57

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

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

WHEREAS, The Monroe County Water Authority ("Authority") intends to provide public water service to 6951 North Bergen 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 6951 North Bergen Road (Tax Acct. No. 12.0-1-3.2), which is owned by Ludwig Family Irrevocable Trust; 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 6951 North Bergen Road in accordance with §1096(6-a) of the New York 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 polled vote:

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

RESOLUTION #25-58

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

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

WHEREAS, The Monroe County Water Authority ("Authority") intends to provide public water service to 0 Tripp 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 0 Tripp Road (Tax Acct. No. 10.0-1-31), which is owned by Cole E. Carlson and Taylor L. Schofield; 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 0 Tripp Road in accordance with §1096(6-a) of the New York Public Authorities Law and be it further

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

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

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

SHORT TERM RENTAL MORATORIUM LOCAL LAW:

- Brief discussion had
- Per the town attorney he feels that within the next month the planning board should have the zoning prepared for short term rentals
- The decision was made to allow the planning board to present the zoning to the board before committing to them

REPORTS:

Highway Superintendent Report- David Leaton:

- The guys have been working out town a lot
- Shelt Road was paved and then we are moving on to the driveways
- Councilman Thompson thanked the highway department for shimming swamp road it is much better

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

Vote: Ayes: 5 Nays: 0

Town Clerk Report-Kristy Murphy:

-Town of Byron Supervisor \$2,940.76
-Parks Committee (Town of Byron Supervisor) \$50.00
-Paid Ag & Market spay & neuter program..... \$54.00
-DEC \$47.24
-State Department of Health \$90.00

-Town Clerk received three quotes for new software regarding sewer billing
a. Edmunds Gov. Tech (what is used currently)-One year investment- \$6,100.00
Annual Cost- \$2,100.00
b. Williamson Law Book Company- One year investment- \$8,325.00
Annual Cost- \$2,000.00
c. Williamson Law Book Company- Cloud Version- One year investment- \$2025.00
Annual Cost- \$1085.00

-Town Clerk states though Williamson Cloud version is cheaper, when town clerk contacted Williamson wanting clarification on what the system offers and what is included in that cost (training, history input, backups, reports etc..) no response has been received back to date
-Town clerk also reached out to a couple villages in Genesee and Orleans county. One village uses Edmunds and is happy with the upgraded program. One village has a cloud based account with another company and states it works but the customer service is based overseas and is not helpful when support is needed. The other village does have an agreement with another town/village it works but the village still needs an accounting program to input payment and financial information for their records
-The town clerk would like approval to sign the agreement with Edmunds Gov. Tech for the sewer billing program moving into 2026. If Edmunds is the route the town goes the deadline to confirm that is August 1st to ensure a smooth transition into 2026
-Town clerk states staying with Edmunds makes sense because having access to the history of the accounts is an added benefit as well as the program having the capability to grow with our needs

Councilman Thompson makes the **MOTION** to allow the town clerk to sign the agreement to upgrade the current system with Edmunds Gov. Tech for sewer billing services for the Town of Byron

Councilman Dilcher seconds the **MOTION** and carried the following vote:

Vote: Ayes: 4 Nays: 1

-Byron Summer Recreation began on June 30th. Currently, the town employs one recreation leader and one recreation aide daily. There is also an alternate aide available for employee time off and field trips for extra supervision but that is all his schedule allows.
-Genesee County Job Development has the ability to hire two teenagers if they are suited for the program and the county pays them to work. Unfortunately, the teen that applied, his family makes just over the limit therefore they will not hire him.
-The town clerk is requesting the board give permission to hire this individual as an additional

recreation aide and back date his employment to the start of the program June 30, 2025 thru the program end.

-The town clerk states that the head count since the program started last week has been on average between 25-30 kids attending daily. The clerk states that the ability to hire another aide will help keep order and supervision in the program.

Councilman Dilcher makes the **MOTION** to appoint Carson Wells as a recreation aide to the Byron Summer Recreation Program. Also to appoint Michelle Seward as recreation leader and Roman Smith and Jacob Seward as recreation aides as of June 30, 2025.

Councilman Thompson seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

Supervisors Report- Candace Hensel:

-Financials were reviewed

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

Vote: Ayes: 5 Nays: 0

-Budget requests were sent out this week and need to be back to the supervisor no later than August 20, 2025. Supervisor has an appointment with the accountants on August 25th at 10:00am

-CFA applications are due at the end of the month. Two grants will be applied for in regards to assist in funding totaling approximately nine million dollars

-NYSERDA grant acceptance from last October needs to be finalized and accepted in order to utilize the funds that were approved. Supervisor asks the board how they would like to proceed with that \$10,000.00 grant that was offered. The grant needs to be used on something that falls into that category example electric hedge trimmer. Supervisor Hensel asks if the board wants her to draft the application again

-Councilman Thompson asks if this is the grant that the contract was poorly written that the board was given to sign

-Supervisor Hensel states that was not the final contract she gave them to review

-Councilman Thompson asked if it wasn't the final contract then why was it presented. He states that before preceding the board needs to review the final contract

-Councilman Klycek and Councilman Dilcher both agree in order to approve they need to review the final contract

-Update on Pumpkin Hill the county is working with an attorney through the foreclosure process and the county will contact the town with a status

-Excelsior complaints have lightened up. The complaint form and protocol are on the website. The supervisor states if there is a safety concern please let her, the highway superintendent or the town clerk know. The roads are the responsibility of the developer to reconstruct at the end of the

project. Supervisor urges people looking for information about the project to go to the DPS website for all the information regarding article 10 and its processes.

-Land Alliance conference was last month. Information was given to the town board to look at. She states that because of the transmissions lines that is why Byron has been targeted for solar projects. New York State is expediting the process to get these solar projects approved. She has reached out to legal people because she feels our zoning laws need to be looked at again by a specialized solar attorney

- She scheduled the speaker from the land alliance conference from NYSERDA to speak at her public forum on July 23, 2025 at 7:00pm. She is requesting that her forum be made into a public meeting so all board members can attend.

Councilman Thompson makes the **MOTION** to schedule a public meeting presented by NYSERDA on July 23, 2025 at 7:00pm.

Councilman Mason seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

-The supervisor states she has requested our attorney to draft a resolution prepared to appointment a solar attorney

-Councilman Mason asks John Sansone his opinion on the need for hiring a special solar attorney. He asks him if he thought he could write strong enough language in our current solar zoning laws

-Town attorney stated the supervisor reached out to him as she has concerns in something in the "works" at the state level that could possibly affect the Town of Byron. He states to ask him to protect the town from an unknown entity is an impossible task that no one can do. He states that public utilities law is very specialized and a small number of attorneys work in that field "effectively". He states not knowing what's coming down the road he does not want to handle that. He recommended possibly a project manager whom has works in that field if the town feels that is needed. He states the supervisor has been consistent in wanting a solar attorney. John Sansone states he is not against hiring a solar attorney if the town board wants to do that. However, he states those services are going to be extremely expensive.

-Councilman Mason states that is his concern that it is a money game with no greater protection for the town if we are in fact a moving target

-Supervisor Hensel agrees and states if the transmission lines were not here through the town we wouldn't be having this conversation

-The town has received the payment for the easement in the amount of \$50,000.00

Councilman Dilcher 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:

-Stafford Painting completed

Supervisor Hensel makes the **MOTION** to accept the Historical Society report.

Councilman Thompson seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Parks Report:

- The July meeting was cancelled due to the holiday
- Cameras were placed in the Terry Street parking lot and in Trestle Park.

Councilman Dilcher makes the **MOTION** to accept the Parks Committee report.

Councilman Thompson seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

CEO/ZEO Report:

Permit #	Permit Type	Issue Date	Status	Identifier	Location ...	Street #	Address	Contact
24-25	OP. Pyrotechnic Devices	7/2/2025	Open	7-1-53.1		6749	Route 262	Michael P Curran
25-25	building	7/2/2025	Open	1-2-25		5882	Bird Rd	Funnelite Hall Holdings, LLC
22-25	Pole Barn	6/24/2025	Open	1-2-8.2		5884	Merrill Rd	Frank J Arena
23-25	building	6/24/2025	Open	11-2-46.21		6750	Hessenth...	Keith A Carlson
21-25	building	6/6/2025	Open	8-1-34.2		5833	Walkers ...	John F Redick

Town of Byron

Open Projects Report

06/01/2025 - 07/07/2025

For Project Type: < All >

Project Identifier	Applicant	Parcel Location	Project Type	Aj
PBA-2025-074	Steven Hohn	7097 Tripp Rd	Land Separations	
seperate farmhouse and outbuildings from parcel				

I have completed 3 more hours of required training via MRB monthly presentations and a Webex training online.

-CEO received a call from a resident July 8th regarding the grange building owned by Christine Roberts 6538 Byron Holley Road has had the back half of the roof collapse in due to the heavy rain and winds lately. This building is Un-safe and evidently the county is planning on auctioning it off in August. Essentially placing the burden on a potential new owner. We have known about this for over a year and it just keeps getting worse.

-The town clerk called the county to check if there had been any tax payments made to date or was the property going into foreclosure. The county stated no payments had been made and the Auction would be going through Bontrager's Auction Group around August 1, 2025

Councilman Klycek makes the **MOTION** to accept the CEO/ZEO report

Councilman Dilcher seconded the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Sewer Report:

-The collapsed septic tanks were replaced by Barefoot Septic. One on Mechanic Street and one

in the trailer park

-Responded to several stakeouts

-The enclosure that holds the flow meter fell off at North Byron pump station. It is being replaced

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

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

-Councilman Klycek stated around the time of the primary he was talking with people around town. Someone said to him that they heard "the good old boys club meets before the board meeting and makes the decisions ahead of time" He stated that the previous town attorney warned the town board that no more than two board members could be in the room approving vouchers because it could be construed as having a quorum. Now each board member comes in and signs bills separately. He assures everyone he has never meant with board members to decide business that is going to be held at these meetings. He states that whoever is under that impression is simply wrong and that statement is not true.

-Councilman Dilcher states that he agrees with Councilman Klycek meeting before the meeting does not happen

- Anthony Nicolucci, Jr. states he emailed each member of the town board pictures of the the grange building. He asks what each town member has to say about the pictures that were sent. He wants to know when enough is enough. He states he doesn't care about the budget something needs to be done

-Eric Richenberg asks if the town should send out letters to each sewer district resident verifying that each resident is paying for the correct number of units as well as the new system the town is looking to put in will continue to be able to keep up with the district's needs.

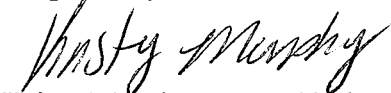
-Supervisor Hensel states that she is under the impression that the proposed sewer system will be able to grow with the needs of the district

ADJOURN:

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

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,



Kristy Murphy, Town Clerk