

TOWN OF BYRON BOARD MEETING

April 9, 2025

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

Supervisor.....	Candace Hensel
Councilman.....	Jeff Thompson
Councilman.....	Martin Dilcher
Councilman.....	Fred Klycek
Councilman Knickerbocker.....	Absent
Highway Superintendent.....	David Leaton
Town Clerk.....	Kristy Murphy
Invited Guests	John Sansone, Town Attorney Mark Baily, MRB Jay Grasso, G&G Consulting

Public: Barbie Starowitz Steve Hohn James Lamkin Reggie Macdonald
Theresa Hammer Don Yaxley Bethany Berggren Bill Stevens
Vic Di Gregerio Dwane Weatherall Laura Platt

Pledge of Allegiance:

The pledge of allegiance was led by Supervisor Hensel.

Approval of Minutes:

A **motion** was made by Councilman Dilcher to approve the minutes from March 12, 2025. Councilman Thompson seconds the motion and carried the following polled vote:

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

GRANT WRITING SERVICES PRESENTATION:

Jay Grasso discussed multiple options for different grant options the town could apply for if they saw fit.

**WASTE WATER TREATMENT SYSTEM IMPROVEMENTS PROJECT AMENDED
2025 RESOLUTION #25-46**

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

WHEREAS, the Town of Byron Town Board (hereinafter referred to as "Town Board") previously reviewed and completed the Full Environmental Assessment Form for the Town of Byron Wastewater Treatment System Improvements Project on May 10, 2023 determined the Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has amended the project to now also include the replacement of Town-owned septic tanks throughout the Consolidated Sewer District; and

WHEREAS, the Town Board has reviewed and accepted the completed Amended Full Environmental Assessment Form Part 1 for the Action prepared by the MRB Group (hereinafter referred to as "Town Engineer"); and

WHEREAS, the Town Board previously sent out lead agency coordination materials to involved and interested agencies on May 11, 2023 and designated themselves the lead agency on June 14, 2023; and

WHEREAS, the Town Board after reviewing and completing the Full Environmental Assessment Form Part 1 has not identified any new involved or interested agencies as a result of the amended project; and

WHEREAS, the Town Board has notified all identified involved and interested agencies of the project changes as described; and

WHEREAS, the Town Board has reviewed and accepted the completed Amended Full Environmental Assessment Form Parts 2, and 3 including the supporting information on the Action prepared by the Town Engineer; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3 and Supporting Information; and

NOW THEREFORE BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Amended Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Town Board does hereby make a determination of non-significance on said action, and the Town Supervisor is hereby directed to sign the Amended Full Environmental Assessment Form (EAF) Part 3, the Negative Declaration, as evidence of the Town Board determination of environmental non-significance.

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

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

Vote: Ayes: 4 Nays: 0 Absent: 1

UNSAFE STRUCTURE UPDATES (6538 BYRON HOLLEY ROAD) UPDATE:

- Long discussion had regarding the property
- The resolution made November 13, 2024 will be rescinded

- The property is in the process of foreclosure.
- Auction is due to take place in approximately June 2025
- Jim Lamkin asked the question why the town is not pursuing the owner and serving the owner with a citation of some kind to take care of the property rather than the town taking on the burden.
- Supervisor Hensel stated the town was following the legal advice of the attorney.
- A virtual meeting summary will be supplied in regards to the meeting that was held with the county and town

RESOLUTION TO RECIND RESOLUTION #105 AUTHORIZING DEMOLITION AT 6538 BYRON-HOLLEY ROAD #25-47

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

Resolution #105 made on November 13, 2024 that authorized the town of Byron to perform demolition of a structure at 6358 Byron Holey Road and to apply cost the cost of demolition as a tax levy

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

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

EXCELSIOR SOLAR UPDATE:

- The town website has been updated with current information including the complaint process
- Questions that were asked at the Supervisors forum meeting are in the process of being answered.
- Hydrant map has been requested. Monroe County Water is working on that
- Local 435 & 158 operators are accepting applications to work on the project

SENIOR EXEMPTION AMENDMENT TO 2003 RESOLUTION #25-48:

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

Whereas, Section 467 of NYS Real Property Law gives local governments the option of granting a reduction on the amount of taxes paid by qualifying senior citizens, and

Whereas, the Town of Byron adopted this exemption in 2003 to benefit qualifying senior citizens and,

Whereas, to keep pace with the increases in social security income and to assist senior citizens with limited incomes to afford staying in their homes, Genesee County Director of Real Property Tax Services recommended amendments to the sliding scale income amounts for this exemption and was approved by Genesee County legislature to take effect March 1, 2024

Whereas, The Byron Town Board has reviewed this scale and concurs with this action by Genesee County,

Resolved, The Byron Town Board adopts the Over Age 65 Sliding Scale Tax Exemption as follows:

<u>Household Income</u>	<u>Tax Exemption Percentage</u>
Less than \$28,000.00 \$23,800.00 (typo correction made 10/8/25)	50%
Equal or more than: \$23,800.00 but less than \$24,800.00	45%
\$24,800.00 but less than \$25,800.00	40%
\$25,800.00 but less than \$26,800.00	35%
\$26,800.00 but less than \$27,700.00	30%
\$27,700.00 but less than \$28,600.00	25%
\$28,600.00 but less than \$29,500.00	20%
\$29,500.00 but less than \$30,400.00	15%
\$30,400.00 but less than \$31,300.00	10%
\$31,300.00 but less than \$32,200.00	5%

Be it further Resolved, this action shall take effect May 1, 2025

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

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

ABSTRACTS/VOUCHERS RESOLUTION #25-49

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	# 4	#70 - #88	\$24,567.68
Highway Fund	# 4	#29 - #41	\$24,142.02
Sewer Fund	# 4	#14 - #18	\$5,143.68
Sewer Capital Fund	#1	#1 - #4	\$28,454.69
Water Improv Benefit Area #1	# 4	#5 - #6	\$654.39
General Post Audit	#3	#13 - #17	\$1,077.27

\$780.37

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

Vote: Ayes: 4 Nays: 0 Absent: 1

- Road/Tree cleanup being done
- Salt is planned for delivery tomorrow

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

Vote: Ayes: 4 Nays: 0 Absent: 1

- Paid Ag & Market spay & neuter program..... \$35.00
- Town of Byron Supervisor \$3,230.50
- Home Town Flags are in the process of being proofed. Sponsors will be notified once they become available
- Tax season is complete. Everything has been turned over to the county and balanced to the penny

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

Vote: Ayes: 4 Nays: 0 Absent: 1

-Financials were reviewed

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

Vote: Ayes: 4 Nays: 0 Absent: 1

- Insurance information was received from the two fire companies
- Congressional letter supporting the funding of the county water infrastructure project were sent
- Rob Richardson of the GFLRPC has been contacted to request a change of use for the \$10,000.00 grant not utilized from NYSERTA
- FEMA Flood maps are posted on the town website

- Town applied for and was awarded \$5000.00 in grant writing assistance again
- GCC is offering training for continuing education for code enforcement, planning board and attorneys
- Auditors have completed the justice audit it has been forwarded to the board for their review
- Charter Communications service updates are available on the bulletin board at the town hall
- NYAOT Finance School 4/22- 4/24 classes are being offered now. The supervisor would like to see that added in next year's budget to go
- Annual ARPA reporting is complete

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

Vote: Ayes: 4 Nays: 0 Absent: 1

Historical Society/Museum Report Don Yaxley:

- The spring dinner is Tuesday May 6, 2025 at 6:00pm. It will be held at the Byron Presbyterian Church. Dinner by Laura Platt \$18.00 dinner, basket auction and 50/50 raffle. Lynn Belluscio will be the guest speaker. Reservations are requested.
- Three quotes were received for painting the museum. Price and scope of the work were all taken into consideration when choosing the company.

HISTORICAL SOCIETY PAINTING RESOLUTION # 25-50:

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

WHEREAS, the Byron Historical Society has been charged with the oversight and maintenance of the Town of Byron Museum, owned by the Town of Byron,

WHEREAS, the Byron Historical Society has inspected and concluded that the Town of Byron Museum needs exterior maintenance and painting, and

WHEREAS, the funds have been appropriated in the Town budget for this project, and

WHEREAS, the Byron Historical Society has followed the Town Procurement Policy in assessing the quotes of services and deliverables for the project,

THEREFORE, BE IT RESOLVED, that the Byron Town Board approves retaining the services of Stafford Painters to complete the project scope of work, with oversight of the project by the Byron Historical Society. This project cost is not to exceed \$10,850.00 as quoted by Stafford Painters.

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

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

Vote: Ayes: 4 Nays: 0 Absent: 1

Parks Report Bethany Berggren:

- Gate Keeper position was posted and the information can be found on the town website. Applicants need apply by April 28, 2025
- Port-a-John Bids have been sent out by April 28, 2025
- Parks cleanup day will be April 26th from 12pm-3pm at Fireman Park. Rain date will be May 3rd. Looking for volunteers.
- Facebook page started "Parks of Byron", there is a link on the town website
- Grants have been applied for waiting for response
- Is there anything more to be done in regards to documenting grant/fund raising money received by the parks committee

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

Vote: Ayes: 4 Nays: 0 Absent: 1

Fire/EMS:

South Byron: Reggie Macdonald:

- 7 Calls in March
- 24 calls were covered members
- 15 man hours
- 55 man hours of training

Byron Dwane Weatherell:

- 62 Calls in March
- 160 man hours of training
- Quotes received for building upgrades

Councilman Thompson asks both departments how the meetings are going regarding the merge.
Cheif Weatherell states a presentation is hopeful to take place in June 2025 in regards to what the merge will look like

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

Vote: Ayes: 4 Nays: 0 Absent: 1

CEO/ZEO Report:

Town of Byron

Permit Report By Type

03/01/2025 - 04/08/2025

Permit Type: All

Permit Type: Permit #	Applicant	Location	SBL#	Issued
building				
02-25	Steven Dow	6561 Transit Rd	4.-1-1.2	03/11/2025
03-25	Michael Johnston	6398 Route 262	7.-1-43	03/25/2025
04-25	Carolyn Kessler	5789 Walkers Corners Rd	8.-1-30.2	03/25/2025
06-25	Byron Mobile Home Park, LLC	6469 Swamp Rd	5.-1-24	04/02/2025
				building Total: —
				Amount Totals: —
Generator				
05-25	Nancy Shellenberger	6518 Gillett Rd	9.-1-4.11	03/25/2025

Town of Byron

Complaint By Date

3/8/2025 - 4/8/2025

Complaint #	Location	Identifier	Complaint Type	Status	Owner
Open Date: 04/02/25					
C03-25	6966 Route 237	7.-1-16.22	Property Maintenance	Open	Chana Kreutz

Town of Byron

Open Projects Report

03/01/2025 - 04/30/2025

For Project Type: < All >

Project Identifier	Applicant	Parcel Location	Project Type	Application Date
PBA-2025-073	Lea-View Farms, Inc.	6959 Byron Rd	Land Separations	03/05/2025
70 acre lot being seperated into Lot1 34 acres and Lot 2 36 acres				

- I have attended another flood plain maps meeting.
- I sat in on a WebEx meeting for Blue Wave solar project
- I have signed up for a class for planning and zoning issues being held at GCC. The fee is \$60
- At the planning board meeting this month, there was discussion about some things that should be added to our zoning. Parking and storage of commercial/construction vehicles and the use of tractor trailer bodies for storage.
- Also, with the shortage on housing in the county a question arose regarding Air bnb. Currently we have no language in our zoning to address them and it may be a good time to think about adding some.

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 Absent: 1

Sewer:

- 3/10/25 High level alarm on Mill Pond Road, Replaced a float bracket
- 3/12/25 Pulled a new float and pump wire through to a panel box on Mill Pond Road
- 3/20/25 Sampled all three filter beds

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

Vote: Ayes: 4 Nays: 0 Absent: 1

New Business:

- Councilman Thompson asked if the planning board is going to be looking into Air Bnb zoning should the board make a moratorium regarding short term rentals now.
- A brief discussion was had regarding short term rentals

PUBLIC COMMENTS:

- Theresa Hammer- states that South Byron Sportsman Raffle was successful. Thank you goes out to Michelle Weatherell and some other Byron Fire department members who came out to help with the raffle. South Byron has also finally received the \$100,000.00 grant that they have been working on since 2017. Truck 86 is now paid in full
- Barbie Starowitz makes a comment on the moratorium regarding air bnb's. She states it doesn't make sense to do that. There are plenty of rentals all through Batavia and Genesee County. She states why not keep the money in the town instead of hotels.

Councilman Klycek makes the **MOTION** to set a public hearing on a local law to impose a moratorium on any new short term rental on any property within the town of Byron. Councilman Dilcher seconded the motion and carried the following vote:

Councilman Thompson-	Aye
Councilman Dilcher-	Aye
Councilman Knickerbocker-	Absent
Supervisor Hensel-	Recuse
Councilman Klycek-	Aye
Vote: Ayes: 3 Nays: 0 Absent: 1 Recuse: 1	

Public hearing date and time was discussed. Hearing scheduled for Wednesday, May 14, 2025 at 6:30pm.

ADJOURN:

A **MOTION** was made by Councilman Dilcher to adjourn the Byron Town Board meeting at 8:32pm. Councilman Thompson seconded the motion which was carried by the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

Respectfully Submitted,



Kristy Murphy, Town Clerk