

TOWN OF BYRON BOARD MEETING

November 12, 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	Brandon Mason
Highway Superintendent.....	David Leaton
Town Clerk.....	Kristy Murphy
Invited Guests	John Sansone, Town Attorney

PUBLIC: Steve Hohn Jim Lamkin Vic De Gregorio Dean Ivison Barbie Starowitz
Michelle Weatherell Dwane Weatherell

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 October 8, 2025 and October 22, 2025.

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

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

ABSTRACTS/VOUCHERS RESOLUTION #25-74

Councilman Thompson 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	#218 - #235	\$19,905.20

Highway Fund	#11	#109 - #121	\$88,561.58
Sewer Fund	#11	#58 - #60	\$ 4,191.24
Water Improvement Benefit #1	#11	#15 - #16	\$ 1,277.42
Sewer Capital Fund	#11	#18	\$25,077.80
General Post Audit	#10	#55 - #62	\$ 1,563.34
Sewer Post Audit	#10	#22 - #23	\$ 550.04

Councilman Klycek seconded the amended abstracts and vouchers 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

NYS DOT 2025/2026 SUPPLEMENTAL AGREEMENT & ADJUSTMENTS FOR SNOW AND ICE AGREEMENT RESOLUTION #25-75

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

WHEREAS, the present New York State DOT Snow and Ice Agreement needs to be adjusted based on new calculations; **NOW THEREFORE**,

BE IT RESOLVED, that the Town of Byron approves the 2025-2026 Supplemental Agreement & Adjustments to the Snow and Ice Agreement- #5, Contract D014872 between The New York State Department of Transportation (NYSDOT) and the Town of Byron for snow and ice control;

BE IT FURTHER RESOLVED, that the Town Board of the Town of Byron hereby authorizes the Highway Superintendent to sign any paperwork between the New York State Department of Transportation and the Town of Byron regarding this agreement

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

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

**DELINQUENT WATER BILLS TO BE LEVIED AGAINST 2026 TAX WARRANT
TOWN OF BATAVIA RESOLUTION #25-76**

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

**AUTHORIZE DELINQUENT WATER BILLS TO BE LEVIED AGAINST
2026 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 \$343.22 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2026 tax warrant.

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

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

**DELINQUENT WATER DEBT LEVIED ON TAXES OWN OF ELBA RESOLUTION
#25-77**

Councilman Klycek 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 \$711.97 for the year 2025 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 2025, 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 Dilcher seconded the resolution which was adopted by the following vote:

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

SEWER RELEVY RESOLUTION #25-78

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 \$49,787.75 (Forty Nine Thousand Seven Hundred Eighty Seven Dollars and Seventy- Five Cents) onto the 2026 Town/County Tax Bill.

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

Councilman Thompson-	Aye
Councilman Dilcher-	Aye
Councilman Mason-	Aye

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

APPROVAL OF OFFICIAL UNDERTAKING FOR TAX COLLECTOR RESOLUTION #25-79

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

SUPPORT OF CONGRESSMAN NICK LANGWORTHY'S ENERGY CHOICE ACT (H.R. 3699, S. 1945) AND IN OPPOSITION TO GOVERNMENT-MANDATED NATURAL GAS BANS RESOLUTION #25-80

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

WHEREAS, affordable and reliable energy is essential to the health, safety, and economic prosperity of New York families, businesses, and communities; and

WHEREAS, natural gas remains a dependable, cost-effective, and clean-burning energy source used by millions of New Yorkers to heat their homes, cook their food, and power their businesses; and

WHEREAS, in 2019, New York State enacted the Climate Leadership and Community Protection Act (CLCPA), which mandates aggressive emissions reductions and serves as the foundation for sweeping energy restrictions, including efforts to phase out natural gas; and

WHEREAS, building on the CLCPA, Governor Kathy Hochul and the New York State Legislature in 2023 enacted provisions in the state budget banning natural gas and other fossil fuel hookups in most new residential and commercial buildings, effective 2026 for smaller buildings, and 2029 for larger buildings, thereby eliminating consumer choice and limiting access to affordable energy; and

WHEREAS, Governor Hochul has publicly supported these bans and related measures as part of her administration’s climate and energy agenda, despite widespread concerns that such mandates will increase costs, strain grid reliability, and restrict energy diversity; and

WHEREAS, these top-down policies undermine affordability, threaten reliability during peak demand, and strip away the freedom of consumers and businesses to choose the energy sources that best meet their needs; and

WHEREAS, Congressman Nick Langworthy of New York and Senator Jim Justice of West Virginia introduced the Energy Choice Act (H.R. 3699, S. 1945), federal legislation that ensures state and local governments cannot restrict consumer access to natural gas and other affordable energy sources, thereby protecting freedom of choice for New Yorkers and all Americans; and

WHEREAS, the Energy Choice Act would safeguard households, small businesses, hospitals, farmers, and manufacturers from harmful government overreach and preserve access to an “all-of-the-above” energy strategy that strengthens reliability and affordability;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Byron Town Board strongly supports the Energy Choice Act as introduced by Congressman Langworthy (H.R. 3699) and Senator Justice (S. 1945) and stands firmly opposed to New York State’s natural gas bans, the CLCPA-driven restrictions, and other state energy mandates that eliminate consumer choice; and

BE IT FURTHER RESOLVED, that the Town of Byron Town Board urges Congress to pass the Energy Choice Act to defend consumer choice, protect energy affordability, and preserve reliable access to natural gas for New Yorkers; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Congressman Nick Langworthy, Senator Jim Justice, the New York Congressional delegation, Senators Chuck Schumer and Kirsten Gillibrand, Governor Kathy Hochul, and leadership of the New York State Legislature.

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

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

SCHEDULE PUBLIC HEARING TO DISCUSS 2026 FIRE CONTRACTS:

A **MOTION** was made by Supervisor Hensel to schedule a public hearing regarding the 2026 Fire Contracts on December 10, 2025 at 6:00pm.

Councilman Mason seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

GENERAL, HIGHWAY AND SEWER FUND BUDGET TRANSFERS
RESOLUTION # 25-81

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

BE IT RESOLVED, that the Byron Town Board authorizes the transfers of the General, Highway and Sewer Funds as shown below:

TOWN OF BYRON

**RECOMMENDED BUDGET MODIFICATIONS
FOR YOUR NEXT MEETING:**

GENERAL FUND - TOWNWIDE

<i>Transfer From:</i>	A1220.2	Supervisor, Equip & Cap Outlay	\$	750.00
	A7110.4	Parks Contr	\$	300.00
		Unanticipated Revenue		
	A2401U	Interest - Gen Unrestricted Savings	\$	5,674.00
	A2590	Permits, Other	\$	9,043.00
		TOTAL:	\$	15,767.00

<i>Transfer To:</i>	A1220.4	Supervisor Contr	\$	750.00
	A1320.4	Auditor Contractual	\$	3,050.00
	A1420.4E	Attorney Leatherleaf	\$	44.00
	A1420.4D	Attorney Excelsior	\$	308.00
	A1420.4G	Attorney BlueWave Solar	\$	154.00
	A1440.4B	Engineer BlueWave Solar	\$	8,399.00
	A1440.4D	Engineer Excelsior	\$	138.00
	A1680.4	Central Data Processing Contr	\$	1,084.00
	A7110.1	Park Personal Svc	\$	300.00
	A7310.1	Youth Prog, Pers Serv	\$	1,095.00
	A8010.4	Zoning Contr	\$	445.00
		TOTAL:	\$	15,767.00

HIGHWAY FUND - TOWNWIDE

		Unanticipated Revenue	
<i>Transfer From:</i>	DA2302	Snow Removal Services, Other Govts	\$ 25,000.00
	DA2401D	Interest-Hwy Unrestricted Savings	\$ 1,414.42
	DA3501	CHIPS	\$ 87,582.00
	DAUBR	Unexpended Balance/Equip Reserve	\$ 191,688.58
			TOTAL: \$ 305,685.00

<i>Transfer To:</i>	DA5112.2	CHIPS	\$ 87,582.00
	DA5130.2	Machinery Equipment	\$ 193,103.00
	DA5142.4	Snow Removal Town Contr	\$ 25,000.00
			TOTAL: \$ 305,685.00

SEWER DISTRICT

		Unanticipated Revenue	
<i>Transfer From:</i>	SS2401R	Interest - Sewer Reserve	\$ 11,996.00
			<u>\$ 11,996.00</u>
<i>Transfer To:</i>	SS8110.4	Admin Contr	\$ 3,146.00
	SS8120.4PT	Sewage Coll. System Contr.	\$ 8,850.00
			<u>\$ 11,996.00</u>

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

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

UPDATE WWTP CONTRACT WITH MRB ENGINEERING:

A **MOTION** was made by Councilman Dilcher to allow Supervisor Hensel to sign the updated Waste Water Treatment Project Engineering Contract with MRB Engineering subject to attorney approval.

Councilman Klycek seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

UPDATE WIBA#1 ATTORNEY CONTRACT WITH JOHN SANSONE:

A **MOTION** was made by Councilman Thompson to allow Supervisor Hensel to sign the updated Water Improvement Benefit Area #1 Contract with MRB Engineering with John Sansone.

Councilman Mason seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

REPORTS:

Highway Superintendent Report- David Leaton:

-No Report

Councilman Dilcher makes the **MOTION** to accept the Highway report.

Councilman Thompson seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Town Clerk Report-Kristy Murphy:

- Town of Byron Supervisor \$ 3,318.57
- State Health Department for Marriage License \$ 22.50
- Paid Ag & Market spay & neuter program..... \$ 35.00
- DEC \$ 203.13

Councilman Thompson makes the **MOTION** to accept the Clerks report.

Councilman Mason 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 report.

Councilman Thompson seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

- Working on solar projects, with the solar attorney and meant with Excelsior Solar
- GAM meeting next week
- Budget modifications were completed
- Cyber security needs to be looked at

Councilman Dilcher makes the **MOTION** to accept the Supervisors report.

Councilman Thompson seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Historical Society/Museum:

- Storm windows have arrived and are scheduled to be installed November 12th and 13th by Erie East Windows. We will be present during installation.

-The alarm was activated again in October due to a squirrel in the agriculture building.

Councilman Mason 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:

- Appointment/Election of Committee Members; This will occur at the December 4th meeting. Positions to be decided will be Chair and Vice Chair. The Town Board will be advised for their January organizational meeting.

-The Town has budgeted \$75,000 for the Parks budget for 2026. The \$75,000 will cover normal expenses such as electricity and portable toilet rental. The balance will be for equipment expenditures. The Park Committee will evaluate needs, seek quotations, and recommend expenditures to the Town Board.

-Christmas Tree(s), Letters to Santa Box, and a Christmas Wreaths have a target date of Thanksgiving for placement in Firemen's Park.

-Don and Al took down the tennis and soccer nets and stored them in the concrete block building.

-The roofing crew commenced repairs and roofing on the gazebo the week of November 3rd.

-Trestle Park; 35 volunteers planted 700 trees last month. More will be planted next year.

-Frank Strock painted the memorial bench where his wife's plate was installed. With leftover paint, Frank has volunteered to paint additional benches next year when weather permits.

-The cameras will be retrieved the week of November 17th by Don and Mike Merritt.

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

Councilman Klycek seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

CEO/ZEO Report:

-Planning Board working with solar and the South Byron auctioned

-Unaware of who purchased the grange building

-Three day mandatory training for 2025 codes

Councilman Thompson makes the **MOTION** to accept the CEO/ZEO report.

Councilman Dilcher seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Planning Board/ZBA Report Brandon Mason:

-Positions for secretary and planning board alternate need to be filled

-Additional meeting being scheduled

-Discussion had regarding giving planning board members a raise per meeting as well as paying the planning board alternates per meeting for attending meetings

Councilman Thompson makes the **MOTION** to appoint Brandon Mason as the liaison of the planning board. Councilman Dilcher seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

Sewer Report:

-No report

New Business:

a. In Lieu of Benefit discussion had.

- Benefit given by a resolution each year or a policy made in question
- Benefit given as a percentage vs a flat dollar amount
- Councilman Klycek states that either way, the current employees should remain grandfathered into the benefit that was offered at the time of employment
- Supervisor Hensel disagrees that no employee should be grandfathered in. Every employee should be offered the same thing
- Councilman Klycek & Councilman Thompson will work on a policy

b. Holiday Party Discussed and a date was chosen

PUBLIC COMMENTS:

- Dean Ivison states why is the town spending money on the two local laws if the people in the town do not want the laws
- Jim Lamkin states he agrees with Dean Ivison if people don't want the laws then the board should just turn them down and move on
- Dean Ivison states the town doesn't follow the laws we have. Where is the code enforcer, isn't she supposed to attend meetings
- Supervisor Hensel states she submitted a report
- Barbie Statowitz asks who from the town is overseeing the solar projects
- Supervisor Hensel states there is a third party entity that is responsible for that
- Barbie Starowitz states she has an issue with soil being removed from properties and taken to private property. She feels that the town should be responsible for the safety of the town and the landowners
- Supervisor Hensel states the complaint form online through Excelsior needs to be filled out in order to follow up

EXECUTIVE SESSION:

A **MOTION** was made by Councilman Klycek to go into executive session to receive legal advice from its attorney regarding litigation for Water Improvement Benefit Area No. 1 and Fire Protection Contract at 8:01pm. Motion was seconded by Councilman Dilcher and carried with the following polled vote:

Councilman Klycek- Aye

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

A **MOTION** was made by Councilman Thompson to come out of executive session at 8:21pm. Motion was seconded by Councilman Mason and carried with the following polled vote:

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

ACCEPTING PROPOSAL FOR THE INSTALLATION OF A WATER LINE AT 6591 BYRON ROAD, BYRON, NEW YORK RESOLUTION # 25-82

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

WHEREAS, pursuant to an agreement with the Town of Byron, a contractor agreed to install water lines to residences associated with Water Improvement Benefit Area #1; and,

WHEREAS, residence located at 6591 Byron Road was apparently skipped over by the contractor even though this address was included on the list of residences at which water service was to be provided and water lines were to be installed; and,

WHEREAS, the contractor was notified of this oversight, but that contractor refused to return to the project to complete the water line installation at this residence; and,

WHEREAS, a legal dispute has arisen related to this project, including, but not limited to, installation of the water line at this property location; and,

WHEREAS, due to the weather, the uniform code and the town providing public utilities in certain instances, the town considers this situation to constitute an emergency; and,

WHEREAS, in following the town's procurement policy, proposals were sought to have the water line installed at this residence; and,

WHEREAS, three proposals were received by the town engineer and communicated to the town board.

NOW, BE IT RESOLVED, that the proposal of Morsch Pipeline has been accepted by the Town of Byron Board to provide the service required herein at a cost of \$5,900.00; and

BE IT FURTHER RESOLVED, that the town supervisor is authorized to execute any documentation necessary to effectuate the installation of this water line, after legal review and approval by the town attorney.

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

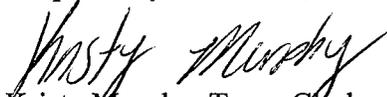
Councilman Klycek-	Aye
Councilman Thompson-	Aye
Councilman Dilcher-	Aye
Councilman Mason-	Aye
Supervisor Hensel-	Aye
Vote: Ayes: 5	Nays: 0

ADJOURN:

A **MOTION** was made by Councilman Dilcher to adjourn the Byron Town Board meeting at 8:26pm. Councilman Klycek seconded the motion which was carried by the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,



Kristy Murphy, Town Clerk