



in order to be put on the list and once the first night fills up we will go on to the next date. Each person will only be entitled to attend one meeting.

A **motion** was made by Councilwoman Fuller to remove #8 on page 10 of the Solar Law regarding land values, to accept the recommendations of the Planning Board, and to implement those changes into the Solar Law with the exception of anything that refers to Paragraph 7D. The motion was seconded by Councilman Kent and carried with the following vote:

Vote:           Ayes: 4                   Nays: 1 (Councilman Zuber)

A **motion** was made by Councilwoman Fuller to hold a Public Hearing on the Proposed Town of Byron Zoning Law – Section 11.15 Solar Energy Systems on October 27, 2020 and then on October 28, November 17 and November 18, 2020, if needed, at 7:00 p.m. at the South Byron Fire Hall. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote:           Ayes: 5                   Nays: 0

**SOLAR:**

**ZOGLIN GROUP INTERVENOR FUND VOUCHER APPROVAL:**

**RESOLUTION #88:**

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

***RESOLVED***, that the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the Standard Voucher No. 7 in the amount of \$609.00 and Standard Voucher No. 8 in the amount of \$187.04 for services rendered by The Zoghlin Group and payable from Intervenor Funds.

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

Vote:           Ayes: 5                   Nays: 0

**Amendment to Zoning Law – Battery Energy Storage:**

·The Town Board does not have a final copy back from the Zoghlin Group

**Noise Ordinance:**

·Town Attorney Paul Boylan is continuing to work on the Noise Ordinance

**SEWER REPORT:**

***Monthly:***

·Checked and maintained all filter bed pumps (N, S+C)  
·Keeping track of pump hours on all pumps including Old School House, Walkers Corners and McElver Street lift station

·Took monthly samples

***Other:***

·Marked, dug and pumped tanks on Mill Pond Road  
·Switch valving at each filter bed  
·Barefoot replaced tanks in trailer park: Nos. 11, 34, 3, 5, 7, 9  
·Backup at 6447 Freeman Road, pumped tank  
·Had 4 County Electric change wiring from 110 to 230 volt for new pump. 1hp pumps not available in 110 volt anymore, could be due to COVID.

A **motion** was made by Councilman Zuber to approve the Sewer Report as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**HIGHWAY SUPERINTENDENT’S REPORT – David Leaton:**

- Finished roadside mowing
- Finished shoulders on Lyman, Beaver Meadows and Cockram Roads
- Painting trucks and loaders
- Working on culverts
- Got quote for a 2022 Mack 10-wheeler (\$228,591.68) and would like to purchase it asap.

A **motion** was made by Councilman Zuber to approve the Highway Superintendent’s Report as given. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**PURCHASE OF 2022 HIGHWAY PLOW TRUCK  
RESOLUTION #89:**

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

*Whereas*, there was established a capital reserve fund for the purchase of highway equipment which was established without a specific either piece of equipment specified or a specific amount estimated to be expended, and

*Whereas*, it is therefore now necessary to call a permissive referendum to withdraw money from that fund to purchase a dump truck/snowplow for the highway department,

*Now, therefore* be it

*Resolved*, that there be withdrawn from the Highway Equipment Capital Reserve Fund the sum of \$228,591.68 to be applied to the purchase of one (1) 2022 Beam Mack truck cab and chassis from Beam Mack Sales Service, Inc. at the public bid price established by the County of Oneida for the total purchase price of One Hundred Thirty-Seven Thousand Four Hundred Thirty and 20/100 (\$137,430.20), and the purchase of a dump body and plow equipment from Valley Fab and Equipment, Inc. at the public bid price established by the County of Oneida for the total purchase price of Eighty-Four Thousand Sixty-One and 48/100 Dollars (\$84,061.48), and the purchase of a stainless steel Everest dump body from Valley Fab and Equipment, Inc. at the public bid price established by the County of Oneida for the total purchase price of Seven Thousand One Hundred and 00/100 Dollars (\$7,100.00) and be it further

*Resolved*, that the above resolution be and is hereby adopted subject to a Permissive Referendum pursuant to Town Law.

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote:           Ayes: 5           Nays: 0

**CEO/ZEO REPORT – Mike Morris:**

- A copy of the report is on file with the CEO/ZEO

A **motion** was made by Councilwoman Fuller to approve the CEO/ZEO report as given. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**PARK COMMITTEE REPORT – George Squires:**

- There were not enough members present for a quorum
- Stocked Trestle Park pond with fish
- A fisherman caught a 2 foot long channel cat at Trestle Park
- The Park Committee will be placing a memorial tree for Jim Cudney at the park

**West Shore Park Law/Town of Byron Parks Law:**

·Town Attorney Paul Boylan is working on the law

A **motion** was made by Councilman Kent to approve the Park Committee Report as given. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**ABSTRACTS**

**RESOLUTION #90:**

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

***Resolved***, that the Byron Town Board pay the following abstracts:

<b><u>Fund:</u></b>	<b><u>Abstract:</u></b>	<b><u>Vouchers:</u></b>	<b><u>Amount:</u></b>
General Fund	#10	#191 - #211	\$27,627.07
Highway Fund	#10	#149 - #166	\$27,531.57
Sewer Fund	#10	#47 - #54	\$15,188.26
General Post Audit	#9	#59 - #66	\$ 1,547.38
Sewer Post Audit	#9	#24 - #26	\$ 963.86

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote:                   Ayes: 5                   Nays: 0

**TOWN CLERK'S REPORT:**

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 59.00
Paid to NYS DEC.....	\$2,716.48
Paid to NYS Health Dept. for Marriage Licenses.....	\$ 45.00
Paid to Town of Byron Park Committee for pavilion rentals.....	\$ 20.00
Paid to the Town of Byron Supervisor.....	\$3,445.52
Total Disbursed for September 2020.....	\$6,286.00

A **motion** was made by Councilwoman Fuller to approve the Town Clerk's Report as given for September, 2020. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**FINANCIAL REPORT:**

·The September 2020 Financial Report was reviewed.

A **motion** was made by Councilman Zuber to approve the September 2020 Financial Reports. The motion was seconded by Councilman Kent and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**SUPERVISOR'S REPORT:**

**Sales Tax Distribution:**

·The County is making a final 2020 distribution at the end of October. In 2021 the County will make monthly payments to the municipalities. The Supervisor will find out if the numbers that the County listed for 2021 are solid or will change if sales tax increases or decreases in 2021.

**Transfer Station Pricing:**

The Town lost approximately \$3,000 in 2019 from the transfer station. Scrap metal pricing has decreased and some residents are abusing the transfer station by putting trash into dumpsters and not paying for it. The Supervisor would like to have the Town Board increase pricing to begin this Saturday (10/17/2020).

**TRANSFER STATION FEE SCHEDULE PRICING INCREASE**

**RESOLUTION #91:**

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

**Resolved**, that the Byron Town Board hereby sets the Transfer Station Fee Schedule as attached beginning October 17, 2020.

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

Vote:           Ayes: 5           Nays: 0

**2021 Budget:**

A **motion** was made by Councilwoman Fuller to call a Public Hearing on the 2021 Town of Byron Budget for Wednesday, November 4, 2020 at 7:00 p.m. via Zoom at the Town Hall. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**Candace Hensel – Renewable Projects:**

Candy would like to seek administrative guidance for Byron for future clean energy initiatives by the Town Board or to create a committee to initiate contact and disseminate information and administrative guidance back to the Town Board.

After some discussion it was decided that Candy would be the best person to chair the committee and bring what information they receive back to the Town Board.

A **motion** was made by Councilwoman Fuller to appoint Candace Hensel as Chairwoman of the committee on renewable projects. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

A **motion** was made by Councilman Thompson to approve the Supervisor’s Report as given. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**OTHER BUSINESS:**

**WATER IMPROVEMENT BENEFIT AREA NO. 1:**

Attorney Paul Boylan continues to get paperwork together to send to the State Comptroller.

**WATER IMPROVEMENT BENEFIT AREA NO. 1 - BOYLAN LAW OFFICE, LLP LEGAL SERVICES AGREEMENT**

**RESOLUTION #92:**

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

**Resolved**, that the Town Board of the Town of Byron hereby approves of the Legal Services Agreement between Boylan Law Office, LLP and the Town of Byron for Water Improvement Benefit Area No. 1 in the amount not to exceed \$111,000.00.

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

Vote: Ayes: 5 Nays: 0

**WATER IMPROVEMENT BENEFIT AREA NO. 1 – APPLICATION TO COMPTROLLER  
RESOLUTION #93:**

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

**WHEREAS**, this Town Board did on the 9<sup>th</sup> day of September, 2020, adopt a resolution to establish Water Improvement Benefit Area No. 1 in the Town of Byron and subject to the approval of the New York State Comptroller.

**NOW, BE IT RESOLVED**, that the Supervisor is hereby authorized and directed to make an application to the New York State Comptroller for permission to form Water Improvement Benefit Area No. 1 with the Town of Byron, Genesee County, and

**BE IT FURTHER RESOLVED**, that this Board hereby determines that the formation of Water Improvement Benefit Area No. 1 in the Town of Byron is in the public interest, and

**BE IT FURTHER RESOLVED**, that the said formation will not constitute an undue burden on the property which will bear the cost thereof, and

**BE IT FURTHER RESOLVED**, that the cost of the improvements is to be assessed against the benefited area and that any real property so assessed will be benefitted thereby and that no benefitted properties has been excluded from the Water Improvement Benefit Area No. 1.

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

**WATER IMPROVEMENT BENEFIT AREA NO. 1 – PUBLIC INTEREST AND NO FINANCIAL  
BURDEN**

**RESOLUTION #94:**

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

**WHEREAS**, this Town Board has held a Public Hearing concerning the formation of Water Improvement Benefit Area No. 1 in the Town of Byron on the 8<sup>th</sup> day of September, 2020.

**WHEREAS**, following said public hearing the said Town Board on the 9<sup>th</sup> day of September, 2020, did adopt a resolution determining that said Water Improvement Benefit Area No. 1 was in the public interest and did form said Water Improvement Benefit Area No. 1 subject to the approval of the New York State Comptroller.

**NOW BE IT RESOLVED**, that in conformity with NYCRR Part 85 Section 85.3 Section 85.3 (b)(1) the formation of the said water Improvement Benefit Area No. 1 is in the Public Interest and will not constitute an undue burden on the property which will bear the cost thereof, and

**BE IT FURTHER RESOLVED**, that the cost of the proposed improvements are to be assessed in whole or in part against the benefited area, that the real property to be so assessed will be benefitted by the proposed improvements and that no benefitted property has been excluded.

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

Vote: Ayes: 5 Nays: 0

**ADOPTION OF LGS-1 (RETENTION AND DISPOSITION SCHEDULE OF NEW YORK  
LOCAL GOVERNMENT RECORDS)**

**RESOLUTION #95:**

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

**Resolved**, that the Town Board of the Town of Byron that Retention and Disposition Schedule for new York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**BE IT FURTHER RESOLVED**, that in accordance with Article 57-A: (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods.

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote:           Ayes: 5           Nays: 0

**PUBLIC COMMENTS:**

**Jim Lamkin:** Byron Association Against Solar has received 147 resident letters against the solar project, copies of which will be given to the Town Board.

**Richard Colby:** The Town needs to work with Nextera to get as many benefits as possible. There are projects that the Town of Byron would like to do that cost money, and solar is a way of getting the money to do these projects.

**Ben Raccuia:** Would again like to request that the Town Board reinstate publicly held meetings.

**Councilman Kent:** Public meetings are hard to do because of the size of the courtroom.

**Supervisor Yasses:** The Town Board meetings will remain via ZOOM to the public.

**John Sackett:** He could cut \$100,000 from the budget.

**EXECUTIVE SESSION:**

A **motion** was made by Councilman Fuller to go into executive session to discuss the PILOT and Host Community Agreement with Nextera at 8:55 p.m. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

A **motion** was made by Councilman Thompson to come out of executive session at 9:54 pm. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**ADJOURN:**

A **motion** was made by Councilman Kent to adjourn the Byron Town Board Meeting at 9:55 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton  
Byron Town Clerk



# TOWN OF BYRON

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## PLANNING BOARD

October 9, 2020

Town of Byron Town Board  
7028 Route 237, P.O. Box 9  
Byron, New York 14422

Dear Supervisor Yasses,

This is in response to your September 16, 2020 letter requesting Planning Board comments on the proposed local law entitled "Town of Byron Zoning Law - Section 11.15 Solar Energy Systems". The Planning Board discussed the proposed local law at our October 7, 2020 monthly meeting and offer the following comments:

Page 6 - h) Permitting...

(i) Applications of Tier 3 and Tier 4 Solar Energy Systems shall be:

Page 8 - (ix) Special Use Permit Standards and substantive standards for Tier 3 and Tier 4 Solar Energy Systems.

- The several references below (1a, 2a, 3a, and 4a) should all read "Tier 3 and Tier 4".

Page 10 - **First full sentence should read as follows:**

The landscaped screening shall be comprised of evergreen trees, at least 6 feet high at time of planting, spaced 10 - 15 feet apart along the entire length of the screening, plus two (2) supplemental shrubs spaced appropriately within the gaps between evergreens along the entire length of the screening. The Town of Byron Planning Board will provide a list of suitable species.

Page 10 -- 7) a, b, and c -

- I believe should all reference both Tier 3 and Tier 4.



Page 10 - 7) d The Planning Board finds the concept of Tier 4 Solar Energy Systems being limited to 10% of the prime farmland in the Town of Byron acceptable. We do, however have the following questions:

- How will we determine the 10% conversion of prime farmland?
- Who will be responsible for making the determination and tracking the acreage?
- There are 12,475 acres of prime farmland mapped in Byron. 10% equals 1,247.5 acres. How will we know when we reach that number?
- Will the acreage of prime farmland associated with the proposed Excelsior Energy Center project be included in that 10%?
- I have some thoughts on how this could possibly be accomplished, but we may need to have a conversation with the town assessor and perhaps the Genesee County SWCD. I'm not sure how a PILOT agreement may enter into this determination.

Page 10 - 8) Property Value and Taxpayer Protection .....

- How will this be determined and who is going to do it?
- How will this ever be enforced?
- Why only solar projects?
- **Our recommendation is to remove number 8)!**

We find the other changes recommended by the Town Board sub-committee to be acceptable. Please contact me if you have any questions regarding our comments.

Sincerely,



George Squires, Chairman  
Town of Byron Planning Board

**TOWN OF BYRON**  
**REFUSE AND GARBAGE FEE SCHEDULE**  
*(Updated October 2020)*

**\*\*STICKERS MAY NOT BE USED AS CASH FOR OTHER NON-BAG ITEMS\*\***

**GARBAGE BAGS:**      10 Stickers for Bags that are 30 gallons or Less ....10/sheet \$30.00  
May be purchased at Transfer Station or Town Clerk's Office

Larger than 30 gallon (Contractor Bags).....\$8.00/bg.  
30 gallon black bags without sticker (store bought).....\$4.50/bg.  
White tall kitchen garbage bags w/o sticker (store bought)..\$2.50/bg.

**TIRES:**              Car Tire ..... 5.00  
Light Truck Tire..... 10.00  
Large Truck or Tractor Tire..... 25.00

**FURNITURE:**              Stuffed Chair ..... 15.00  
Stuffed Sofa ..... 25.00  
Mattress - single or full ..... 15.00  
Mattress - queen or king ..... 20.00  
Box Spring - single or full ..... 15.00  
Box Spring - queen or king ..... 20.00  
Flat Screen TV.....10.00  
Box Bubble Faced (CRT) TV.....30.00

**ROLLED CARPET** - 10 ft. long, 1 ft. diameter..... 20.00

**REFRIGERATION UNITS:**.....No Charge

**TRUCK LOAD REFUSE:**

Compact Pick-up Truck - level full, minivan or equivalent ..... 40.00  
Full Size Pick-up Truck - level full or equivalent trailer, etc. .... 55.00  
Full Size Pick-up With Rack..... 65.00

*(No larger quantities will be accepted)*

**METAL ITEMS** (ex. hot water heaters, metal shelving, file cabinets).....No Charge  
\*\*\*\*washers, stoves, dryers, etc.\*\*\*\*

**RECYCLABLES** – Need to be separated, washed and flattened: glass, plastic, tin cans, paper

**BRUSH** – up to 3” in diameter can be brought in to be chipped