

## **BYRON TOWN BOARD MEETING**

December 11, 2019

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

Supervisor.....Roger Rouse  
Councilmen.....Sue Fuller  
Fred Klycek  
Jeff Thompson  
Town Clerk.....Debra Buck-Leaton  
Absent.....Councilman Cudney  
Highway Superintendent Brian Forsyth  
Invited Guests.....Scott Mattison, MRB Group  
Paul Boylan, Esq., Boylan Law Office

**Public:**

John Sackett	Josh Kent	Candace Hensel	George Squires
Ben Raccuia	Edward Coleman, Next Era	John Aheen, Next Era	
Keddy Chandran, Next Era	Michelle Piasceki, Harris Beach for Next Era		
Mia Schiappi, Harris Beach for Next Era	Vic Digregorio	Steve Lockner	
Pam Boshart Lynch	William Lynch	Ted Darocha	Jim Lamkin
Gayla Starowitz	Robert Mruczek	Tom Felton	Kaitlyn Moucha
Eddie Zeitvogel	John Durand	Barbie Starowitz	

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Supervisor Rouse.

**MINUTES:**

A **motion** was made by Councilman Klycek to approve the Byron Town Board minutes of November 13, 2019 as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:           Ayes: 4                   Nays: 0

**SOLAR – Town Attorney Paul Boylan:**

·Norman Pawlak has been appointed as an ad hoc member to Siting Board. Mr. Pawlak is a resident of Bergen and was suggested by Bob Bausch, our County Legislator. The Town is still waiting to have the President of the Senate appoint someone as an ad hoc member.

·The Town Board has before them a copy of a resolution for a moratorium for solar along with a copy of the local law. Town attorney Paul Boylan would recommend the Town Board adopt a resolution calling a public hearing on January 8, 2020.

·There have been several discussions on PILOT and Host Agreement. They are developing a plan on how to determine how much money is available. They need guidance on what the Town wants from the applicant's funds that are available.

·When it has been determined what the Town would like MRB will have to determine how much it will cost.

·Taxing solar panels vs. opting out. Does the Town want to opt in or out of the PILOT. Each taxing entity gets a piece of the PILOT. The school district will get 10x what the Town would get in the PILOT. The advantage of opting out of the PILOT is taxing the facility on a basis other than the PILOT. There will be negotiations to determine how much money Excelsior is going to make available to the community. Then there will be a discussion with the County on how much will go to the Town and how much will go to the County. The PILOT is the life of the contract. The Host Agreement can be spread out for the life of the agreement or a lump sum payment. When negotiations begin with Excelsior and the County they will be private. They need to know what the Town Board wants prior to starting negotiations.

Keddy Chandran, Next Era – Excelsior wants to make sure the Town of Byron gets its fair share of any PILOT or Host Agreement funds. Sometime in April they will have a final map.

Councilman Thompson – can the Town get away with just using Zoghlin on a limited basis?

Attorney Paul Boylan – there are some things that just can't be done by Paul himself.

Ben Raccuia – Who dictates who participates in discussions?

Paul Boylan – Excelsior, Paul Boylan and the GCEDC and that's all.

Josh Kent – Zoghlin will only help on Article 10, not on negotiations

Sue Fuller – Did the Board of Ethics made a final decision regarding Josh Kent and Eric Zuber?

Paul Boylan – They have met but have not made a decision yet.

Tom Felton – When can the Town opt out of the PILOT?

Paul Boylan – At any time.

**PUBLIC HEARING ON SOLAR MORATORIUM**

**RESOLUTION #109:**

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

**Resolved**, that the Town Board will hold a Public Hearing on Wednesday, January 8, 2020 at 7:00 p.m. I the Town Hall at 7028 Byron-Holley Road (NYS Route 237) in the Town of Byron to hear all persons present regarding the proposed adoption of a Local Law imposing a Moratorium on the acceptance of any applications for Special Use Permits and/or Building Permits for the construction or installation of devices which convert solar energy into electricity.

Copies of the proposed Local Law may be obtained from the Town Clerk during her regular business hours.

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

Vote:           Ayes: 3                   Abstain: 1 (Councilwoman Fuller)

**PLANNING BOARD REPORT – George Squires:**

- 15 members of the public were present at the last meeting
- Making significant progress on revisions to zoning law with regard to solar energy
- There was a lengthy discussion regarding moratorium and limiting individual homeowners from doing small solar projects

A **motion** was made by Councilwoman Fuller to accept the resignation of Aaron Sharp, with regrets, effective immediately. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:           Ayes: 4                   Nays: 0

A **motion** was made by Councilwoman Fuller to appoint Kaitlyn Moucha as a member of the Planning Board effective January 1, 2020 – December 31, 2024. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 4                   Nays: 0

A **motion** was made by Councilwoman Fuller to approve the Planning Board Report as given. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

**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:***

·Called CPE on 11/21/19 for South Byron meter not working. CPE came out that afternoon and got the meter up and running, they believed it was a power surge. On 11/22/19 I checked meter and it was running but there was no totalizer number for daily flow, which is required by the DEC. It was only reading inches in the flume. Called CPE and they said they would try to be out the week of Thanksgiving. Contacted CPE again that week, but they were short staffed because of the holiday and they would be out the week after. On 12/2/19 called CPE and explained that the Town was out of compliance with the DEC, and that we had special testing coming up and we needed the meter up and running to do the testing. CPE came out on 12/5/19 and said the meter could not be repaired due to age and availability of parts. Worked out a price on installation of a new meter, explained the situation to Supervisor Rouse, and he said do what needs to be done. The new meter was installed on 12/10/19. The cost was \$5,095.00. CPE also waived 2 service calls that saved the Town some money. Had all other meters calibrated.

**SEWER RELEVY**

**RESOLUTION #110:**

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

***Resolved,*** that the Byron Town Board approves the relevy of all unpaid sewer bills in the amount of Thirty-Five Thousand Eight Hundred Sixty-Nine and 50/100 Dollars (\$35,869.50) onto the 2020 Town/County tax bills.

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

Vote:           Ayes: 4           Nays: 0

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

Vote:           Ayes: 4           Nays: 0

**HIGHWAY SUPERINTENDENT'S REPORT:**

- Ordered more salt because we went through a lot more than anticipated.

Josh Kent: Is the Town not putting any snow fence up anymore? And the Water District No. 8 sign is still up on the corner of Ivison and Cockram Road.

Supervisor Rouse: He doesn't know the answer to that question.

Scott Mattison: Randsco will take down the Water District No. 8 sign

**CEO/ZEO REPORT – Mike Morris:**

- A copy of the report is on file with the CEO/ZEO
- Councilwoman Fuller would like to know what is going on with property on Walkers Corners and Cockram Road.

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

Vote:           Ayes: 4           Nays: 0

**PARK COMMITTEE REPORT –George Squires:**

·No meeting this month

·Paul Boylan would like the Park Committee and Fire Department to get him revisions to the Park Agreement so that it can be finalized.

**HISTORICAL SOCIETY REPORT:**

·Meeting is tomorrow night.

**ABSTRACTS**

**RESOLUTION #111:**

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

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

<u>Fund:</u>	<u>Abstract:</u>	<u>Vouchers:</u>	<u>Amount:</u>
General Fund	#12	#258 - #287	\$26,315.68
Highway Fund	#12	#189 - #205	\$21,450.89
Sewer Fund	#12	#59 - #61	\$ 4,662.19
General Fund Post Audit	#12	#59 - #65	\$ 1,795.42
Sewer Post Audit	#11	#22 - #23	\$ 635.80
Water District No. 7	#8	#17 - #20	\$15,292.14
Water District No. 8	#9	#21 - #22	\$ 5,499.59

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

Vote:           Ayes: 4           Nays: 0

**TOWN CLERK’S REPORT:**

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 43.00
Paid to DEC for Hunting and Fishing Licenses.....	\$ 909.01
Paid to the Town of Byron Supervisor.....	<u>\$4,047.09</u>
Total Disbursed for November 2019.....	\$4,999.10

A **motion** was made by Councilman Thompson to approve the Town Clerk’s Report as given for November, 2019. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

**APPROVAL OF OFFICIAL UNDERTAKING FOR TAX COLLECTOR**

**RESOLUTION #112:**

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

***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:

Vote:           Ayes: 4           Nays: 0

**FINANCIAL REPORT:**

·The November 2019 Financial Report was reviewed.

A **motion** was made by Councilman Klycek to approve the November 2019 Financial Reports. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**SUPERVISOR'S REPORT:**

**Board of Assessment Review:**

·As of January 1, 2020 there will be an opening on the Board of Assessment Review. They meet once a year in May. If anyone is interested let the Town Clerk know.

**Mortgage Tax Payment:**

·Received Mortgage Tax Payment in the amount of \$11,079.97

**Waste Management Contract:**

·Contract is expiring on December 31, 2019 and needs to be renewed.  
·The Town Clerk will put it out for bids.

A **motion** was made by Councilman Thompson to have the Town Clerk put the Transfer Station quotes out to bid. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**OTHER BUSINESS:**

**WATER DISTRICT NO. 7**

·Town Board has a Change Order for a reduction and Pay App No. 3 to approve.

**WATER DISTRICT NO. 7 CHANGE ORDER NO. 1**

**RESOLUTION #113:**

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

***WHEREAS***, the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the Water District No. 7 Change Order No. 1 for a decrease in the amount of \$28,746.80 for final quantities adjustment.

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

Vote:                   Ayes: 4                   Nays: 0

**WATER DISTRICT NO. 7 - CONTRACTOR'S APPLICATION FOR PAYMENT NO. 3**

**RESOLUTION #114:**

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

***WHEREAS***, the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the Contractor's Application for Morsch Pipeline, Inc. for Payment No. 3 in the amount of \$14,193.95.

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

Vote:                   Ayes: 4                   Nays: 0

**WATER DISTRICT NO. 8**

·Complete and contractor will remove the sign at the corner of Cockram and Ivison Road tomorrow.

**Water Improvement Benefit Area No. 1:**

Grant application is complete and sent to Rural Development. Asking for almost \$5 million. Now the Town will have to wait to hear from Rural Development on funding.

**Fire Contracts:**

Paul Boylan is meeting with John Durand tomorrow to go over the Byron Fire Contract and to make revisions.

**2020 FIRE PROTECTION AND EMERGENCY SERVICES CONTRACT WITH SOUTH BYRON VOLUNTEER FIRE COMPANY, INC.**

**RESOLUTION #115:**

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

***Resolved***, that the Byron Town Board hereby adopts the Contract For Emergency Services with the South Byron Volunteer Fire Company, Inc. for 2020 in the amount of \$102,000.00.

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

Vote:           Ayes: 4           Nays: 0

**END-OF-YEAR MEETING:**

A **motion** was made by Councilwoman Fuller to set the end of year meeting for December 30, 2019 at 7:00 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

**ORGANIZATIONAL MEETING:**

A **motion** was made by Councilman Thompson to set the Organizational Meeting for January 6, 2020 at 7:00 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

**PUBLIC COMMENTS:**

- Vic Digregorio – He would like to thank the outgoing members of the Town Board for their hard work
- Tom Felton – Why was sewer relevy so high
- Town Clerk – Because the mobile home sewer payment was releived.

**EXECUTIVE SESSION:**

A **motion** was made by Councilman Klycek to go into executive session at 8:42 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

A **motion** was made by Councilman Thompson to come out of executive session at 9:12 pm. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

**ADJOURN:**

A **motion** was made by Councilman Klycek to adjourn the Byron Town Board Meeting at 9:13 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

Respectfully Submitted,  
Debra M. Buck-Leaton  
Byron Town Clerk

