

**BYRON TOWN BOARD MEETING**

February 20, 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
  - Jim Cudney
  - Jeff Thompson
- Highway Superintendent.....Brian Forsyth
- Town Clerk.....Debra Buck-Leaton
  
- Invited Guests.....Scott Mattison, MRB Group
  - John Paul Schepp, MRB Group
  - Jim Krencik, GCEDC
  - Felipe Oltramari, Genesee County Planning
  - Paul Boylan, Town Attorney

**Public:**

- Steve Hohn.....Cockram Road, Byron
- Aaron Sharp.....Searls Road, Byron
- George Squires.....McElver Street, Byron
- Barbie Starowitz.....Bank Street, Byron
- John Sackett.....Townline Road, Byron
- Jim Northup.....Iverson Road, Byron
- David Leaton.....Byron Road, Byron
- Ben Raccuia.....Warboys Road, Byron
- Christopher Hilbert.....Lyman Road, Byron
- Eric Zuber.....Tower Hill Road, Byron
- Peter Yasses.....Rte. 237, Byron
- Tom Chapell.....Swamp Road, Byron
- Dean Iverson.....Coward Road, Byron
- Alecia Kaus, Video News Service
- Dean Bates
- Christian Yunker
- Chuck Hoover

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Supervisor Rouse.

**MINUTES:**

A **motion** was made by Councilwoman Fuller to approve the Byron Town Board minutes of January 9, 2019 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

## **SOLAR PRESENTATION:**

Introduction of guests: Scott Mattison and John Paul Schepp, MRB Group  
Jim Krencik, GCEDC  
Felipe Oltramari, Genesee County Planning

Jim Krencik (GCEDC) described what PILOT is: An agreement that allows a project that is growing, launching or relocating to have start-up costs covered for a set term, usually 10 years. The company would pay partial taxes and then increase to full taxes by the 10<sup>th</sup> year. In this case it is a different type of project. The GCEDC represents the Town and helps the Town to make sure they don't have to bear the costs. It would help the Town, school district and County to make sure there is a benefit to all the parties.

Felipe Oltramari (GC Planning) - Article 10 Project: Felipe handed out an overview of the process (attached). Article 10 takes citing out of the jurisdiction's hands. The Town should rely on the Town attorney for guidance.

JP Schepp (MRB Group) – MRB Group is the engineering firm for the Caledonia and Mt. Morris solar projects, which projects are a little further along. Article 10 application has not been made for this project yet. Public participation and open houses have been done for Mt. Morris already. Caledonia has not done either yet. It is very early in this project.

Dean Ivison – he would like to know where it's going to be.

Councilwoman Sue Fuller – any studies done for long term plans?

JP Schepp – there are going to be thorough environmental reviews.

Eric Zuber – Where will public hearing be held?

JP Schepp – informational meetings will be local. Citing board may be in Albany.

Town Attorney, Paul Boylan – Everything has to be done within 2 miles of the project

Supervisor Rouse – Please leave any questions with the Town Clerk and the Town will try to answer them.

Steve Hohn – can there be multiple companies going together to form solar farm?

JP Schepp – his experience is that there's usually just one.

## **PLANNING BOARD REPORT – Councilwoman Fuller:**

- Following up on dog grooming and taxidermy applications.
- Weinert auction went through
- There was a lot of discussion regarding solar project.
- Aaron Sharp – Final Comprehensive Plan is finished. Working on solar law. Has to mirror what Comprehensive Plan has in it

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

Vote:           Ayes: 5           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:**

- Replaced 2 floats in wet well N. Byron filter bed

A **motion** was made by Councilman Klycek 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:**

- Bills look deceiving, but they’re for 2 months
- 2 trucks were down and repaired

Pete Yasses: State contract is still under review?.

Highway Superintendent Brian Forsyth: The Town has to maintain state roads until June 30<sup>th</sup>.

A **motion** was made by Councilwoman Fuller to approve the Highway Superintendent Report as given. The motion was seconded by Councilman Klycek and carried with 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 Councilman Klycek 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 – Councilman Cudney:**

- Review of the 2019 budget
- Discussion regarding tennis courts
- Discussion regarding hunting in parks
- Would like to do a public survey regarding community needs in the parks
- Re-elected current officers to another term
- Biying Downs is interested in becoming a committee member

A motion was made by Councilman Cudney to appoint Biying Downs to the Park Committee for a five year term from January 1, 2019 – December 31, 2023. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

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

Vote:                   Ayes: 5                   Nays: 0

**FIRE DEPARTMENT REPORT:**

- Meeting was cancelled and rescheduled for next Monday.

**ABSTRACTS**

**RESOLUTION #33:**

Councilman Klycek 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	#2	#35 - #60	\$ 31,266.98
Highway Fund	#2	#12 - #32	\$ 81,015.37
Sewer Fund	#2	#5 - #8	\$ 4,044.24
General Fund	PA#1	#1 - #5	\$ 1,074.26
Sewer Fund	PA#1	#1 - #2	\$ 627.40
Fire District #1	#1	#1	\$100,000.00
Fire District #2	#1	#1	\$100,000.00

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.....	\$ 75.00
Paid to the Byron Park Committee.....	\$ 30.00
Paid to the Town of Byron Supervisor.....	<u>\$2,712.30</u>
Total Disbursed for January 2019.....	\$2,817.30

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

Vote:           Ayes: 5           Nays: 0

**FINANCIAL REPORT:**

·The January 2019 Financial Report was reviewed.

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

Vote:           Ayes: 5           Nays: 0

**SUPERVISOR’S REPORT:**

·None

**OTHER BUSINESS:**

**WATER DISTRICT NO. 7:**

·Contractor came back today to do some pressure testing work and culvert repair work  
 ·Working with attorney Mark Boylan to come to an agreement with Accadia.  
 ·Town attorney Paul Boylan – When the district was established the description inadvertently did not include the properties on Rte. 262. In an attempt to rectify this, a new petition for these residents was done and has been signed, and the Comptroller and Bond Counsel have agreed that all that is needed is a resolution correcting the description.

Scott Mattison, MRB – Progress has been made on the agreement with Accadia, but it is not finished yet. It will not affect Water District No. 8.

**RESOLUTION FOR CORRECTION TO “RESOLUTION FOR ESTABLISHMENT OF WATER DISTRICT NO. 7 AFTER PUBLIC HEARING”**

**RESOLUTION #34:**

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

**WHEREAS**, it has come to the attention of this Town Board that there is an error in the meets and bounds description of the area intended to encompass Water District No. 7 whereby property owners on Route 262 were excluded from the boundary description in the “Resolution for Establishment of Water District No. 7 After Public Hearing”, and

**WHEREAS**, this Board is in receipt of a Petition signed by the sole resident and all but one of the non-resident owners of property in the excluded area requesting that the district be extended and that therefore one hundred percent (100%) of the resident owners and more than fifty percent (50%) of the owners in the excluded area are in favor of being included in Water District No. 7, and

**WHEREAS**, there will not be an increase in the maximum amount to be expended nor an increase in the debt service to be paid by the owners nor an increase in the amount included in the contract bid for the construction of the improvements in the district, and

**WHEREAS**, as it was the intent of this Town Board and a majority of the owners and resident owners to include those owners mistakenly excluded as evidenced by the recitation in the said Resolution that the description was to be “All as shown on a map prepared by Chatfield Engineers, P.C., entitled, “Town of Byron Water District No. 7, Water District Boundary Map”, dated February 16, 2016”, which map included those said properties,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Byron that the “Resolution for Establishment of Water District No. 7 After Public Hearing” adopted on June 15, 2016 is hereby corrected to recite the description as set forth on the Boundary Description dated February 17, 2016 and attached hereto, and

**BE IT FURTHER RESOLVED**, that as so corrected said “Resolution for Establishment of Water District No. 7 After Public Hearing” is hereby ratified and confirmed.

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

Vote:                      Ayes: 5                      Nays: 0

**WATER DISTRICT NO. 8:**

·Randsco has their equipment on site already. The sale of the BAN is on February 27<sup>th</sup> and then a preconstruction meeting can be held.

**WATER DISTRICT NO. 8 NYSDOT PERM 32, 36 AND 50  
RESOLUTION #35:**

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

**Resolved**, that the Byron Town Board authorizes the Supervisor to sign the NYSDOT Form PERM 32, 36 and 50 with regard to Water District No. 8.

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

Vote:                      Ayes: 5                      Nays: 0

**FUTURE WATER DISTRICTS:**

·MRB is working on reports for Transit Road and two other water improvement districts. They will need parcel lists from the Assessor. Once they have received those they can do reports.

**HOUSEHOLD INCOME SURVEY AGREEMENT – SOUTHEAST AND SOUTHWEST AREAS  
RESOLUTION #36:**

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

**Resolved**, that the Byron Town Board authorizes the Supervisor to sign the Agreement with LaBella, PC to conduct a household income survey in the southeast and southwest portions of the Town of Byron, at a cost of \$2,050.00 plus mileage at the 2019 Federal rate.

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

Vote:           Ayes: 5           Nays: 0

**PUBLIC COMMENTS:**

Councilwoman Sue Fuller – The Town is very concerned regarding Water District No. 7 and the proposed solar farm.

Aaron Sharp – Should the town do a moratorium for the solar farm?

Paul Boylan - The Town already has a solar law in place from 2016 allowing solar farms. A moratorium won't do any good at this point. The Town needs to form a committee to get as much information as you can regarding the pros and the cons. He does not know what benefit package they're going to offer, but it may be worth it to the Town to see what they are going to offer the Town. The fee that the solar company pays to the board is used to pay for the employment of legal and expert representation.

Councilman Fred Klycek – the state is making the decision

Barb Starowitz – Transit Road Water District – options for getting water to her property.

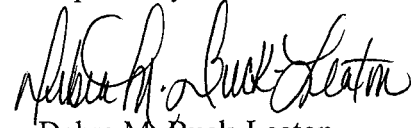
Jeff Thompson – It is Elba's water district, not Byron's. Byron can't tap into Elba's water without their permission. The Town is working on a district for Byron.

**ADJOURN:**

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 8:35 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton  
Byron Town Clerk

# NYSERDA



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## Article 10

Major electric generating facilities larger than 25 MW are sited according to New York State's Article 10 law. This comprehensive law provides guidance to the New York State Board on Electric Generation Siting and the Environment (Siting Board) about authorizing construction and operation of major electric generating facilities. The Article 10 law streamlines the application process for developers, while providing a rigorous process for local input and ensuring environmental and public health laws are followed. The public can participate in the Article 10 decision-making process by offering support, voicing concerns, or asking questions about public health, safety, the environment, and other factors. This process begins during the initial planning of the facility and continues throughout the siting review, construction, and operation.

### Article 10 Process

#### Step 1: Public Involvement Program

- Developers are required to implement public involvement programs in the respective communities at least 150 days before submitting their preliminary scoping statement and official applications to the Siting Board.

#### Step 2: Preliminary Scoping Statement

- The preliminary scoping statement is a written document informing the Siting Board, other public agencies, and the community about the project, including a description of the proposed facility, potential environmental and health impacts, proposed studies to evaluate those impacts, proposed mitigation measures and reasonable alternatives to the project.

#### Step 3: Formal Application

- After the public involvement program and preliminary scoping statement are filed, developers must then submit a formal Article 10 application to the Siting Board, which includes the same information as the preliminary scoping statement but in greater detail.

#### Step 4: Siting Board Decision

- The Siting Board must make its final decision about whether to issue or deny the certificate within 12 months of the date that a developer's application is deemed complete.

More information on Article 10 is available below:

- Department of Public Service Projects Under Review [PDF](#)
- Department of Public Service Article 10 Frequently Asked Questions [PDF](#)
- Department of Public Service Siting Board Guides [PDF](#)
- New York State's Process for Considering Sites for Wind Farms [PDF](#)