

BYRON TOWN BOARD MEETING

March 11, 2020

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

- Supervisor.....Peter Yasses
- Councilmen.....Sue Fuller
Jeff Thompson
Josh Kent
Eric Zuber
- Highway Superintendent.....David Leaton
- Town Clerk.....Debra Buck-Leaton
- Invited Guests.....Paul Boylan, Esq., Boylan Law Office

Public:

- Candace Hensel Bruce May Cheryl Thompson Barbie Starowitz
- George Squires Dawn Clark Jeanne Freeman Gayla Starowitz
- Vic Digregorio Ben Raccuia Kaitlyn Maicha Eddie Zeitvogel
- Jim Lamkin Laurel Smith Amanda Jack Nicholas Werbel
- Nicole Kulzer Kim Kulzer Richard Colby Corky Shaw
- Michelle Piasecki, Harris Beach Keddy Chandran, Next Era

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

MINUTES:

A **motion** was made by Councilwoman Fuller to approve the Byron Town Board minutes of February 12, 2020 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – George Squires:

- Processed a Land Separation for Roger Rouse
- Finished discussion of Byron Solar Energy Local Law which is ready for approval by the Town Board
- Paul Boylan stated that if the Town Board approves of the proposed Local Law then the Board would call a Public Hearing to get input from residents. The Town Board can make changes prior to the Public Hearing or after the Public Hearing. He also discussed the Governor’s new Article 23, which takes more power away from municipalities with regard to renewable energy.

PUBLIC HEARING – TOWN OF BYRON SOLAR ENERGY LOCAL LAW NO. 2 OF 2020

RESOLUTION #41:

Councilwoman Fuller offered the following resolution and moved for its adoption:

WHEREAS, the Town Board of the Town of Byron will hold a Public Hearing with regard to the Town of Byron Solar Energy Local Law No. 2 of 2020 on Tuesday, March 31, 2020 at the South Byron Fire Hall at 7:00 p.m.

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

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Kent to approve the Planning Board Report as given. The motion was seconded by Councilman Thompson 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

Supervisor Yasses – Camden Group was going to change who they use to do lab testing at an additional cost of \$4,000 to the Town. Supervisor Yasses called Camden and told them the Town didn't budget for the additional \$4,000 and didn't appreciate the short notice. Camden called back and said they would be staying with the current company and there would be no change in costs. Supervisor Yasses also discussed a beaver problem on Rte. 237 near the creek that is flooding property. There is going to be a trapper going back to remove the beavers.

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

MRB Group – Engineering Planning Grant (EPG):

·MRB Group has prepared a proposal for an Engineering Planning Grant (EPG) for the Mobile Home Park Sanitary Sewer as discussed at a meeting on March 3rd. The EPG will be used to update the original Engineering Report from 2012, which will then be used to apply for both the Water Quality Improvement Project (WQIP) Grant and the Community Development Block Grant (CDBG). These grants would fund the majority of the construction costs for the project.

PROPOSAL FOR PROFESSIONAL SERVICES – 2020 CONSOLIDATED FUNDING APPLICATION (CFA) - ENGINEERING PLANNING GRANT

RESOLUTION #42:

Councilman Kent 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 Proposal for Professional Services for the 2020 Consolidated Funding Application (CFA) Engineering Planning Grant between the Town of Byron and MRB Group in the amount of \$5,000.00.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT:

·Working on repairing equipment. There is so much equipment that needs to be repaired that the Board may have to transfer money.

Purchase of New Highway Pickup Truck:

·The Highway Superintendent received the following three quotes for a 2020 Chevy pickup truck, which is subject to a Permissive Referendum:

1. Basil - \$33,923.25 (this truck includes a spray on bed liner and remote start)
2. Spurr - \$43,931.20
3. West Herr - \$33,396.43

- The Highway Superintendent will be selling the 2017 pickup
- Also looking at trading the loader

PURCHASE OF 2020 CHEVY PICKUP TRUCK

RESOLUTION #43:

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

WHEREAS, the Town Board of the Town of Byron hereby authorizes the purchase of a 2020 Chevy pickup truck from Basil in the amount of \$33,923.25, subject to Permissive Referendum.

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

Vote: Ayes: 5 Nays: 0

SALE OF SURPLUS EQUIPMENT

RESOLUTION #44:

Councilwoman Fuller offered the following resolution and moved for its adoption:

WHEREAS, the Town Board of the Town of Byron hereby authorizes the sale of the following surplus equipment:

- Lincoln Idealarc sp250 wire feed welder
- 1999 International 10 wh dump, VIN #1HTGGAHT5XH654358, Model 257 6x4, 115,752 miles
- 2 ploy tanks 3,000 gallon capacity each
- Fontaine V hoper sander 11 ft. long, model #AC2420A

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

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Kent 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

CEO/ZEO REPORT – Mike Morris:

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

A **motion** was made by Councilmen Kent 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:

- Continuing discussion on park rules
- Planning a tree planting in honor of Jim Cudney
- Also working on a "needs" list for the park
- Sent out request for proposals for Port-a-Johns and bids for Gatekeeper

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

Vote: Ayes: 5 Nays: 0

HISTORICAL SOCIETY REPORT:

- Spring dinner meeting will be upcoming
- They now have their own FaceBook page and website
- March 19th is the next Bicentennial meeting
- Byron Kiwanis will be selling Town throws for the Bicentennial
- The Historical Society will be selling etched crystal ornaments for the Bicentennial
- The Bicentennial committee would like to have as many floats as possible in the parade

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #45:

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	#3	#49 - #66	\$ 10,619.78
Highway Fund	#3	#35 - #56	\$ 39,874.57
Sewer Fund	#3	#8 - #11	\$ 2,186.13
Celebrations	#1	#1	\$ 520.00
Water District No. 1	#1	#1	\$120,000.00
Fire District No. 1	#1	#1	\$102,000.00
Fire District No. 2	#1	#1	\$102,000.00
General Post Audit	#2	#9 - #17	\$ 2,765.21
Sewer Post Audit	#2	#5 - #7	\$ 4,342.90

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.....	\$ 44.00
Paid to the Byron Park Committee for Pavilion Rental.....	\$ 30.00
Paid to NYS Department of Health for Marriage Licenses.....	\$ 22.50
Paid to the Town of Byron Supervisor.....	\$2,632.20
Total Disbursed for February 2020.....	\$2,728.70

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The February 2020 Financial Report was reviewed.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

Quote for Pass Through Window Between Justice Office and Court Clerk Office:

The Town Board has received a quote from Jeff Cudney for a pass through window between the Justice Office and the Court Clerk office at a cost of \$965.00.

Candy Hensel – She would like to see the Town get another quote for the job.

A **motion** was made by Councilman Zuber to have Justice Smith get one additional quote for the pass through window between the Justice and Court Clerk's Offices. The motion was seconded by Councilman Kent 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 Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

WATER IMPROVEMENT BENEFIT AREA NO. 1:

All work associated with the Grant Application is completed and submitted to USDA Rural Development. Per our meeting with Dawn Kuras on February 25, 2020 USDA RD cannot fund the project currently as it is more than 25% of the grant money available for all of NYS. We have discussed obtaining well samples providing the results to the Department of Health and having them draft a letter in support of the project. This would give the project an extra 25 points with USDA RD in addition to its current score of 55 and greatly help its chances of being funded during pooling. The hope is that the project will be funded through pooling, which is where all of the leftover grant money in the country is available at the end of USDA RD fiscal year projects that have been submitted.

PROPOSAL FOR SERVICES – WATER IMPROVEMENT BENEFIT AREA NO. 1 WELL SAMPLING

RESOLUTION #47:

Councilwoman Fuller 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 Proposal for Professional Services for well sampling of Water Improvement Benefit Area No. 1 households between the Town of Byron and MRB Group in the amount of \$1,500.00.

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

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

Jim Lamkin – presented the Town Board with additional signatures against the solar project which brings total to 319 signatures

Jeanne Freeman – would like to put up a monument for veterans

Supervisor Yasses – he would like to have Nicole Kulzer, Laurel Smith, Kim Kulzer, Jeanne Freeman and Cheryl Thompson form a committee to get quotes to put up a veterans monument

Candy Hensel – would like to have the Town Board apply for state funding for the Town. Maybe MRB Group can help the Town.

Town Clerk – she will call Courtney at the Village of Bergen to see what funding they apply for and how.

Jim Lamkin – he sent the Town Board a sample resolution to send to Legislators requesting they vote against budget amendment regarding Article 23, which would infringe on the Home Rule Law. There was an article in today's Daily News.

Councilman Kent – he and a couple of the Board members haven't had time to fully review the Resolution and don't feel comfortable passing it right now.

Attorney Paul Boylan – after some discussion Paul agreed to put a letter together for approval by the Town Board with regard to Article 23.

Candy Hensel – Every other Monday night meeting will be for what can be done in the best interest or benefit of the Town.

LETTER IN OPPOSITION TO ARTICLE 23

RESOLUTION #48:

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

WHEREAS, the Town Board of the Town of Byron hereby authorizes the Town Attorney, Paul Boylan, to draft a document which would express the Town's opposition to Article 23 on approval of the Supervisor, and to have the Supervisor sign the letter and forward it to the Town's legislative representatives, including the Governor, Legislature and Senators.

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

Vote: Ayes: 5 Nays: 0

EXECUTIVE SESSION:

A **motion** was made by Councilman Thompson to go into Executive Session to discuss a personnel matter at 8:40 p.m. 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 go come out of Executive Session at 9:17 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

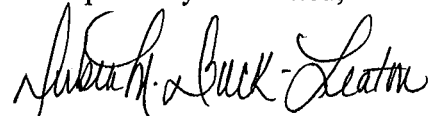
Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 9:18 p.m. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk