

BYRON TOWN BOARD MEETING

March 13, 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
- Barry Flansburg, Assessor
- Highway Superintendent.....Brian Forsyth
- Town Clerk.....Debra Buck-Leaton

- Invited Guests.....Paul Chatfield, MRB Group
- Scott Mattison, MRB Group
- Steve Hyde, GCEDC
- Jim Krencik, GCEDC
- Keddy Chandran, Next Era Energy Resources
- Bill Boer, Next Era Energy Resources

- Public:
- Patty and David Kent.....Randall Road, Stafford
- Candy Hensel.....Rte. 237, Byron
- George Squires.....McElver Street, Byron
- Jack Redick.....Walkers Corners Road, Byron
- Vic Digregorio.....Warboys Road, Byron
- Mickey Truax.....Swamp Road, Byron
- Barb Starowitz.....Bank Street Road, Byron
- Jim Northup.....Ivison Raod Byron
- David Leaton.....Byron Road, Byron
- Nancy Clark.....Walkers Corners Road, Byron
- William Harshbarger.....Walkers Corners Road, Byron
- Josh Kent.....Ivison Road, Byron
- Craig Yunker.....Transit Road, Elba
- Bob Bausch, Genesee County Legislature Chairman

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 February 20, 2019 as written. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SOLAR PRESENTATION:

Steve Hyde, GCEDC – Discussed the role of the Economic Development Center as the solar project moves along. (See attached handout)

Councilwoman Fuller – Will the ag land still be taxed as ag land?

Barry Flansburg, Assessor – All of the designations would be thrown out and it will be based on the PILOT.

Steve Hyde, GCEDC - It will be revenue in addition to taxes paid.

Jack Redick – How does a solar farm affect property value?.

Barry Flansburg, Assessor – Property values are based on what is happening now, not what might happen in the future.

Jim Northup – What is the timeline? And what is the scope?

Keddy Chandran – Would like to begin construction and be online by the end of 2022. It will be decided through the Article 10 process. They would like it to be between 1,500 and 2,000 acres.

Candy Hensel – How soon would the EDC need to know if the Town would be willing to work with them

Steve Hyde, GCEDC – The sooner the better.

Josh Kent – Is there a representative from the Town or the school assisting in negotiations.

Steve Hyde, GCEDC – He will be having work groups with different groups.

PLANNING BOARD REPORT – Councilwoman Fuller:

- Pete Yasses would like to put storage units in on Rte. 237
- Discussed solar energy
- Taxidermy business has been approved
- Dog grooming business up and running
- Weinert subdivision is complete

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:

- Called out on February 3rd for South Byron filter bed – replaced float
- Called out on February 9th for high level alarm at 639 Mill Pond Road – replaced float
- Called out on February 10th for a trailer backed up in the trailer park – dug up tank and inlet baffle was plugged.

·The State is going to require by 202 that the Town disinfects the effluent at Center Byron's filter bed. Al Graham from Camden has contacted the Town's Engineers, MRB Group, with the information to get the engineering study underway, which needs to be completed by 2022.

Paul Chatfield – MRB Group will be getting a proposal to the Town. There is grant money available.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT:

- Press release for GLOW area for road work
- Working on wind debris

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT – Mike Morris:

- No report.

ASSESSOR'S REPORT – Barry Flansburg:

· Change notices will be out by the end of the month. Trying to raise assessments to meet state requirement of 100% assessment.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – George Squires:

- They didn't have enough members to hold a meeting.
- Put survey in newsletter to find out what the Town's residents would like to do with the parks.

A **motion** was made by Councilwoman Fuller 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

FIRE DEPARTMENT REPORT:

- Tentatively meeting next week.

ABSTRACTS

RESOLUTION #37:

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

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

<i>Fund:</i>	<i>Abstract:</i>	<i>Vouchers:</i>	<i>Amount:</i>
General Fund	#3	#61 - #86	\$ 23,606.61
Highway Fund	#3	#33 - #50	\$ 42,401.16
Sewer Fund	#3	#9 - #13	\$ 6,039.85
Water District No. 1	#1	#1	\$120,000.00

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.....	\$ 25.00
Paid to the State Comptroller.....	\$ 30.00
Paid to the Town of Byron Supervisor.....	\$2,429.24
Total Disbursed for February 2019.....	\$2,484.24

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

The February 2019 Financial Report was reviewed.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

GAM: Discussed resolution with regards to the tax agreement between the County and Towns to have a 40 year sales tax agreement.

A **motion** was made by Councilwoman Fuller that the Town of Byron is not in favor of a 40 year sales tax agreement with the County. The motion was seconded by Councilman Klycek and carried with the following vote.

Vote: Ayes: 5 Nays: 0

GCEDC - request to consider resolution or letter regarding prevailing wage premium on private sector projects

RESOLUTION IN OPPOSITION TO PREVAILNG WAGE ON PRIVATE SECTOR PROJECTS

RESOLUTION #38:

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

WHEREAS, the Town of Byron supports the continued growth of business expansion, retention and attraction; and investments into workforce development, housing and healthy living projects, and

WHEREAS, Genesee County has used financial incentives to secure significant private sector investments amid competitive site selection searches; to allow Genesee County businesses to pursue projects expanding their workforce, production, and facilities; and to overcome competitive disadvantages from New York Stat's expensive business climate, and

WHEREAS, such public-private partnerships are necessary to enable revitalization of our downtowns, expand markets for agricultural products, create rewarding career pathways for our existing workforce and youth, and fulfill the delivery of transformational projects at the WNY STAMP campus in the Town of Alabama, and

WHEREAS, projects assisted by the Genesee County Economic Development Center have returned a significant benefit to Genesee County, enabling pledges of \$33 million in capital investment, 99 new jobs, and construction of over 189,000 square feet of facilities in 2018; and over the past 17 years have enabled \$1.3 billion in capital investment, over 4,500 new jobs, and new construction and renovations totaling over 3.5 million square feet of facilities, and

WHEREAS, legislation is currently under consideration by the State Senate of New York and the State Assembly of New York which redefines public works projects to include private sector projects; and would impose prevailing wage requirements on all private sector investments receiving any incentives, grants, loans or assistance form Genesee County or the State of New York; including those to expand manufacturing, affordable and market rate housing, downtown revitalization, historic preservation and projects undertaken by non-profit organizations, and

WHEREAS, studies have projected a prevailing wage mandate would increase project costs by an additional 25 to 30 percent, resulting in fewer projects, fewer new jobs, and fewer investments into community needs in Genesee County; and past use of prevailing wage requirements in Ulster County and the City of Yonkers arrested economic development in those communities, therefore be it

RESOLVED, that the Town of Byron reaffirms its support for the continued growth of Genesee County's economy and quality of life, and goes on record opposing Senate Bill 1947 and Assembly Bill 1261.

RESOLVED, that the Clerk of the Town of Byron shall forward certified copies of this Resolution to the Governor of the State of New York Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senator Mike Ranzenhofer, Speaker of the New York State Assembly Cal Heastie Assemblyman Steve Hawley, the Inter County Association and NYSAC.

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

WATER DISTRICT NO. 7:

·Came to a possible agreement with the contractor.

WATER DISTRICT NO. 7 BUDGET MODIFICATION

RESOLUTION #39:

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

WHEREAS, the Town of Byron developed the budget for the Water District No. 7 project based on an estimate for the cost for the net interest expense on the BAN, and

WHEREAS, the actual costs for the interest expense will be more than the current budgeted amount.

BE IT RESOLVED, that the Town Board hereby authorizes an increase of \$21,120.00 in the Net Interest Expense budget item, from \$18,080.00 to \$39,200.00, and a corresponding decrease to the Contingency.

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

Vote: Ayes: 4 Nays: 1 (Councilwoman Fuller)

WATER DISTRICT NO. 7 WATER MAIN EXTENSION AGREEMENT

RESOLUTION #40:

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

WHEREAS, the Town of Byron authorizes the Supervisor to sign the Water District No. 7 Main Extension Agreement between the Town of Byron and the Monroe County Water Authority.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 8:

·Moving quickly. Next construction meeting is on Tuesday.

WATER DISTRICT NO. 8 BUDGET MODIFICATION

RESOLUTION #41:

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

WHEREAS, the Town of Byron developed the budget for the Water District No. 8 project based on an estimate for the cost for the net interest expense on the BAN, and

WHEREAS, the actual costs for the interest expense will be more than the current budgeted amount.

BE IT RESOLVED, that the Town Board hereby authorizes an increase of \$19,500.00 in the Net Interest Expense budget item, from \$21,500.00 to \$41,000.00, and a corresponding decrease to the Contingency.

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

Vote: Ayes: 5 Nays: 0

WATER DISTRICT NO. 8 WATER MAIN EXTENSION AGREEMENT

RESOLUTION #42:

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

WHEREAS, the Town of Byron authorizes the Supervisor to sign the Water District No. 8 Main Extension Agreement between the Town of Byron and the Monroe County Water Authority.

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

Vote: Ayes: 5 Nays: 0

FUTURE WATER DISTRICTS:

·The assessor will begin compiling the parcel list next week for proposed water districts and then MRB will complete reports and submit to USDA.

·MRB Group submitted proposals for the solar project and also the Water Improvement Benefit Area No. 1.

WATER IMPROVEMENT BENEFIT AREA NO. 1 RD FUNDING APPLICATION AND ENVIRONMENTAL REPORT

RESOLUTION #43:

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

WHEREAS, the Town of Byron authorizes the Supervisor to sign the Proposal for Professional Services for a Rural Development Funding Application and Environmental Report with MRB Group in the amount of \$11,500.00.

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

Vote: Ayes: 5 Nays: 0

COPIER QUOTES:

Eastern: 3 year lease \$315.00/mo.

Toshiba: 39 month lease \$211.70/mo.

APPROVAL OF QUOTE AND LEASE OF NEW COPIER

RESOLUTION #44:

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

WHEREAS, the Town Board of the Town of Byron hereby approves the quote from Toshiba in the amount of \$211.70 per month for a 39 month lease for a new copier.

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

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

·None

EXECUTIVE SESSION:

A **motion** was made by Councilman Thompson to go into executive session at 9:24 p.m. to discuss a matter relating to proposed, pending or current litigation. The motion was seconded by Councilwoman Fuller 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 10:28 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote: Ayes: 5 Nays: 0

APPROVAL OF WATER DISTRICT NO. 7 SUMMARY OF PAYMENT ITEMS WITH ACCADIA SITE CONTRACTING, INC.

RESOLUTION #45:

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

WHEREAS, the Town Board of the Town of Byron hereby approves the Summary of Payment Items for Water District No. 7 with Accadia Site Contracting, Inc.

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

Vote: Ayes: 4 Nays: 1 (Councilwoman Fuller)

CONTRACTOR'S APPLICATION FOR PAYMEN NO. 3

RESOLUTION #46:

Councilman Thompson 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 Payment No. 3 in the amount of \$470,616.76, and to approve the payment of Water District #7 Abstract #1, Voucher #1 in the amount of \$470,616.76.

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

Vote: Ayes: 4 Nays: 1 (Councilwoman Fuller)

WATER DISTRICT NO. 7 – TERMINATION OF CONTRACT WITH ACCADIA SITE CONTRACTING, INC.

RESOLUTION #47:

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

WHEREAS, the Town Board of the Town of Byron hereby agrees to terminate the current contract with Accadia Site Contracting, Inc., and to authorize MRB Group to begin contract discussions with Morsch Pipeline for the completion of Water District No. 7.

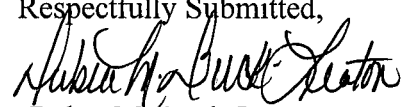
Councilman Klycek seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was made by Councilman Cudney to adjourn the Byron Town Board Meeting at 10:34 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

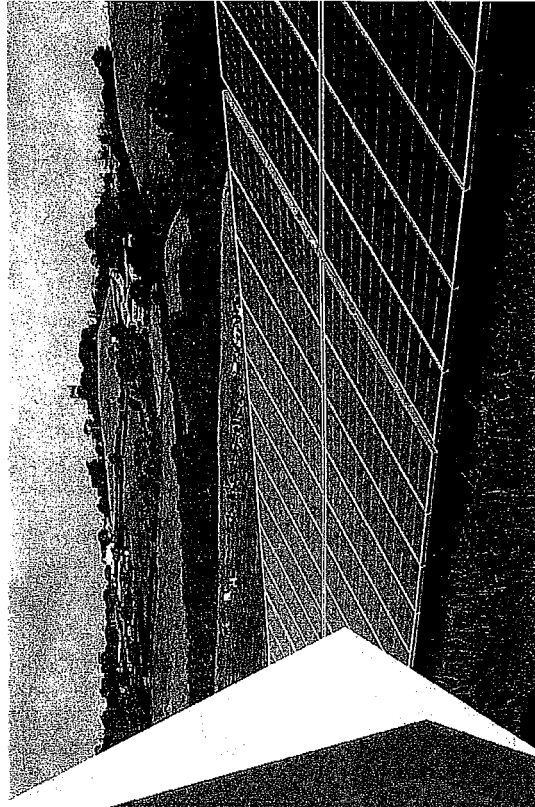
Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk

PILOTs and Solar Energy Projects in New York

Byron Town Board / Planning Board Meeting

S. G. Hyde
President & CEO
Genesee County EDC

March 13, 2019



Situation: The New York State view...



- Reforming the Energy Vision (REV)** is Governor Andrew M. Cuomo's comprehensive energy strategy for New York. REV helps consumers make more informed energy choices, develop new energy products and services, and protect the environment while creating new jobs and economic opportunity throughout the State.

REV GOALS

- Making energy more affordable for all New Yorkers
- Building a more resilient energy system
- Empowering New Yorkers to make more informed energy choices
- Creating new jobs and business opportunities
- Improving our existing initiatives and infrastructure
- Supporting cleaner transportation
- Cutting greenhouse gas emissions 80% by 2050
- Protecting New York's natural resources
- Helping clean energy innovation grow

REV is a strategy to build a clean, resilient, and affordable energy system for all New Yorkers.

REV is transforming New York State's energy policy and initiatives to make our energy system more resilient and clean, locally produced power are at the core of the State's energy system.

REV is changing the way government and utilities work to make clean energy more affordable to everyone. And most importantly, REV is putting customers first by designing new initiatives to impact real people and provide individuals and communities with the opportunity to take an active role in achieving the following State energy goals by 2030.

40% Reduction in GHG emissions from 1990 levels

Reducing greenhouse gas (GHG) emissions from the energy sector—power plants, buildings, and transportation—will improve the health and welfare of New Yorkers and reaching the longer term goal of decreasing total carbon emissions 80% by 2050.

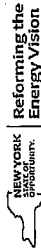
50% Generation of electricity from renewable energy sources

Renewable energy sources, including solar, wind, hydropower, and biomass, will play a vital role in reducing electricity price volatility and curbing carbon emissions.

23% Decrease in energy consumption in buildings from 2012 levels

Energy efficiency results in lower energy bills and is the single most cost-effective tool in achieving energy objectives. 600 trillion British thermal units (TbU) in energy efficiency gains equals to 23% reduction in energy consumption by buildings.

- New York is aggressively pursuing a cleaner, more resilient and affordable energy system.
- State Tax Policy has been aligned to encourage such development.
- NYS solar market installations grew by 795% from 2011 to 2016.



ny.gov/REV4NY

Reforming the Energy Vision

NYS Tax Policy – RPTL 487

- NYS law on renewable energy systems - 15 year exemption from real property tax on increase in value.
- Opt-In: taxing jurisdictions Opted-In and participate in exemption by default.
 - Taxing jurisdictions can require solar developers to negotiate a PILOT via notice provisions.
- Opt-Out: taxing jurisdictions can Opt-Out by local law or resolution
 - Opting-Out makes solar farms fully taxable - assessment guidance is limited
 - Genesee County government - Opted-Out in 2018
 - GCEDC (IDA), due to statutory powers, is only vehicle to negotiate a PILOT with developer.
- Mixed Conditions: GCEDC can negotiate a PILOT/hosting agreement benefitting all taxing jurisdictions collaboratively by representing the taxing jurisdictions in negotiations with the solar developer.

GCEDC About and Mission

The Genesee County Economic Development Center (GCEDC), formerly known as the Genesee County Industrial Development Agency, was formed in 1970 under Section 18-A of New York State's General Municipal Law and is the County's primary designated agency for the promotion of economic development and economic growth. The agency was reorganized to its current form in 1979. The GCEDC is governed by a seven member, non-compensated, Board of Directors that is made up of business and community leaders that are appointed by the Genesee County Legislature.



Vision

The Genesee County Economic Development Center's vision is to foster increased economic activity for our community by providing a high quality of life for our residents and their families. The GCEDC will enable this by progressively marketing our community to businesses facilitating business capital investment which contributes to the creation and retention of quality jobs.

Mission

The GCEDC is the primary economic development agency in Genesee County, NY. The GCEDC's mission is to provide the resources to foster community economic success and facilitate new business attraction in order to build a sustainable long-term economy. This is done through growth, expansion and retention of our existing business base and marketing our community as "business friendly" to attract new businesses. To accomplish its mission, GCEDC provides a variety of financial incentives, technical assistance and other forms of direct support to enable companies to succeed in the global economy.

GCEDC is the "IDA" in Genesee County

What is a PILOT?

- When an IDA takes title to/leasehold interest in real property, that property is 100% exempt from ad valorem real property taxes (placed on tax-exempt side of tax rolls).
- Generally, an IDA will negotiate a Payment In Lieu of Tax agreement with the company.
 - A contract with the company making an investment and/or creating/retaining jobs.
 - A vehicle that establishes property tax "like" payments generally ramping to full taxes over a period of years.
 - Accommodates/incentivizes company making the investment, taking risk in a high taxed state.
 - Accommodates local taxing jurisdictions by generating property tax type payments for localities.
 - @ expiration – property transitions to the taxable side of the tax rolls – pays full property taxes.

NextEra Energy's Excelsior Energy Project and PILOTs

- A bit of a unique application of a PILOT vs. traditional job creating / capital investment oriented / tax base enhancing projects that GCEDC normally participates in.
- As of today - status of Byron taxing jurisdictions and NYS 15 yr. exemption (RPTL 487).
 - Town: Opt-In
 - County: Opt-Out
 - Byron Bergen CSD: Opt-Out
- As such, project is subject to full property taxes for county and school taxes.
- As such, NextEra Energy has expressed its interest to GCEDC in establishing a PILOT agreement to enable the project "if and when" the project is approved for siting following the Article 10 siting/ environmental review process.
- A PILOT will need to be negotiated for the benefit of the town, county and school district.

Town PILOT and related Options...

- Recommended Approach: Align with GCEDC and other county taxing jurisdictions in negotiations
 - A Collaborative model
 - GCEDC negotiates with company on behalf of community/all taxing jurisdictions
 - PILOT – share based on % tax rates
 - Host Community Agreement (Impact fee) – a possibility
- Benefits
 - A balanced approach
 - Community alignment
 - GCEDC experienced in negotiating similar complex agreements on energy projects

Discussion / Next Steps

- Select negotiations approach
- PILOT / Host benefit strategy development
- Article 10 Implementation
- PILOT / Host benefit negotiations
- Contracting - GCEDC PILOT application process, Host Benefit contract development
- Article 10 decision
- Financial close