

A **motion** was made by Councilman Thompson to rescind the motion made at last month's meeting in which the Town Board was unwilling to support the County Sales Tax Agreement, and the Town Board would now like to support the 40 year County Sales Tax Agreement. The motion was seconded by Councilman Cudney and carried with the following vote:

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

PLANNING BOARD REPORT – Councilwoman Fuller:

- Consulting companies are sending proposals for solar energy
- Pete Yasses would like storage facilities added to a permitted use under C2 areas. County Planning suggested he petition the Town, which he did at tonight's meeting. The Town will now need to hold a Public Hearing at the next meeting
- Joel Branciforte would like to merge two parcels, but lot isn't big enough for setback requirements. This will have to go to the County Planning
- Discussed Right to Farm Law, and the Board will continue to review the law
- Smart growth area has been updated

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

PETER YASSES – Petition to add storage facilities to the C2 area:

Town Attorney Paul Boylan: The Town Board will need to hold a Public Hearing and pass a Local Law. He would suggest holding the Public Hearing at next month's meeting.

A **motion** was made by Councilman Thompson to hold a Public Hearing on Wednesday, May 8, 2019 at 7:00 p.m. at the Byron Town Hall at 7028 Rte. 237, Byron, NY to consider the adoption of a proposed Local Law amending the Town of Byron Zoning Law to allow storage unit buildings in the C-2 (Commercial) zones in the Town. The motion was seconded by Councilwoman Fuller 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:

- Located and dug up septic tank at 7520 Mechanic Street, S. Byron whose house was backed up.

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

Vote: Ayes: 5 Nays: 0

MRB PROPOSAL FOR PROFESSIONAL SERVICES-2019 WASTEWATER INFRASTRUCTURE ENGINEERING PLANNING GRANT APPLICATION AND RESPONSE TO THE NYSDEC REQUEST FOR INFORMATION:

- DEC will require the Town to disinfect waste water via chlorine or uv system.

NYS DEC REQUEST FOR INFORMATION FOR SEWER DISTRICT

RESOLUTION #48:

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

RESOLVED, that the Town Board of the Town of Byron hereby approves the Proposal for Professional Engineering Services prepared by MRB Group in the amount of \$2,600.00 for response to the NYS DEC Request for Information which is due by June 1, 2019.

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

Vote: Ayes: 5 Nays: 0

NYS DEC/EFC WASTEWATER INFRASTRUCTURE ENGINEERING PLANNING GRANT APPLICATION PREPARATION FOR SEWER DISTRICT

RESOLUTION #49:

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

RESOLVED, that the Town Board of the Town of Byron hereby approves the Proposal for Professional Services prepared by MRB Group in the amount of \$2,500.00 for preparation of the 2019 NYS DEC/EFC Wastewater Infrastructure Engineering Planning Grant Application.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT- Councilwoman Fuller:

- November 9th first snow removal, April 1st last snow removal
- Made 167 trips down Rte. 237
- Fixing lawn damage and removing snow fence

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Jim Cudney:

- Discussed memorial bench policy. George Squire will look at the County Park policy
- Discussed tennis court options
- Park use survey is now available and quite a few residents have filled it out
- Clean-up day will be announced soon

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

HISTORICAL SOCIETY – Laurel Smith:

- Had a meeting and 2 people showed up volunteer for the Bicentennial

- They would like to get an idea of how much the Town would be willing to budget for the celebration
- There was discussion regarding volunteerism in the Town

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

Vote: Ayes: 5 Nays: 0

FIRE DEPARTMENT REPORT :

· Met with Byron and South Byron Fire Departments and received a list of interior and exterior firefighters. Doing annual physicals, which is an expense to the departments.

· Dean Bates, the President of S. Byron Fire Department, will talk to Paul Chatfield about color of hydrants. The color may dictate the pressure. The fire departments would like input on where fire hydrants are located.

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #50:

Councilman Cudney 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	#4	#87 - #116	\$ 51,797.15
Highway Fund	#4	#51 - #67	\$ 10,522.76
Sewer Fund	#4	#14 - #16	\$ 3,371.27
General Fund Post Audit	#2	#6	\$ 458.89
Sewer Post Audit	#2	#3 - #4	\$ 605.00
Water District No. 8	#1	#1	\$1,311,600.87

Councilman Thompson 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.....	\$ 51.00
Paid to the Park Committee for Pavilion Rental.....	\$ 60.00
Paid to the Town of Byron Supervisor.....	<u>\$3,459.40</u>
Total Disbursed for March 2019.....	\$3,570.40

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

· The March 2019 Financial Report was reviewed.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

Byron-Bergen Central School Black Creek Permission Form:

A **motion** was made by Councilwoman Fuller to allow the Byron-Bergen Central School District to enter property located along Black Creek under the trestle. The motion was seconded by Councilman Thompson and carried with the following vote.

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

WATER DISTRICT NO. 7:

The Town has come to an Agreement with Accadia and they will complete work on roads they started. They are supposed to start tomorrow. Also working on entering into an agreement with Morsch, there are a couple of changes needed and they would like to start by the end of April. Agreement with Accadia is subject to hold harmless and nondisparagement agreement. Project should be complete by the middle of July

WATER DISTRICT NO. 7 CONTRACT WITH MORSCH PIPELINE, INC.

RESOLUTION #51:

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

RESOLVED, that the Town Board of the Town of Byron hereby approves the proposed contract between the Town and Morsch Pipeline, Inc. for the completion of the construction of Water District No. 7 as amended by the Town Attorney for a total price of \$359,320.80, subject to the approval by the Town Attorney of the Contractor's policies of liability insurance, auto liability, umbrella and workers' compensation and the endorsements thereto adding the Town of Byron a an additional insured; and

IT IS FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to execute the contract upon the approval of the Town Attorney of the insurance policies.

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

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

WATER DISTRICT NO. 8:

Randsco has all the water main in except for railroad tracks due to issues with boring under tracks and requirements by CSX. Working on restoration, flushing, etc.

FUTURE WATER DISTRICTS:

Water Improvement Benefit Area No. 1 (Previously Water District #10 – Northern/Western portion of Town): Working on boundary map, and the Assessor is working on parcel list for approval by USDA

Water Improvement Benefit Area No. 2 (Previously Water District #9 - Southeast area): Assessor working on parcel map

Transit Road – Paul Boylan will work with the Town of Elba to prepare an agreement between the Town of Byron and the Town of Elba in order to charge residents in the Town of Byron the same debt service amount as Elba residents.

SOLAR - GCEDC

Supervisor Rouse - would like the Town Board to think about a PILOT program for solar for the next board meeting

Tom Felton – Is solar going to be discussed at each board meeting? Have they discussed incentives?

Supervisor Rouse – The Town has not received anything from the solar company yet, but it will be an ongoing discussion. Any meetings will probably have to be advertised.

Attorney Boylan – It is an Article 10 process and there is not much the town can do other than make a presentation

Scott Mattison – Eventually they will have to publish information on the project, there is nothing for the Town of Byron yet.

PUBLIC COMMENTS:

John Sackett – Another solar company is looking at putting up solar panels in the Town, but is not as big as the NextEra project.

Aaron Sharp – The community benefit package will also be available between the town and the developer.

Councilman Cudney – Is there another project from this company?

Josh Kent – There is one in Florida, but not as large as here.

ADJOURN:

A **motion** was made by Councilman Klycek to adjourn the Byron Town Board Meeting at 9:48 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

Genesee County Sales Tax/Water/Jail Funding Analysis

For Discussion with Genesee County Towns/Villages

1/17/2019

County Objectives:

1. Fund new County jail that the NYS Commission of Correction is mandating
2. Provide enough water to Genesee County for the foreseeable future and have water users pay for the system
3. NOT decimate municipal budgets

County Plan:

1. Pass local resolutions with City of Batavia for 40 years water and 40 years sales tax sharing between the County and City, which will then require NYS legislation to enact
2. Provide revenue distribution payments to local municipalities at the same amount as what was distributed in sales tax in 2018
3. Growth in sales tax will be separately tracked by County and used to make Jail debt service payments and repay reserves that will be depleted in the interim period before sales tax growth can completely cover debt pymts
4. County will provide advance budget notification of what the revenue distribution payment will be, with the plan of keeping it flat until such time it can examine increasing it in the future. County resolution identifying 2020 payment was passed in 2018, the 2021 payment resolution will be passed later in 2019.
5. Revenue distribution payments will allow for County to equalize water surcharge revenue throughout the County
6. With 40 years sales tax/water agreements in place, City will be able close the water plant and purchase water from MCWA on a retail basis, which will allow for a potential County wide uniform retail water rate from MCWA

***Note: The County plan is contingent on getting a 40 years sales tax agreement, without the 40 year agreement the following is likely:**

1. The City and County will enter into 10 year water supply and sales tax sharing arrangements identical to the terms of the proposed 40 year agreements
2. Provide revenue distribution payments to local municipalities at the same amount as what was distributed in sales tax in 2018
3. City will NOT become a retail customer of MCWA and keep its water plant open
4. County will now be responsible for significant capital improvements at an unnecessary water plant, where repairs are estimated at over \$5 million and replacement over \$30 million.
5. Likelihood of a uniform County wide retail water rate from MCWA is unlikely
6. County will be forced to use revenue distribution payments planned for Towns and Villages to repair the City water plant

Important Notes:

1. City of Batavia has the ability to "pre-empt" sales tax monies generated with the City boundaries, a unique right only afforded to Cities in NYS
2. While the Towns, Villages and County all have a tax cap, only the County has essentially a "hard cap" because some of the County's State reimbursement is tied to staying under the tax cap. Therefore, if property taxes must be raised, there is an added penalty to the taxpayers of Genesee County if the County overrides the tax cap.
3. The NYS comptroller DOES NOT have an issue with the terms of the 40 year sales tax sharing agreement, merely it is their internal policy to not approve agreements longer than 10 years.
4. The City's annual increase in sales tax revenues are capped at 2% growth, until their relative share of sales tax drops from 16% to 14%.
5. While the intention of the County is to keep revenue distribution payments flat until such time they can be raised, the County needs the flexibility to respond to significant event like the State removing the Medicaid cap to Counties.

- Proposal A:**
1. Town/Village share of sales tax reduced from 34% to 30%
 2. Agreement for forty (40) years - mirrors City agreement
 3. County realizes additional 6% revenue from what currently shared with C/T/V
- County Analysis:
- a. Reducing sales tax to municipalities by approximately 12% (4% reduction from 34% is 11.8% reduction) will likely cause an immediate property tax increase for T/V taxpayers, versus a flat payment that might require an occasional small tax increase
 - b. Reducing Town/Village share to 30% is not enough to cover jail debt service payment
 - c. NYS Comptroller said surcharge equalization cannot occur in sales tax sharing agreement
 - d. County needs the flexibility in a revenue distribution model to be positioned in the event a significant event like the removal of the Medicaid cap occurs