

**BYRON TOWN BOARD MEETING**

May 8, 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
- Town Clerk.....Debra Buck-Leaton
- Highway Superintendent.....Brian Forsyth
- Invited Guests.....Paul Boylan, Town Attorney  
Paul Chatfield, MRB Group  
Jim Krencik, GCEDC

**Public:**

- Pete Yasses.....Rte. 237, Byron
- Mickey Truax.....Swamp Road, Byron
- Vic Digregorio.....Warboys Road, Byron
- Eric Zuber.....Tower Hill Road, Byron
- Jim Lamkin.....Ivison Road, Byron
- David Leaton.....Byron Road, Byron
- Tom Felton.....Townline Road, Byron
- Jack Redick.....Walkers Corners Road, Byron
- Ben Raccuia.....Warboys Road, Byron
- George Squires.....McElver Street, Byron
- Josh Kent.....Ivison Road, Byron
- John Sackett.....Townline Road, Byron
- Judy Yager.....Ivison Road, Byron
- Laura Kulikowski.....Ivison Road, Byron
- Micheale White.....Caswell Road, Byron
- Tabitha Fuller.....Rte. 237, Byron
- Candy Hensel.....Swamp Road, Byron
- Laurel Smith.....Mill Pond Road, Byron
- Emily Curran.....Cook Road, Byron
- Sue Cokeley.....Merrill Road, Byron

**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 April 10, 2019 as written. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**PUBLIC HEARING – PETITION TO ADD STORAGE FACILITIES TO THE C-2 DISTRICT:**

A **motion** was made by Councilwoman Fuller to open the Public Hearing to add storage facilities to the C-2 District at 7:02 p.m. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

***LEGAL NOTICE  
Notice of Public Hearing***

***PLEASE TAKE NOTICE***, that the Town Board of the Town of Byron will hold a Public Hearing 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 Hearing will take place on Wednesday, May 8, 2019, at 7:00 p.m. in the Town Hall at 7028 Byron-Holley Road (Rte. 237) in the Town of Byron.*

*Copies of the proposed Local Law are available from the Town Clerk during her regular business hours.*

*Dated: April 15, 2019  
By Order of the Town Board  
Town of Byron  
Debra Buck-Leaton, Town Clerk*

**Local Law No. 1 of 2019  
Town of Byron  
County of Genesee**

**A Local Law to Amend Sections 2.02 and 9.06 of the Town of Byron Zoning Law**

Now Therefore Be It Enacted by the Town Board of the Town of Byron as follows:

- I. Section 2.02 of the Byron Zoning Law shall be amended to add the following definition: Storage Unit Building. A building which contains therein separate areas the access to which is limited to the lessees thereof and into which areas the lessees are permitted to store personal property subject to the rules and regulations of the lessor.
- II. Section 9.06 General Commercial District shall be amended by adding thereto:
  - (b) Permitted Uses in a C-2 District
    - ii. Storage Unit Buildings
      - (1) No storage shall take place outside the storage unit building.
- III. This Local Law shall take effect upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

**Public Comments:**

**Laurel Smith:** How many storage units will there be?

**Councilwoman Fuller:** This only has to do with changing the zoning law, not the number of units allowed.

**Tom Felton:** Where are storage units allowed now?

**George Squires:** Only in an A/R District, not commercial

A **motion** was made by Councilman Thompson to close the Public Hearing at 7:07 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**INTENT TO DECLARE LEAD AGENCY STATUS - LOCAL LAW NO. 1 OF 2019**

**RESOLUTION #52:**

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

***RESOLVED***, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Byron hereby announces its intent to serve as Lead Agency to conduct an environmental review of the proposed amendment to the Town of Byron Zoning Law permitting storage unit buildings in the C-2 (Commercial) Zone.

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

Vote:           Ayes: 5           Nays: 0

·The Town Attorney will submit SEQR to County Planning

**PLANNING BOARD REPORT – Councilwoman Fuller:**

- Discussion on the solar energy project
- Discussion on a project by Zuber Farms to purify methane gas from digester and inject gas into empire pipeline. Town Attorney Boylan believes it is a permitted agricultural use.

A **motion** was made by Councilman Klycek 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

***Other:***

- Did extra testing at Center Byron's outfall per request of the DEC.
- High level alarm call out at 6409 Mill Pond Road, replaced float

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

**Paul Chatfield, MRB Group** – samples were taken and report will be ready for June meeting with regard to DEC Request for Information

**HIGHWAY SUPERINTENDENT'S REPORT:**

- Finished fixing lawn damage
- Washed all sanders, painting
- Caswell Road bridge bids should be out
- Searls Road bridge may not be done until August
- State DOT will be working on Rte. 237, they will be milling in June

A **motion** was made by Councilwoman Fuller to approve the Highway Superintendent 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 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 – Jim Cudney:**

- Bids for Gatekeeper and portable toilets were received. There was only one bid for each.
- Creekside Rental: 2 portable toilets \$160/month or \$820 for 5 months from mid-May to mid-October
- George Squires: Gatekeeper – Memorial Day to Labor Day for \$500
- George Squires spoke with Pete Yasses about cracks in tennis court
- Discussed modifying tennis court to include pickle ball court
- 27 Park surveys returned
- Byron-Bergen students will be doing park cleanup on May 29<sup>th</sup>

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:**

- Discussion on 200<sup>th</sup> celebration. Putting up fliers and sending out mailers
- May 22<sup>nd</sup> at 7:00 p.m at the Town Hall is the next meeting
- Thursday, May 16th is the Historical Society's annual dinner meeting at the Presbyterian Church

A **motion** was made by Councilman Cudney 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

**FIRE DEPARTMENT REPORT :**

·No meeting

**ABSTRACTS**

**RESOLUTION #53:**

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

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

<b><u>Fund:</u></b>	<b><u>Abstract:</u></b>	<b><u>Vouchers:</u></b>	<b><u>Amount:</u></b>
General Fund	#5	#117 - #128	\$ 53,698.54
Highway Fund	#5	#68 - #80	\$ 6,149.21
Sewer Fund	#5	#17 - #28	\$ 4,217.26
General Fund Post Audit	#3	#7 - #11	\$ 2,520.87
Sewer Post Audit	#3	#5 - #6	\$ 577.74
Water District No. 8	#2	#2	\$529,676.28

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.....	\$ 51.00
Paid to the Park Committee for Pavilion Rental.....	\$ 60.00
Paid to the Town of Byron Supervisor.....	\$3,459.40
Total Disbursed for April 2019.....	\$3,570.40

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

Vote: Ayes: 5 Nays: 0

**FINANCIAL REPORT:**

The April 2019 Financial Report will be reviewed at the June meeting.

A **motion** was made by Councilwoman Fuller to table the approval of the April 2019 Financial Report until the June meeting. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote: Ayes: 5 Nays: 0

**SUPERVISOR'S REPORT:**

**Cyber Security Proposal Prepared By Just Solutions:** Bill Downie, the Town's IT person advised the Town not to enter into an agreement with Just Solutions. He stated that the Town is completely safe from cyber threats.

**Front Door Quotes:** At the November 14, 2019 Town Board meeting the Town Board passed a resolution approving the bid by Alliance Door in the amount of \$4,900.00 to make the front doors into the Town Hall handicapped accessible, but it never got done. Supervisor Rouse contacted Alliance Door last week and they will come and installed the doors for the \$4,900.00 agreed upon in November.

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

Vote: Ayes: 5 Nays: 0

**OTHER BUSINESS:**

**WATER DISTRICT NO. 7:**

Accadia has tested and disinfected the water main, they have installed about 20 water services so far. They will be moving to Walkers Corners Road next. A directional drilling service has been brought in and they have started drilling on Caswell Road. Restoration will be starting soon after.

Once the entire system is ready to be connected the water authority will send an email to each homeowner telling them that they can now schedule meter installation with the Water Authority. The Water Authority will also send a letter to each homeowner. Homeowners will schedule with the water authority, not the Town.

Morsch will begin working on Monday on Byron Road and Rte. 262. They expect to be done within 4-6 weeks.

**WATER DISTRICT NO. 7 – MRB GROUP ENGINEERING AMENDMENT NO. 1 RESOLUTION #54:**

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

**WHEREAS**, the Town of Byron authorizes the Supervisor to sign the Engineering Amendment No. 1 between the Town of Byron and MRB Group in the additional amount of \$33,517.50.

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

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

**WATER DISTRICT NO. 7 NON-DISPARAGEMENT AGREEMENT**

**RESOLUTION #55:**

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

**WHEREAS**, the Town of Byron Town Board authorizes and directs the Supervisor to sign the Non-Disparagement Agreement between Accadia Site Contracting, the Town of Byron and MRB Group, a copy of which is attached hereto.

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

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

**WATER DISTRICT NO. 8:**

· All work has been completed except boring under railroad tracks on Beaver-Meadows Road. Randsco is anticipating starting that work at end of May. There is a job progress meeting on Monday at 9:00 a.m. Restoration and the boring is all that needs to be completed.

· Out of District Water Supply Agreement: There are 3 homes on Ivison Road in Stafford that would like to connect to Water District No. 8.

**WATER DISTRICT NO. 8 OUT OF DISTRICT WATER SUPPLY AGREEMENT**

**RESOLUTION #56:**

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

**WHEREAS**, the Town of Byron Town Board approves and directs the Supervisor to sign the Out of District Water Supply Agreement between the Town of Byron, Town of Stafford, and three homeowners on Ivison Road.

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

Vote:           Ayes: 5                   Nays: 0

**FUTURE WATER DISTRICTS:**

· **Water Improvement Benefit Area No. 1** (Previously Water District #10 – Northern/Western portion of Town):

**WATER IMPROVEMENT BENEFIT AREA NO. 1 - SEQR INTENT RESOLUTION**

**RESOLUTION #57:**

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

**WHEREAS**, the Town of Byron Town Board (hereinafter referred to as Town Board) has reviewed the SEQR Full Environmental Assessment Form (EAF) Part 1, prepared by the MRB Group (hereinafter referred to as Town Engineer) on the above referenced Town of Byron Water Improvement Benefit Area No 1 (hereinafter referred to as Action); and

**WHEREAS**, the Town Board determines that said Action is classified as a Type 1 Action under the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Town Board determines that said Action is also subject to a coordinated review and approval by other agencies under SEQR Regulations; and

**WHEREAS**, the Town Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of

conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board does hereby declare its intent to be designated as the lead agency for the Action, and identifies that it is a Type 1 Action pursuant to SEQRA; and **BE IT FURTHER RESOLVED**, that the Town Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on Thursday, June 13, 2019.

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

Vote:                   Ayes: 5                   Nays: 0

· **Water Improvement Benefit Area No. 2** (Previously Water District #9 - Southeast area): Councilman Thompson was under the impression that LaBella had already done the income survey and would like to hold off doing the resolutions for the RD Funding Application and the Environmental Review until he has spoken with them.

**Transit Road:**

· There will be an out of district agreement with Elba once Elba has completely finished the project.

**EXCELSIOR ENERGY CENTER PROECT PILOT WITH GCEDC**  
**RESOLUTION #58:**

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

**WHEREAS**, the Town of Byron Town Board (hereinafter referred to as Town Board) has reviewed the SEQR Full Environmental Assessment Form (EAF) Part 1, prepared by the MRB Group (hereinafter referred to as Town Engineer) on the above referenced Town of Byron Water Improvement Benefit Area No 1 (hereinafter referred to as Action); and

**WHEREAS**, the Town Board determines that said Action is classified as a Type 1 Action under the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Town Board determines that said Action is also subject to a coordinated review and approval by other agencies under SEQR Regulations; and

**WHEREAS**, the Town Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board does hereby declare its intent to be designated as the lead agency for the Action, and identifies that it is a Type 1 Action pursuant to SEQRA; and

**BE IT FURTHER RESOLVED**, that the Town Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on Thursday, June 13, 2019.

The resolution was not seconded.

A **motion** was made by Councilman Thompson to table the discussion regarding the GCEDC negotiating a PILOT and Hosting agreement on behalf of the Town of Byron until the Board has been able to discuss the issue further. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**Candy Hensel:** Could a steering committee be formed to take the burden off of the Town Board?

**George Squires:** Everything has to be documented and is part of the public record

**Eric Zuber:** He believes the board should get some outside expertise advice regarding the economic impact on the Town

**Josh Kent:** Mt. Morris negotiated the following with regard to their solar project:

Pilot Agreement: \$200/acre of that \$126 went to school \$40 to County and \$33 to Town

Hosting Agreement: \$300/acre and all of that money went to the Town

**Attorney Paul Boylan:** The GCEDC can negotiate agreement, but it must be approved by the Town Board. The Host Agreement can be negotiated separate from the Pilot Agreement.

**PUBLIC COMMENTS:**

**Councilwoman Fuller:** Highway Superintendent can't make restorations to Water District No. 8 even if asked by residents.

**ADJOURN:**

A **motion** was made by Councilman Klycek to adjourn the Byron Town Board Meeting at 9:40 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