



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

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Byron will hold a Public Hearing to hear all persons present and to consider the adoption of a proposed Local Law to permit the Town Clerk to have persons who are not electors of the Town of Byron as Deputy Town Clerks.

The Hearing will take place on Wednesday, September 11, 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: August 14, 2019  
By Order of the Town Board  
Town of Byron  
Debra Buck-Leaton, Town Clerk

**Public Comments:** None

A **motion** was made by Councilman Klycek to close the Public Hearing at 7:05 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**ADOPTION OF LOCAL LAW NO. 2 OF 2019 PERMITTING THE APPOINTMENT OF NON-ELECTORS AS DEPUTY TOWN CLERK**

**RESOLUTION #83:**

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

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

First: This local Law shall be known as and may be cited as:

**Local Law Permitting the Appointment of Non-Electors as Deputy Town Clerks.**

Second: Notwithstanding the requirements of Section 23(1) of the Town Law, a person appointed by the Town Clerk as a Deputy Town Clerk need not be an elector of the Town of Byron.

Third: This Local Law shall take effect upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

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

Vote:                   Ayes: 4                   Nays: 0

**SOLAR – Bill Boer, Next Era Energy:**

·The PIP was filed a couple of months ago. The next step is the Preliminary Scoping Statement. There is a year review after. Project would be operational at the end of 2022.

·Discussed concern about property values

·Decommissioning plan would be implemented at end of land lease. Land would be restored above and below ground. The solar panels would be enclosed with a chain link fence typically 8 feet tall.

·The Town would get PILOT and Host Agreement benefits, also community outreach benefits. PILOT is an agreement between the Town, county and school district. It is a negotiated amount instead of a specific tax payment. Host agreement is between the developer and the Town.

·Landowner contracts are private agreements and payments.

·Byron was picked because of the transmission lines. The energy produced will go to the grid.

·Benefits to adjacent landowners – there will be setbacks, environmentally sensitive areas, landowner feedback, buffers. Of 3,400 acres leased they will use 1,500-2,000 acres.

·Main concern is around houses and land values.

· The final decision is made by the siting board, which consists of 7 total people – 5 from the state and 2 ad hoc members.

· Construction would be approximately 12 months with 300 construction jobs created.

**Josh Kent:** Large solar project in Mt. Morris – \$32/year for 1 acre. Town gets \$5, School gets \$20, County gets \$6.50. With the PILOT they now receive \$208/acre, with the Town receiving \$333, the County receiving \$40, and the School receiving \$126. With the Hosting Agreement they will receive an additional \$300/acre. It is an 850 acre project. Hosting Agreement is based on megawatts, so Byron could potentially be larger.

**MINUTES:**

A **motion** was made by Councilman Klyek to approve the Byron Town Board minutes of August 14<sup>th</sup>, August 21<sup>st</sup> and September 4, 2019 as written, with the exception of the September 4<sup>th</sup> minutes, on page 2, the motion should state that the Town Board will hire an attorney to assist Paul Boylan. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**PLANNING BOARD REPORT – Councilwoman Fuller:**

- Carrie Davis submitted application for land separation
- Roger Rouse submitted paperwork for a land separation and will return with maps
- Discussed zoning laws

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: 4                   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:***

· Per Scott Mattison from MRB Group, there are grants available to help replace the existing tanks at the trailer park, and they will be looking at which grants would work best. The Town may have to wait another year because there was just a round of grant money released.

· Received the following quotes for replacement of septic tank at 6850 Rte. 237, Byron:

A.D. Call & Sons Excavating:	\$4,968.00
Barefoot Septic & Sewer:	\$3,485.00
WYCO Construction:	\$4,542.00

**REPLACEMENT OF SEPTIC TANK AT 6850 RTE. 237, BYRON**

**RESOLUTION #84:**

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

***WHEREAS***, the Town Board of the Town of Byron hereby approves the bid from Barefoot Septic & Sewer in the amount of \$3,485.00 for replacement of the septic tank at 6850 Rte. 237 in Byron.

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

Vote:           Ayes: 4           Nays: 0

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: 4           Nays: 0

**HIGHWAY SUPERINTENDENT'S REPORT:**

- Doing exhaust work on trucks
- Doing tree work
- Doing pipe work
- Milling and filling on North Bergen Road
- Started Caswell Road bridge and will hopefully be done by November
- Resurfacing of tracks is pushed back 2 weeks
- Salt will start coming in

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

Vote:           Ayes: 4           Nays: 0

**CEO/ZEO REPORT – Mike Morris:**

- A copy of the report is on file with the CEO/ZEO
- The CEO/ZEO is sending complaints to landowners on the corner of Walkers Corners Road and Caswell Road.

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

Vote:           Ayes: 4           Nays: 0

**PARK COMMITTEE REPORT –George Squires:**

- Discussion on ongoing projects
- Request from Bicentennial Committee for the Park Committee to participate

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

Vote:           Ayes: 4           Nays: 0

**HISTORICAL SOCIETY REPORT:**

- Air conditioning and heat have been installed
- Cracks in ceiling are being repaired by a board member
- Bicentennial meeting tomorrow night at 7:00 p.m.
- October 9<sup>th</sup> is Fall business meeting at the Presbyterian Church

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

Vote:           Ayes: 4           Nays: 0

**ABSTRACTS**

**RESOLUTION #85:**

Councilman Klycek 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	#9	#205 - #222	\$11,228.21
Highway Fund	#9	#131 - #147	\$11,665.05
Sewer Fund	#9	#45 - #48	\$12,542.22
General Fund Post Audit	#8	#30 - #36	\$ 2,142.73
Sewer Post Audit	#8	#13 - #17	\$ 2,841.58
Water District No. 7	#5	#10 - #13	\$67,987.13
Water District No. 8	#6	#12 - #17	\$59,303.69

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

Vote:           Ayes: 4           Nays: 0

**TOWN CLERK'S REPORT:**

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 73.00
Paid to the Park Committee for Pavilion Rental.....	\$ 40.00
Paid to DEC for Hunting and Fishing Licenses.....	\$1,990.81
Paid to NYS Department of Health for Marriage Licenses.....	\$ 45.00
Paid to the Town of Byron Supervisor.....	\$3,216.89
Total Disbursed for August 2019.....	\$5,365.70

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

Vote:           Ayes: 4           Nays: 0

**FINANCIAL REPORT:**

·The August 2019 Financial Report was reviewed.

A **motion** was made by Councilman Klycek to approve the August 2019 Financial Reports. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

**SUPERVISOR'S REPORT:**

·Purchase of T.V. for Courtroom: received figures from SolutionZ for two different sized t.v.s on state bid for the courtroom. A 70" t.v. would be \$1,281 plus \$160 for the wall mount and \$500 +/- for installation. An 86" t.v. would be \$3,695 plus \$160 for the wall mount and \$500 +/- for installation.

·The Board would like to table discussion

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

Vote:           Ayes: 4           Nays: 0

**OTHER BUSINESS:**

**WATER DISTRICT NO. 7:**

All work is complete and this is the final payment. There is a one year warranty on all work. All bonds and insurances will remain in effect for 1 year.

**WATER DISTRICT NO. 7 - CONTRACTOR'S APPLICATION FOR PAYMENT NO. 5**

**RESOLUTION #86:**

Councilman Klycek 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 Accadia Site Contracting for Payment No. 5 in the amount of \$57,737.15.

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

Vote:           Ayes: 4           Nays: 0

**WATER DISTRICT NO. 8**

There are probably 2 more payments apps for Randsco.

**WATER DISTRICT NO. 8 CHANGE ORDER NO. 3**

**RESOLUTION #87:**

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 Water District No. 8 Change Order No. 3 for an increase of \$7,840.00 for engineering work associated with the installation of additional water main along Ivison Road by Randsco Pipeline, Inc.

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

Vote:           Ayes: 4           Nays: 0

**WATER DISTRICT NO. 8 - CONTRACTOR'S APPLICATION FOR PAYMENT NO. 5**

**RESOLUTION #88:**

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 Randsco Pipeline, Inc. for Payment No. 5 in the amount of \$33,929.75.

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

Vote:           Ayes: 4           Nays: 0

**Water Improvement Benefit Area No. 1:**

Moving forward with environmental reports. Finishing up engineering report and deciding where to end on Tower Hill Road.

The Town attorney discussed picking up the two houses on Coward Road that are in the Town of Stafford, and whether USDA would agree to have them included. USDA stated that as long as it would benefit the Benefit Area as a whole it would be allowed. Byron will have to work with Stafford to get an Intermunicipal Agreement.

**SURPLUS CABINETS:**

The surplus cabinets did not sell on the Municibid website, an online auction site. They will be put back in the Daily News.

**Solar** – Attorney Paul Boylan would advise the Town Board to hold a Special Meeting next week to hire co-council, an engineering firm, and to consider amending Zoning Ordinance or Local Law to change law on solar energy if they wish to. October 7<sup>th</sup> names of ad hoc members should be on desk of state leaders. He thinks names should be hand delivered to state leaders and involve our local state leaders. Supervisor Rouse has chosen Jim Northup, Steve Starowitz, and Ben Raccuia. Supervisor Rouse can't remember the fourth name. The County has chosen the same people.

**SPECIAL MEETING:**

A **motion** was made by Councilman Klycek to hold a Special meeting on September 18, 2019 at 7:00 p.m. to discuss the engagement of co-counsel to act on behalf of the Town in conjunction with the Town Attorney representing the Town before the Article 10 Siting Board, and related matters. Secondly, hiring a technical consultant/engineering firm to advise the Town regarding technical matters related to the Article 10 proceeding with regard to Excelsior Energy Center. Also, to consider a Local Law amending the Zoning Ordinance in regard to solar energy facilities. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 3                   Abstain: 1 (Councilwoman Fuller)

**BUDGET MEETING:**

A **motion** was made by Councilman Thompson to hold a Budget meeting on September 25, 2019 at 7:00 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:           Ayes: 4                   Nays: 0

**PUBLIC COMMENTS:**

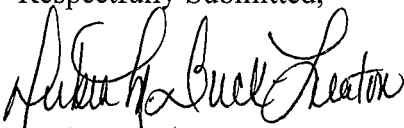
Ben Raccuia – would recommend the public get involved. The Town should set up an email address for residents to post questions or a place at the Town Hall where residents can put questions. He would be willing to help.

Bill Boer – the Town will receive notice for intervener funding. The Town would have to physically apply. The Town would be able to receive 50% and if no other interveners they can apply for the other 50%

**ADJOURN:**

A **motion** was made by Councilman Klycek to adjourn the Byron Town Board Meeting at 9:08 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 4                   Nays: 0

Respectfully Submitted,  
  
Debra M. Buck-Leaton  
Byron Town Clerk