

BYRON TOWN BOARD MEETING

October 9, 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
Jeff Thompson
Town Clerk.....Debra Buck-Leaton
Absent.....Councilman Cudney
Highway Superintendent Brian Forsyth
Invited Guests.....Scott Mattison, MRB Group
Paul Boylan, Esq., Boylan Law Office
Bridget O’Toole, Zoghlin Group

Public:

John Sackett	Joannie Bausch	Jeanne Freeman	Cheryl Thompson
Vic Digregorio	George Squires	Garret and Valerie Rusin	
Tom Felton	Candy Hensel	Patty Kent	David Leaton
Jim Lamkin	Shawna Dorman	Barb Starowitz	Eric Richenberg
Josh Kent	Eric Zuber	Pam and Twilly Lynch	
Ben Raccuia	Ken Pike	Jim and Patty Welch	
Dennis Mulcahy	Steven Doty	Kaitlyn Moucha	Ed Zietvogel
Keddy Chandran	Kaitlin McCormick	Laurel Smith	

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Rouse.

SOLAR:

Zoghlin Group:

·Preliminary Scoping Statement responses are due by October 15th and the Zoghlin Group has received an extension on behalf of the Town until November 1st. They will be talking to the Board about how they would like to proceed. Even with a moratorium the Article 10 action would continue, it would not affect the timing of the Excelsior project.

·The Planning Board would like the Town Board to pass a moratorium (a stop to any applications for work under the current solar law) for 1 year to review the Town’s solar law, and to come up with a law that reflects the ideas of the community as a whole.

·Paul Boylan – the Town Board needs to address issues to be included in the moratorium and get it to Paul Boylan or Bridget from the Zoghlin Group.

·There was a discussion on whether or not to exempt roof mounted solar systems. It was decided that the Town Board would like to do a blanket moratorium.

Excelsior Solar Procedural Conference:

·Meeting at the Town Hall on November 13th at 1:00 p.m.

MINUTES:

A **motion** was made by Councilman Klycek to approve the Byron Town Board minutes of September 11, September 18, September 25, and October 2, 2019 as written, however, in the minutes of September 18, 2019 the motion made by Councilman Klycek to have the Planning Board consider amending the Zoning Ordinance, which was seconded by Councilman Thompson should show Councilwoman Fuller abstaining . The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – George Squires:

- Referral for a shed in trailer park that needs area variance, passed on to County Planning and ZBA
- There was a presentation, but no application, for a 33 acre solar energy project (5mw)
- Chairman, Aaron Sharp, is resigning from the Planning Board

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:

- Replaced septic tank at 6850 Rte. 237, Center Byron

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:

- None
- Pete Yasses – would like to know why nothing has been done with spare highway trucks and why the highway employees are still working 4 ten hour days when they should be back to 5 days.

CEO/ZEO REPORT – Mike Morris:

- A copy of the report is on file with the CEO/ZEO
- Councilwoman Fuller would like to know if violations have been resolved for the property located on Walkers Corners 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

ZONING SCHEDULE OF FEES INCREASE

RESOLUTION #89:

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

WHEREAS, the Town Board of the Town of Byron hereby authorizes the increase of the Swimming Pool Fee from \$30.00 to \$35.00 on the Zoning Schedule of Fees.

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

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT –George Squires:

·No meeting this month

HISTORICAL SOCIETY REPORT:

- Rescheduled dinner meeting to October 23rd at 6:00 p.m. at the fire hall
- Continuing to work on Bicentennial

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

Vote: Ayes: 4 Nays: 0

ABSTRACTS

RESOLUTION #90:

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	#10	#223 - #242	\$ 9,445.93
Highway Fund	#10	#148 - #164	\$93,757.29
Sewer Fund	#10	#49 - #53	\$ 7,552.27
General Fund Post Audit	#9	#37 - #44	\$ 1,908.48
Sewer Post Audit	#9	#18 - #19	\$ 548.70
Water District No. 7	#6	#14 - #15	\$ 5,324.29
Water District No. 8	#7	#16 - #18	\$77,717.03

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.....	\$ 66.00
Paid to the Park Committee for Pavilion Rental.....	\$ 30.00
Paid to DEC for Hunting and Fishing Licenses.....	\$ 3,892.51
Paid to the Town of Byron Supervisor.....	\$ 6,463.69
Total Disbursed for September 2019.....	\$10,482.20

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

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

·The September 2019 Financial Report was reviewed.

A **motion** was made by Councilman Klycek to approve the September 2019 Financial Reports. The motion was seconded by Councilman Thompson 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.

PURCHASE OF T.V. FOR COURTROOM

RESOLUTION #91:

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

WHEREAS, the Town Board of the Town of Byron hereby approves the purchase of an 86" tv on state bid for \$3,695 plus \$160 for the wall mount and \$500 for installation .

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

Vote: Ayes: 4 Nays: 0

·**NY Class:** Works like a bank savings account. The Town would earn more interest than what we make in our CDs. Money is invested in federal notes. Fees are taken off as a percentage. Supervisor Rouse will contact NY Class and ask them come out to give a presentation.

·**Census:** Residents will be getting paperwork in the mail soon. It is important to fill it out and send it back.

A **motion** was made by Councilman Klycek 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:

·Punch list by MRB for homeowners complaints/concerns, MCWA and MRB Group concerns will be addressed.

WATER DISTRICT NO. 8

·Punch list by MRB for homeowners complaints/concerns, MCWA and MRB Group concerns will be addressed. There will be one more payment to Randsco.

WATER DISTRICT NO. 8 CHANGE ORDER NO. 3

RESOLUTION #92:

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 Water District No. 8 Change Order No. 3 for an increase in the amount of \$4,119.47 for material overages.

Councilman Thompson 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. 6

RESOLUTION #93:

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 Randsco Pipeline, Inc. for Payment No. 6 in the amount of \$70,489.50.

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

Vote: Ayes: 4 Nays: 0

Water Improvement Benefit Area No. 1:

·Environmental and Engineering Report finished

·Documents will go to USDA for funding approval, then there will be an informational meeting to get feedback from residents of the district.

SURPLUS CABINETS:

The surplus cabinets did not sell on the Municibid website, an online auction site. They were put back in the Daily News requesting bids, we received 3 bids as follows:

Shaun Dempsey: 4 drawer file cabinet - \$10.00
 3 drawer file cabinet - \$10.00
 2 shelved cabinet with wood top - \$10.00
 Table with wood top - \$10.00

Ben Raccuia: 3 drawer file cabinet - \$26.76

David Leaton: 2 shelved cabinet with wood top - \$5.00

DISPOSITION OF EXCESS OFFICE FURNITURE

RESOLUTION #94:

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

WHEREAS, the Town Board of the Town of Byron hereby accepts the following high bids and authorizes the sale of the following excess office furniture to the following individuals at the stated price:

Shaun Dempsey: 4 drawer file cabinet - \$10.00
 2 shelved cabinet with wood top - \$10.00
 Table with wood top - \$10.00

Ben Raccuia: 3 drawer file cabinet - \$26.76

David Leaton: 2 shelved cabinet with wood top - \$10.00

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

Vote: Ayes: 4 Nays: 0

PUBLIC HEARING – 2020 BUDGET:

A **motion** was made by Councilman Thompson to approve the 2020 Preliminary Budget, and to set the Public Hearing on the 2020 Preliminary Budget for October 30, 2019 at 7:00 p.m. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

TAX CAP OVERRIDE:

**Local Law No. 3 of 2019
Town of Byron
County of Genesee**

A Local Law to override the tax levy limit established in General Municipal Law 3-c

Section 1 Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Byron pursuant to General Municipal Law §3-c, and to allow the Town of Byron to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2 Authority

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a Local Law approved by vote of sixty percent (60%) of the Town Board.

Section 3 Tax Levy Limit Override

The Town Board of the Town of Byron, County of Genesee, is hereby authorized to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c.

Section 4 Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5 Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. 3 OF 2019 AND TO SCHEDULE A PUBLIC HEARING

RESOLUTION #95:

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

WHEREAS, the Town Board of the Town of Byron, New York desires to consider adopting legislation to override the limit on the amount of real property taxes that may be levied by the Town of Byron pursuant to

General Municipal Law Section 3-c, and to allow the Town of Byron to adopt a town budget for fiscal year 2020 that requires a real property tax levy in excess of the tax levy limit, also known as Town of Byron Local Law No. 3 of 2019.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Byron, New York that proposed Local Law No. 3 of 2019 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-c", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until November 9, 2019, and that a Public Hearing be held before this Town Board on the 30th day of October, 2019, at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York, on the advisability of enacting said proposed Local Law; and

BE IT FURTHER RESOLVED that a copy of said proposed Local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Byron, New York not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said Public Hearing;

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said Public Hearing to be published once in the Batavia Daily News at least five (5) days prior to the date of said Public Hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

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

Vote: Ayes: 4 Nays: 0

PURCHASE OF EQUIPMENT FOR LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) SHARED SERVICES GRANT PROJECT

RESOLUTION #96:

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

WHEREAS, the Town Board has approved the pursuit of a Local Government Records Management Improvement Fund (LGRMIF) Shared Services grant with the Towns of Batavia and Alexander for funding of digitizing Town Board minutes and that grant has been approved, and

WHEREAS, a DR-6030C document scanner 80PPM and a SONICWALL TZ400 are needed,

NOW, THEREFORE BE IT RESOLVED, that the Byron Town Board hereby acknowledges that the Town of Batavia will be purchasing a DR-6030C document scanner 80PPM at a cost of \$3,169.07, and a SONICWALL TZ400 at a cost of \$1,011.44 for the Town of Byron with the LGRMIF grant.

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

Vote: Ayes: 4 Nays: 0

ACKNOWLEDGMENT OF HIRING OF THE TEMPORARY PART-TIME CLERKS BY THE TOWN OF BATAVIA

RESOLUTION #97:

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

WHEREAS, the Local Records Management Improvement Fund grant is structured so that the temporary part-time Clerks will be hired by the Town of Batavia, and

WHEREAS, the Town of Batavia solicited for applicants and the Town Clerk's will jointly be reviewing, interviewing and determining the best candidate for the position.

NOW, THEREFORE BE IT RESOLVED, that the Byron Town Board hereby acknowledges and approves of the Byron Town Clerk jointly reviewing, interviewing and determining the best candidate for the hiring of the temporary part-time Clerks by the Town of Batavia at a rate of \$15.00 per hour to complete the

necessary work for LGRMIF Shared Services Grant Project, not to exceed a total of 164 hours. Said Clerk's will be working in the Towns of Alexander and/or Byron.

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

Vote: Ayes: 4 Nays: 0

PUBLIC COMMENTS:

- Candy Hensel – what is the status of delivery of ad hoc members.
- Supervisor Rouse - He and Town Attorney Paul Boylan delivered them to Albany, it was not a requirement to hand deliver them, but they were hoping being more proactive would be beneficial. For Byron: Ben Raccuia, Steve Starowitz, Ken Pike and Jim Northup.
- Steven Doty – What is the Town Board going to do about the PILOT, and how long does PILOT last
- Keddy Chandran – PILOT is usually 15-20 years.
- Pam Lynch – Is someone from the ad hoc going to take concerns to the siting board
- There was a discussion on whether or not the ad hoc members were voting members of the Siting Board
- Keddy Chandran – ad hoc members are voting members
- Shawna Dorman – some people on Tower Hill Road did not receive notice of Excelsior open house
- Ken Pike – who did the County appoint for ad hoc members
- Supervisor Rouse – 2 are the same for Town and County, and the County chose 1 person from Bergen and 1 person from Stafford
- Keddy Chandran – They are available to meet with residents if residents contact them.
- Candy Hensel – There will be an informal discussion on solar Monday at 7:00 p.m. at the Byron Hotel
- Keddy Chandran – there are many benefits that the Host Agreement can bring to the Town of Byron and they're open to suggestions

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