

BYRON TOWN BOARD MEETING

May 13, 2020

The Byron Town Board Meeting was called to order by Supervisor Yasses at 7:00 p.m. with the following people present:

- Supervisor.....Peter Yasses
- Councilmen.....Sue Fuller (Via Zoom)
- Jeff Thompson
- Josh Kent
- Eric Zuber
- Highway Superintendent.....David Leaton
- Town Clerk.....Debra Buck-Leaton

- Public (Via Zoom):
- Ben Raccuia
- George Squires
- Sara Stockwell
- Kaitlyn Moucha
- Amanda Jack
- Jim Lamkin

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

MINUTES:

A **motion** was made by Councilman Thompson to approve the Byron Town Board minutes of April 8, 2020 as written. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT:

Solar Law Public Hearing:

The Town Board would like to wait another month before deciding when to have the Solar Law Public Hearing due to the restrictions caused by the Coronavirus Pandemic.

Jim Lamkin Resignation:

A motion was made by Councilwoman Fuller to accept the resignation of Jim Lamkin, with regrets, from the Planning Board. The Town Board also thanks him for his service. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Planning Board Applicants:

The Town Board received 2 applications for the vacancy left by the resignation of Jim Lamkin.

The Planning Board recommends that the Town Board appoint Laura Besthorn as the Planning Board member and Matthew Hilbert as the Alternate member.

Councilman Zuber would like to interview the two applicants, but the remaining board members would like to take the recommendation of the Planning Board.

A **motion** was made by Councilman Kent to appoint Laura Bestehorn to a five-year term as a permanent member on the Planning Board, and to appoint Matthew Hilbert as an Alternate to the Planning Board beginning May 13, 2020. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 4 Nays: 1 (Councilman Zuber)

Planning Board Zoom Meetings:

·The Planning Board will resume meetings via Zoom in June.

A **motion** was made by Councilman Thompson to approve the Planning Board Report as given. 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

Mobile Home Park Sanitary Sewer Grant:

·MRB has received the signed proposal to prepare the Engineering Planning Grant (EPG). They are currently working on the application which will be completed once the guidance has been released. It should have been released on May 1st but has been delayed due to everything currently happening with the Coronavirus. If successful, the grant will be used to prepare an Engineering report and income survey for the mobile home park sanitary sewer. The report and survey will then be used to apply for grant funding to complete construction of the project. There are 2 resolutions being presented to the Board.

TOWN OF BYRON SEWER ENGINEERING PLANNING GRANT RESOLUTION OF SEQR FOR AWARD ALLOCATIONS

RESOLUTION #51:

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

WHEREAS, the Town of Byron submitted and was awarded an Engineering Planning Grant (EPG) under the Consolidated Funding Application (CFA) process on behalf of the Town, for upgrades to their WWTP Disinfection; and

WHEREAS, the New York State Department of Environmental Conservation and the New York State Environmental Facilities Corporation offer a competitive statewide reimbursement grant programs for local governments, administered through the New York Clean Water State Revolving Fund; and

WHEREAS, that the Town of Byron Town Board accepts the EPG program grant award on behalf of the Town for WWTP Disinfection Improvement Study; and

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.5 under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; and

NOW THEREFORE BE IT RESOLVED, that the Town of Byron hereby determines that the proposed WWTP Disinfection Improvement Study is a Type II action in accordance with 6 NYCRR Section 617.5(c) (24) and (27) which constitute “information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and

soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted Action; conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action” and is therefore not subject to further review under 6 NYCRR Part 617.

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

Vote: Ayes: 5 Nays: 0

TOWN OF BYRON SEWER ENGINEERING PLANNING GRANT RESOLUTION OF AUTHORIZATION AND PROJECT COSTS FOR AWARD ALLOCATIONS
RESOLUTION #52:

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

WHEREAS, the Town of Byron submitted and was awarded an Engineering Planning Grant (EPG) under the Consolidated Funding Application (CFA) process on behalf of the Town, for upgrades to their WWTP Disinfection Project; and

WHEREAS, the New York State Department of Environmental Conservation and the New York State Environmental Facilities Corporation offer a competitive statewide reimbursement grant programs for local governments, administered through the New York Clean Water State Revolving Fund; and

WHEREAS, that the Town of Byron Town Board accepts the EPG program grant award on behalf of the Town for a WWTP Disinfection Improvement Study; and

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the project and to fulfill the Town of Byron’s obligations under the Grant Agreement; and

BE IT FURTHER RESOLVED, that the Town of Byron authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant Program for the WWTP Disinfection Improvement Study. Under the EPG program, this local match must be at least 20% of the EPG grant award of up to \$30,000. The source of the local match, and any amount in excess of the required match, shall be provided through the sewer fund. The maximum local match shall not exceed \$6,000 based upon a total estimated maximum project cost of \$30,000. The Town Supervisor may increase this local match through the use of in kind services without further approval from the Town of Byron Town Board.

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

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – David Leaton:

- Picked up the pickup truck a couple of weeks ago.
- Working on replacing culverts, road and shoulder repair on Caswell and Tower Hill Roads.
- Bringing in stone for road resurfacing.
- Put up Veteran’s markers at cemetery
- Did some repair and cleanup work at Trestle Park
- Councilman Thompson requested that the Highway Superintendent look at the roadway on the corner of Byron Road and Tower Hill Road because there is a big dip. The Highway Superintendent will look at it to see what they can do.

·The Town Board needs to declare the old Highway Superintendent pickup truck as surplus so that it can be sold at auction

SALE OF SURPLUS EQUIPMENT

RESOLUTION #53:

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

WHEREAS, the Town Board of the Town of Byron hereby authorizes the sale of the following surplus equipment:

·2016 Chevy Silverado 1500 4WD Crew Cab, VIN #3GCUKNEC2HG141381

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

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Kent to approve the Highway Superintendent's 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

·The CEO/ZEO is still dealing with the property on Walkers-Corners Road

·Issued a couple of stop work orders

A **motion** was made by Councilmen Kent 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:

·Highway Superintendent bought sand and placed it under swings

·Highway Department fixed and painted playground equipment and benches. Next they will need to cement benches into place. George Squires approved purchase of cement for benches out of Park Committee funds

·The Park Committee will be having their June meeting via Zoom

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

Vote: Ayes: 5 Nays: 0

HISTORICAL SOCIETY REPORT:

·Bicentennial has been cancelled until August 2021 due to the Coronavirus

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #54:

Councilman Kent 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	#5	#85 - #102	\$11,527.28
Highway Fund	#5	#66 - #84	\$ 7,631.03
Sewer Fund	#5	#15 - #25	\$ 4,478.19
General Post Audit	#4	#27 - #37	\$ 4,160.01
Sewer Post Audit	#4	#10 - #12	\$ 573.82

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.....	\$ 44.00
Paid to the DEC for hunting and fishing licenses.....	\$ 70.86
Paid to the Town of Byron Supervisor.....	<u>\$2,776.14</u>
Total Disbursed for April 2020.....	<u>\$2,891.00</u>

A **motion** was made by Councilwoman Fuller to approve the Town Clerk's Report as given for April, 2020. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

The April 2020 Financial Report was reviewed.

A **motion** was made by Councilman Kent to approve the April 2020 Financial Reports. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

Summer Youth Recreation Program:

Summer recreation programs are part of Phase 4 reopenings, but the Town Board would like to hold off deciding whether to close or not until a later date because maybe Phase 4 would happen sooner, and they believe if the Town can offer summer recreation to the children they should

Fireworks:

The Town Board discussed having only the fireworks on August 15, 2020, but decided since there are going to have to be budget cuts they would like to save the money that would be spent.

A **motion** was made by Councilman Kent to opt out of the contract for fireworks for August 15, 2020 with Young Explosives due to budgetary constraints. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Sales Tax:

Received \$148,618.66 in sales tax. The County has passed a resolution negating their previous resolutions with the Towns regarding sharing sales tax money, therefore the Town will not be getting sales tax for the foreseeable future. The Town had budgeted \$685,000 sales tax income from the County, so there will be a huge deficit to the Town.

Supervisor Yasses would like to furlough one highway employee and the three deputy clerks for 2 months to relieve some of the deficit that will be created.

- The Town Prosecutor is not charging the Town since there is no court.
- The Court Clerk and Judges began working again last Thursday.
- Meeting with Town Clerk to create a plan to reopen the Town Hall
- Beginning next week we will be letting the public enter into the middle vestibule and handling transactions through the plexiglass window with pass through slot that was just installed
- New glass with speaker hole and pass through slot will be replacing old glass slider in Clerk's Office.
- Every Saturday there is a Zoom GAM meeting with Supervisors and County Legislators. Sales tax has dropped 26% due to Coronavirus.
- The Town Clerk will be changing her hours to Monday, Tuesday and Wednesday 9-12 and 1-4, Thursday 9-12, Friday she will be working from home with phone calls transferred to her cell phone and in office by appointment, and Saturday by appointment.

A **motion** was made by Councilman Zuber to furlough the 3 Deputy Town Clerks and 1 highway employee. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

WATER IMPROVEMENT BENEFIT AREA NO. 1:

·Well sampling has been completed, the results submitted to the Genesee County Department of Health, and a letter of support from the Genesee County Department of Health submitted to USDA Rural Development. The project has now been submitted to the USDA RD National Office for funding. Dawn Kuras indicated this may take a bit of time for them to get an idea of the current funding situation and not to be concerned. If for some reason they are still unable to fund the project we will then discuss splitting the project into phases with USDA RD.

TRANSIT ROAD WATER DISTRICT:

·Out of District Water Supply Agreement – the Town Board would like to table this discussion until next month.

A **motion** was made by Councilman Thompson to table the discussion on the Transit Road Water District until the June 2020 meeting. The motion was seconded by Supervisor Yasses and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

Councilman Zuber: None of the parties to the solar project have received intervener funding yet.

Councilman Thompson: What it going on on Rte. 262 just past Hessenthaler, there is a lot of soil being moved.

Supervisor Yasses: Joe Amico is building a horse racing track. The CEO/ZEO has issued a stop work order because he is moving topsoil without a DEC permit. He is in violation of Town Zoning Laws. Supervisor Yasses has been buying the topsoil from Mr. Amico.

ADJOURN:

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 9:00 p.m. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk