

**BYRON TOWN BOARD MEETING**

August 14, 2019

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

Supervisor.....	Supervisor.....	Roger Rouse
Councilmen.....	Councilmen.....	Sue Fuller
		Fred Klycek
		Jeff Thompson
Town Clerk.....	Town Clerk.....	Debra Buck-Leaton
Highway Superintendent.....	Highway Superintendent.....	Brian Forsyth
Absent.....	Absent.....	Councilman Cudney
Invited Guests.....	Invited Guests.....	Scott Mattison, MRB Group
		Lawrence Boylan, Esq., Boylan Law Office

**Public:**

Pete Yasses.....	Pete Yasses.....	Rte. 237, Byron
Mickey Truax.....	Mickey Truax.....	Swamp Road, Byron
Vic Digregorio.....	Vic Digregorio.....	Warboys Road, Byron
Jim Lamkin.....	Jim Lamkin.....	Iverson Road, Byron
David Leaton.....	David Leaton.....	Byron Road, Byron
Candy Hensel.....	Candy Hensel.....	Swamp Road, Byron
Aaron Sharp.....	Aaron Sharp.....	Searls Road, Byron
Ben Raccuia.....	Ben Raccuia.....	Warboys Road, Byron
Eric Zuber.....	Eric Zuber.....	Tower Hill Road, Byron
George Squires.....	George Squires.....	McElver Street, Byron
Sara Stockwell.....	Sara Stockwell.....	Rte. 237, Byron
Tom Felton.....	Tom Felton.....	Townline Road, Byron
Brian Quinn.....	Brian Quinn.....	Batavia Daily News
Mike Zuber.....	Mike Zuber.....	Tower Hill Road, Byron

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Supervisor Rouse.

**MINUTES:**

A **motion** was made by Councilman Klycek to approve the Byron Town Board minutes of July 10 and July 17, 2019 as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**PLANNING BOARD REPORT – Chairman Aaron Sharp and Councilwoman Fuller:**

· The Planning Board would like to revisit the current Zoning Law and make revisions to coincide with the Comprehensive Plan, maybe making it a community based forum.

· Ben Raccucia is stepping down from the Planning Board as an alternate.

· County Planning is assisting Planning Board with Kristen Mueller’s Kennel License

·Discussion on solar project and what Town Board is doing about representation

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:***

·Received quote from Calls for replacement of septic tank at 6850 Rte. 237, Byron. The Town Board would like Shaun to get at least two more quotes as per the Town procurement policy.

A **motion** was made by Councilman Klycek to get additional quotes for the septic tank replacement at 6850 Rte. 237, Byron. The motion was seconded by Councilman Thompson and carried with 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 Councilwoman Fuller and carried with the following vote:

Vote:                   Ayes: 4                   Nays: 0

**HIGHWAY SUPERINTENDENT'S REPORT:**

- Cut blacktop but haven't heard anything from railroad
- Doing road striping on September 16<sup>th</sup>
- Replacing culvert pipes on Lyman Road
- Searls Road bridge open
- Caswell Road bridge scheduled for repair at the end of August
- Salt bid went up 5%
- Snow and ice average went up 18%
- Fixing minor truck issues in house
- Water pump went on 1 ton truck and is at Byron Repair
- 404 needed new air compressor
- Helped County with road work
- Starting shoulders on Byron Road near Pumpkin Hill

**EXTENSION OF SNOW AND ICE AGREEMENT**

**RESOLUTION #73:**

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

**WHEREAS**, the Town of Byron is under contract with the New York State Department of Transportation to provide snow and ice control on specified State roads within the Town, and

**WHEREAS**, the base agreement was extended for the 2018/2019 season by Resolution No. 33, dated March 8, 2017, setting an estimated total cost for the season at \$22,628.15, and

WHEREAS, due to the severity of the winter during 2018/2019, the total cost to perform this service is estimated at \$22,964.95.

NOW, THEREFORE, BE IT RESOLVED, to authorize the Town Supervisor to execute an Amendment to the present Agreement. Said Amendment would increase the estimated cost to perform snow and ice control for the 2018/2019 season by \$336.80.

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

Vote: Ayes: 4 Nays: 0

A motion was made by Councilman Klycek to approve the Highway Superintendent Report as given. The motion was seconded by Councilman Thompson 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

·Councilwoman Fuller called Mike Morris because there are people with campers staying at the old Leaton house on Caswell Road and Walkers Corners Road and people are concerned about if they purchased the property. She did not hear back from Mike. What can the Town do to find out if these people own it. Who should call the Sheriff? She will ask Mike to find out or to call the Sheriff's Dept.

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:**

·No meeting this month

**HISTORICAL SOCIETY REPORT – Councilwoman Fuller:**

·Meeting was July 24<sup>th</sup>.

·DiAngelo's is doing heating and air conditioning on August 16<sup>th</sup>.

·They would like to purchase a speaker system for their meetings so speakers can be heard (up to \$200)

·September 4<sup>th</sup> is the next Bicentennial meeting.

A motion was made by Councilman Thompson 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 #74:**

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

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

<i>Fund:</i>	<i>Abstract:</i>	<i>Vouchers:</i>	<i>Amount:</i>
General Fund	#8	#178 - #204	\$15,491.73
Highway Fund	#8	#115 - #130	\$18,686.70
Sewer Fund	#8	#41 - #44	\$ 7,051.03
General Fund Post Audit	#6	#25 - #29	\$ 2,967.77
Sewer Post Audit	#6	#11 - #12	\$ 551.62
Water District No. 7	#4	#9	\$12,788.46
Water District No. 8	#5	#9 - #10	\$40,637.41

Councilman Klycek 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.....	\$ 95.00
Paid to the Park Committee for Pavilion Rental.....	\$ 40.00
Paid to DEC for Hunting and Fishing Licenses.....	\$ 61.40
Paid to NYS Department of Health for Marriage Licenses.....	\$ 67.50
Paid to the Town of Byron Supervisor.....	\$3,105.10
Total Disbursed for July 2019.....	\$3,369.00

**Deputies:** 2 of the Deputy Town Clerk's are leaving and the Clerk would like the Town Board to make a Local Law allowing her to hire a Deputy from outside the Town of Byron.

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

**RESOLUTION #75:**

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

**RESOLVED**, that the Town Board will hold a public hearing on September 11, 2019 at 7:00 p.m. in the Town Hall at 7028 Byron-Holley Road (Route 237) in the Town of Byron to hear all persons present and to consider the adoption of a Local Law permitting the Town Clerk to hire persons who are not electors for the Town of Byron as Deputy Town Clerks. Copies of the proposed Local Law may be obtained from the Town Clerk during her regular business hours.

Councilman Klycek 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 Town Clerk's Report as given for July, 2019. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:           Ayes: 4                   Nays: 0

**FINANCIAL REPORT:**

The July 2019 Financial Report was reviewed.

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

Vote:           Ayes: 4                   Nays: 0

**SUPERVISOR'S REPORT:**

Received Sales Tax check in the amount of \$174,262.14

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. It was decided that the Town Clerk and Ben Raccuia would further review the quotes and report back at the September meeting on which choice would be best.

Solar: Planning Board Chairman Aaron Sharp believes that the Town Board should be a stakeholder for all solar documents. Planning Board Member Jim Lamkin would like to know if the money the Town receives from the solar project can be used to lower taxes. After some discussion it was decided that the Town Board would have J.P. Schepp from MRB Group do an interview/presentation on MRBs qualifications for acting as the Town's Engineering Group for the Article 10 proceedings.

A **motion** was made by Councilman Thompson to hold a Special Meeting on August 21, 2019 at 7:00 p.m. to discuss engineering services for the Excelsior Solar Project. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

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

Vote:           Ayes: 4           Nays: 0

**OTHER BUSINESS:**

**WATER DISTRICT NO. 7:**

·Installation is complete, working on a couple of resident complaints today. Will come back in a few weeks and do a little more restoration that is needed.

**WATER DISTRICT NO. 8**

·Work is complete. Payment application to approve and 2 change orders, one is for Saturday work for CSX, and additional contingency money left that they would like to use to have pipe go from Cockram Road north to finish Ivison Road to finish loop. MCWA has given permission. Randsco will be doing the work. This will make for better water flow.

**WATER DISTRICT NO. 8 CHANGE ORDER NO. 1 AND NO. 2**

**RESOLUTION #76:**

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. 1 for an increase of \$35,715.53 for time lost for CSX, and Change Order No. 2 for an increase of \$70,080.00 for 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

**FUTURE WATER DISTRICTS:**

·**Water Improvement Benefit Area No. 1:** Working on completing report.

**Transit Road:** Byron will have to work with Elba to decide what to do.

**SURPLUS CABINETS:**

The surplus cabinets did not sell through the newspaper so the Town Clerk will put them on the Municibid website, an online auction site, to see if they sell there.

**2018 JUSTICE AGREED UPON PROCEDURES**

**RESOLUTION #77:**

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

***RESOLVED***, that the Byron Town Board hereby approves the Agreed Upon Procedures for the Town of Byron Justice Accounts for the year ended December 31, 2018 prepared by Raymond Wager, P.C., Certified Public Accountants.

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

Vote: Ayes: 4 Nays: 0

**AUDIT ENGAGEMENT LETTER FOR 2019 TOWN WIDE AUDIT**

**RESOLUTION #78:**

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

**RESOLVED**, that the Byron Town Board hereby approves the Engagement Letter for a town wide audit for 2019 to be prepared by Raymond Wager, P.C., Certified Public Accountants for a cost of \$10,250.00.

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

Vote: Ayes: 4 Nays: 0

**AGREED-UPON PROCEDURES FOR 2019 JUSTICE AUDIT**

**RESOLUTION #79:**

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

**RESOLVED**, that the Byron Town Board hereby approves the Quotation for Agreed-Upon Procedures for the Town Justice Accounts for 2019 to be prepared by Raymond Wager, P.C., Certified Public Accountants for a cost of \$1,850.00.

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

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Klycek to approve do an RFP in the spring for accounting services for the 2020 Town Justice audit and Town audit. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 4 Nays: 0

**BUDGET TRANSFERS:**

**GENERAL FUND BUDGET TRANSFERS:**

**RESOLUTION #80:**

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

**Resolved**, that the Byron Town Board authorizes the following transfers:

<b><u>GENERAL FUND</u></b>				
<i>Transfer From:</i>				
	A1990.4	Contingency		\$10,000.00
<b>Unanticipated Revenue</b>				
	A3089	Justice Grant		\$5,654.00
	AUB	Unexpended Balance		\$55,773.00
			TOTAL:	\$71,427.00
<i>Transfer To:</i>				
	A1110.4AA	Justice Grant		\$5,654.00
	A1420.4	Attorney Contractual		\$868.00
	A1670.4	Central Printing & Mailing		\$600.00
	A1910.4	Unallocated Insurance		\$1,023.00
	A8030.4A	Research Contr. Water		\$63,282.00

				TOTAL:	\$71,427.00	
		<b><u>HIGHWAY FUND</u></b>				
<i>Transfer From:</i>						
		DA9950.9	Highway Reserve Fund		\$60,000.00	
		<b>Unanticipated Revenue</b>				
		DAUB	Unexpended Balance/Equip. Reser		\$17,358.00	
				TOTAL:	\$77,358.00	
<i>Transfer To:</i>						
		DA5130.2	Machinery Equipment		\$77,358.00	
				TOTAL:	\$77,358.00	
		<b><u>SEWER FUND</u></b>				
<i>Transfer From:</i>						
		SS8120.4PT	Sewage Coll. System Contr.		\$1,645.00	
				TOTAL:	\$1,645.00	
<i>Transfer To:</i>						
		SS8120.4	Sewage Coll. System Contr.		\$1,645.00	
				TOTAL:	\$1,645.00	

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

Vote:                      Ayes: 4                      Nays: 0

**SOLAR – Scott Mattison:**

·MRB Group would like the chance to interview with the Town regarding representing the Town with the Excelsior Solar Project.

·Public information is available online. PIP was filed on April 24<sup>th</sup> therefore the 150 days is running. All documents are available online.

·The money to pay the different representatives that the Town hires comes from the developer, not the Town. ·The Town should have someone to represent them prior to the Public Informational meetings. MRB Group represents Mt. Morris and Caledonia. Scott Mattison will ask his colleague, J.P. Schepp, to come to discuss solar with the Board, and which attorneys Caledonia and Mt. Morris use.

A **motion** was made by Councilman Thompson to hold a Special Meeting on Wednesday, August 21, 2019, at 7:00 p.m. at the Byron Town Hall to discuss engineering services with MRB Group for the Excelsior Solar Project. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:                      Ayes: 4                      Nays: 0

**REAPPOINTMENT OF ASSESSOR:**

A **motion** was made by Councilman Klycek to reappoint Barry Flansburg as the Town of Byron Assessor for a term from October 1, 2019 – September 30, 2025. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

**PUBLIC COMMENTS:**

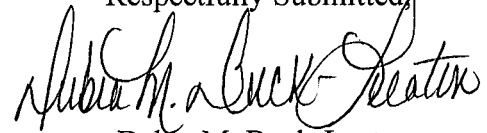
- Discussion regarding solar
- Councilwoman Fuller wanted to let the residents know that they are not allowed to paint the fire hydrants.

**ADJOURN:**

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 10:12 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:           Ayes: 4           Nays: 0

Respectfully Submitted



Debra M. Buck-Leaton  
Byron Town Clerk