

BYRON TOWN BOARD MEETING

December 9, 2020

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

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

Public (Via Zoom):

Kaitlyn Moucha Tom Felton Jim Lamkin John Sackett
Gayla Starowitz George Squires Kim Kulzer Vic DiGregorio
Ben Raccuia Michelle Piasecki, Harris Beach

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

PUBLIC HEARING – 2021 CONTRACTS FOR EMERGENCY SERVICES:

A **motion** was made by Councilwoman Fuller to open the Public Hearing on the 2021 Contracts for Emergency Services at 7:02 p.m. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

*LEGAL NOTICE
PUBLIC HEARING
TOWN OF BYRON*

PLEASE TAKE NOTICE, that the Town Board of the Town of Byron will hold a Public Hearing via Zoom video conferencing on Wednesday, December 9, 2020 at 7:00 p.m. to consider entering into a contract for fire protection and other emergency services, including emergency medical services, with the Byron Fire Dept. No. 1 for 2021 in the amount of \$102,000.00. And also to consider entering into a contract for fire protection and other emergency services with the South Byron Volunteer Fire Co., Inc. for 2021 in the amount of \$102,000.00. Copies of the complete contracts are on file in the Town Clerk's Office and may be examined at any time during regular business hours.

*By Order of the Byron Town Board
Debra Buck-Leaton, Town Clerk*

Public Comments: None

A **motion** was made by Councilman Kent to close the Public Hearing at 7:06 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

2021 FIRE PROTECTION AND EMERGENCY SERVICES CONTRACT WITH SOUTH BYRON VOLUNTEER FIRE COMPANY, INC.

RESOLUTION #105:

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

Resolved, that the Byron Town Board hereby adopts the Contract For Emergency Services with the South Byron Volunteer Fire Company, Inc. for 2021 in the amount of \$102,000.00.

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

Vote: Ayes: 5 Nays: 0

2021 FIRE PROTECTION AND EMERGENCY SERVICES CONTRACT WITH BYRON FIRE DEPT. NO. 1, INC.

RESOLUTION #106:

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

Resolved, that the Byron Town Board hereby adopts the Contract For Emergency Services with the Byron Fire Dept. No. 1, Inc. for 2021 in the amount of \$102,000.00.

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

Vote: Ayes: 5 Nays: 0

MINUTES:

A **motion** was made by Councilman Zuber to approve the Byron Town Board minutes of November 11, 2020 and December 1, 2020 as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT – George Squires:

- Approved 2 land separations for Legacy Lands (Searls Road) and Ludwigs (Upper Holley Road)
- Discussed Public Hearing on Solar Law
- Discussed changes to Zoning Law

Amendment to Zoning aw – Battery Energy Storage

- Waiting to hear from the Zoghlin Group

Noise Ordinance:

- On hold until Battery Energy Storage is complete

A **motion** was made by Councilman Zuber 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

SOLAR:

ADOPTION AND AMENDMENT TO THE TOWN OF BYRON ZONING LAW

RESOLUTION #107:

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

WHEREAS, the Town Board of the Town of Byron (“Town Board”) has reviewed a Short Form Environmental Assessment Form (EAF) Part 1, prepared by the Town Attorney on the proposed adoption of an amendment to the Town of Byron Zoning Law to regulate the construction, maintenance and de-commissioning of devices designed to convert solar energy to electricity, herein after designated as “Action”; and

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

WHEREAS, the Town Board determined that said Action is subject to a coordinated review and approval by other involved agencies under SEQR regulations; and

WHEREAS, the Town Board determined that it is the most appropriate agency to insure the coordination of this Action and will provide written notification to involved agencies, for the purposes of conducting a coordinated review and making a determination of significance therein 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 SEQR and be it further

RESOLVED that the Town Clerk is hereby directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection) thereto in writing on or before January 13, 2021.

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

Vote: Ayes: 5 Nays: 0

Intervenor Funds: The Town has received an additional \$191,000.00 and Byron Association Against Solar (BAAS) has received an additional \$89,000.00.

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:

- On November 6th backup at 6523 Rte. 237 (Pumpkin Hill), dug up tank, unplugged inlet
- On November 13th backup at 7494 Rte. 237, S. Byron, tank full and had A.D. Calls pump tank
- On November 5th backup at Lot #12 in the trailer park, cleaned inlet, ended up snaking line for homeowner
- On November 28th the censor for the flow meter in South Byron failed, on November 30th contacted CPE to replace sensor
- Took 2 fecal samples for North Byron on November 5th an 12th, the DEC wanted more data in hopes of showing Albany that the Town may not need a UV system in North Byron

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

SEWER RELEVY

RESOLUTION #108:

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

Resolved, that the Byron Town Board approves the relevy of all unpaid sewer bills in the amount of Thirty-Four Thousand Four Hundred Twenty and 00/100 Dollars (\$34,420.00) onto the 2021 Town/County tax bills.

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – David Leaton:

- Put wreaths up on corners
- The plows have been out 3 times so far
- Working on cleaning up and odd jobs

A **motion** was made by Councilman Thompson to approve the Highway Superintendent’s Report as given. The motion was seconded by Councilwoman Fuller 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

Supervisor Yasses: He is asking the CEO/ZEO to continue to put pressure on the owners of the property located at the corner of Caswell Road and Walkers Corners Road to clean up the property.

A **motion** was made by Councilman Zuber to approve the CEO/ZEO report as given. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – George Squires:

- Discussed 2021 Budget
- Overspent their 2020 budget because of repairs that desperately needed to be done and have agreed to repay the general account from their own checking account for the overage.
- Planted a memorial tree for Jim Cudney at Turtle Park
- Received a request for a memorial bench to be placed at Trestle Park in memory of Wende Ferguson. The Park Committee approved the request pending approval of the Town Board. Supervisor Yasses would like to have the Highway Superintendent’s input and help in placement prior to it being put in.

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

Vote: Ayes: 5 Nays: 0

West Shore Park Law/Town of Byron Parks Law:

- Town Attorney Paul Boylan is working on the law

CLEAN ENERGY RESOURCES INFORMATION COMMITTEE – Candace Hensel:

- Continuing to look into clean energy initiatives
- Attended workshop and spoke with organizations
- They believe the Town should become a clean energy community, which will allow them to receive grants such as the Main Street Grant

ABSTRACTS

RESOLUTION #109:

Councilman Kent 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	#12	#227 - #252	\$32,053.48
Highway Fund	#12	#186 - #202	\$17,471.14

Sewer Fund	#12	#60 - #64	\$6,953.79
General Post Audit	#11	#72 - #73	\$557.41
Sewer Post Audit	#11	#29 - #30	\$504.15
Water Improv. Bene. Area #1	#2	#2	\$858.23

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.....	\$60.00
Paid to NYS DEC.....	\$837.88
Paid to the Town of Byron Supervisor.....	\$3,505.32
Total Disbursed for November 2020.....	\$4,403.20

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The November 2020 Financial Report was reviewed.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR’S REPORT:

Waste Management Contracts:

·Need to renew contracts. It will need to be bid out and a contract awarded at the end-of-the-year meeting.

Host/PILOT Agreement:

·Spoke with Keddy from NextEra and he will hopefully have the PILOT/Host Agreement ready to sign by the end of the year.

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

- MRB Group is continuing work on the project
- Waiting on the current lease agreement with MCWA extending the lease to 2060

END-OF-YEAR MEETING:

A **motion** was made by Councilman Kent to set the end of year meeting for December 29, 2020 at 7:00 p.m. via Zoom. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ORGANIZATIONAL MEETING:

A **motion** was made by Councilman Kent to set the Organizational Meeting for January 6, 2021 at 7:00 p.m. via Zoom. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

Ben Raccuia: Only 1 person was appointed to the siting board and he would like the Board members to write letters in support of appointing him to the siting board also.

ADJOURN:

A **motion** was made by Councilman Zuber to adjourn the Byron Town Board Meeting at 8:25 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