

BYRON TOWN BOARD MEETING

June 10, 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	
Invited Guests.....	Paul Boylan	
Public (Via Zoom):		
Ben Raccuia	George Squires	Barb Starowitz
Jim Lamkin	Richard Colby	Keddy Chandran, Nextera
Michelle Piasecki, Harris Beach		Kaleigh Crissman, Nextera

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

MINUTES:

A **motion** was made by Councilwoman Fuller to approve the Byron Town Board minutes of May 13, 2020 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PLANNING BOARD REPORT:

- Reviewed and approved Land Separation for Joe Amico. Mr. Amico needs a storm water permit from Genesee County Soil and Water.
- Discussed the need for a noise ordinance
- Blue Sky Towers is looking to put a cell tower on land at 6811 Batavia-Byron Road (Jarosinski) near the West Shore Trail. A Site Plan, Special Use Permit, County Planning approval and Public Hearing are required. The Planning Board has scheduled a Zoom Public Hearing for July 1, 2020 at 7:00 p.m.

Solar Law Public Hearing/Amendment to Zoning Law – Battery Energy Storage:

- Paul Boylan will check with Ben at Zoghlin Group to see if he has reviewed the proposed Solar Law and the Amendment to the Zoning Law regarding Battery Energy Storage.
- The Town Board would like to discuss at the July meeting when to have the Public Hearings for the Solar Law and the Amendment to the Zoning Law on Battery Energy Storage.

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

Monthly:

- Emergency stake out for utility pole replacement on May 26th.
- Callout at Lot #32 in Byron Trailer Park. Located and dug up tank, found no issues with tank. Backup was somewhere from trailer to tank.

JS Power Systems LLC Equipment Maintenance Agreement Renewals

·The sewer and Town Hall generator maintenance agreements need to be renewed with JS Power Systems LLC

South Byron 20KW Model 587514 Serial #6511546 Installed 11/2/11

Byron Center 17KW Model 55231 Serial #5759069 Installed 8/1/11

North Byron 10KW Model 58831 Serial #6896260 Installed 11/12/12

McElver Street 17KW Model 58850 Serial #0083734 Installed 9/10/03

- Cost: \$750.00 per year.
- Service will be performed twice a year, according to manufacturers' specifications for generators. Start and check systems. Change oil and filters once a year or 200 run hours. Test battery and check water level. Includes labor and parts such as oil and filters, test and adjust at approximately 6 month intervals.

Town Hall Generator 25KW Model QT02515ansx Serial #9473375

- Cost: \$300.00 per year
- Extend the life and ensure optimal performance. Includes oil, engine, battery and electrical inspections, simulated power outage and load transfer and necessary replacement of wear items such as spark plugs and filters. Includes labor and parts such as spark plugs, oil and filters, test and adjust at approximately 6 month intervals.

SEWER GENERATOR MAINTENANCE

RESOLUTION #55:

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

RESOLVED, that the Town Board of the Town of Byron hereby authorizes JS Power Systems LLC to perform service twice a year, according to manufacturers' specifications for the sewer generators, which includes starting and checking systems, changing oil and filters once a year or 200 run hours, testing battery and check water levels, labor and parts such as oil and filters, test and adjust at approximately 6 month intervals, at a cost of \$750 per year.

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

Vote: Ayes: 5 Nays: 0

TOWN HALL GENERATOR MAINTENANCE

RESOLUTION #56:

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

RESOLVED, that the Town Board of the Town of Byron hereby authorizes JS Power Systems LLC to

perform service twice a year, according to manufacturers' specifications for the Town Hall generator, which includes oil, engine, battery and electrical inspections, simulated power outage and load transfer and necessary replacement of wear items such as spark plugs and filters, labor and parts such as spark plugs, oil and filters, test and adjusting at approximately 6 month intervals, at a cost of \$300 per year.

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

Vote: Ayes: 5 Nays: 0

Waste Water Treatment Plants Disinfection Report:

·MRB has submitted all paperwork as required by EFC for review. A contract will be issued by EFC following their review, most likely by email, to the Supervisor. The Supervisor needs to notify MRB Group when he receives it.

Mobile Home Park Sanitary Sewer Grant:

·MRB Group is currently waiting on the guidance for the program to be released before beginning work. It should have been released on May 1st but has been delayed due to everything currently happening.

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

- Working on playground and Trestle Park and Firemen's Park
- Put in stone and benches at Trestle Park. A bench was destroyed within 2 days, but the person who did it has paid for the repairs.
- Finished first round of roadside mowing
- Crack sealed McElver, Terry, Pauline and Mae Streets
- Blacktop wedging on Swamp, Searls and Tower Hill Roads
- Stoned and graded the West Shore Trail from Byron Road to Trestle Park
- Cleaned culverts
- Working on getting sewer beds back in order
- Working on restoring Alexander property after new tank installed
- Last month 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 Department has done what they could to repair it.

Genesee County Snow and Ice Agreement:

- Rates are close to what they were previously
- All Town Highway Superintendents have agreed to a 1 year contract

INTERMUNICIPAL AGREEMENT FOR SNOW REMOVAL AND ICE CONTROL SERVICES AND ROADSIDE MOWING

RESOLUTION #57:

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

RESOLVED, that the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the Intermunicipal Agreement for Snow Removal and Ice Control Services and Roadside Mowing between Genesee County and the Town of Byron for a period of one (1) year beginning January 1, 2021 and expiring on December 31, 2021.

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

Vote: Ayes: 5 Nays: 0

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

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

·There were not enough members to hold a meeting and conduct business.

·Councilman Kent stated that he and his family were walking down the West Shore Trail and ATVs were racing down the Trail. Several had no visible license plates or helmets. He would like the Town Board to take action.

·Supervisor Yasses: The Highway Department put new concrete pads and benches in Trestle Park on Wednesday, and on Friday someone had destroyed one by driving over it with an ATV. The damaged bench was put on the Town's FaceBook page with a message to call the Town Hall if anyone knew who did it. Fifteen minutes after it was posted the Town Clerk received a phone call stating that this person knew who did it and that they felt bad and either wanted to repair it or pay for it. The Supervisor, Town Clerk and Highway Superintendent figured out a cost of approximately \$927, which was communicated to the caller, with the stipulation that it had to be paid for by 4:00 p.m. Wednesday or the Sheriff would be called. The bench was paid for within the time allotted. The Town needs to stop the ATVs from going into Trestle Park because they're making a mess of it.

·Highway Superintendent Leaton would like to put telephone poles in about 2 feet up like they have in the parking area to deter the ATVs from going into the park and the adjacent trails in the woods. They are also going to put more rocks in near the gates to keep ATVs from going around the gates. Town Attorney Paul Boylan believes this is a good idea.

·Supervisor Yasses spoke with the DEC and they said they would patrol the area. There have been many ATV riders come from out-of-town with UHauls and trailers unloading at the parks.

·Bergen does not allow anyone to park alongside the road to unload.

·Town Attorney Paul Boylan stated that the Town can block off the entrances and say no motorized vehicles, but the Town Board would rather have the DEC police it rather than shut it down.

·Councilman Kent said maybe an alternative is to use some of the solar money for an ATV park.

·Barb Starowitz stated that they are having a problem with out-of-town ATVs on Transit Road who are creating chaos with loud machines, unlicensed and no helmets.

·Councilman Kent would like to see no parking signs put up at park entrances for unloading of ATVs. Town Attorney Paul Boylan will check the Highway Use Local Law to see what can legally be done.

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

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #58:

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	#6	#103 - #123	\$12,358.73
Highway Fund	#6	#85 - #100	\$30,548.55
Sewer Fund	#6	#26 - #29	\$ 4,087.08
General Post Audit	#5	#38 - #40	\$ 660.64
Sewer Post Audit	#5	#13 - #15	\$ 743.84
Celebrations	#2	#2	\$ 157.00

Councilman Kent 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 the DEC for hunting and fishing licenses.....	\$ 47.24
Paid to the Town of Byron Supervisor.....	<u>\$3,927.76</u>
Total Disbursed for May 2020.....	\$4,035.00

Summer Youth Recreation Program:

·Summer recreation programs have been approved to reopen on June 29th. Discussed procedures for opening. Town Attorney Boylan will create a Waiver for parents to sign regarding Covid-19.

A **motion** was made by Councilwoman Fuller to allow the Town of Byron Summer Youth Recreation to begin on June 29, 2020 according to the Governor's Executive Order and CDC Guidelines. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The May 2020 Financial Report was reviewed.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

Mortgage Tax:

·Received \$18,118.73 in mortgage tax from the County

ZOGHLIN GROUP INTERVENOR FUND VOUCHER APPROVAL:

RESOLUTION #59:

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

RESOLVED, that the Town Board of the Town of Byron hereby authorizes the Supervisor to sign the Standard Voucher No. 3 in the amount of \$2,959.50 for services rendered by The Zoghlin Group (\$2,589.50) and MRB Group (\$370.00) and payable from Intervenor Funds.

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

Vote: Ayes: 5 Nays: 0

Zoom Meetings:

·By law, there can only be 2 Town Board members who attend the Planning Board meeting, whether in person or on Zoom. Town Attorney Paul Boylan sent a letter to the Board members stating this.

·Councilman Zuber will contact either Councilwoman Fuller or Councilman Kent if he would like to attend a Planning Board meeting so that 3 Town Board members aren't present.

Courtroom Pass-Through Window:

·The Judges would like to have a pass-through window installed between the Judges' office and the Court Clerk's office. They have submitted the following quotes:

Jeff Cudney: \$965.00
Chark's Glass: \$1,157.00

PASS-THROUGH WINDOW BETWEEN JUDGE'S AND COURT CLERK'S OFFICES:

RESOLUTION #60:

Supervisor Yasses offered the following resolution and moved for its adoption:

RESOLVED, that the Town Board of the Town of Byron hereby accepts the quote submitted by Jeff Cudney in the amount of \$965.00 for a pass-through window between the Judges and Court Clerk's Offices.

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

Vote: Ayes: 4 Nays: 1 (Councilwoman Fuller)

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 DISTRICT NO. 7:

·This project is complete with the one-year guarantee period running through May 15, 2020 for Contract 1 and through June 21, 2020 for Contract 2. Morsch Pipeline will return to the site in the next couple of weeks to complete a few punch list items.

·Valve boxes need to be adjusted.

·Councilman Zuber stated that there is a lot of standing water on the dead end of Cockram Road near Bank Street Road.

WATER DISTRICT NO. 8:

·This project is complete with the one-year guarantee period running through June 3, 2020. Randsco will be on site within the next week to investigate the plugged culvert on Beaver Meadows Road.

WATER IMPROVEMENT BENEFIT AREA NO. 1:

·USDA Rural Development continues to explore all options for funding the project.

TRANSIT ROAD WATER DISTRICT:

·Out of District Water Supply Agreement - The Town Board would like to table until the July meeting.

SHARED SERVICES ELECTRONIC RECORDS MANAGEMENT INTERMUNICIPAL AGREEMENT

RESOLUTION #61:

Councilman Kent 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

NOW, THEREFORE BE IT RESOLVED, that the Byron Town Board hereby agrees to enter into a Shared Services Electronic Records Management Intermunicipal Agreement with the Towns of Batavia and Alexander.

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

Vote: Ayes: 5 Nays: 0

STANDARD WORK DAY AND REPORTING FOR ELECTED AND APPOINTED OFFICIALS IN THE NYS RETIREMENT SYSTEM

RESOLUTION #62:

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

BE IT RESOLVED, that the Town of Byron hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs. Max. 8 hrs.	Name	Social Security Number (Last 4 Digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin/End Dates	Record of Activities Result	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Highway Superintendent	8	David W. Leaton, Jr.	xxxx	xxxxxxxx	<input type="checkbox"/>	01/01/20-12/31/21	37.49	<input type="checkbox"/>
Town Clerk	6	Debra Buck-Leaton	xxxx	xxxxxxxx	<input type="checkbox"/>	01/01/18-12/31/21	20.56	<input type="checkbox"/>
Appointed Officials								
Assessor	6	Barry Flansburg	xxxx	xxxxxxxx	<input type="checkbox"/>	10/01/19-09/30/25	7.31	<input type="checkbox"/>
Code/Zoning Officer	6	Michael Morris	xxxx	xxxxxxxx	<input type="checkbox"/>	01/01/2020-12/31/2020	6.73	<input type="checkbox"/>
Historian	6	Elizabeth Wilson	xxxx	xxxxxxxx	<input type="checkbox"/>	01/01/20-12/31/20	.32	<input type="checkbox"/>
Historian	6	Robert Wilson	xxxx	xxxxxxxx	<input type="checkbox"/>	01/01/20-12/31/20	.44	<input type="checkbox"/>

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

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

·Richard Colby – He will send the Town Board examples of what other parks in different towns do for walking trails.

·Keddy Chandran, Nextera – Nextera Energy would like to pay for the fireworks display on August 15, 2020. They believe that since it is the Town's Bicentennial they would like to do something special since there won't be a celebration due to COVID-19.

·Councilwoman Fuller – Nextera has also donated money to the Byron and South Byron Fire Departments and the Byron Rescue Squad to help with Covid-19 necessities.

EXECUTIVE SESSION:

A **motion** was made by Councilman Kent to go into executive session to discuss proposed, pending or current litigation, and to discuss negotiations for a Host Community Agreement at 9:13 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Zuber to come out of executive session at 10:26 pm. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SPECIAL TOWN BOARD MEETING REGARDING PRELIMINARY VISUAL IMPACT ANALYSIS RESOLUTION #63:

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

Resolved, that the Town Board hold a Special Meeting on Wednesday, June 25, 2020 at 7:00 p.m. at the Town Hall to hear all persons present in person or by video conferencing regarding the Preliminary Visual Impact Analysis submitted by TRC Companies, Inc., and be it further

Resolved, that the Town Clerk cause the said Preliminary Visual Impact Analysis submitted by TRC Companies, Inc. to be posted on the Town website and on FaceBook at her earliest convenience, but in no event later than June 17, 2020.

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

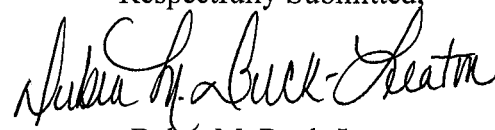
Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 10:29 p.m. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk