

BYRON TOWN BOARD MEETING

July 15, 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(Via Zoom)
	Eric Zuber
Highway Superintendent.....	David Leaton
Town Clerk.....	Debra Buck-Leaton
Invited Guests.....	Paul Boylan, Esq.
	Benjamin Wisniewski, Eq., The Zoghlin Group

Public (Via Zoom):

Michelle Piasecki, Harris Beach	Ben Raccuia
Gayla Starowitz	Kaitlyn Moucha
Eric Richenberg	Jim Lamkin
Nathan Knickerbocker	Tess Zuber
George Squires	Vic DiGregorio
Sandy Leaton	Pam Lynch

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 June 10th, June 24th and July 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:

Ben Wisniewski, Esq.: He has identified some concerns. He would recommend adding additional language. Even though the Town is using the Solar Law to control large projects they need to realize the Siting Board can overrule the Town on projects the size of Excelsior. The proposed law puts large scale solar and community solar in the same tier, the Town may want to make another tier to divide these up further. He would like to have a subcommittee of two of the Town Board members review the proposed law and he will also review it and discuss it again at the August Town Board meeting.

Amendment to Zoning Law – Battery Energy Storage:

·20 MW battery storage is planned for the Excelsior solar project.

·Solar Attorney Ben Wisniewski would like to have a subcommittee of two of the Town Board members review the proposed Battery Energy Storage Law further and discuss it again at the August Town Board meeting.

Noise Ordinance:

·Town Attorney Paul Boylan will attend the next Planning Board meeting to review the proposed Noise Ordinance and make some needed revisions.

A **motion** was made by Councilman Zuber 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

SOLAR – PRELIMINARY VISUAL IMPACT STUDY:

- The Town solicited public input on the Preliminary Visual Impact Study and posted a public notice.
- Excelsior is not required to follow through on any of the requests submitted by the public in response to the PVIS. The Town can, however, do their own study and hire their own experts using intervenor funds.
- The Town did receive some comments from BAAS members, most of which did not pertain to the PVIS, but will be included with the Stipulations due on January 27th.
- Attorney Ben Wisniewski filed a response on the state website and attempted to meet the deadline of July 10th. He did ask for an extension, which is not a statutory extension, but one given by Excelsior only.
- Ben would like to get more PVIS comments and would like to send follow up letter with locations in response. Shawna Dorman did send a response regarding a specific location and its impact on multiple residents.

A **motion** was made by Councilman Zuber to have Ben Wisniewski, Esq. isolate locations and ask for further studies and write a final response for request for responses to the Preliminary Visual Impact Study. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

EXECUTIVE SESSION:

A **motion** was made by Councilman Zuber to go into executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or relating to appointment, promotion, demotion, discipline or removal of a particular person at 8:15 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 8:30 pm. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

AMENDMENT TO HIGHWAY BUDGET

RESOLUTION #65:

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

Resolved, that the Town of Byron Budget for the year 2020 be and it is hereby amended to reduce the Highway portion of the Budget by Twenty Thousand Dollars (\$20,000.00), and specifically line items DA5110.1 and DA5142.1 be reduced by Ten Thousand Dollars (\$10,000.00) each, and be it further

Resolved, that this resolution shall take effect immediately.

Councilwoman Fuller seconded the resolution which was adopted by 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

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT – David Leaton:

- Stoned and oiled Searls, Tower Hill, Caswell and Swamp Roads
- Micro paved McElver, Pauline and Terry Streets
- Starting to mow roadsides for the second time
- Starting to work on shoulders
- Working in parks
- The County will be paving Walkers-Corners Road next week
- Sold excess equipment through Titesworth Auctions. The pickup truck brought about \$16,000, the dump truck brought about \$3,500, and the tanks brought about \$2,500. There were no bids on the sander.

A **motion** was made by Councilman Zuber 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

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:

- Elba Boy Scouts camped at Trestle Park last weekend. They did a lot of work around pond and trails.
- Approved Port-O-John rentals from Creekside

West Shore Park Law:

·George Squires needs a copy from Attorney Boylan then the Park Committee will discuss it at the next meeting.

Town of Byron Parks Law:

- The Town Board would like to table discussion on the Parks Law until next month.

A **motion** was made by Councilman Zuber 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

ABSTRACTS

RESOLUTION #66:

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	#7	#124 - #150	\$14,053.27
Highway Fund	#7	#101 - #114	\$ 8,634.03
Sewer Fund	#7	#30 - #35	\$ 6,057.15
General Post Audit	#6	#41 - #44	\$ 826.21
Sewer Post Audit	#6	#16 - #18	\$ 1,290.10

Councilman Zuber 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.....	\$ 79.00
Paid to the DEC for hunting and fishing licenses.....	\$ 56.68
Paid to the Town of Byron Supervisor.....	\$5,790.52
Total Disbursed for June 2020.....	\$5,926.20

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

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The June 2020 Financial Report was reviewed.

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

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

·Talked to Matt Landers, the Assistant County Manager, regarding the sales tax situation. The third quarter sales tax numbers will indicate what direction the County Legislature will go with regard to reinstating sales tax sharing with the Towns and Villages.

·The landowner on Walkers-Corners Road who demolished the house without a permit is going to court on July 27th.

·Waiting for "Welcome Letter" from USDA for Water Improvement Benefit Area No. 1

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

WATER DISTRICT NO. 7:

·Final restoration complete and all complaints resolved.

WATER DISTRICT NO. 8:

Final restoration complete and all complaints resolved.

WATER IMPROVEMENT BENEFIT AREA NO. 1:

WATER IMPROVEMENT BENEFIT AREA NO. 1 MAP, PLAN AND REPORT

RESOLUTION #67:

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

Resolved, that the Town Board of the Town of Byron hereby appropriates Eleven Thousand One Hundred Seventy-Five Dollars (\$11,175.00) to pay the cost of preparing a map, plan and report for providing water services to the areas of the Town known as Water Improvement Benefit Area No. 1 which shall be prepared by MRB Group, duly licensed professional engineers, and be it further

Resolved, that this resolution is subject to permissive referendum to be conducted pursuant to Article 7 of the Town Law.

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

Vote: Ayes: 5 Nays: 0

WATER IMPROVEMENT BENEFIT AREA NO. 1 USDA PROJECT GRANT ADMINISTRATION SERVICES

RESOLUTION #68:

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

Resolved, that the Town Board of the Town of Byron hereby approves, and authorizes the Supervisor to sign, the Proposal for Professional Services prepared by MRB Group for the USDA Project Grant Administration in the amount of Fifty-Three Thousand Nine Hundred Dollars (\$53,900.00).

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

Vote: Ayes: 5 Nays: 0

WATER IMPROVEMENT BENEFIT AREA NO. 1 ENGINEERING SERVICES

RESOLUTION #69:

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

Resolved, that the Town Board of the Town of Byron hereby approves, and authorizes the Supervisor to sign, the Proposal for Professional Services prepared by MRB Group for Engineering Services in the amount of One Million Thirty-Four Thousand Six Hundred Forty-Five Dollars (\$1,034,645.00).

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

Vote: Ayes: 5 Nays: 0

WATER IMPROVEMENT BENEFIT AREA NO. 1 LOAN RESOLUTION

RESOLUTION #70:

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

Resolved, that the Town Board of the Town of Byron hereby approves, and authorizes the Supervisor to sign, the Loan Resolution for the cost of the construction of Water Improvement Benefit Area No. 1 in the amount of Five Million Five Hundred Fifty Thousand Dollars (\$5,550,000.00), and to accept a grant in the amount of Four Million Four Hundred Twenty-Five Thousand Dollars (\$4,425,000.00), pursuant to the attached resolution.

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

Vote: Ayes: 5 Nays: 0

TRANSIT ROAD WATER DISTRICT:

·Out of District Water Supply Agreement - The Town does not need an Out of District User Agreement with residents because the Town of Elba will take care of everything since they're supplying water to the Transit Road residents.

**LASERFICHE END USER LICENSE AGREEMENT LETTER OF AMENDMENT
RESOLUTION #71:**

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

Resolved, that the Town Board of the Town of Byron hereby approves, and authorizes the Supervisor to sign, the Laserfiche End User License Agreement Letter of Amendment between the Towns of Byron, Batavia and Alexander.

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

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

Ben Raccuia: He would like to see public meetings reinstated.

ADJOURN:

A **motion** was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 9:05 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