#### BYRON TOWN BOARD MEETING

May 11, 2016

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

Supervisor	Pete Yasses
SupervisorCouncilmen	Sue Fuller
	Jim Cudney
	Fred Klycek
	Jeff Thompson
Highway Superintendent	Brian Forsyth
Assessor	Barry Flansburg
Town Clerk	Debra Buck-Leaton
Public:	
Candy Hensel	Byron Hotel
Candy Hensel	Byron Hotel Swamp Road, Byron
Candy HenselMickey Truax	Swamp Road, Byron
Candy Hensel  Mickey Truax  Vic Digregorio  Dean Ivison	Swamp Road, ByronWarboys Road, ByronCoward Road, Byron
Candy Hensel  Mickey Truax  Vic Digregorio  Dean Ivison	Swamp Road, ByronWarboys Road, ByronCoward Road, Byron
Candy Hensel  Mickey Truax  Vic Digregorio	Swamp Road, ByronWarboys Road, ByronCoward Road, ByronCoward Road, Byron

#### PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

#### MINUTES:

A <u>motion</u> was made by Councilwoman Fuller to approve the Byron Town Board minutes of April 13, 2016 as written. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

#### PLANNING BOARD REPORT - Councilwoman Fuller:

There was nothing on the agenda so the Board had election of officers. Aaron Sharp will continue as the Chairman and George Squires is the Deputy Chairman.

A <u>motion</u> was made by Councilman Thompson to approve the Planning Board Report as given. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

#### MUSEUM REPORT - Councilwoman Fuller:

- ·They don't think they're going to apply for 503c status, and instead will remain as they are
- ·They are working on cleaning up the museum
- Spring dinner is May 19<sup>th</sup> at the church

A <u>motion</u> was made by Councilman Cudney to approve the Museum Report as given. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

#### **COMPREHENSIVE COMMITTEE REPORT - Chairman George Squires:**

·Reviewed 4 RFPs received for consultant services. Prices ranged from \$22,000 to \$38,000

·May 31<sup>st</sup> they will be doing interviews

At the June Town Board meeting they will make a recommendation to the Board

A <u>motion</u> was made by Councilwoman Fuller to approve the Comprehensive Committee Report as given. The motion was seconded by Councilman Klycek 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

A <u>motion</u> was made by Councilman Thompson to approve the Sewer Report as written. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

#### **HIGHWAY SUPERINTENDENT'S REPORT - Brian Forsyth:**

·Finished rehabbing lawns from plow damage

·Equipment stripped and washed to start painting

·Through shared services with Batavia and Stafford paved Seven Springs Road

·Zero turn mower bought in 2011 may be last summer of use

·Will be taking an Excellus class at GCC for \$99

Set up pricing on oil & stone...start hauling in stone

Caswell Road south of Walkers Corners Road

Bird Road

East Bird Road

Cole Road from bridge by Mud City Road to Swamp Road

Dead end of Fairgrounds Road

A <u>motion</u> was made by Councilman Cudney to approve the Highway Superintendent's Report as written. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

#### **CEO/ZEO REPORT:**

Number of Inspections: 15

Number of Zoning/Building Permits Issued: 13

Number of Land Separations: 0

Number of Building C.O./C.C. Issued: 0 Number of Zoning Complaints Filed: 1 Number of Zoning Complaints Resolved: 1 Number of Stop Work Orders Issued: 0

A <u>motion</u> was made by Councilwoman Fuller to approve the CEO/ZEO Report as written. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

#### PUBLIC HEARING - REVISED DEFINITION OF SOLAR ENERGY SYSTEMS

A <u>motion</u> was made by Councilwoman Fuller to open the Public Hearing regarding the revised definition of solar energy systems at 7:30 p.m. The motion was seconded by Councilman Thompson 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 at 7:30 p.m. on Wednesday, May 11, 2016 at 7:00 p.m. at the Byron Town Hall at 7028 Rte. 237, Byron, New York to hear all persons present regarding a recommendation from the Town of Byron Planning Board to amend the Town of Byron Zoning Ordinance Section 11.15 Solar Energy Systems to permit installation of such systems which are attached to buildings in all districts without a Special Permit.

Copies of the proposed amendment may be obtained from the town Clerk during her regular business hours.

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

#### REVISED DEFINITION OF SOLAR ENERGY SYSTEMS:

#### Section 11.15 Solar Energy Systems:

- (a) Attached solar energy systems are permitted in <u>all districts</u>.
- (b) Ground-mounted solar energy systems are permitted in <u>other</u> than R-1 districts with approval by the Planning Board with a Special Use Permit and Site Plan Review. Such systems must minimally adhere to the following setback requirements as in letter (c).
- (c) Setback requirements for ground mounted solar systems in other than R-1 Districts:
  - (i) Front setback must be behind the principal building front setback requirements (see Table 1)
  - (ii) Side and rear setbacks must be at least 1.5 times the height of the solar energy structure.

#### To be added to Section 2.02 Definitions:

Solar energy systems, attached – roof or building mounted solar energy systems are attached to the top or side of a building or structure.

Solar energy systems, ground mounted – ground mounted or free standing solar energy systems are installed directly in the ground and not attached to any existing structure. Single or multiple panels can be mounted on individual or multiple poles when space, structural, shade or other constraints inhibit roof mounted systems. Much larger free standing systems, including solar farms, can be constructed on the ground.

#### **PUBLIC COMMENTS:**

·None

A <u>motion</u> was made by Councilman Cudney to close the Public Hearing regarding the revised definition of solar energy systems at 7:35 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

#### REVISED DEFINITION OF SOLAR ENERGY SYSTEMS

#### **RESOLUTION #47:**

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

**Resolved**, that the Byron Town Board hereby adopts the revised definition of solar energy systems to read as follows:

#### Section 11.15 Solar Energy Systems:

- (d) Attached solar energy systems are permitted in all districts.
- (e) Ground-mounted solar energy systems are permitted in <u>other</u> than R-1 districts with approval by the Planning Board with a Special Use Permit and Site Plan Review. Such systems must minimally adhere to the following setback requirements as in letter (c).
- (f) Setback requirements for ground mounted solar systems in other than R-1 Districts:
  - (iii) Front setback must be behind the principal building front setback requirements (see Table 1)
  - (iv) Side and rear setbacks must be at least 1.5 times the height of the solar energy structure.

#### To be added to Section 2.02 Definitions:

Solar energy systems, attached – roof or building mounted solar energy systems are attached to the top or side of a building or structure.

Solar energy systems, ground mounted – ground mounted or free standing solar energy systems are installed directly in the ground and not attached to any existing structure. Single or multiple panels can be mounted on individual or multiple poles when space, structural, shade or other constraints inhibit roof mounted systems. Much larger free standing systems, including solar farms, can be constructed on the ground.

Councilman Thompson seconded	the resolution which was	s adopted by the following vot
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Vote:

Ayes: 5

Navs: 0

#### PARK COMMITTEE REPORT - Councilman Cudney:

- ·Nicole Kulzer has been working on flower beds
- ·Horseshoe pits have been repaired
- ·Picnic tables and dock have been repaired
- ·Trails will be remarked
- ·Some 4-wheeler damage done in parks
- ·Boy Scouts will be camping in Trestle Park in June
- ·Trestle Park bridge needs some repairs
- ·Bathrooms at Fireman's Park need repairs

A <u>motion</u> was made by Councilman Thompson to approve the Park Committee Report as given. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

#### **ABSTRACTS**

#### **RESOLUTION #48:**

Councilman Thompson offered the following resolution and moved for its adoption: *Resolved*, that the Byron Town Board pay the following abstracts:

Fund:	Abstract:	Vouchers:	Amount:
General Fund	#5	#97 - #114	\$ 5,851.57
Highway Fund	#5	#51- #58	\$ 2,990.35
Sewer Fund	#4	#9 - #18	\$ 3,848.75
General Fund	PA#4	#17 - #22	\$ 1,929.48
Sewer Fund	PA#4	#12 - #14	\$ 689.23
Water District No. 5	#4	#5	\$ 1,500.00
Water District No. 6	#5	#7 - #8	\$ 9,847.80

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\$	106.00
Paid to NYS DEC\$	
Paid to the Town of Byron Supervisor <u>\$3</u>	
Total Disbursed for April 2016\$3	,355.30

A <u>motion</u> was made by Councilman Thompson to approve the Town Clerk's Report as given for April, 2016. The motion was seconded by Councilman Cudney and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

#### **FINANCIAL REPORT:**

·The April 2016 Financial Report was reviewed.

A <u>motion</u> was made by Councilman Thompson to approve the April 2016 Financial Reports. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:

Aves: 5

Nays: 0

#### **SUPERVISOR'S REPORT:**

Received check in the amount of \$139,771.97 from the County Treasurer for Sales Tax payment.

Received check in the amount of \$64,021.92 from the County Treasurer for Snow and Ice on County Roads

June 7<sup>th</sup> there will be an informational meeting at the South Byron Fire Hall on requirements for racing and wagering licenses

Need to have a motion for the Sleds of Stafford Landowner Permission Form

A <u>motion</u> was made by Councilman Klycek to authorize the Supervisor to sign the Landowner Permission Form For Land Use for Sleds Of Stafford Trails for the 2016-2017 Season. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

A <u>motion</u> was made by Councilwoman Fuller to approve the Supervisor's Report. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

#### **OTHER BUSINESS:**

#### **WATER DISTRICT NO. 5:**

·Hilander finishing restoration

#### WATER DISTRICT NO. 6:

·Randsco will be doing restoration within two weeks

#### WATER DISTRICT NO. 7:

Need to get 12-15 wells tested in order to qualify for a hardship grant through Rural Development. Supervisor Yasses will be working with residents and the Health Department to get wells tested.

·As of May 1<sup>st</sup> USDA is requiring that a Code of Ethics and Ethics Board be established for the Town prior to lending funds

### WATER DISTRICT NO. 7 LEGAL SERVICES AGREEMENT RESOLUTION #49:

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

**Resolved**, that the Byron Town Board authorizes the Supervisor to sign the Legal Services Agreement with Paul S. Boylan, Esq. with regard to Water District No. 7. The fee for such work shall be \$225.00 per hour.

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

Vote:

Ayes: 5

Nays: 0

## WATER DISTRICT NO. 7 MUNICIPAL SOLUTIONS, INC. PROPOSAL FOR SERVICES RESOLUTION #50:

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

**Resolved**, that the Supervisor of the Town of Byron is hereby authorized as the official representative of the Town to execute the Proposal for Services between the Town of Byron and Municipal Solutions, Inc. This Agreement authorizes Municipal Solutions, Inc. to assist the Town in the financial services of the project to extend public water to the area designated as Water District No. 7, and to comply with the requirements of Rural Development. Municipal Solutions, Inc.'s fee for such work shall be \$11,000.00 including expenses.

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

Vote:

Ayes: 5

Nays: 0

# WATER DISTRICT NO. 7 LABELLA ASSOCIATES, D.P.C. PROPOSAL FOR SERVICES – FINAL APPLICATION TO RURAL DEVELOPMENT RESOLUTION #51:

Councilman Thompson offered the following resolution and moved for its adoption: *Resolved*, that the Supervisor of the Town of Byron is hereby authorized as the official representative of the Town to execute the Proposal for Services between the Town of Byron and LaBella Associates, D.P.C. This Agreement authorizes LaBella Associates, D.P.C. to assist the Town in the Final Application of Water District No. 7 for submission to Rural Development. LaBella Associates D.P.C.'s fee for such work shall be \$2,000.00.

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

Vote:

Ayes: 5

Nays: 0

## WATER DISTRICT NO. 7 LABELLA ASSOCIATES, D.P.C. PROPOSAL FOR SERVICES – PROJECT MANAGEMENT

**RESOLUTION #52:** 

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

**Resolved**, that the Supervisor of the Town of Byron is hereby authorized as the official representative of the Town to execute the Proposal for Services between the Town of Byron and LaBella Associates, D.P.C. This Agreement authorizes LaBella Associates, D.P.C. to provide project management services to the Town for Water District No. 7. LaBella Associates, D.P.C.'s fee for such work shall be \$15,000.00.

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

Vote:

Ayes: 5

Nays: 0

## WATER DISTRICT NO. 7 SEQR-INTENT TO DECLARE LEAD AGENCY STATUS RESOLUTION #53:

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

**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Byron hereby announces its intent to serve as Lead Agency to conduct an environmental review of the construction of public water supply improvements to serve the Town of Byron Water District No. 7. The proposed action involves approximately 38,200 linear feet of waterline along portions of Byron Elba Road (State Hwy 262), Caswell Road, Walkers Corners Road (Co Rd 19), Batavia-Byron Road (Co Rd 19A), and Cockram Road in the Town of Byron. The project will provide public water to properties that are currently dependent upon individual ground water supplies that historically have produced very low yields of poor quality water.

**FURTHER RESOLVED**, the Town Board has determined that, as portions of the project are located within a Genesee County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, the Town Board has commissioned LaBella Associates DPC to prepare Part 1 of the Environmental Assessment Form regarding the project, and be it

**FURTHER RESOLVED**, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of Part 1 of the full Environmental Assessment Form for review during the 30-day comment period.

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

Vote:

Ayes: 5

Nays: 0

A <u>motion</u> was made by Councilman Thompson to hold a Special Meeting at 6:15 p.m. on June 15, 2016. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

#### **FUTURE WATER DISTRICTS:**

LaBella doing income surveys for proposed areas. This will be the last time the Town does income surveys for these areas, and if they do not come to fruition they will not be revived anytime soon.

#### **HIGHWAY GARAGE:**

·Had a meeting on May 5<sup>th</sup>. The committee will be going to look at Stafford's highway garage for ideas. They will be looking for grants.

#### **PUBLIC COMMENTS:**

Councilwoman Fuller: Would like phone numbers for Fire Chiefs.

#### **ADJOURN:**

A <u>motion</u> was made by Councilman Thompson to adjourn the Byron Town Board Meeting at 9:13 p.m. The motion was seconded by Councilman Klycek and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton Byron Town Clerk