

*WHEREAS, the aforesaid three sewer districts have been created for a similar purpose; and
WHEREAS, the Town Board is desirous of conducting a Public Hearing pursuant to the provisions of Article 17-A of the General Municipal Law for the purpose of hearing all persons upon the question of consolidating the three Town of Byron sewer districts, to wit: Sewer District No. 1, Sewer District No. 2 and Sewer District No. 3 into one consolidated sewer district subject to the completion of proceedings pursuant to Article 17-A of the General Municipal Law of the State of New York and further approving and authorizing the execution of a joint consolidation agreement by the Supervisor of the Town of Byron; and*

WHEREAS, a map, plan and report prepared by MRB Group, competent engineers, describing the proposed consolidation has been filed in the Town Clerk's Office; and

WHEREAS, in the event of consolidation, future debt repayment and capital charges for the aforesaid three sewer district shall be imposed annually among all parcels or any additional parcels contained within the Consolidated Sewer District as follows: \$460.00 per equivalent dwelling unit for the first year of consolidation and then adjusted annually thereafter, if necessary. The number of equivalent dwelling units for each parcel is determined from the Schedule of Assessment Units (EDU) for each property type and is attached as Appendix C to the map, plan and report on file in the Town Clerk's office; and

WHEREAS, in the event of consolidation expenses for the operation and maintenance for the aforesaid three sewer districts and any future related extensions shall be imposed annually along all parcels or any additional parcels contained within the consolidated sewer district as follows:

The costs, as yet undetermined, shall be shared equally among all EDUs.

NOW THEREFORE, IT IS,

ORDERED, that the Town Board of the Town of Byron shall meet and hold a Public Hearing at the Town Hall, 7028 Byron-Holley Road, Byron, New York at 7:00 o'clock p.m. on the 22nd day of March, 2023, to consider the consolidation of the three Town of Byron Sewer Districts and related extensions, to wit: Sewer District No. 1, Sewer District No. 2 and Sewer District No. 3 into a single consolidated sewer district, known as the Town of Byron Consolidated Sewer District; to consider the execution and approval of a Joint Consolidation Agreement; and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as shall be required or authorized by law, and it is further,

ORDERED, the Joint Consolidation Agreement proposes to consolidate the three Town of Byron Sewer Districts pursuant to the provisions of Article 17-A of the General Municipal Law and that as of May 1, 2023 it is proposed to consolidate the three aforesaid sewer districts located within the Town of Byron pursuant to Article 17-A of the General Municipal Law of the State of new York, and it is further,

ORDERED, the proposed Joint Consolidation Agreement is on file in the Town of Byron Town Clerk's Office at 7028 Byron-Holley Road, Byron, New York. A copy of the proposed Joint Consolidation Agreement and a summary thereof are also displayed upon and available for public inspection on the Town of Byron's Town Clerk's Bulletin Board, at the Town Clerk's Office at the Town of Byron Town Hall, 7028 Byron-Holley Road, Byron, New York, and on the Town of Byron website; and it is further

ORDERED, that a copy of the Summary of the Joint Consolidation Agreement is attached to this resolution as Exhibit A, and that a description of the geographic boundaries of the proposed consolidated sewer district is attached to this resolution as Exhibit B;

AND IT IS FURTHER,

RESOLVED, that the Town Clerk is hereby directed to cause this Resolution Calling a Public Hearing to be published in The Batavia Daily News once a week for four (4) consecutive weeks to wit: February 15 and 22 and March 1 and 8.

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

A **motion** was made by Councilman Thompson to open the Public Hearing to consider the approval of the Joint Consolidation Agreement to consolidate the three (3) existing Sewer Districts and to consider calling a Public Hearing on the proposed extensions of the Consolidated Sewer District and to initiate the required proceedings

pursuant to SEQRA regarding the said extensions.at 7:06 p.m. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Public Comments:

Candy Hensel: Asked questions regarding notice of meeting

Attorney Mark Boylan: The Town adhered to all publication and posting notices per law.

Candy Hensel: Please explain point (f) of the Joint Consolidation Agreement posted online – will future members of the governmental organization be, after the terms of the current Town Board, elected members of the public or new elected town board members?

Attorney Mark Boylan: New elected members

Candy Hensel: Point (g) of the Joint Consolidation Agreement: cost of the consolidation will be paid from funds on hand in current capital reserve funds, is this of the Town or of the Sewer District?

Attorney Mark Boylan: Sewer District

Candy Hensel: Point (k) of the Joint Consolidation Agreement: what anticipated problems are foreseen during the two years following the proposed consolidation?

Supervisor Yasses: None that we know of.

Candy Hensel: Does the new consolidated sewer district take into consideration the Town of Byron's newly adopted Smart Growth maps of the hamlet areas? Or zoning maps being worked on by the Town Planning Board?

Attorney Mark Boylan: They have to adhere to Smart Growth.

Candy Hensel: If this hearing is about consolidation, please explain the suggested \$11 million cost to the proposed Consolidated Sewer District mentioned in the consolidation report on file at Town Hall. What are the different sewer replacement proposals that were presented to the town board before listing the project on the 2023 CWSRF Intended Use Plan (IUP) Annual List?

Councilman Kent: This Public Hearing only has to do with the consolidation.

Candy Hensel: Byron's score was 38 on the IUP, and is an A project abased on population, would the consolidated sewer district fair better in grading or scoring if it was able to utilize funding from the Green Project reserve (GPR) when looking at funding through EFC?

Scott Mattison, MRB Group: Consolidation doesn't affect score.

Candy Hensel: Will properties adjacent to the new consolidated district be able to be added to the district? Can the district be expanded in the future? More units would mean lesser cost burden to individual EDU's?

Scott Mattison, MRB Group: The Town is consolidating the three districts as proposed, but the Town can add as many as the Town and residents want.

Candy Hensel: Please explain the Water System Report in more detail.

Scott Mattison, MRB Group: Water Improvement Benefit Area No. 1 has nothing to do with sewer.

ADJOURN:

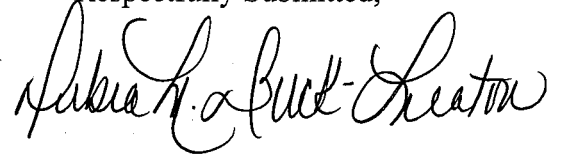
A **motion** was made by Councilman Zuber to adjourn the Byron Town Board Meeting at 7:35 p.m. The motion was seconded by Councilman Felton and carried with the following vote:

Vote:

Ayes: 5

Nays: 0

Respectfully Submitted,

A handwritten signature in cursive script that reads "Debra M. Buck-Leaton". The signature is written in black ink and is positioned above the printed name.

Debra M. Buck-Leaton
Byron Town Clerk