

BYRON TOWN BOARD MEETING

June 14, 2023

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.....	Josh Kent
	Eric Zuber
	Tom Felton
Highway Superintendent.....	David Leaton
Town Clerk.....	Debra Buck-Leaton
Absent.....	Councilman Thompson
Invited Guests.....	Town Attorney, Paul Boylan
	Scott Mattison, MRB Group
	Laurie Fox, MRB Group

Public:

Bethany Berggren	George Squires	Vic DiGregorio
Loren and Kim Parsels	Rob Palmer	Sally Capurso
Darla Barnum	Shirley Wade	Nancy Bailey
Dayanara Caballero	Zoey Shepard	Gary DeWind
Rick Flanagan	Bills Stevens	Sara Stockwell
Candy Hensel		

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Supervisor Yasses.

MINUTES:

A **motion** was made by Councilman Felton to approve the Byron Town Board minutes of May 10, 2023 and the Wastewater Treatment Plant Improvements Informational Meeting Minutes of May 31, 2023 as written. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SEWER CONSOLIDATION ORDER CALLING PUBLIC HEARING

RESOLUTION #59:

At a Regular Meeting of the Town Board of the Town of Byron in the County of Genesee, held at the Town Hall in the Town of Byron on the 14th day of June, 2023.

PRESENT:

Peter Yasses, Supervisor

Thomas Felton, Councilman
Eric Zuber, Councilman
Josh Kent, Councilman

In the Matter of the Increase and Improvement
of the Facilities of the Town of Byron Consolidated
Sewer District in the Town of Byron, Genesee
County, New York.

ORDER CALLING
PUBLIC HEARING

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

WHEREAS, the Town Board of the Town of Byron duly adopted a resolution directing the Town Engineer, MRB Group, P.C., to supervise the preparation of a general plan, report and map for providing sewer improvements in the Town of Byron Consolidated Sewer District; and

WHEREAS, the proposed improvements to the Consolidated Sewer District will include the abandonment of the sand filter beds in Central Byron and South Byron, the construction of one (1) new Waste Water Treatment Plant at Central Byron, the construction of a new pump station at South Byron and the construction of a force main from South Byron to the new treatment plant at Central Byron. The Water Treatment Plant will be sized to accept effluent from North Byron if and when it becomes necessary.

WHEREAS, on May 31, 2023, the Town Engineer duly filed said plan, report and map in the Office of the Town Clerk of the Town of Byron which is now on file there and available for inspection by the public during her regular business hours; and

WHEREAS, the maximum amount proposed to be expended for such sewer improvements (including the cost of construction, easements, engineering fees, legal fees and financing fees) is Eleven Million Eight Hundred Thirty Thousand Dollars (\$11,830,000); and

WHEREAS, the cost of construction of the said Sewer District Improvements shall be paid from the issuance of bonds, notes, certificates or other indebtedness of the Town of Byron for a period not to exceed forty (40) years; and from grants from the New York State Department of Environmental Conservation in the amount of One Million Dollars (\$1,000,000) from the New York State Environmental Facilities Corporation (WIIA) in the amount of Two Million Seven Hundred Six Thousand Two Hundred Fifty Dollars (\$2,706,250) and a grant from the funds available under the Bi-Partisan Infrastructure Bill of Two Million Seven Hundred Six Thousand Two Hundred Fifty Dollars (\$2,706,250)

Upon final approval of the project the issuance of a Serial Bond in the amount of Five Million Four Hundred Twelve Thousand Five Hundred Dollars (\$5,412,500) payable over a period of forty (40) years at an interest rate of zero percent (0%)

WHEREAS, it is estimated that the annual cost to the typical one or two family home will be One Thousand Thirty-Seven Dollars (\$1,037). The estimate includes debt repayment of principal, maintenance and repair of the sewer system and an amount to be paid into a repair reserve account;

NOW THEREFORE, IT IS HEREBY ORDERED that a meeting of the Town Board of the said Town of Byron shall be held at the Town Hall, located at 7028 Byron-Holley Road (Route 237), in the Town of Byron, New York on the 12th day of July, 2023, at 7:00 in the evening of that day to consider the said Sewer District Improvement and to hear all persons

interested on the subject thereof and for such other action on the vote of said Town Board with relation to the said Sewer District improvement as may be proper or required by law; and it is further

ORDERED that the Town Clerk of the Town of Byron is hereby authorized and directed to publish a copy of this order in the official newspaper of the Town and post it on the official website of the Town of Byron and post a copy of the same on the bulletin board in the Office of the Town Clerk, not less than ten (10) days, but not more than twenty (20) days, prior to the date set for said public hearing.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION ACCEPTING THE WASTEWATER TREATMENT SYSTEM IMPROVEMENTS PROJECT PRELIMINARY ENGINEERING REPORT

RESOLUTION #60:

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

WHEREAS, the Town of Byron Town Board hereby accepts the Wastewater Treatment System Improvements Project Preliminary Engineering Report prepared by MRB Group and directs MRB Group to send the Preliminary Engineering Report to EFC to be put on the IUP list.

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

Vote: Ayes: 4 Nays: 0

TOWN OF BYRON NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT RESOLUTION OF SUPPORT & AUTHORIZATION FOR CLEAN WATER GRANT APPLICATION

RESOLUTION #61:

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

WHEREAS, the Town of Byron, Genesee County, supports the submission of a New York State Water Infrastructure Improvement Act (WIIA) application, on behalf of the Town, for Wastewater Treatment Plant Improvements, herein after referred to as the "Project"; and

WHEREAS, the New York State Environmental Facilities Corporation (EFC) administers grants to assist municipalities in funding water quality infrastructure projects that protect public health and improve water quality; and

WHEREAS, an Engineering Report entitled "Preliminary Engineering Report for the Wastewater Treatment System Improvements", dated April 2023, recommends implementing the Project to help improve water quality and protect public health; and

NOW, THEREFORE BE IT RESOLVED, the Town of Byron Board identifies the Town Supervisor as the authorized representative of the Town to submit the WIIA grant application on behalf of the Town and execute all associated documents relative to and as required for the grant application, financial application and funding agreement, as applicable; and

BE IT FURTHER RESOLVED, that the Town may be obligated to provide local matching funds totaling at least 75% of the Project Costs in the form of in-kind services or cash contributions appropriated through State Revolving Fund (SRF) or other approved financing or funds, in accordance with the Bond Resolution; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Byron, fully supports the Project and submission of the 2023 WIIA grant application by MRB Group on behalf of the Town to improve water quality and protect public health.

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

Vote: Ayes: 4 Nays: 0

RESOLUTION OF SUPPORT FROM THE TOWN OF BYRON 2023 NEW YORK STATE CONSOLIDATED FUNDING APPLICATION, WATER QUALITY IMPROVEMENT PROJECT WASTEWATER TREATMENT PLANT IMPROVEMENTS

RESOLUTION #62:

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

WHEREAS, the Town Board for the Town of Byron, located in Genesee County, supports the submission of a 2023 Consolidated Funding Application (CFA) on behalf of the Town, for the Water Quality Improvement Project (WQIP) program for upgrades to the wastewater treatment facilities; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) provides a competitive statewide reimbursement grant program for local governments, administered to directly address documented water quality impairments; and

WHEREAS, an Engineering Report entitled "Preliminary Engineering Report for the Wastewater Treatment System Improvements", dated April 2023, recommends implementing the Project to help improve water quality and protect public health; and

NOW THEREFORE BE IT RESOLVED, the Town of Byron Town Board identifies the Town Supervisor as the authorized representative of the Town to execute necessary documents relative to and as required for the grant application; and

BE IT FURTHER RESOLVED, the Town Board does hereby accept that they shall provide at least 25% match of the total of any grant funding awarded, as a local match are hereby appropriated in the form of in-kind services, cash contributions and obligated from the sewer fund or SRF financing in accordance with the Bond Resolution; and

BE IT FURTHER RESOLVED, that the Town Board for the Town of Byron, located in Genesee County, recognizes and fully supports the submission of the 2023 CFA for WQIP by MRB Group on behalf of the Town to improve water quality and protect public health.

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

Vote: Ayes: 4 Nays: 0

TOWN OF BYRON WASTEWATER TREATMENT SYSTEM IMPROVEMENTS PROJECT – SEQR RESOLUTION DESIGNATING LEAD AGENCY

RESOLUTION #63:

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

WHEREAS, the Town of Byron Town Board (hereinafter referred to as "Town Board") on May 10, 2023 declared its intent to be designated the Lead Agency for the Town of Byron Wastewater Treatment System Improvements project under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Town Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Town Board has previously determined that it is the most appropriate agency to ensure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED, that the Town Board does hereby designate itself as the lead agency for the Action identified above herein.

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

Vote: Ayes: 4 Nays: 0

TOWN OF BYRON WASTEWATER TREATMENT SYSTEM IMPROVEMENTS PROJECT – SEQR RESOLUTION DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

RESOLUTION #64:

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

WHEREAS, the Town of Byron Town Board (hereinafter referred to as "Town Board") has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 including the supporting information on the Action prepared by the MRB Group (hereinafter referred to as "Town Engineer"); and

WHEREAS, the Town Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Town Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action on a separate resolution at the June 14, 2023 meeting; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED, that the Town Board does hereby make a determination of non-significance on said action, and the Town Supervisor is hereby directed to sign the Full Environmental Assessment Form (EAF) Part 3, the Negative Declaration, as evidence of the Town Board determination of environmental non-significance.

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

Vote: Ayes: 4 Nays: 0

WATER IMPROVEMENT BENEFIT AREA NO. 1:

WATER IMPROVEMENT BENEFIT AREA # 1 ENGINEERING AMENDMENT NO. 1
RESOLUTION #65:

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

BE IT RESOLVED, that Byron Town Board hereby approves and authorizes the Supervisor to sign the Engineering Amendment No. 1 by MRB Group in connection with Water Improvement Benefit Area No. 1.

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

Vote: Ayes: 4 Nays: 0

WATER IMPROVEMENT BENEFIT AREA NO. 1 – FORM E NO. 1

RESOLUTION #66:

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

BE IT RESOLVED, that Byron Town Board hereby approves and authorizes the Supervisor to sign the Form E No. 1 for Water Improvement Benefit Area No. 1.

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

Vote: Ayes: 4 Nays: 0

Scott Mattison: Contract B started construction on May 30, 2023. A progress meeting will be set up for next week. Contract A will begin sometime in July

BYRON-BERGEN PUBLIC LIBRARY – Sally Capurso, Board of Trustees President:

The Byron-Bergen Public Library is proposing a Proposition to be added to the November ballot as follows:

“Shall the Town of Byron Establish an annual tax in the amount of \$0.55/\$1,000 (Fifty-Five Cents Per One Thousand Dollars) of assessed real property value in order to support the operation of the Byron-Bergen Public Library, commencing in the fiscal year beginning January 1, 2024”

- Between 200-250 people, up to 500 during summer months, that use the library
- Receive funding from the Town and Village of Bergen also.
- Operating budget is currently would go from \$159,000 to \$186,000. Hopeful that it can remain the same for 2 years.
- Anytime they would want an increase it would need to be voted on
- Will continue to apply for grants
- In 2023 the Town of Bergen gave the library \$74,999, and the Town of Byron gave them \$6,500. The Town of Byron would go up to \$72,000
- See attached handout of the presentation.

SEWER REPORT:

- 5/3/23 – Jetted some sewer lines in South Byron
- 5/15/23 – Had Barefoot Septic replace a tank at 7505 Mechanic Street

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

Vote: Ayes: 4 Nays: 0

PLANNING BOARD REPORT – George Squires:

·Conducted a Public Hearing on the 5MW Leatherleaf solar project on Ivison Road. It was well attended.

·Presentation from Greenstreet Solar for solar on Rte. 262. Approved by the Planning Board and approved by GCEDC. Granted 6 month extension to begin construction.

·Discussed the revocation of the Fly-by-Night Special Use Permit. They will have to apply for a new permit and then a Public Hearing will need to be held.

·Close to wrapping up Zoning Law revisions.

·Planning Board meeting for July 5th will be moved to July 13th due to the 4th of July holiday.

A **motion** was made by Councilman Zuber to approve the Planning Board Report as given. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

BATTERY ENERGY STORAGE SYSTEM PROPOSED LOCAL LAW:

·The Planning Board is still doing revisions and then will have Paul Boylan review again before forwarding to the Town Board for review and approval.

HIGHWAY SUPERINTENDENT'S REPORT – David Leaton:

·Iverson Road is oiled and stoned

·Roadside mowing has been done once

·Paving Searls Road Tuesday and Wednesday

·Helping to do road work in other towns

·Repaired and updated park bathrooms

·He would like to purchase a new dump plow truck. The dealers have stated that a new truck would be 15 months out. The truck that will be replaced is a 2009. Resale would be around \$60,000. The Board will discuss further at the July Town Board meeting.

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

Vote: Ayes: 4 Nays: 0

CEO/ZEO REPORT – Melissa Ierlan:

·Issued 2 building permits, 1 fence permit, 1 pool permit and 2 shed permits

·Working on an unsafe structure complaint

·Working with Planning Board on a Special Use Permit for Fly-By-Night

·Did yearly fire and safety inspection of the building at Byron Repair

·Continuing to do yearly fire and safety inspections

·Attended monthly Planning Board meeting. We have 2 solar projects going through the approval process.

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

Vote: Ayes: 4 Nays: 0

PARK COMMITTEE REPORT – George Squires:

- Met in the new pavilion
- A big thank you to David Leaton and the Highway Department for taking care of the pavilion, bathrooms and the parks in general
- Thank you to the Genesee County Soil and Water for hydro seeding the lawn
- Workday next week to paint picnic tables
- 2 youths have volunteered to help out with the park
- Elba Scouts did maintenance on park trails this past weekend. They did a wonderful job
- The Scouts planted tree in memory of Brian Neal who passed away from cancer, and had a dedication service

A **motion** was made by Councilman Zuber to appoint Bethany Berggren to the Park Committee for a 3 year term beginning July 1, 2023. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

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

Vote: Ayes: 4 Nays: 0

ABSTRACTS

RESOLUTION #67:

Councilman Kent 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	#102 - #141	\$21,831.71
Highway Fund	#6	#36 - #47	\$29,976.15
Sewer Fund	#6	#35 - #39	\$4,763.75
Water Improv. Benefit Area #1	#6	#15 - #18	\$1,109,665.93
Celebrations	#1	#1	\$600.00
General Post Audit	#6	#29 - #33	\$2,312.67
Sewer Post Audit	#6	#13 - #16	\$6,113.42

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

Vote: Ayes: 4 Nays: 0

TOWN CLERK’S REPORT – Debra Buck-Leaton:

Paid to the NYS Ag and Markets for spay/neuter program.....	\$56.00
Paid to the DEC for Hunting and Fishing Licenses.....	\$23.62
Paid to NYS Dept. of Health for Marriage Licenses.....	\$67.50
Paid to the Town of Byron Supervisor.....	<u>\$3,688.88</u>
Total Disbursed for May 2023.....	\$3,836.00

A **motion** was made by Councilman Felton to approve the Town Clerk’s Report as given for May 2023. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

FINANCIAL REPORT:

The May 2023 Financial Report was reviewed.

A **motion** was made by Councilman Felton to approve the May 2023 Financial Reports. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 4 Nays: 0

SUPERVISOR’S REPORT:

TRANSFER OF WIBA#1 BAN FUNDS INTO NYCLASS:

The Supervisor transferred WIBA#1 BAN funds into NYCLASS to get more interest

RESOLUTION AMENDING RESOLUTION #1 OF THE JANUARY 3, 2023

ORGANIZATIONAL MEETING OFFICIAL SALARIES:

RESOLUTION #68:

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

Resolved, that the Byron Town Board Amend Resolution #1 of the January 3, 2023 Organizational Meeting Official Salaries to correct the Highway Superintendent’s salary from \$57,275.00 per year to \$60,139.00 per year, and to correct the Assessor’s pay frequency from Bi-Weekly to Monthly. The remainder of the appointed and elected officials salaries and frequency of payments stated for the year 2023 shall remain the same as specified on Pages A thru L.

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

Vote: Ayes: 4 Nays: 0

GCEDC – GSPP ROUTE 262 SOLAR PROJECT:

The Town will be receiving approximately \$2,000 annually for the PILOT and \$2,000 annually for the HOST Agreement with a 2% escalator for 15 years.

GENESEE COUNTY SUMMER RECREATION AGREEMENT

RESOLUTION #69:

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

WHEREAS, the Town of Byron Town Board authorizes the Supervisor to sign the Agreement between the County of Genesee acting on behalf of the Genesee County Youth Bureau and the Town of Byron Summer Recreation Program with regard to funding the Town of Byron Summer Recreation Program in the amount of \$2,000.00

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

Vote: Ayes: 4 Nays: 0

JUSTICE AUDIT:

A **motion** was made by Councilman Zuber to approve the Justice Audit for the year ended December 31, 2022. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 4 Nays: 0

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

Vote: Ayes: 4 Nays: 0

OTHER BUSINESS:

None

PUBLIC COMMENTS:

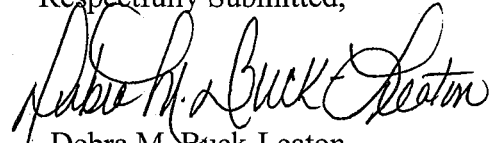
None

ADJOURN:

A **motion** was made by Councilman Felton 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: 4 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk