

BYRON TOWN BOARD MEETING

August 10, 2022

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

- Supervisor.....Peter Yasses
- Councilmen.....Jeff Thompson
- Josh Kent
- Tom Felton
- Eric Zuber
- CEO/ZEO.....Melissa Ierlan
- Highway Superintendent.....David Leaton
- Town Clerk.....Debra Buck-Leaton

- Invited Guests.....Town Attorney Paul Boylan, Esq.
- Jon Hinman, MRB Group

Public:

- Candy Hensel
- Vic DiGregorio
- Kaitlyn Moucha (via ZOOM)
- George Squires
- Shirley Wade
- Sara Stockwell
- Jonell Chudyk (via ZOOM)

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 July 13, 2022 as written. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SEWER – Jon Hinman:

- The Town has two options with regard to the Waste Water Treatment System:
 1. Replace plant at a cost of \$9.2 million - \$1,250/year/household; or
 2. Install UV disinfection at 2 locations at a cost of \$1.6 million
- The Town does not have to make a decision at this time which option to do and can wait to see how much the Town is eligible for in grant money prior to deciding.

- October 2023 timeframe for grant application
- See attached alternatives from MRB Group

NYS WATER INFRASTRUCTURE IMPROVEMENT ACT SUPPORT AND AUTHORIZATION FOR CLEAN WATER GRANT APPLICATION

RESOLUTION #69:

Councilman Kent 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 System 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 June 22, recommends implementing the Project to help improve water quality and protect public health' and

NOW, THEREFOR 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 2022 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: 5 Nays: 0

MUNICIPAL SOLUTIONS LETTER OF ENGAGEMENT

RESOLUTION #70:

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

WHEREAS, the Town of Byron Town Board authorizes the Supervisor to execute the Letter of Engagement with Municipal Solutions, Inc. to prepare a full NYS EFC State Revolving Loan Fund financing application to accompany the Town of Byron's wastewater treatment system improvement WIIA grant submittal.

Councilman Zuber 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

Other:

- Had CPE come in to replace a broken arm holding flow meter sensor
- Marked, dug and pumped septic tanks on Terry, Mae and Pauline Streets and the west side of north of Rte. 237, and also North Byron.

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

ASSESSOR:

Supervisor Yasses: The Town Assessor, Barry Flansburg, is retiring at the end of September, and the Town Board needs to appoint a new Assessor. The Supervisor has contacted Louise Passarell, who is currently

the Assessor for the Town of Murray, and she is present tonight to speak with the Town Board about possibly working for the Town of Byron.

·Councilman Zuber – Were classes taken mandatory?

·Louise Passarell – Some were mandatory and some weren't

·Councilman Felton – how often does Murray do reassessments? The Town of Byron currently does annual reassessments.

·Louise Passarell – Every three years, she feels it should be broader, but she'll do whatever the Town feels necessary.

·Supervisor Yasses – Barry Flansburg isn't done working until the end of September so the board can discuss it and get back to Louise by the next board meeting.

SOLAR:

INTERVENOR FUND REVISED STANDARD VOUCHER #8

RESOLUTION #71:

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

WHEREAS, the Town of Byron Town Board authorizes the Supervisor to sign the Intervenor Fund Revised Standard Voucher #8 in the amount of \$1,091.00 between the Town of Byron and the NYS Department of Public Service.

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

Vote: Ayes: 5 Nays: 0

SOLAR DECOMMISSIONING AGREEMENT:

RESOLUTION #72:

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

WHEREAS, the Town of Byron Town Board authorizes the Supervisor to sign the Decommissioning Agreement between the Town of Byron and Excelsior Energy Center, LLC.

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

Vote: Ayes: 0 Nays: 5

·The Town Board would like Paul Boylan to get an Exhibit A1 that is currently missing in the Agreement prior to the Board accepting the Agreement.

·The Town Board would like to have Mr. Boylan verify the ability to go back to agriculture production upon decommissioning.

·The Town Board would also like a better definition of what decommissioning really means.

PLANNING BOARD REPORT – George Squires:

·Approved a Land Separation/Land Swap for Peter Yasses

·Continued discussion of Zoning Law revisions

·Adding/reviewing Animal Sanctuary wording

·Request that the agenda and minutes be posted on town website and upgrade zoning law so that it's searchable. When finished with revisions they would recommend a comprehensive e-codes system, which would put all Local Laws/Zoning/Codes in one place.

·The draft Smart Growth Plan is now on the County website. County Planning is supporting changes requested from the Town Planning Board.

AGREEMENT EXEMPTING CERTAIN MINOR LAND USE ACTIONS FROM GENSEE COUNTY PLANNING BOARD REVIEW

RESOLUTION #73:

Councilman Kent 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 Genesee County Planning Board and the Town of Byron Exempting Certain Minor Land Use Actions from Genesee County Planning Board Review.

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

Vote: Ayes: 5 Nays: 0

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT'S REPORT – David Leaton:

·Nothing to report

CEO/ZEO REPORT – Melissa Ierlan:

- 8 Building Permits issued. 1 Land Separation issued.
- Two of the open complaints from July have obtained building permits.
- One unsafe structure complaint from July is due to be in court for a tenant eviction and will be addressed afterwards.

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

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – George Squires:

·Met and counted out 400 ducks for the Bicentennial Duck Race

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

Vote: Ayes: 5 Nays: 0

CLEAN ENERGY RESOURCES INFORMATION COMMITTEE – Candy Hensel:

- CERIC is continuing on with heating and cooling campaign
- Letter from Candace Hensel regarding resolution for CSC Program requesting the Town Board approve resolution adopting the CSC Pledge.

A **motion** was made by Councilman Felton have the Town Board work with MRB Group and other parties, as needed, to move forward on receiving \$5,000.00 in grant funding the Town received from the CSC program. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 4 Nays: 1 (Councilman Thompson)

Councilman Felton: Would like to see the Comprehensive Plan reviewed, then perhaps move forward with CERIC recommendations.

A **motion** was made by Councilman Felton to approve the Clean Energy Resources Information Committee report as given. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #74:

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	#8	#171 - #188	\$8,909.54
Highway Fund	#8	#73 - #80	\$12,103.35
Sewer Fund	#8	#37 - #41	\$18,849.85
Water Improv. Benefit Area #1	#7	#9	\$19,452.57
Celebrations	#2	#6 - #27	\$14,164.15
General Post Audit	#7	#41 - #45	\$1,617.14
Sewer Post Audit	#7	#16 - #18	\$536.63

Councilman Felton 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.....	\$102.00
Paid to NYS DEC for hunting/fishing licenses.....	\$47.24
Paid to the Byron Park Committee for Pavilion Rental.....	\$30.00
Paid to the Town of Byron Supervisor.....	\$3,790.96
Total Disbursed for July 2022.....	\$3,970.20

A **motion** was made by Councilman Felton to approve the Town Clerk's Report as given for July, 2022. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

The July 2022 Financial Report was reviewed.

A **motion** was made by Councilman Felton to approve the July 2022 Financial Reports. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

Sales Tax:

Received \$113,211.03 in Sale Tax

Fire Department Committee:

Councilman Zuber and Felton met with both fire departments and everything's going good.

Special Meeting on August 17, 2022:

Special Meeting next Wednesday regarding the Sewer WWTP Improvement Project SEQR and the Town Board acting as Lead Agency.

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

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

WATER IMPROVEMENT BENEFIT AREA NO. 1:

Received prior to bid letter from USDA. The Town Clerk is working on getting easements signed, which needs to be done prior to going out to bid.

RESOLUTION AUTHORIZING THE ISSUANCE OF \$11,655,000 SERIAL BONDS OF THE TOWN OF BYRON, GENESEE COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF WATER IMPROVEMENT BENEFIT AREA NO. 1 IN SAID TOWN

RESOLUTION #75:

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

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-C of the Town Law, the Town Board of the Town of Byron, Genesee County, New York, has established Water Improvement Benefit Area No. 1; and

WHEREAS, it is now desired to authorize the financing of the improvements proposed for such Area; **NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Byron, Genesee County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the improvements in connection with the establishment of Water Improvement Benefit Area No. 1, consisting of the construction of a municipal water system, including the installation of water mains, and including incidental costs and expenses in connection therewith, as further described in the map, plan and report prepared in connection with the establishment of such Benefit Area, there are hereby authorized to be issued \$11,655,000 serial bonds of the Town of Byron, Genesee County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforescribed improvements is \$11,655,000 and that the plan for the financing thereof is by the issuance of \$11,655,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Byron, Genesee County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. To the extent not paid from other sources, there shall be annually assessed upon and collected from the several lots and parcels of land within said Water Improvement Benefit Area No. 1 in the manner provided by law, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

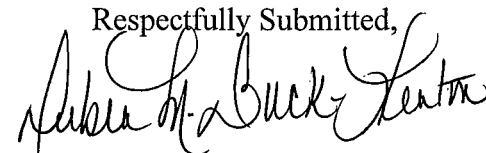
Shirley Wade: Byron-Bergen Public Library is working with the Bicentennial Committee and will have a book sale. The Library is sponsoring 3 events at the Bicentennial. Nancy Bailey, the library manager, also works with the Byron Summer Youth Recreation Program weekly.

ADJOURN:

A **motion** was made by Councilman Kent to adjourn the Byron Town Board Meeting at 9:32 p.m. The motion was seconded by Councilman Felton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk

Alternative 1 - Disinfection only, at both Central Byron and South Byron

Item No.	Item Description:	Qty*	Unit	Unit Price	Total
1	Mobilization / Demobilization	1	LS	\$ 30,000	\$ 30,000
2	UV Disinfection Equipment, with Pre-Manufactured Heated Enclosure	2	EA	\$ 200,000	\$ 400,000
3	Post-Aeration	2	EA	\$ 50,000	\$ 100,000
4	Electrical	2	EA	\$ 60,000	\$ 120,000
5	Effluent Pump Stations, Piping	2	EA	\$ 150,000	\$ 300,000
6	Effluent Pump and Piping Outfall 003	1	EA	\$ 40,000	\$ 40,000
7	Site Restoration	2	LS	\$ 10,000	\$ 20,000
				Subtotal Cost	\$ 1,010,000
				25% Construction Contingency	\$ 252,500
				Total Estimated Construction Cost	\$ 1,262,500
				30% Legal, Administration, Engineering	\$ 378,750
				Total Estimated Project Cost	\$ 1,642,000

* Note: Quantities shown herein are conceptual in nature and will be confirmed during detailed design.

Yearly Debt Service @ 3.5%, n=30 years	\$ 89,278
Current Sewer EDUs	316
Yearly Debt Service Cost per EDU	\$ 283
Quarterly Sewer Rate per EDU	\$ 150
Annual Sewer Rate per EDU	\$ 600
Estimated Annual Cost per EDU	\$ 883

Assume 25% WIA Grant Award	\$ 160,500
Assume WCIP Grant Award	\$ 1,000,000
Remaining Project Costs	\$ 1,481,500
Assume Hardship Financing:	
Yearly Debt Service @ 0%, n=30 years	\$ 49,383
Current Sewer EDUs	316
Yearly Debt Service Cost per EDU	\$ 156
Quarterly Sewer Rate per EDU	\$ 150
Annual Sewer Rate per EDU	\$ 600
Estimated Annual Cost per EDU	\$ 756

Alternative 4 - New WWTP, with consolidation of South and Central Byron						
Item No.	Item Description:	Qty*	Unit	Unit Price	Total	
1	Mobilization / Demobilization	1	LS	\$ 20,000	\$ 20,000	\$ 20,000
2	Maintenance and Protection of Traffic	1	LS	\$ 15,000	\$ 15,000	\$ 15,000
3	6" DR-11 San. Sewer FM - inc. excavation and backfill	12,500	LF	\$ 100	\$ 1,250,000	\$ 1,250,000
4	Directional Drilling	4	LS	\$ 20,000	\$ 80,000	\$ 80,000
5	Asphalt Repair	2,500	LF	\$ 10	\$ 25,000	\$ 25,000
6	Fencing	2	LS	\$ 15,000	\$ 30,000	\$ 30,000
7	Duplex Prepackaged Grinder Pump Station (South Byron PS, New Central Byron Lift Station and Dosing Pumps)	3	LS	\$ 150,000	\$ 450,000	\$ 450,000
8	Electrical/Gas Services	2	LS	\$ 50,000	\$ 100,000	\$ 100,000
9	Generator	2	LS	\$ 100,000	\$ 200,000	\$ 200,000
10	Lawn Restoration	10,000	LF	\$ 3	\$ 30,000	\$ 30,000
11	Air/Vacuum Release Valve Manholes	5	LS	\$ 15,000	\$ 75,000	\$ 75,000
12	Drain Valve Manholes	3	LS	\$ 10,000	\$ 30,000	\$ 30,000
13	Abandonment of South Byron and Central Byron	1	LS	\$ 100,000	\$ 100,000	\$ 100,000
14	Rotating Biological Contractors (2) with Covers	1	LS	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
15	Peripheral Feed Clarifiers (2)	1	LS	\$ 500,000	\$ 500,000	\$ 500,000
16	UV Equipment	1	LS	\$ 200,000	\$ 200,000	\$ 200,000
17	Post-Aeration	1	LS	\$ 50,000	\$ 50,000	\$ 50,000
18	Site Piping	1	LS	\$ 250,000	\$ 250,000	\$ 250,000
19	Effluent Pump and Piping Outfall 003	1	EA	\$ 40,000	\$ 40,000	\$ 40,000
20	Sludge Holding Tank/Sludge Pump Station/Septic Tank Excavation of Sand Filter Beds (inclusive of piping removal and liner removal)	1	LS	\$ 250,000	\$ 250,000	\$ 250,000
21	Placement of Suitable Structural Fill	3200	CY	\$ 50	\$ 160,000	\$ 160,000
22	Disposal/Hauling of One Filter Bed at Central Byron	3200	CY	\$ 60	\$ 192,000	\$ 192,000
		5,184	TON	\$ 120	\$ 622,080	\$ 622,080
				Subtotal Cost	\$ 5,669,100	\$ 5,669,100
				25% Construction Contingency	\$ 1,417,275	\$ 1,417,275
				Total Estimated Construction Cost	\$ 7,086,375	\$ 7,086,375
				30% Legal, Administration, Engineering	\$ 2,125,913	\$ 2,125,913
				Total Estimated Project Cost	\$ 9,213,000	\$ 9,213,000

* Note: Quantities shown herein are conceptual in nature and will be confirmed during detailed design.

Yearly Debt Service @ 3.5%, n=30 years	\$ 500,923
Current Sewer EDUs	316
Yearly Debt Service Cost per EDU	\$ 1,585
Quarterly Sewer Rate per EDU	\$ 150
Annual Sewer Rate per EDU	\$ 600
Estimated Annual Cost per EDU	\$ 2,185

Assume 25% WIIA Grant Award	\$ 2,053,250
Assume WCJP Grant Award	\$ 1,000,000
Remaining Project Costs	\$ 6,159,750
Assume Hardship Financing:	
Yearly Debt Service @ 0%, n=30 years	\$ 205,325
Current Sewer EDUs	316
Yearly Debt Service Cost per EDU	\$ 650
Quarterly Sewer Rate per EDU	\$ 150
Annual Sewer Rate per EDU	\$ 600
Estimated Annual Cost per EDU	\$ 1,250