

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 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

BUDGET REQUESTS:

Byron-Bergen Library:

·The Library Board and Manager presented the Town Board with information on Library programs and outreach. The Library goes to the Byron Summer Rec Program weekly to do free programs with the kids. The Library also contributed grant funds to the Byron Bicentennial. The Library relies on fundraising and grants for sources of income. About 2 years ago they applied to become a School District Public Library, but this proved not to be an alternative. The Library is now looking at becoming a Municipal 414 Library with its own town tax base. They have hired a marketing team to help transition and will need to hire an attorney. They're requesting \$6,200 for the 2023 budget. Total budget is \$115,000 approximately. They are not a 501(c)(3), but use the Town of Bergen's tax exempt certificate. They do have a separate tax id number. They receive funding from the Town of Byron, Town and Village of Bergen, and also get some county and state funding, and use fund balance.

Byron Fire Department - Bob Mruczek:

- It costs between \$3500-4500 to equip one fire fighter
- The fire department also provides the Byron Rescue Squad with funding
- At \$102,000 the fire department does some fundraising, but expenses are increasing
- Would ask for a 10% increase but would be willing to accept no change if the Town can help the rescue squad
- Received a grant for a new brush truck to replace the 1973 truck
- Currently have 5 new members
- Will be needing new air packs at \$7,000-\$9,000 each, new gear (each fireman should have 2 sets), tanker replacement

Byron Rescue Squad – Brad Nickerson:

- The cost of a new ambulance is \$200,000
- Call volume has increased, there have been 22 more calls this time over last year
- The Town or Mercy can force Byron Rescue Squad to bill residents as part of the Revenue Recovery Act. Can only bill residents that are picked up in the Town of Byron, not mutual aid patients
- To separate the Rescue Squad from the Fire Department is a major process and takes a long time, which they have no interest in doing.
- 77% of mutual aid calls last year were EMS
- There have been longer wait times for Mercy
- Asking the Board to assist the ambulance. A new ambulance will be ready early 2023 and if the Rescue Squad can't accept the ambulance the cost will increase by \$45,000. The Rescue Squad would like a one-time

payment to fire department of \$150,000 or yearly payment increase of \$30,000. They would also like payments to start in January 2023. The ambulance manufacturer will sell the new ambulance that was ordered to someone else if Byron doesn't have funding to purchase it. The Rescue Squad will need to make a down payment of \$24,000, and then \$30,000 for 5 years.

- The old ambulance would be sold
- The cost of repairs for the ambulance was over \$10,000 last year

S. Byron Fire Department:

- Also need air packs, apparatus is doing good
- Also have 5 new members
- Would also like a 10% increase in their budget.
- Still waiting for a grant that they were supposed to receive approximately 2 years ago.
- Call volume is way up. Some of their members are cross trained.

PLANNING BOARD REPORT – Councilman Kent:

- Land separation for Cole Carlson on Hessenthaler Road and another for Josh and David Kent approved
- Discussed Rte. 262 solar project. There were several mistakes in their application and they will correct and return to the Planning Board
- Discussed the NY Forward Grant – aimed more at smaller communities. Pre-application is needed prior to submitting. There was a motion by the Planning Board to recommend the Town Board send a letter of support for the grant.
- Discussed the Comprehensive Plan and recommendations to the Town Board. He will send the board an itemized list. It was decided that forming an agricultural committee would be the most important and first step needed in working on the Comprehensive Plan. A lot of the strategies have already been accomplished.

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

Vote: Ayes: 5 Nays: 0

Planning Board Appointment:

·The Town Board received 3 applications for residents who would like to fill the vacant position on the Planning Board – Jennifer Tuerk, Nathan Knickerbocker, and Jonell Chudyk. Nathan Knickerbocker was the only applicant present and discussed with the Town Board his interest in becoming a Planning Board member.

A **motion** was made by Councilman Zuber to appoint Nathan Knickerbocker to the Planning Board for a five year term effective October 1, 2022 – December 31, 2027. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SOLAR:

·The Supervisor will contact the Town Attorney regarding when the PILOT and HOST Agreements take affect and how much the Town will receive when construction does begin. They are aiming for late 2nd quarter or early 3rd quarter of 2023 to begin.

SOLAR DECOMMISSIONING AGREEMENT:

RESOLUTION #78:

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

Vote: Ayes: 5 Nays: 0

HIGHWAY SUPERINTENDENT’S REPORT – David Leaton:

- Fixed water line leak at Firemen’s Park
- Working at Trestle Park
- Continue to mow roadsides, sewer beds, cemetery
- Refurbishing sander boxes – replacing chains with augers
- Have oiled and stoned or paved Caswell, Cockram, Fairgrounds, Tower Hill and Trestle Park parking lot
- Price of salt has gone up \$8 per ton

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

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT – Melissa Ierlan:

- A copy of the report is on file with the CEO/ZEO
- Responded to a house (trailer) fire on September 6, 2022 at 1:00 a.m. Currently working with the owner as she decides what she is doing with the property.

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

Vote: Ayes: 5 Nays: 0

CLEAN ENERGY RESOURCES INFORMATION COMMITTEE – Candy Hensel:

- Continuing with heating and cooling campaign
- Got extension on action grant for \$5,000
- Councilman Felton spoke with Brian Stacey who has several ideas for the \$5,000 grant as far as energy efficiency. Decided it would be best to have an energy audit to give the Board a better idea of what is needed by the Town.

A **motion** was made by Councilman Felton to have an energy audit done at the Town Hall. The motion was seconded by Councilman Kent and carried with the following vote:

Vote: Ayes: 5 Nays: 0

- There was discussion on whether insulation at the museum would qualify for the \$5,000 grant.
- Beth Wilson brought up that Next Era said they would give the Town \$30,000 for insulation of the museum. The Supervisor will contact Next Era to see if they still plan on gifting the museum \$30,000.

ABSTRACTS

RESOLUTION #79:

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	#9	#189 - #213	\$8,916.40
Highway Fund	#9	#81 - #91	\$144,099.31

Sewer Fund	#9	#42 - #47	\$6,654.87
Water Improv. Benefit Area #1	#8	#10 - #11	\$32,566.80
Celebrations	#4	#28 - #32	\$2,757.36
General Post Audit	#8	#46 - #50	\$2,084.39
Sewer Post Audit	#8	#19 - #21	\$3,761.88

Councilman Thompson 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.....	\$55.00
Paid to NYS DEC for hunting/fishing licenses.....	\$2,098.58
Paid to the NYS Department of Health for Marriage Licenses.....	\$22.50
Paid to the Town of Byron Supervisor.....	<u>\$3,244.92</u>
Total Disbursed for August 2022.....	\$5,421.00

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

Vote: Ayes: 5 Nays: 0

ECODES:

The Town Clerk got a quote from General Codes for their ECodes codification system to combine the Town Local Laws and Zoning Ordinance into one comprehensive document that would also be searchable on the Town website. It would cost approximately \$15,000 for setup and then \$1,195 yearly for upkeep.

EXTRAORDINARY CIRCUMSTANCES VIDEO CONFERENCING:

The Town Clerk attended a Town Clerk’s Regional Meeting in Rochester on Monday, September 12th which discussed Extraordinary Circumstances Video Conferencing. It pertained to Town Board members who wanted to attend Board meeting via video conferencing and the requirements associated with that. Board Members and the Town Board would need to meet all requirements (location open to public, meeting recorded and transcribed, placed and kept on website for 5 years). A local law would also need to be passed. The Town Board decided this was not something they wanted to move forward with at this time.

FINANCIAL REPORT:

The August 2022 Financial Report was reviewed.

A **motion** was made by Councilman Kent to approve the August 2022 Financial Reports. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR’S REPORT:

Park Lease:

The Town would like to demolish and reconstruct the large pavilion at Firemen’s Park that is used by the summer recreation program, however, there was a legal question regarding the ability of the Town to do so since the land is leased from the Byron Fire Department No. 1. The Town Attorney, Paul Boylan, advised the Supervisor that this is possible under Section 242 of the General Municipal Law if the lease is for a period of probable usefulness, which is 15 years. The Town Board would like to enter into a lease agreement with the Byron Fire Department for a 15 year lease. The Supervisor met with the Fire Department last week and proposed extending the lease to 15 years to enable the Town to demolish and reconstruct the pavilion. He

hasn't heard anything back from the fire department. He would like to get it knocked down this fall and then replace it in the spring of next year.

Fire Department Committee:

·No new meetings scheduled and Councilman Felton believes no further meetings are needed.

BBS ACCOUNTING CONTRACT FOR BOOKKEEPING AND PAYROLL SERVICES:

RESOLUTION #80:

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

Resolved, that the Byron Town Board authorizes the Supervisor to sign the contract for bookkeeping and payroll services between the Town of Byron and BBS Accounting for \$12,800.00 plus a quarterly fee of \$550.00 for payroll services.

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

Vote: Ayes: 5 Nays: 0

Special Budget Meeting on September 21, 2022:

A **motion** was made by Councilman Felton to hold a Special Budget Meeting for Wednesday, September 21, 2022 at 7:00 p.m. at the Byron Town Hall. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote: Ayes: 5 Nays: 0

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:

Councilman Kent – Like he reported in the Planning Board report, the application for the NY Forward Grant is due September 23rd. They would again recommend that the Town Board send a letter of support for the grant.

Candy Hensel – She would like to apply for funding for revitalization of the downtown area. There is no signature needed on the Application.

Supervisor Yasses – Without seeing the application, the Board is not comfortable sending a letter of support.

WATER IMPROVEMENT BENEFIT AREA NO. 1:

·Waiting for easements to be signed

PUBLIC COMMENTS:

Bob Wilson – The Historical Society made a list of requests for the \$30,000 that Next Era said they would give to the museum.

Barb Starowitz – Has the Byron-Bergen Library presented the Town Board with any financial statements for the budget.

Councilman Kent - No

Barb Starowitz – Were other Planning Board applicants interviewed

Supervisor Yasses – No, Nathan Knickerbocker was the only applicant present

Barb Starowitz – Did Byron Rescue Squad provide the Board with the cost of a used ambulance.

Supervisor Yasses - No

EXECUTIVE SESSION:

A **motion** was made by Supervisor Yasses to go into executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or relating to the appointment, promotion, demotion, discipline or removal of a particular person, and also to enter into executive session to discuss matters relating to collective negotiations under the Taylor Law, at 10:07 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 Kent to come out of executive session at 10:44 pm. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

A motion was made by Councilman Kent to appoint Louise Pascerell as the Town of Byron Assessor effective October 1, 2022 - September 30, 2028. The motion was seconded by Councilman Felton and carried with the following vote:

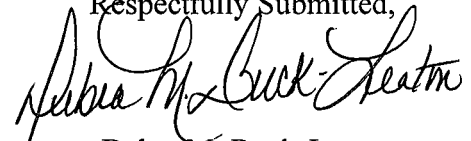
Vote: Ayes: 5 Nays: 0

ADJOURN:

A **motion** was made by Councilman Kent to adjourn the Byron Town Board Meeting at 10:46 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk

MEMORANDUM

TO: Supervisor Peter Yasses, Town of Byron

COPY: Additional Attendees: David Leaton, Jr. and Debra Buck-Leaton, Town of Byron; Al Graham and Shaun Dempsey, Camden Group; Bill Davis, Scott Mattison and Mark Bailey, MRB Group

FROM: MRB Group

DATE: September 8, 2022 **MRB GROUP PROJECT NO:** 0204.20001

RE: Wastewater Treatment System - Preliminary Engineering Report Review Meeting

Supervisor Yasses:

This memorandum is intended to summarize the meeting held at Town Hall on September 7, 2022, regarding the Town of Byron Wastewater Treatment System Preliminary Engineering Report (PER) prepared on behalf of the Town by MRB Group.

Review Status of Wastewater Infrastructure and Design Alternatives:

- MRB Group, Camden Group and the Town reviewed ongoing issues associated with the Town's wastewater infrastructure. Current issues include:
 1. NYSDEC requirement per the Town's State Pollutant Discharge Elimination System (SPDES) permit to incorporate effluent disinfection at Outfall 001 (Central Byron) and Outfall 002 (South Byron).
 2. NYSDEC requirement to meet a summertime daily minimum effluent dissolved oxygen concentration equal to 7.0 mg/L at Outfall 001 (Central Byron).
 3. The SPDES permit compliance schedule requires construction to be completed by May 1, 2025 on improvements for final disinfection and dissolved oxygen SPDES limits.
 4. The sand filter bed wastewater treatment system at Outfall 001 is believed to be reaching the end of its effective life. Per Camden Group, bed cycling has begun to be required more frequently.

MEMORANDUM

Ammonia concentrations in the Outfall 001 effluent have begun to exceed summertime SPDES permit limits for Ammonia. Outfalls 002 and 003 (North Byron) do not currently appear to be exhibiting problems, however, are of similar age as the beds at Outfall 001.

5. NYSDEC identified in the fact sheet provided to the Town on December 8, 2021 (provided with the current SPDES permit) that there is a pending phosphorus total maximum daily load (TMDL) for Upper Black Creek that is subject to approval and finalization by USEPA.

DEC has posted this TMDL online:

https://www.dec.ny.gov/docs/water_pdf/draftblackcreektmdl.pdf

Outfall 002 (South Byron) is identified in the TMDL as requiring a significant reduction in total phosphorus discharges (79% reduction). If this TMDL is finalized and NYSDEC modifies the Town's SPDES permit, additional infrastructure at Outfall 002 would likely be required to meet SPDES permit limits. Per discussion, the potential for future phosphorus limits have been discussed between DEC, the Town and Camden Group.

- Several options presented in the current PER to address these ongoing issues include:
 1. Improvements to address only what DEC requires at this current time including:
 - Disinfection improvements at Outfall 001 and 002
 - Post-aeration (dissolved oxygen) improvements at Outfall 001
 - Install a pumping system to more easily allow Camden Group to comply with the SDPES sampling frequency at Outfall 003
 2. Replacement of sand filter bed media – cost prohibitive and labor intensive
 3. Consolidation of Outfalls 001 and 002
 - This would consist of building a new pump station at Outfall 002 and pumping wastewater to Outfall 001.
 - A new treatment plant would be constructed at Outfall 001 (consisting of rotating biological contactors (RBCs)). The new plant would be sized to accommodate all flows from Outfalls 001 and 002, and would have additional capacity to take Outfall 003 flows in a future project, if ever needed.

MEMORANDUM

- This project would address all of DEC's immediate requirements, allow for the Town to comply with current ammonia SPDES permit limits and also better position the Town to comply with any total phosphorus limits that may come in the future.
- The current PER prepared by MRB Group provided a recommendation to pursue a funding package from New York State based on a budget of approximately \$9.2 million to consolidate Outfalls 001 and 002.
- While the Town indicated a preference to solve its wastewater infrastructure problems in a comprehensive project, such as a consolidation project, the Town is concerned with the costs per Sewer Unit.
- Additionally, the Town is concerned that a significant number of septic tanks in the Town require replacement. The Town indicated a preference that septic tank replacement be included in the overall capital project for wastewater improvements to implement one (1) total debt service charge per sewer unit that addresses all issues.

The following revised alternatives to be listed in the PER were discussed:

- 1) Improvements to address only what DEC requires at this current time
 - a. In addition, while not a DEC requirement, the Town could also perform test pits or other field sampling to investigate the status of the sand filter beds at Outfall 001.
- 2) Consolidation of Outfalls 001 and 002 with a new treatment process at Outfall 001. MRB will continue to evaluate additional alternatives for treatment processes for a new wastewater plant (such as package plants) that may offer cost savings. Camden Group indicated a preference to stay away from activated sludge processes in favor of fixed film processes. MRB Group will also work with the Town to develop an inventory of septic tanks to replace and add this to the capital cost estimate. Capacity will be available at the new wastewater plant in the event that Outfall 003 needs to be decommissioned in the future and pumped to the consolidated plant.
- 3) Consolidation of Outfalls 001, 002 and 003 with a new treatment process at Outfall 001. Similar to #2 above, costs to include septic tank replacement will be added.

Potential Funding Sources:

- G&G Municipal Consulting and Grant Writing has been retained by the Town to complete an income survey of sewer users as the current Town-wide median household income (MHI) exceeds the 80% MHI threshold used to determine eligibility for hardship (0% interest) financing and certain grant monies. This survey is ongoing and anticipated to be completed by mid-September 2022.
- MRB Group has submitted an application for the project for funding through the Water Quality Improvement Program (WQIP) administered by NYSDEC for the disinfection portion of the project. Potential grant award could be announced as soon as December 2022.
- Depending on the results, the Town would need to either resubmit to the WQIP for a disinfection project (if not awarded this year), or resubmit in search of additional funding for the consolidation project under a separate project category within the WQIP.
- Additional funding sources include NYS Environmental Facilities Corporation (NYSEFC). NYSEFC issues loans thru the State Revolving Fund, and grant monies through the WIIA (Water Infrastructure Improvement Act) program and also now the Federal BIL (Bipartisan Infrastructure Law) fund. BIL grant money eligibility is subject to the results of the pending income survey. The dates can vary, but the Town would need to have several items in place by anticipated date of June 2023 to apply to the next round of funding if the Town decides to pursue these opportunities.
- Per discussion with the Town Attorney, Paul Boylan, (via phone call during the meeting) the Town currently has three (3) sewer districts, which have never been consolidated into one (1) district, per his knowledge. A district consolidation seemed feasible per the Town Attorney.
- If the Town were to proceed with a consolidation project, prior to submitting to NYS EFC, the Town would need to:
 1. Complete a formal consolidation of the three (3) Sewer Districts into one (1) District. Debt service for the future project would be split evenly per Sewer Unit.
 2. Complete SEQR.
 3. Complete a 202-B action to improve the consolidated Sewer District. This would require a public hearing.
 4. Complete a bond resolution.
- The Town provided MRB Group the 1997 Town Sewer Ordinance for review. This ordinance likely will require updating if Districts are consolidated.

Next Steps:

- The Town will provide MRB with an updated sewer account summary printout to confirm the number of Sewer Units currently charged by the Town.
- The Town will provide MRB the paperwork from the formation of the three (3) separate Sewer Districts.
- MRB will coordinate with G&G Municipal Consulting and Grant Writing to confirm whether or not Sewer Users in the North Byron Sewer District (Outfall 003) are a part of the income survey ongoing. The Town will need to assist MRB and G&G Municipal Consulting and Grant Writing with establishing which service addresses belong in which Sewer District. If not already included, sewer users in the North Byron district will be added to the income survey.
- MRB will continue to evaluate additional treatment technologies (i.e. package plants) in an effort to reduce overall project costs.
- MRB will coordinate with the Town and NYSEFC on how to best proceed with utilizing grant funding for the separate MRB project to study inflow/infiltration improvements in the Swamp Road trailer park in coordination with the overall wastewater treatment plant improvements project.
- MRB will develop a schedule with the Town Attorney and the Town's Fiscal Advisor to provide to the Town. The schedule will provide an understanding of the steps required to meet a June 2023 deadline to complete a District Consolidation, SEQR, 202-B action and bond resolution if the Town were to proceed with a consolidated project.