

**TOWN OF BETHANY**

**REGULAR TOWN BOARD MEETING**

**12 June 2017**

Supervisor Hyde opened the June 12, 2017 Regular Town Board Meeting at 7:00 p.m. with a prayer offered by Councilman Embt followed by the Pledge of Allegiance.

Town Officials in Attendance were:

- |                                  |                            |
|----------------------------------|----------------------------|
| Carl Hyde, Jr., Supervisor       | Jeffrey Fluker, Councilman |
| Timothy Embt, Councilman         | Daniel Street, Councilman  |
| Debbie Douglas, Town Clerk       | William Shea, Town Justice |
| Thomas Douglas, CEO/ZEO          | Linda Schmidt, Historian   |
| Donald Schmidt, Deputy Historian |                            |

Town Officials Absent were:

- Daniel Adams, Councilman
- Joel Merle, Highway Superintendent

Attendees to the Meeting were:

- |                |                |
|----------------|----------------|
| Maelynn Hyde   | Joe Nowakowski |
| Jim Phillips   | Jim Morris     |
| Ramon Cipriano |                |

**PUBLIC HEARING – PROPOSED LOCAL LAW “UNLICENSED AND UNREGISTERED VEHICLE PERMIT LAW FOR THE TOWN OF BETHANY”**

- Supervisor Hyde opened the public hearing at 7:01 p.m.
- Mr. Morris asked about properties with several vehicles on them and how that could happen. Supervisor Hyde and CEO Douglas assured him that that would be addressed later in the meeting when CEO Douglas reported on his recent road review.
- Supervisor Hyde closed the public hearing at 7:39 p.m.

**FINANCES**

Supervisor Hyde presented the finances for May 2017.

General Savings	\$1,175,270.57
Highway Savings	\$ 484,118.08
AP/PR Account	\$ 168,904.31
Trust & Agency Account	\$ 8,323.39
Highway Checking	\$ 2,025.20
Highway Reserve Savings	\$ 40,006.63
Petty Cash	\$ 200.00
 Total	 \$ 1,878,848.18
 Revenues Received	
Debbie Douglas, Town Clerk	\$ 1,605.90
Debbie Douglas, Tax Collector	\$ .14
Stanley Stabba	\$ 284.00
Genesee County Treasurer-Mortgage Tax	\$ 8,420.00

US Post Office	\$	100.00
William Shea, Justice	\$	774.00
Thomas McBride, Justice	\$	1,500.00
Total Revenue	\$	12,684.04
Total Interest	\$	47.92
Total Revenue	\$	12,731.96

**Town Clerk Report – Debbie Douglas**

- Presented the Minutes of the May 8, 2017 Regular Town Board meeting.

A **MOTION** was made by Councilman Street and seconded by Councilman Fluker to approve the Minutes of the May 8, 2017 Regular Town Board meeting as presented. The motion **PASSED** with All In Favor.

- The new website is up.
- Attended a LUCA workshop in Warsaw. This concerns the 2020 census. As in the 2010 census, Genesee Finger Lakes Regional Planning Council will be acting on behalf of the 8 county region it represents.
- Attended a FOIL and Open Meetings seminar in Mount Morris. These are always interesting because it is an open forum and different scenarios are always discussed.
- The Clerk’s Monthly Report and Bank Statements for May were reviewed by the Town Board with payment in the amount of \$1,605.90.

**CEO/ZEO Report – Thomas Douglas**

- The entire town has been covered by road review. A report of the findings was distributed to the Town Board. More than 100 vehicles were found to be unlicensed/unregistered.
- Addressing Mr. Morris’s concern about a property owner being able to accumulate an extensive number of vehicles, CEO Douglas explained that he only has the authority to view a property from the road. If a violation is not visible from the road, he cannot go on the property. He can go to the front door if there is a violation but no further.
- A registered letter has been sent to the owner of the property located at 9453 Francis Road, concerning the unsafe condition of the structure(s), requesting a site visit to inspect the property, issue violations, determine remediation and a time table for remediation.
- The Board has been provided with a list of buildings that were discovered during road review that CEO Douglas would like them to take a look at and determine if they feel that the buildings are unsafe and then direct him in how to proceed.
- Participated in a webinar with BAS concerning their permitting program. He would like to switch to BAS as his current program has had several problems.

**Highway Superintendent Report – Joel Merle read by Town Clerk**

- Truck 1201 was towed into Western Star for warranty repair to the compressor.
- Shoulders and roadway on Dublin Road had to be repaired due to heavy rains. 18 loads of crusher run was required to build the proper crown to the road.
- Working on the first pass of road side mowing. Also working on weed whacking around the signs.
- Buckman Road has been prepared for oil and stone.
- Adam Miller and Tom Dills attended mower training which was offered by the county.
- Pulling shoulders on McClernon and Alwardt Roads
- A door was cut in the middle of the tailgate of truck 1201 for unloading blacktop for grader paving.

**Town Justice Report – Bill Shea**

- Ticket numbers are up a little.
- Justice Shea's monthly reports for April and May 2017 were reviewed by the Town Board and payment in the amount of \$744.00 for April and \$2,123.00 for May was received.
- Justice McBride's monthly report for May 2017 was reviewed by the Town Board and payment was received in the amount of \$1,077.00.

**Historian Report – Linda Schmidt**

- Working on updating the History page.
- Working a genealogy request involving a 7 year old girl that was apprenticed out from the poor house.
- Old Town Hall was open for Garage Sale days and will be open in July and August for displays.
- Took part in a genealogy webinar.

**Board Committee Reports****Councilman Fluker**

- o Everything has been pretty quiet at the Fire Department.

**Councilman Street**

- o The Planning Board meeting was cancelled as there were no applications to review.

**Councilman Embt**

- o The Zoning Board of Appeals meeting was cancelled as there were no applications to review.

**OLD BUSINESS****Food Link**

- The Food Link truck will be at the Bethany Community Center on Saturday, July 8 from 10:00 am – 11:30 am.
- Ellen Stanton and Vicki Wolak will be coordinating this event and anyone wishing to volunteer should contact them.

**Transfer Station – Update**

- From July 1, 2016 – May 31, 2017 the Transfer Station has lost \$1,977.
- Supervisor Hyde looked into going to single stream collection but found that it would be more expensive than the current system.
- Supervisor Hyde recommended that the Transfer Station remain open with continued monitoring.

**Water Districts – Update**

- Water District #2 - Under review by the State Comptroller's Office and looks favorable. When the approval letter is received by the Town's attorney, the grant funding from Rural Development will be finalized.
- Water District #3 - Out to bid.
- Water District #4 – Currently collecting well surveys in order to have testing done by the County Health Department.
- Water District #5 – Working with Genesee County for the funding to obtain a pumping station.

**Sales Tax Agreement – Update**

- The Sales Tax Agreement has been extended for one year.

**RESOLUTION #26-2017 ADOPTING LOCAL LAW #1-2017 “UNLICENSED AND UNREGISTERED VECHILE PERMIT LAW FOR THE TOWN OF BETHANY**

The Town Board of the Town of Bethany met at a regular board meeting at the Town Offices of the Town of Bethany located at 10510 Bethany Center Road, in the Town of Bethany, New York on the 12<sup>th</sup> day of June 2017 commencing at 7:00 p.m., and thereafter a public hearing was held at 7:00 p.m. at which time and place the following members were:

<u>Present:</u>	Supervisor	Carl Hyde, Jr.
	Councilman	Jeffrey Fluker
	Councilman	Timothy Embt
	Councilman	Daniel Street
	Councilman	_____
<u>Absent:</u>	Councilman	Daniel Adams

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS**, New York State Law now prohibits all unlicensed, inoperable and unregistered motor vehicles from being parked on a property, outside of a fully enclosed building. The Town of Bethany has found that with the rural nature of the Town of Bethany, many residents have special purpose vehicles that are stored on properties for several reasons such as snow removal, recreational use, restoration projects or hobbies; and

**WHEREAS**, the Town of Bethany is considering the adoption of a local law entitled, “Unlicensed and Unregistered Vehicle Permit Law for the Town of Bethany”, which would allow for property owners to store or park one (1) unlicensed vehicle on their property with a permit from the Town of Bethany; and

**WHEREAS**, upon review of 6NYCRR Part 617 of the New York State Environmental Quality Review Act, “SEQRA”, the Town Board of the Town of Bethany has completed Part C, F, and G of a LEAF, wherein the Town Board determined that no further action was necessary on behalf of the Town; and

**WHEREAS**, a Notice of Public Hearing was duly published in the Town’s official newspaper and said public hearing was held on June 12, 2017 at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed local law; and

**WHEREAS**, that the Town Board of the Town of Bethany feels it is in the best interests of the Town of Bethany to adopt said law.

**NOW ON MOTION OF** Councilman Fluker, which has been duly seconded by Councilman Street, therefore, be it

**RESOLVED**, that the Town Board of the Town of Bethany feels it is in the best interests of the Town of Bethany to adopt Local Law No. 1 of 2017 entitled, “Unlicensed and Unregistered Vehicle Permit Law for the Town of Bethany.” and be it

**FURTHER RESOLVED**, that the Town Clerk be and she hereby is directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

Motion **PASSED** with the following Roll Call Vote:

Supervisor Hyde – Yes	Councilman Adams – Absent
Councilman Fluker – Yes	Councilman Embt – Yes
Councilman Street - Yes	

**RESOLUTION #27-2017 UNLICENSED & UNREGISTERED VEHICLE PERMITS – SETTING FEE**

**WHEREAS**, the Bethany Town Board has enacted a new law entitled “Unlicensed and Unregistered Vehicle Permit Law for the Town of Bethany” allowing residents to have one unlicensed and unregistered vehicle on their property, and

**WHEREAS**, the Town Clerk will issue permit stickers to be renewed annually, and

**WHEREAS**, it is necessary to charge a fee for the issuance of the sticker, now

On **MOTION** of Councilman Fluker, duly seconded by Councilman Street, be it

**RESOLVED** that the fee for unlicensed & unregistered vehicle permit stickers is set at \$25.00 annually and be it

**FURTHER RESOLVED** that this fee may be altered at a future date as the Town Board deems necessary.

Motion **PASSED** with the following Roll Call Vote:

Supervisor Hyde – Yes	Councilman Adams – Absent
Councilman Fluker – Yes	Councilman Embt – Yes
Councilman Street - Yes	

**RESOLUTON #28-2017 APPOINTMENTS TO TOWN OF BETHANY PLANNING BOARD AND ZONING BOARD OF APPEALS**

**WHEREAS**, the Town Board did authorize for the solicitation and interviewing of residents interested in serving on the Town of Bethany Planning Board and Zoning Board of Appeals, and

**WHEREAS**, Supervisor Hyde and Councilman Fluker interviewed all interested parties and recommend that the following residents be appointed to fill the unexpired terms on the

Town of Bethany Planning Board

Steven Wells – Board Member - Term to expire December 31, 2022  
Barbara Czworka – Secretary/Alternate – Term to expire December 31, 2018

Town of Bethany Zoning Board of Appeals

Joshua Wells – Board Member – Term to expire December 31, 2022  
Patricia Famiglietti – Board Member – Term to expire December 31, 2020, now

On **MOTION** of Councilman Fluker, duly seconded by Councilman Embt, be it **RESOLVED** that the appointments are hereby approved.

Motion **PASSED** with the following Roll Call Vote:

- |                         |                           |
|-------------------------|---------------------------|
| Supervisor Hyde – Yes   | Councilman Adams – Absent |
| Councilman Fluker – Yes | Councilman Embt – Yes     |
| Councilman Street – Yes |                           |

**2017 Ford F250 Pick-up – Delivered**

- The 2017 Ford F250 was delivered and accepted.
- Decals have been ordered and will be placed on the truck.

**John Deere Tractor with Mower and Broom Attachments – Delivered**

- The John Deere Tractor with mower and broom attachments has been delivered and accepted.

**NEW BUSINESS**

**Town Land – Possible Sale Of - Discussion**

- The Town has 16.25 acres that it no longer has a use for.
- Supervisor Hyde would like to consider selling this property.
- CEO Douglas noted that the lot is a pre-existing, non-conforming residential lot. A portion of the lot is also agricultural-residential (A-R). Because it is pre-existing someone would be able to build on it.

**RESOLUTION #29-2016 AUTHORIZING SUPERVISOR TO SELL TRUCK 2009 FORD F250 SUPER DUTY PICKUP AS IS AT AUCTION**

**WHEREAS**, after consulting with Highway Superintendent Merle, Supervisor Hyde has determined that the 2009 Ford F250 Super Duty Pickup (VIN # 1FTSX21579EA42420) is no longer needed as it has been replaced, and

**WHEREAS**, per the Town of Bethany Asset Tracking & Disposal Policy, Supervisor Hyde is seeking authorization from the Town Board to sell the 2009 Ford F250 Super Duty Pickup, as is, by listing it online with Auctions International. Now on

**MOTION** of Councilman Street, duly seconded by Councilman Embt, be it

**RESOLVED** that Supervisor Hyde is hereby authorized to sell the 2009 Ford F250 Super Duty Pickup, as is, by listing it online with Auctions International.

Motion **PASSED** with the following Roll Call Vote:

- |                         |                           |
|-------------------------|---------------------------|
| Supervisor Hyde – Yes   | Councilman Adams – Absent |
| Councilman Fluker - Yes | Councilman Embt – Yes     |
| Councilman Street – Yes |                           |

**RESOLUTION #30-2016 AUTHORIZING SUPERVISOR TO SELL THE BLUE DIAMOND SAFETY CAGE TO TOWN OF BYRON**

**WHEREAS**, after consulting with Highway Superintendent Merle, Supervisor Hyde has determined that the Blue Diamond 4’ x 6’ safety cage is no longer needed as the Highway Department does not have the proper lift equipment to use it, and

**WHEREAS**, per the Town of Bethany Asset Tracking & Disposal Policy, Supervisor Hyde is seeking authorization from the Town Board to sell the safety cage, as is, to the Town of Byron for \$900.00. Now on

**MOTION** of Councilman Fluker, duly seconded by Councilman Street, be it

**RESOLVED** that Supervisor Hyde is hereby authorized to sell the Blue Diamond 4’ x 6’ safety cage to the Town of Byron for \$900.00.

Motion **PASSED** with the following Roll Call Vote:

- |                         |                           |
|-------------------------|---------------------------|
| Supervisor Hyde – Yes   | Councilman Adams – Absent |
| Councilman Fluker - Yes | Councilman Embt – Yes     |
| Councilman Street – Yes |                           |

**Community Center & Town Hall Parking Lot – Paving of**

- The Town Highway Department will be paving the Community Center & Town Hall Parking lot sometime before the end of September.
- All materials and labor will come from the general fund.

**RESOLUTION #31-2017 2016 YEAR END BUDGET TRANSFERS**

Town Supervisor Carl Hyde presented the following resolution at the June 12, 2017 Regular Town Board Meeting.

**WHEREAS**, the appropriated accounts in the 2016 Town of Bethany Budget listed below are insufficiently funded due to unanticipated events; and

**WHEREAS**, to enable these accounts to function in an effective manner additional funding is required, now

On **MOTION** of Councilman Fluker, duly seconded by Councilman Embt, be it

**RESOLVED**, that the following amendments be made:

A (GENERAL) FUND

Transfer \$550.00 (Five Hundred Fifty Dollars)  
 From A1320.4 Auditor - Contractual  
 To A1220.12 Financial Clerk/Typist - Bookkeeper

Transfer \$7,443.00 (Seven Thousand Four Hundred Forty Three Dollars)  
 From A1320.4 Auditor - Contractual  
 To A1220.4 Supervisor - Contractual

Transfer \$25.00 (Twenty Five Dollars)  
 From A1220.2 Supervisor - Equipment  
 To A1220.14 Financial Clerk/Typist – Asst. Bookkeeper - Personal Services

Transfer \$200.00 (Two Hundred Dollars)

From A1330.4 Tax Collector - Contractual  
To A1355.4 Assessors - Contractual

Transfer \$2,665.00 (Two Thousand Six Hundred Sixty Five Dollars)

From A1620.1 Building (Town Hall) – Personal Services  
To A1410.4 Town Clerk - Contractual

Transfer \$58.00 (Fifty Eight Dollars)

From A.1990.4 Contingency  
To A1670.4 Central Printing & Mailing - Contractual

Transfer \$3,511.00 (Three Thousand Five Hundred Eleven Dollars)

From A1990.4 Contingency  
To A1910.4 Unallocated Insurance - Contractual

Transfer \$1.00 (One Dollars)

From A1990.4 Contingency  
To A4020.1 Registrar of Vital Statistics - Personal Services

Transfer \$342.00 (Three Hundred Forty Two Dollars)

From A1990.4 Contingency  
To A5010.1 Superintendent of Highways - Personal Services

Transfer \$61.00 (Sixty One Dollars)

From A1990.4 Contingency  
To A5010.11 Superintendent of Highway (Clerk/Typist PT)-Personal Service

Transfer \$525.00 (Five Hundred Twenty Five Dollars)

From A1990.4 Contingency  
To A5010.4 Superintendent of Highways - Contractual

Transfer \$78.00 (Seventy Eight Dollars)

From A1990.4 Contingency  
To A6510.4 Veteran Services - Contractual

Transfer \$4,813.00 (Four Thousand Eight Hundred Thirteen Dollars)

From A8160.4 Refuse & Garbage - Contractual  
To A8389.4 Other Water - Contractual

Transfer \$1,110.00 (One Thousand One Hundred Ten Dollars)

From A8160.4 Refuse & Garbage - Contractual  
To A8810.4 Cemetery - Contractual

Transfer \$474.00 (Four Hundred Seventy Four Dollars)

From A8160.4 Refuse & Garbage - Contractual  
To A9050.8 NYS Unemployment Insurance - Employee Benefits

Transfer \$11,242.00 (Eleven Thousand Two Hundred Forty Two Dollars)

From A5132.4 Garage - Contractual  
To A9010.8 State Retirement System



DA (HIGHWAY) FUND

Transfer \$5,213.00 (Five Thousand Two Hundred Thirteen Dollars)

From DA5148.1 Services for Other Services - Personal Services  
 To DA5130.4 Machinery - Contractual

Transfer \$4,958.00 (Four Thousand Nine Hundred Fifty Eight Dollars)

From DA5148.1 Services for Other Services - Personal Services  
 To DA5140.4 Brush & Weeds - Contractual

Transfer \$727.00 (Seven Hundred Twenty Seven Dollars)

From DA5148.1 Services for Other Services - Personal Services  
 To DA9030.8 Social Security - Employee Benefits

Transfer \$2,787.00 (Two Thousand Seven Hundred Eighty Seven Dollars)

From DA5148.1 Services for Other Services - Personal Services  
 To DA9040.8 Workers Compensation - Employee Benefits

Motion **PASSED** with the following Roll Call Vote:

Supervisor Hyde – Yes	Councilman Adams – Absent
Councilman Fluker – Yes	Councilman Embt – Yes
Councilman Street - Yes	

**RESOLUTION #32-2017 MODIFY 2016 BUDGET – DA**

**WHEREAS**, the Town of Bethany received \$26,001.88 more in CHIPS (Consolidated Highway) than budgeted from New York State; now

On **MOTION** of Councilman Fluker, duly seconded by Councilman Street, be it

**RESOLVED** that Supervisor Hyde is hereby authorized to modify the 2016 Budget in the following manner:

DA-510 Estimated Revenues	
Sub Account DA3501 State Aid, Consolidated Highway	\$26,001.88
DA-960 Appropriations	
Sub Account DA5112.2 Improvement – CHIPS	\$26,001.88

Motion **PASSED** with the following Roll Call Vote:

Supervisor Hyde – Yes	Councilman Adams – Absent
Councilman Fluker – Yes	Councilman Embt – Yes
Councilman Street - Yes	

**Codes Information from CEO Douglas**

- Recently attended codes training in Albany.
- Some topics of discussion that CEO Douglas would like the Board to consider are:
  - o Licensing of contractors.
  - o The issuance of truss roof and floor stickers.
  - o Coming up with a definition of yard in the zoning law.

**Executive Session**

A **MOTION** was made by Supervisor Hyde, duly seconded by Councilman Embt, to go into executive session to discuss labor negotiations at 8:36 p.m.

Motion **PASSED** with the following Roll Call Vote:

Supervisor Hyde – Yes	Councilman Adams – Absent
Councilman Fluker – Yes	Councilman Embt – Yes
Councilman Street - Yes	

The Board returned from Executive Session at 9:03 p.m.

**Warrant**

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 3,758.61	\$ 23,760.25
Highway Fund	\$ 34,600 00	\$ 54,079.90
Trust & Agency	\$ 0.00	\$ 0.00
Highway Capital Funds Project	\$ 0.00	\$ 0.00
Fire Protection Fund	\$ 86,700.00	\$ 86,700.00
Water Fund	\$ 0.00	\$ 0.00
Justice Fund	\$ 765.00	\$ 765.00

**Adjournment**

A **MOTION** was made by Councilman Embt, duly seconded by Councilman Fluker to adjourn the meeting at 9:03 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: June 14, 2017

Respectfully Submitted,  
  
Debbie L. Douglas, RMC  
Bethany Town Clerk