

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

13 AUGUST 2018

Supervisor Hyde opened the August 13, 2018 Regular Town Board Meeting at 7:00 p.m. with the Pledge of Allegiance followed by a prayer offered by Councilman Embt.

Town Officials in Attendance were:

Carl Hyde, Jr., Supervisor	Jeffrey Fluker, Councilman
Timothy Embt, Councilman	Daniel Street, Councilman
Diane Fowler, Councilwoman	Debbie Douglas, Town Clerk
Michael Adams, Highway Superintendent	William Shea, Town Justice

Attendees to the Meeting were:

Maelynn Hyde	Noreen Adams
Jim Phillips	Ramon Cipriano
Greg Miller	Bill Elsasser

FINANCES

Supervisor Hyde presented the finances for June 2018.

General Savings	\$1,025,547.64
Highway Savings	\$ 476,956.63
AP/PR Account	\$ 71,860.36
Trust & Agency Account	\$ 3,370.49
Highway Checking	\$ 564.96
Supervisor	\$ 745,002.79
Water District #2	\$ 30,615.00
Petty Cash	\$ 200.00
 Total	 \$ 2,354,117.87

Revenues Received

Debbie Douglas, Town Clerk	\$ 3,265.17
NYS Taxation & Finance	\$ 2,513.55
Pilot Construction	\$ 75.00
Morsch Pipe Line	\$ 75.00
County of Genesee (2 nd Qtr Sales Tx)	\$ 151,338.32
Town of Pembroke	\$ 397.07
Town of Stafford	\$ 770.00
US Post Office	\$ 100.00
William Shea, Justice	\$ 1,841.00
Thomas McBride, Justice	\$ 1,113.00
 Total Revenue	 \$ 161,488.11
Total Interest	\$ 151.72
Total Revenue	\$ 161,639.83

Town Clerk/Tax Collector Report – Debbie Douglas

- Presented the Minutes of the July 9, 2018 Regular Town Board meeting.

A **MOTION** was made by Councilman Street, duly seconded by Councilman Fluker, to approve the Minutes of the July 9, 2018 Regular Town Board meeting as presented. The motion **PASSED** with All In Favor.

- Hammer Enterprises, the company providing the tax collection program for Genesee County, is offering online tax payment (eNETPAY©). An agreement has been signed with Hammer to provide online payment through a link on the Town's website.
 - o There is no charge to the town for this service.
 - o There is a 3% fee, with a \$3.00 minimum paid by the tax payer for credit card payment. Payment by check is also offered through the system at a lesser fee. These fees go directly to Hamer.
 - o The tax payments will be deposited in the Tax Collector's account within 3 business days.
- A Notice of Petition against the Assessor was filed in the Clerk's office on July 26, 2018. The Town's Attorney has been notified.
- Walter Wenhold provided a report on the Senior Meal site. Attendance is steady with approximately 15 attending weekly. Meals are excellent. The coordinator for the site has taken a receptionist position at the office so there is a search for a new coordinator.
- The Clerk will be attending Town Clerk/Tax Collector training presented by the New York State Town Clerk's Association in Canandaigua on Monday, September 17, 2018. The Clerk's office will be closed on this day.
- The Clerk's Monthly Report and Bank Statements for July 2018 were reviewed by the Town Board.

Highway Superintendent Report – Michael Adams

- Keeping up with mowing.
- Looked into what needs to be cleared from the old gravel pit property.
- Hoping to complete the final stretch of paver grading on Wednesday, weather permitting. Also doing some oil & stoning and shoulder work. Have rented a Grade-All from George & Swede.
 - o Councilman Fluker questioned if oil and stoning was a necessity. Superintendent Adams explained that it seals the blacktop and helps to maintain the surface of the road.
- Planning three culvert replacements: 1 on Jerico Road and 2 on Transit Road. Councilman Fluker mentioned that there is one on Bethany Center Road by Roy Hersee's farm that also needs attention as it floods during hard rain.
- Planning to work on the back wall of the salt barn before winter.
- Have been involved in many shared services projects.
- The third MEO is working out well. He has not needed much training which was a great benefit.
- Superintendent Adams asked Supervisor Hyde to check into having state inmates help with putting up snow fence. Supervisor Hyde received notice that Governor Cuomo handed down a directive stating that the inmates can help the NYS DOT with snow fence and then the counties if they have time. However, they are no longer allowed to help the towns with snow fence.

Town Justice Report – Justice McBride and Justice Shea

- Nothing to report.
- Justice Shea's report for the month of July was reviewed by the Board.
- Justice McBride's report for the months of June and July were reviewed by the Board.

Board Committee Reports**Councilman Fluker**

- Fire Department has two people attending BFO class.
- Ticket sales for the side-by-side ATV raffle are going well.

Councilman Street

- The Planning Board met on August 2 with several matters before the board.
- A recommendation of approval was made to the Zoning Board of Appeals for Area and Use Variance applications submitted by Gino and Lynn Maniace for the stabling of horses on their property located at 10553 Bethany Center Road.
- A public hearing was set for a Site Plan Review application submitted by Susan Blackburn (Baskin Livestock) for the construction of a commodities shed, parts room extension and a wash bay extension.
- A recommendation of approval was made to the Town Board for a Special Use Permit application submitted by Molly Smith and James Crandall for a pond on their property located at 4497 Conway Road.
- Ronald Heywood presented a survey for previous land separation. It was discovered that one of the parcels does not have the required 200 feet of frontage. Mr. Heywood will be contacted with the suggestion that an area variance application be submitted.
- The possible extension of the commercial and industrial districts in the East Bethany area was discussed. A joint meeting of the Town Board, Planning Board, and ZBA is in the process of being scheduled.

Councilman Embt

- The Zoning Board of Appeals will be meeting on August 22, 2018.

Councilwoman Fowler

- The Genesee County Water Resource Agency met on July 12, 2018.
- Four municipalities have not signed the water agreement with Genesee County. They are City of Batavia, Village of Corfu, Town of Pembroke and Town of Darien.
- The Agency has scheduled meetings for the second Tuesday of each quarter with the next meeting to be held on Tuesday, October 9.
- A link will be added to the town website in the near future for the Agency.

OLD BUSINESS**Water Districts – Update****Water District #2**

- o A sign-up meeting for the residents of this district will be held on Tuesday, August 14, 2018 from 2 pm until 6 pm at the Bethany Community Center. At this time, residents will have an opportunity to ask specific questions and make payments in person to set up their account with Monroe County Water Authority.
- o The preconstruction meeting was held on Monday, August 6. Construction is expected to begin in approximately one month and be completed in one month. Ransco Pipeline plans to have two crews working simultaneously for the quickest completion.
- **Water District #3**
 - o Residents have water into their homes.
- **Water District #4**
 - o An informational meeting was held on August 8. Approximately 20 people attended the meeting.

- Petitions were available for signatures. Everyone who attended the meeting signed the petition.
- Petitions are still available at the Town Clerk's office for anyone who would like to sign. 51% of the assessed value of the water district is required for the district to move forward.
- The Town has received an offer of a USDA Rural Development grant in the amount of \$722,000. The remainder of the funding for the district (\$455,000) will be in the form of a loan at 2.375%. The interest rate could change prior to finalization.

Water District #5

- The Median Household Income Survey was mailed however, approximately 200 of the addresses were incorrect. They will be re-mailed.
- An Informational meeting has been scheduled for September 17 at 7:00 p.m. at the Bethany Community Center.

Transfer Station – Update

- As of the end of July, the Transfer Station is + \$500.

ADA Renovations – Update

- Restrooms have been completed.
- Package for reimbursement from DASNY is being completed.

Renovation of Foyer and Sidewalk – Update

- There has been a delay in the delivery of the foyer as there were parts missing from the door package.

Rezone in East Bethany Area

- A joint meeting of the Town Board, Planning Board, and Zoning Board of Appeals is being scheduled for mid-September.

NEW BUSINESS

RESOLUTION #43-2018 SCHEDULE PUBLIC HEARING FOR SPECIAL USE PERMIT – SMITH/CRANDALL (SA18007)

WHEREAS, all Town Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings 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, the Town Board of the Town of Bethany has received an application for a Special Use Permit (SA18007) from Molly Smith and James Crandall requesting permission to excavate a pond on the property located at 4497 Conway Road (TMP# 10.-1-3.2); and

WHEREAS, Town of Bethany Zoning Law (II, 210, C) requires that the Town Board hold a public hearing as part of the special use permit process and that such public hearing shall be held within sixty-two (62) days from the date the application is received by the Town; now on

MOTION of Councilwoman Fowler duly seconded by Councilman Embt, now therefore be it

RESOLVED, that Town Board of the Town of Bethany will hold a public hearing on the special use permit application submitted by Molly Smith and James Crandall

(SA18007) on the 10th day of September 2018 at 7:00 p.m., at which time all interested parties and citizens for or against the Special Use Permit will be heard.

The motion passed with the following Roll Call Vote:

Supervisor Hyde - Yes
Councilman Fluker – Yes
Councilman Street - Yes

Councilman Adams – Yes
Councilman Embt – Yes

RESOLUTION #44-2018 CLASSIFYING THE TOWN OF BETHANY WATER DISTRICT No. 4 IN THE TOWN OF BETHANY AS A TYPE I ACTION, ESTABLISHING LEAD AGENCY AND DETERMINING THE SIGNIFICANCE OF SUCH ACTION, AND DIRECTING THAT THE NEGATIVE DECLARATION BE PUBLISHED IN ACCORDANCE WITH SEQRA.

Council Member Fluker presented the following resolution and moved that it be adopted and it was seconded by Council Member Street.

BE IT RESOLVED BY THE BOARD OF THE TOWN OF BETHANY AS FOLLOWS:

WHEREAS, the Town Board of Bethany, New York is considering the financing and construction of improvements for the Town of Bethany Water District No. 4 and the formation of said District, including the installation of approximately 13,600 linear feet of 8-inch and 12-inch water main (the “project”). The water main will be installed along portions of Creek Road and Putnam Road to serve approximately 30 residential properties. Currently, these residences are served by private wells lacking in quantity and quality; and

WHEREAS, to aid the Board in determining whether such Project and financing and other actions of the Board in connection therewith (the “action”) might have a significant effect on the environment, the Board caused to be prepared an environmental assessment form or similar information (“EAF”), a copy of which it attached hereto; and

WHEREAS, the Board duly reviewed the EAF and related documents with respect to the above-referenced project and duly considered the impacts which may be expected to result from the proposed action with the criteria set forth in the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”); and

WHEREAS, the Board determined that the project was an “Type I Action” pursuant to SEQRA; and

WHEREAS, the Board determined that the project involved one or more involved agencies, mandating a coordinated review; and

WHEREAS, the Board duly notified the other involved agencies pursuant to 6 NYCRR 617.6(3)(i) and indicated its willingness to be designated Lead Agency status; and

WHEREAS, all of the involved agencies have consented to the Board’s request to be designated Lead Agency status;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF BETHANY DECLARES TO BE LEAD AGENCY FOR THE PROJECT FOR THE PROPOSED ACTION AND THEREFORE RESPONSIBLE FOR DETERMINING WHETHER AN

ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED IN CONNECTION THEREWITH AND OTHERWISE COMPLYING WITH THE PROCEDURAL AND SUBSTANTIVE REQUIREMENTS OF SEQRA;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF BETHANY, NEW YORK AS FOLLOWS:

1. Based upon the review by the Board of the EAF and other necessary criteria, the Board hereby finds and determines that the proposed action is an "Type I Action" under SEQRA and will result in no significant impacts and therefore, such action is not one which "may include the potential for at least one significant adverse environmental impact," (b) "there will be no significant adverse environmental impacts," and (c) no "environmental impact statement" need be prepared, as such quoted terms are defined in SEQRA. Reasons supporting this determination are attached hereto and hereby made a part of this resolution for the purposes of SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.
2. A copy of this resolution shall be placed on file in the office of the Town Clerk, where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately.

Resolution **ADOPTED** with the following Roll Call Vote:

- | | |
|---------------------------|-------------------------|
| Supervisor Hyde - Yes | Councilman Fluker – Yes |
| Councilman Embt – Yes | Councilman Street – Yes |
| Councilwoman Fowler – Yes | |

Executive Session – Pending Litigation

On **MOTION** of Councilwoman Fowler, duly seconded by Councilman Embt, the Board entered executive session at 7:47 p.m. to discuss pending litigation. The board returned from executive session at 8:36 p.m.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 7,934.76	\$ 21,580.09
Highway Fund	\$ 1,490.87	\$ 32,918.14
Trust & Agency	\$ 0.00	\$ 0.00
Highway Capital Funds Project	\$ 0.00	\$ 0.00
Fire Protection Fund	\$ 0.00	\$ 0.00
Water Fund	\$ 0.00	\$ 0.00
Justice Fund	\$ 0.00	\$ 0.00

Adjournment

A **MOTION** was made by Councilman Fluker, duly seconded by Councilwoman Fowler to adjourn the meeting at 8:36 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: August 15, 2018

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk