

REGULAR TOWN BOARD MEETING

13 APRIL 2015

Supervisor Hyde opened the April 13, 2015 Regular Town Board Meeting at 7:00 p.m.

Town Officials in Attendance were:

Carl Hyde, Jr., Supervisor	Daniel Adams, Councilman (7:20pm)
Walter Wenhold, Councilman	Susan Neer, Councilwoman
Jeffrey Fluker, Councilman(7:20pm)	Debbie Douglas, Town Clerk
Thomas Douglas, CEO(7:20pm)	Linda Schmidt, Historian
Paul Fleming, Highway Superintendent	William Shea, Town Justice

Attendees to the Meeting were:

Jim Phillips, BVFD President	Maelynn Hyde
Linda Jackett	Pat Pietrzykowski
Deb Donnelly	Gary Donnelly
Tom Foss	Barb Czworka
Glenda Bangs	Sandy Fluker
Gerald Shea	Don Schmidt
Gail Smith	Tim Embt

Finances

Supervisor Hyde presented the finances for March 2015.

General Savings	\$	867,199.59
Contingent Account	\$	302,264.87
Highway Savings	\$	174,966.95
Highway Fund Misc. Savings	\$	859.87
Capital Project Highway	\$	69,472.83
AP/PR Account	\$	32,709.01
Trust & Agency Account	\$	1,374.46
Petty Cash	\$	200.00
Justice Savings	\$	36,651.84
Total		\$ 1,485,699.42
Revenues Received		
Debbie Douglas, Town Clerk	\$	3,616.39
Debbie Douglas, Tax Collector	\$	489.51
Stanley Staba & Sons	\$	202.00
NYS JCAP Grant	\$	5,000.00
Bethany Justice – William Shea	\$	386.00
Bethany Justice – Thomas McBride	\$	733.00
Total Revenue	\$	10,426.90
Total Revenue & Interest	\$	10,465.34

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the March 9, 2015 Regular Town Board Meeting.

A **MOTION** was made by Councilman Wenhold and seconded by Councilwoman Neer to approve the Minutes of the March 9, 2015 Regular Town Board meeting as presented. The motion **PASSED** with All In Favor.

- A Notice of Claim has been filed with the Clerk concerning the accident at the Molasses Hill Road and Route 20 intersection this past winter and has been forwarded to the Town's insurance company and attorney.
- The Clerk's Monthly Report and Bank Statements for February were reviewed by the Town Board.

Tax Collector Report – Debbie Douglas

FINAL REPORT OF 2015 TAX WARRANT

Warrant – Town of Bethany	\$ 406,798.00	
Genesee County	<u>\$ 977,338.98</u>	
	Total	\$1,384,136.98
Receipts – January 1 – 19, 2015	\$ 231,890.22	
January 20 - 24, 2015	\$ 185,220.43	
January 23 – 27, 2015	\$ 362,796.49	
January 28 – 31, 2015	\$ 289,603.16	
February 1 – 28, 2015	\$ 96,780.19	
March 1 – April 2, 2015	<u>\$ 66,062.11</u>	
	Total Collections	\$1,232,352.60
Petty Cash		\$ 250.00
Bank Interest		
January 2015	\$ 4.91	
February 2015	\$ 1.62	
March 2015	<u>\$.69</u>	
	Total Bank Interest	\$ <u>7.22</u>
	Total Income	\$1,232,609.82

DISBURSEMENTS

Warrant Payments Made to Supervisor –

January 20, 2015 Ck#1089	\$ 231,890.22
January 24, 2015 CK#1090	<u>\$ 174,907.78</u>

Total Warrant Payments to Supervisor \$ 406,798.00

Penalties Paid to Supervisor-

March 2, 2015 Ck# 1094	\$ 484.60
April 7, 2015 Ck# 1101	<u>\$ 1,218.70</u>

Total P&I Payments to Supervisor \$ 1,703.30

- Frank Stanton contacted CEO on April 5, 2015 concerning an upcoming event and requesting inspections as per the conditions of his special Use Permit.
 - CEO Douglas, Deputy Supervisor Adams and Fire Chief Fluker visited the site.
 - Event is scheduled for Sunday, April 19th.
 - If fill can be moved to the necessary locations by then, the Operating Permit will be issued for the event.
 - Signage, proof of insurance, emergency contact information, safety precautions and other stipulations of the Special Use Permit were all discussed and are satisfactorily in place.
- Will start road review after vacation.
- Working with Mark Barie concerning the placement of agricultural employee housing on Bethany Center Road. Some items of the Zoning and Building Codes are exempted by NYS Ag & Markets or the NYS Building Code.

Highway Superintendent Report – Paul Fleming

- Things have quieted down with the better weather.
- Will begin removing snow fence.
- Working on trucks and getting them ready for summer work.
- Paul Road will be the big project for this summer. West Bethany Road will be the next road. Other roads are not being ignored and will be taken care of as money allows.

Town Justice Report – William Shea

- Court is slow.

Historian Report – Linda Schmidt

- Provided copies of three brochures she composed.
 - Jacquard Coverlets from Bethany
 - Bethany Residents Enlisted in the Civil War
 - Bethany in the Civil War
- A new photo display of the Bethany coverlets has been hung in the Town Hall.
- Has been working on some genealogy requests.

Board Committee Reports

Councilman Adams

- ZBA will meet and hold a public hearing on the Sichei Area Variance application on Wednesday, April 22 at 7:30 p.m.

Councilman Wenhold

- Senior meals are going well and attendance is picking up. Supervisor Hyde visited the meal site last week.
- Planning Board
 - Fran Brunner has resigned from the Planning Board because he is moving out of town.
 - Granted preliminary approval to Ronald Haywood for a land separation. Need to follow through with a merge from a previous land separation and present a final survey for final approval.
 - Recommended approval with modifications for the area variance application submitted by Douglas and Morgan Sichei for the construction of an accessory building.

Councilman Fluker

- Attendance was good last Sunday for the Fire Department's final breakfast until fall.
- The Fire Department will be holding an Open House in connection with the New York State Open House for Recruitment & Retention on April 25 & 26.

Councilwoman Neer

- Waiting on recreation schedules from Alexander and Pavilion.
- Nothing new on the possible sale of the Intercommunity Medical Building. Next meeting will be at the end of May.

OLD BUSINESS

Public Hearing – 2015-2016 Contract for Fire Protection Between the Town of Bethany and the Bethany Volunteer Fire Company

- Supervisor Hyde opened the Public Hearing at 7:15 p.m.
- The public hearing was closed at 7:50 p.m. with no one speaking about the contract.
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Resolution #14-2015 Contract for Fire Protection Between the Town of Bethany and the Bethany Volunteer Fire Company – Approval of

Contract For Fire Protection

THIS AGREEMENT, made the 13th day of April 2015 between the Town of Bethany, Genesee County, State of New York, hereinafter called The Town, and the Bethany Volunteer Fire Company, Inc. of the Town of Bethany, Genesee County, and State of New York, hereinafter called The Fire Company.

WHEREAS, there has been duly established in the Town of Bethany, a fire prevention district known as The Bethany Fire Protection District, and such territory is more fully described in the resolution establishing such District, adopted by the Town Board of the Town of Bethany on April 13th, 1943; and

WHEREAS, following a Public Hearing duly called, the Town duly authorized this contract with The Fire Company for fire protection and emergency service to said District upon the terms and conditions hereinafter set forth; and

WHEREAS, this contract has also been duly authorized by The Fire Company; and

NOW THEREFORE, The Town does engage The Fire Company to furnish fire protection and emergency service to The Bethany Fire Protection District and The Fire Company agrees to furnish fire protection and emergency service as follows:

1. The Fire Company shall at all times during the period of this agreement be subject to call for attendance on any fire occurring in the District, and when notified by alarm or by telephone call, or other means, such Fire Company shall respond and attend upon the fire with suitable equipment and diligently proceed in every reasonable way to extinguish the fire and save lives and property in connection therewith.
2. The Fire Company shall furnish to the property and inhabitants of the Fire Protection District emergency service in the case of accidents, calamities or other emergencies in connection with which the services of firemen would be required.
3. The Fire Company shall at all times keep in full force and effect adequate public liability insurance coverage to protect itself and The Town, and furnish The Town an affidavit of such insurance coverage.
4. In consideration of furnishing fire protection and emergency service in accordance with this contract, The Town covenants and agrees, on behalf of The Bethany Fire Protection District, to pay to The Fire Company, the sum of Eighty-Five Thousand Dollars (\$85,000.00) for fire service to be paid upon the collection of taxes by the Town for said purpose on or before April 1st of each year.
5. This agreement shall run for a period of one year commencing on April 1, 2015 and terminating on April 1, 2016.

Prices noted above are per set (furnace and air conditioning unit) installed.

On **MOTION** of Supervisor Hyde duly seconded by Councilwoman Neer be it

RESOLVED that the Bethany Town Board hereby authorizes Supervisor Hyde to contract with Turnbull Heating & Air Conditioning for replacement of the furnace in the kitchen storage room for \$6,230.50.

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

- Supervisor Hyde - Yes
- Councilman Wenhold - Yes
- Councilman Fluker - Yes
- Councilman Adams - Yes
- Councilwoman Neer - Yes

Outdoor Condensing Unit for Community Center Air Conditioners - Damage

- The outdoor condensing unit for the Community Center air conditioners was damaged over the winter during snow removal. Insurance will cover the damage.

Informational Meeting - Transfer Station

- An informational meeting concerning the fate of the Transfer Station will be held for Bethany residents on Monday, May 18, 2015 at 6:30 p.m. The meeting will be advertised in the Daily News and the Pennysaver.

Installation of Automatic Door Openers (2) - Highway Garage

- Automatic door operators have been installed on two of the overhead doors at the Highway Garage. All of the doors will eventually have automatic openers.
- Highway employees received the necessary training for operating the openers.
- Two openers will be installed per quarter until all are replaced.

NEW BUSINESS

Accordion Partitions - Community Center - Installation of

- Two quotes have been received obtained for the installation of accordion partitions in the Community Center as follows:
 - o Kraftwerks \$10,200.00
 - o Moss Architectural Products, Inc. \$22,320.00
- Prices are good for 90 days.

Worker's Compensation Bill - Payment of

- The Worker's Compensation bill was not paid in 2014 as it should have been.
- Notice of delinquency was received from Genesee County. The bill in the amount of \$22,000.00 was paid immediately without penalty.

Resolution #16-2015 Employee Handbook - Amendment of

WHEREAS, it has been noted that the dress code in the employee handbook is not adequate, and

WHEREAS, it is necessary for the health and safety of the employees of the Town of Bethany and insurance and liability issues, now on

MOTION of Councilman Adams duly second by Councilman Wenhold, be it

RESOLVED that the Town of Bethany Employee Handbook be amended, effective immediately, as follows:

Dress Code

Highway Department Employees

Long pants, bibs, or coveralls. (NO shorts)

Shirts will either be short sleeve or long sleeve depending on the job of the day. (NO cut off or tank shirts.) *Example: Brush clearing or working off the shoulder of the road would require long sleeves.)*

Foot wear will be steel toe work boots unless rubber boots are required. (NO sneakers, sandals or flip flops.)

Transfer Station

Long pants, bibs or coveralls. (NO shorts)

Shirts will either be short sleeve or long sleeve depending on the weather. (NO cut off or tank shirts.)

Foot wear will be steel toe work boots unless rubber boots are required. (NO sneakers, sandals or flip flops.)

Mowing/Weed Removal

Long pants, bibs, or coveralls. (NO shorts)

Shirts will either be short sleeve or long sleeve depending on the job of the day. (NO cut off or tank shirts.) *Example: Brush clearing or working off the shoulder of the road would require long sleeves.)*

Foot wear will be steel toe work boots unless rubber boots are required. (NO sneakers, sandals or flip flops.)

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

- | | |
|--------------------------|-------------------------|
| Supervisor Hyde - Yes | Councilman Adams - Yes |
| Councilman Wenhold - Yes | Councilwoman Neer – Yes |
| Councilman Fluker – Yes | |

Resolution #17-2015 Highway Superintendent Travel Request – Approval of

WHEREAS the Highway Superintendent is requesting permission to attend the 2015 Highway Superintendent School to be held in Ithica, NY from June 1-3, 2015, and

WHEREAS the cost of attending the conference is \$650.00, and

WHEREAS there are funds allocated in the Highway Superintendent’s budget to cover the cost of attending the conference, now on

MOTION of Councilwoman Neer duly seconded by Councilman Adams, be it

RESOLVED that the Town Board approves the travel request of the Highway Superintendent to the 2015 Highway Superintendent’s School in Ithica, NY from June 1-3, 2014 at the cost of \$650.00.

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

- | | |
|--------------------------|-------------------------|
| Supervisor Hyde - Yes | Councilman Adams - Yes |
| Councilman Wenhold - Yes | Councilwoman Neer – Yes |
| Councilman Fluker – Yes | |

Resolution #18-2015 – DECLARATION OF EXCESS EQUIPMENT – 1985 CASE EXCAVATOR

WHEREAS the Town of Bethany owns a 1985 Case Excavator, Model 1085, and

WHEREAS it has been determined that the cost of the necessary repairs to said excavator is prohibitive, now on

MOTION of Councilman Adams seconded by Councilman Wenhold, be it

RESOLVED that the 1985 Case Excavator, Model 1085 is hereby declared excess equipment and will be disposed of at auction as soon as possible.

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

Supervisor Hyde - Yes	Councilman Adams - Yes
Councilman Wenhold - Yes	Councilwoman Neer – Yes
Councilman Fluker – Yes	

Resolution #19-2015 Fran Brunner – Acceptance of Resignation

WHEREAS Francis Brunner has tendered his resignation from the Town of Bethany Planning Board because he is moving from town, and now on

MOTION of Councilman Fluker duly seconded by Councilman Wenhold, be it

RESOLVED that the Bethany Town Board accepts, with regret, the resignation of Francis Brunner from the Town of Bethany Planning Board.

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

Supervisor Hyde - Yes	Councilman Adams - Yes
Councilman Wenhold - Yes	Councilwoman Neer – Yes
Councilman Fluker – Yes	

Resolution #20-2015 Appointing Daniel Street Planning Board Chair

WHEREAS the Town Board has accepted the resignation of Francis Brunner from the Town of Bethany Planning Board, and

WHEREAS Francis was the Chair of the Planning Board and a replacement is necessary, now on

MOTION of Councilman Fluker duly seconded by Councilwoman Neer, be it

RESOLVED that the Bethany Town Board hereby appoints Planning Board Member Daniel Street to the position of Planning Board Chair.

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

Supervisor Hyde - Yes	Councilman Adams - Yes
Councilman Wenhold - Yes	Councilwoman Neer – Yes
Councilman Fluker – Yes	

Resolution #21-2015 Deborah Donnelly Appointment to Town of Bethany Planning Board

WHEREAS a vacant position has been created on the Planning Board by the resignation of Francis Brunner, and

WHEREAS it is the practice to move the current Planning Board secretary to the vacant position if the secretary is interested, and

WHEREAS Deborah Donnelly, Planning Board secretary has expressed interest in moving on to the Planning Board, now on

MOTION of Councilman Fluker duly seconded by Councilwoman Neer, be it

RESOLVED that Deborah Donnelly is hereby appointed Planning Board Member to fill the vacant position created by the resignation of Francis Brunner with the term to expire on December 31, 2015, and be it

FURTHER RESOLVED that Deborah has agreed to continue as secretary until such time as a new secretary is appointed.

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

Supervisor Hyde - Yes	Councilman Adams - Yes
Councilman Wenhold - Yes	Councilwoman Neer - Yes
Councilman Fluker - Yes	

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$47,416.51	\$ 63,506.12
Highway Fund	\$ 0.00	\$ 39,350.52
Fire Protection Fund	\$ 0.00	\$ 85,000.00
Water Fund	\$ 0.00	\$ 0.00
Justice Fund	\$ 0.00	\$ 859.00

Adjournment

A **MOTION** was made by Councilwoman Neer duly seconded by Councilman Fluker to adjourn the meeting at 8:40 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: April 15, 2015

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk