

REGULAR TOWN BOARD MEETING
14 OCTOBER 2015

Supervisor Hyde opened the October 14, 2015 Regular Town Board Meeting at 7:03 p.m. with a prayer offered by Councilman Wenhold followed by the Pledge of Allegiance.

Town Officials in Attendance were:

Carl Hyde, Jr., Supervisor	Walter Wenhold, Councilman
Susan Neer, Councilwoman	Daniel Adams, Councilman
Jeffrey Fluker, Councilman	Debbie Douglas, Town Clerk
Thomas McBride, Town Justice	Paul Fleming, Highway Superintendent
Linda Schmidt, Town Historian	

Attendees to the Meeting were:

Maelynn Hyde	Don Schmidt
Joe Nowakowski	

Finances

Supervisor Hyde presented the finances for September 2015.

General Savings	\$	720,332.25
Contingent Account	\$	302,310.34
Highway Savings	\$	92,225.85
Highway Fund Misc. Savings	\$	859.91
Capital Project Highway	\$	69,479.79
AP/PR Account	\$	45,263.81
Trust & Agency Account	\$	7,035.97
Petty Cash	\$	200.00
Justice Savings	\$	44,437.04
Total		\$ 1,282,144.96

Revenues Received		
Debbie Douglas, Town Clerk	\$	2,227.07
County of Genesee	\$	9,182.96
NYS Dept. of Taxation & Finance	\$	18,128.00
Bethany Justice – William Shea	\$	1,539.00
Bethany Justice – Thomas McBride	\$	1,015.00
Total Revenue	\$	32,092.03
Total Interest	\$	31.20
Total Revenue		\$ 32,123.23

PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. 1-2015 OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW §3-c

- Supervisor Hyde opened the Public Hearing at 7:05 p.m.
- No one spoke concerning proposed Local Law No. 1-2015.

**A PROPOSED LOCAL LAW ENTITLED, "OVERRIDE THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c."**

BE IT ENACTED by the Town Board of the Town of Bethany as follows:

SECTION I. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Bethany, County of Genesee pursuant to General Municipal Law §3-c. and to allow the Town of Bethany, County of Genesee to adopt a town budget for (a) town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

SECTION II. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c. which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

SECTION III. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Bethany, County of Genesee is hereby authorized to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

SECTION IV. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION V. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

Public Hearing – Closing of

A **MOTION** was made by Councilman Adams duly seconded by Councilman Wenhold to close the Public Hearing for Proposed Local Law No. 1-2015 at 7:57 p.m.

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

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

RESOLUTION #43-2015 ADOPTING LOCAL LAW NO. 1 OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW §3-c

WHEREAS, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” add a new section 3-c. to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

WHEREAS, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

WHEREAS, a Notice of Public Hearing was duly published in the Town’s official newspaper and said public hearing was held on October 14 , 2015 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 Adams, which has been duly seconded by Councilwoman Neer, 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 2015 entitled, “Override the Tax Levy Limit Established in General Municipal Law §3-c.” 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 – Yes
Councilman Wenhold – Yes	Councilwoman Neer – Yes
Councilman Fluker – Yes	

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the September 14, 2015 Regular Town Board Meeting.

A **MOTION** was made by Councilman Adams and seconded by Councilman Wenhold to approve the Minutes of the September 14, 2015 Regular Town Board meeting as presented.

The motion **PASSED** with All In Favor.

- Presented the Minutes of the October 5, 2015 Special Town Board Meeting.

A **MOTION** was made by Councilwoman Neer and seconded by Councilman Fluker to approve the Minutes of the October 5, 2015 Special Town Board meeting as presented.

- Public Hearing Notices for Water Districts 2 & 3 were mailed on October 9, 2015.
- Attended the New York State Town Clerk’s Association Regional Meeting in Waterloo on October 5, 2015. Representatives from the New York

- State Department of Health held seminars concerning marriage licenses and the Electronic Death Registration System (EDRS) that they hope to have fully operational by the beginning of next year.
- The annual state fire inspection was performed for the offices and community center. No violations were issued however, it was noted that some cardboard boxes were stacked by the stove in the kitchen. This is a concern because of the pilot lights on the stove. The clerk moved the boxes and care should be taken that this sort of thing does not happen.
 - The Clerk's Monthly Report and Bank Statements for August were reviewed by the Town Board.

ZEO/CEO Report – Thomas Douglas

- Permits issued:
 - o Several permits have been issued including new single family dwellings
- Road Review
 - o Road review continues. A large number of vehicles have been removed.
- Unsafe Porch – Edward Christner
 - o Mr. Christner has been cooperative in securing the unsafe porch and cleaning up around his building.
 - o He is required to submit plans and obtain a building permit by the November 9, 2015 Town Board meeting per the Town Board Resolution passed at the September Town Board meeting.

Highway Superintendent Report – Paul Fleming

- Salt has been brought in in preparation for winter. Salt went up \$5.00 per ton.
- Plows have been mounted to two trucks and brakes have been check.
- Two new trucks and associated equipment have been ordered. The truck and chassis may be delivered by the end of the year.
- Highway Superintendent wishes to advertise for fuel bids for 2016.

RESOLUTION #44-2015 REQUEST FOR FUEL BIDS – 2016

WHEREAS, the Superintendent of Highways feels it is in the best interest of the taxpayers of the Town of Bethany to request bids for delivery of fuel (i.e. gasoline, diesel, and propane) for each calendar year, and

WHEREAS, the Superintendent has requested to advertise for such bids,

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

RESOLVED that the Superintendent of Highways is hereby authorized to advertise for fuel bids for the Town of Bethany for the year 2015, and be it

FURTHER RESOLVED that propane will be bid separately from gasoline and diesel, and be it

FURTHER RESOLVED that bids must be submitted to the Town Clerk or the Superintendent of Highways no later than 3:00 p.m. Monday, December 14, 2015 marked "Sealed Bid Propane" or "Sealed Bid Gas & Diesel", and be it

FURTHER RESOLVED that bids will be opened during the Regular Town Board meeting on Monday, December 14, 2015 at 7:00 p.m.

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

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

- There has been notification of a possible retirement of an MEO before the end of the year. If this is the case, Joel Merle, whose position was eliminated earlier in the year, will be called back to fill this position.
- Highway Superintendent Fleming is also asking permission to advertise for 2 part-time MEO's to fill in in case of illness or injury. Currently, there is no one to fill in should the need arise.

A **MOTION** was made by Councilman Adams, duly seconded by Councilman Fluker to advertise for two part-time MEO positions.

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

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

Justice Report – Thomas McBride

- Justice McBride noted that there has been a decline in the number of traffic tickets. Discussion ensued concerning the shortage of officers in both the Sheriff's Department and New York State Troopers. Supervisor Hyde will contact both to see if there is any possibility of increasing patrols especially in light of the recent arrest of a speeder who was traveling a heavily populated road at more than 100 mph.
- Justice McBride also informed the Board that he has been having trouble with his laptop and it may need to be replaced soon.

A **MOTION** was made by Councilman Adams, duly seconded by Councilman Wenhold to authorize Justice McBride to start looking for a laptop and to spend up to \$1,000 for the laptop and the loading of any necessary programs should the need arise.

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

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

- Justice McBride's monthly reports for September were reviewed by the Town Board.

Historian Report – Linda Schmidt

- Attended the Fall Historians Conference which was very informative and interesting.
- Started cleaning up Old Town Hall and getting it ready for winter.

Board Committee Reports

Councilman Wenhold

- Senior Meals are going well. 14-16 people are in attendance each week.
 - o Their next trip will be to the 104 Amish Store and on to Newfane to the Gordy Hamper Bazaar.

- The Planning Board meet on October 1, 2015 and gave preliminary approval for a land separation application submitted by Donald Norton.

Councilwoman Neer

- The Intercommunity Medical Building committee met on October 13th.
- Dr. Craddock was contacted again to see if he would be interested in making another offer.
 - o Mrs. Craddock informed Mr. King that they had no intention in increasing their original offer of \$300,000. The property is valued at \$375,000.
 - o After some discussion the board feels that it would be in the best interest of the municipalities concerned to accept the Craddock's offer taking into consideration the realtor costs, etc. if the property were to be listed.
 - o The Town Board agreed that the offer from the Craddock's should be accepted.
- Investigation into the extensive amount of paper supplies has not gotten very far.
- A lighting audit was performed and the cost of the upgrade was more than the committee is willing to spend at this time.

Councilman Fluker

- The Fire Department is still in need of volunteers.
- There was no breakfast in October. Breakfasts are scheduled beginning November 8th.

Councilman Adams

- Councilman Adams had forgotten that the Transfer Station was closed on past Saturday for the Columbus Day holiday.
 - o He arrived there with his trash and remembered the holiday closure.
 - o When he arrived, there were two vehicles parked on the side of the road. One person was about to get trash out of their vehicle and the person from the other vehicle was on the other side of the fence walking around the end to return to their car after doing whatever they were doing. If these people did or intended to deposit their trash while the Transfer Station was closed it may be considered theft of services.
 - o The Board concurred that "No Trespassing" "Violators Will Be Prosecuted" signs will be posted.

OLD BUSINESS

Water Districts 2 & 3 - Update

- Public hearing has been set and will be held on October 28, 2015 at 6:00 and 6:30 p.m. respectively.

Proposed Water District - Creek & Putnam Roads - Update

- This water district is at a standstill. The company that was hired to complete the income surveys has not completed the work. The Town may have to cut ties with them and contract with another company.

Community Center Furnace & Condenser - Replaced

- Furnace and condenser completely failed and were replaced.

NEW BUSINESS

2016 Tentative Budget – Presented to Board

- The Town Board was provided with a copy of the 2016 Tentative Budget in their mailboxes and notified of such by email on October 5, 2015 after it was filed in the Town Clerk's office by the Town Supervisor on the same date.

Town Board Budget Work Session – Setting of

- The Supervisor set a Town Board Budget Work Session for Monday, October 19, 2015 at 7:00 p.m.

RESOLUTION #45-2015 BONDING OF TOWN OF BETHANY TAX COLLECTOR

WHEREAS, the Town is required by law to file a bond on the Tax Collector with the County Clerk prior to tax rolls and bills being picked up, and

WHEREAS, the Town is required by law to bond the Tax Collector for the money in the control of the Tax Collector,

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector shall have no more than \$500,000.00 in her control at any time, and

BE IT FURTHER RESOLVED that the Tax Collector shall be bonded by the Town in the amount of \$500,000.00.

A **MOTION** was made by Councilman Fluker, duly seconded by Councilman Wenhold to adopt Resolution #45-2015 Bonding of the Town of Bethany Tax Collector.

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

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

RESOLUTION #46-2015 EXAMINATION OF JUSTICE COURT RECORDS

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Town Justices annually provide their court records and dockets to their respective Town Auditing Board, and that such records be examined and that fact be entered into the minutes of the Board's proceedings; and

WHEREAS, an examination was conducted of the Town Justices records and dockets by the Bethany Town Board; now, therefore, be it

RESOLVED, the Bethany Town Board acknowledges that the required annual examination of the Justice Court 2014 records was completed by Councilman Wenhold.

A **MOTION** was made by Councilman Adams and seconded by Councilwoman Neer to approve Resolution #46-2015, Examination of Justice Court Records.

The motion **PASSED** with the following Roll Call Vote:

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

Letter of Support to Senator Kirsten Gillibrand- Veteran’s Cemetery – Pembroke, NY

- The Town of Pembroke has asked GAM and the municipalities in Genesee County to send a letter of support for the establishment of a Veteran’s cemetery in the Town of Pembroke.
- The closest Veteran’s cemetery is currently in Bath, NY.

On **MOTION** made by Councilwoman Neer, duly seconded by Councilman Wenhold, a letter shall be sent to Senator Kirsten Gillibrand supporting her continued efforts to establish a Veteran’s cemetery in Pembroke, NY.

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

Supervisor Hyde – Yes	Councilman Adams – Absent
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	\$ 2,746.32	\$ 17,309.09
Highway Fund	\$ 0.00	\$ 54,341.94
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 Neer to adjourn the meeting at 8:10 p.m. The motion **PASSED** with All In Favor.

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

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