

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

12 September 2016

Supervisor Hyde opened the September 12, 2016 Town Board Meeting at 7:02 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	Thomas Douglas, CEO/ZEO
William Shea, Town Justice	Linda Schmidt, Historian
Donald Schmidt, Deputy Historian	Thomas McBride, Justice

Town Officials Absent were:

Daniel Adams, Councilman	Joel Merle, Highway Superintendent
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Attendees to the Meeting were:

Greg Miller	Ray Cipriano
Maelynn Hyde	Diane Fowler
Paul Harris	Debbie Harris

FINANCES

Supervisor Hyde presented the finances for August 2016.

General Savings	\$1,228,561.56
Highway Savings	\$ 171,596.89
Capital Project Highway	\$ 535.78
AP/PR Account	\$ 11,100.11
Trust & Agency Account	\$ 7,869.11
Highway Checking	\$ 1,995.05
Petty Cash	\$ 200.00
Total	\$ 1,421,858.50
Revenues Received	
Debbie Douglas, Town Clerk	\$ 2,647.47
Stolen Gas	\$ 5.00
US Post Office	\$ 200.00
William Shea, Justice	\$ 3,156.00
Thomas McBride, Justice	\$ 2,290.00
Total Revenue	\$ 8,298.47
Total Interest	\$ 38.34
Total Revenue	\$ 8,336.81

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the August 8, 2016 Regular Town Board meeting.

A **MOTION** was made by Councilman Street and seconded by Councilman Embt to approve the Minutes of the August 8, 2016 Regular Town Board meeting as presented. The motion **PASSED** with All In Favor.

- Senior meals report from Walter Wenhold
 - o All of the meal sites met for a picnic in the park in August.
 - o The meal site manager has been ill and has not been serving for approximately 2 months.
 - o The cooks for the meal sites have changed but meals are still good.
- The Clerk's Monthly Report and Bank Statements for August were reviewed by the Town Board.

Highway Superintendent Report – Joel Merle read by Town Clerk Douglas

- Paved and installed new shoulders on a section of Chaddock Road.
- Grader paved some bad spots on Molasses Hill Road.
- Second mowing pass has been completed and we will start on the third and final pass of the season.
- Second mowing of Putnam Road Cemetery has been completed and will be cleaning up brush after chainsaw certification as been completed on Thursday.
- Have been working with other towns on paving projects.
- Side walls for the new trucks have been completed (work completed in-house), lettering is done, 2-way radios have been installed and undercoating has been applied.

Town Justice Report – Bill Shea

- Nothing to report.

CEO Report – Tom Douglas

- Four applications are currently going through the boards.
 - o Special Use Permit – Harris – WEC
 - Has received recommendations of approval from both the town and county planning boards. This application will come before the town board for public hearing in October.
 - o Area Variance (2) – both applications will come before the town zoning board of appeals at their September meeting.
 - Hartman – garage in front of primary structure. Has received a recommendation of approval from both the town and county planning boards.
 - Elmore – accessory building too close to back lot line. Has received a recommendation of approval from both the town and county planning boards.
 - o Site Plan Review – Lor-Rob Associates LLL III – ag worker housing
 - Lor-Rob is planning on installing a fourth housing unit for ag worker housing on a lot on Bethany Center Road. This application has received a recommendation of approval from the county planning board and will come before the town planning board in October.
 - Supervisor Hyde had a discussion with Richard Barie concerning the scope of his plan for farm worker housing. At this time, there are no further plans for installation of housing at this location. If more housing needs to be considered, he will choose a different location.
- Complaints –
 - o Corner of Paul and Bethany Center Road – Grass high
 - Per the International Code, grass can be up to 10 inches tall before it is in violation. This grass measures 6 inches.
 - o Corner of Paradise and Bethany Center Roads – junk and garbage in yard.
 - The property is being cleaned up. CEO Douglas will keep an eye on it.
 - o Pig Pens Waller - Frank & Jamie Stanton – Junk and messy

- CEO Douglas has spoken with Mr. Stanton. He will be meeting with him to discuss cleaning up the property.
- There have been many complaints about this property.
- 9453 Francis Road – uninhabitable house, reports of people living in camper
 - A limb has fallen through the roof of the house.
 - The residents had a camper that was behind the house that they were living in. That camper was recently pulled out to the front of the house and another camper was brought in and they are living in that.
 - Reportedly one of the residents living there has been known to be aggressive. CEO Douglas has asked Supervisor Hyde to accompany him to the property along with a sheriff.
 - A do not occupy order will be placed on the property.
 - Will be talking the Attorney David DiMatteo concerning demolition, etc. If demolition occurs, the town would have to bear the cost. This cost can be applied to the taxes on the property.

Historian Report – Linda Schmidt

- Supervisor Hyde filled out and submitted the state historian survey.
- Working on filling scrapbooks with donated atlas maps dating 1866-1904.
- Assisted a gentleman who was working on a project concerning the old schools.
- Will be going to a conference in Geneseo next week.

Board Committee Reports

Councilman Fluker

- Things have been pretty quiet with the Fire Department. Only 8 calls for August.

Councilman Embt

- No ZBA meeting in August. There will be a meeting in September.

Councilman Street

- Attended the Black Creek Watershed Coalition meeting at the Interpretative Center in the Genesee County Park.
 - All current officers were re-elected.
 - The Black Creek has been designated as an inland waterway. This will open up grant funding opportunities.
 - Shannon Morley, a park employee, did a presentation concerning the park and events that are held there.

OLD BUSINESS

Water District Updates

- Creek/Putnam Road income survey has been accepted by Rural Development. There is grant funding for the engineering portion of water district development available. Will start working on the application.
- Water District #2 – Rural Development grant paperwork is in.
- Water District #3 – All of the required paperwork is in.
- Bethany Center Road – A survey to determine interest in the formation of a water district is being performed.
- Fargo/Little Canada/Paul/East Bethany-LeRoy/Rt 63 – will be meeting with Clark Patterson and attorney to discuss the formation of this district.

NEW BUSINESS

2017 Budget – Setting of Workshop

- The Town Board will hold a budget workshop on Wednesday, September 21, 2016 at 6:30 pm.

RESOLUTION #44-2016 AUTHORIZING SUPERVISOR TO SELL TRUCK 1204 AT AUCTION

WHEREAS, after consulting with Highway Superintendent Merle, Supervisor Hyde has determined that after the delivery of the new trucks, the 1998 International dump truck 1204 (VIN # 1HTGLAET6WH541551)with plow (SN# 20954), wing (SN# 4122) and Hardner chain driven sander (no serial number available – tag has rotted off) are no longer needed, and

WHEREAS, per the Town of Bethany Asset Tracking & Disposal Policy, Supervisor Hyde is seeking authorization from the Town Board to sell the 1998 International dump truck 1204 with the above mentioned equipment at the Monroe County Area Municipal & Contractor Vehicle & Equipment Auction to be held on October 1, 2016. Now, on

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

RESOLVED that Supervisor Hyde is hereby authorized to sell the 1998 International dump truck 1204 (VIN # 1HTGLAET6WH541551) with plow, wing and sander at the Monroe County Area Municipal & Contractor Vehicle & Equipment Auction on October 1, 2016.

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

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

RESOLUTION #45-2016 SCHEDULE PUBLIC HEARING FOR SPECIAL USE PERMIT (SUP1602)

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 (SUP1602) from Paul & Debbie Harris requesting permission to erect an agricultural WEC 153.8’ in height on the property located at 10986 Marsh Road Road (TMP# 10.-1-24); 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 of the application is received by the Town; now on

MOTION of Councilman Street duly seconded by Councilman Fluker, 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 Paul and Debbie Harris (SUP1602) on the

12th day of October 2016 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 Adams – Absent
Councilman Fluker – Yes	Councilman Embt – Yes
Councilman Street - Yes	

RESOLUTION #46-2016 SCHEDULING OF PUBLIC HEARING FOR PROPOSED LOCAL LAW TO OVERRIDE 2% TAX CAP

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, 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, the Town Board of the Town of Bethany finds it in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

NOW ON MOTION OF Councilman Embt which has been duly seconded by Councilman Fluker, be it

RESOLVED, by the Town Board of the Town of Bethany will hold a public hearing on the proposed adoption of said local law on the 12th day of October 2016 at 7:00 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

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

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

RESOLUTION #47-2016 IN SUPPORT OF THE TOWN OF ALEXANDER YOUTH RECREATION PROGRAM FOR THE YEAR 2017

WHEREAS, the Town of Bethany does not have its own recreation program, and

WHEREAS, Town of Bethany residents are able to participate in the Youth Recreation Program in the Town of Alexander, now,

On **MOTION** made by Councilman Fluker duly seconded by Councilman Embt, now, therefore, be it

RESOLVED that the Town of Bethany is in support of the Town of Alexander Youth Recreation Program for the Year 2017 by contributing to the program in the amount of \$425.00.

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

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

RESOLUTION #48-2016 IN SUPPORT OF THE TOWN OF PAVILION YOUTH RECREATION PROGRAM FOR THE YEAR 2017

WHEREAS, the Town of Bethany does not have its own recreation program, and

WHEREAS, Town of Bethany residents are able to participate in the Youth Recreation Program in the Town of Pavilion, now

On **MOTION** made by Councilman Fluker duly seconded by Councilman Embt now, therefore, be it

RESOLVED that the Town of Bethany is in support of the Town of Pavilion Youth Recreation Program for the Year 2017 and will contribute to the program in the amount of \$425.00.

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

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

RESOLUTION #49-2016 IN SUPPORT OF THE TRI-TOWN ATHLETICS, INC. RECREATION PROGRAM FOR THE YEAR 2017

WHEREAS, the Town of Bethany does not have its own recreation program, and

WHEREAS, Town of Bethany residents are able to participate in the Tri-Town Athletics, Inc. recreation program, now

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

RESOLVED that the Town of Bethany is in support of the Tri-Town Athletics, Inc. recreation program for the Year 2017 and will contribute to the program in the amount of \$425.00.

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

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

RESOLUTION #50-2016 HIGHWAY SUPERINTENDENT TRAVEL REQUEST - APPROVAL OF

WHEREAS the Highway Superintendent along with Deputy Highway Superintendent Mark Heale are requesting permission to attend the Snow & Ice Control Workshop to be held in Batavia, NY on October 4, 2016, and

WHEREAS the cost of attending the Workshop is \$50.00 per person for a total of \$100, and

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

MOTION of Councilman Fluker seconded by Councilman Street, be it

RESOLVED that the Town Board approves the travel request submitted by Highway Superintendent and Deputy Highway Superintendent Mark Heale to attend the Snow & Ice Control Workshop in Batavia, NY on October 4, 2016 at the cost of \$100.00.

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

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

Resolution #51-2016 JCAP Grant Application

WHEREAS, the Town Justice request to submit a New York State Office of Court Administration 2016 Justice Court Assistance Grant application; and

WHEREAS, the Town Justice asserts that said grant application shall prioritize the installation of a security camera system to ensure the safety of the staff. Now on

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

RESOLVED that the Town Board of the Town of Bethany hereby authorizes the Town Supervisor to review and amend at his discretion the recommendation within and the approval of said grant application.

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

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

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 2,736.00	\$ 17,759.62
Highway Fund	\$ 1,599.98	\$ 104,497.28
Trust & Agency	\$ 0.00	\$ 0.00
Highway Capital Funds Project	\$ 0.00	\$ 195,536.00
Fire Protection Fund	\$ 0.00	\$ 0.00
Water Fund	\$ 0.00	\$ 0.00
Justice Fund	\$ 2,561.00	\$ 3,570.00

Adjournment

A **MOTION** was made by Councilman Fluker, duly seconded by Councilman Street, to adjourn the meeting at 8:10 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: September 14, 2016

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk