

## REGULAR TOWN BOARD MEETING

**09 MARCH 2015**

Supervisor Hyde opened the March 9, 2015 Regular Town Board Meeting at 7:00 p.m.

Town Officials in Attendance were:

Carl Hyde, Jr., Supervisor	Daniel Adams, Councilman(7
Walter Wenhold, Councilman	Jeffrey Fluker, Councilman
Debbie Douglas, Town Clerk	Thomas Douglas, CEO
Paul Fleming, Highway Superintendent	William Shea, Town Justice
Thomas McBride, Town Justice	Linda Schmidt, Historian

Officials Absent from the Meeting were:

Susan Neer, Councilwoman

Attendees to the Meeting were:

Deb Donnelly	Gary Donnelly
Debbie Laird	Maelynn Hyde
Terri Alwardt	Barb Czworka
Joel Merle	Linda Jackett
Ken Morgan	Bonnie Morgan
Paul Adair	Don Schmidt
Sandy Fluker	Jodi Laird
Debbie Laird	Carl Hyde
Cathy Hyde	

### **Finances**

Supervisor Hyde presented the finances for February 2015.

General Savings		\$1,154,933.83
915 Savings		\$ 302,246.82
Highway Savings		\$ 13,270.43
Highway Fund Misc. Savings		\$ 859.85
Capital Project Highway		\$ 69,469.59
AP/PR Account		\$ 33,499.36
Trust & Agency Account		\$ 12,158.01
Petty Cash		\$ 200.00
Justice Savings		\$ 37,935.41
Total		\$ 1,624,573.30

Revenues Received		
Debbie Douglas, Town Clerk		\$ 2,819.87
EASCO		\$ 136.64
County of Genesee		\$ 50,026.79
Genesee County (Reimb. Of Wages)		\$ 1,617.00
Bethany Justice – William Shea		\$ 636.85
Bethany Justice – Thomas McBride		\$ 2,650.00

Total Revenue		\$ 57,887.15
Total Revenue & Interest		\$ 57,942.73

**Town Clerk Report – Debbie Douglas**

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

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

- A thank you letter was received from the Genesee County Highway Department for use of the Community Center for the informational meeting concerning archery hunting in the Genesee County Park.
- The Clerk's Monthly Report and Bank Statements for February were reviewed by the Town Board.

**Tax Collector Report – Debbie Douglas**

February 1-28, 2015

- Penalties & Interest Paid to Supervisor	\$ 484.60
- Bank Interest Paid to Supervisor	\$ 4.91
- Total Taxes Paid to Genesee County Treasure	<u>\$ 96,295.59</u>
o Total Collected (February 1 – 28, 2015)	\$ 96,785.10

**ZEO/CEO Report – Tom Douglas**

- Provided the Board with a report of permits issued.
- Distributed information to the Board concerning “Zombie” houses.
  - o These are homes that are in limbo between mortgagees and the mortgager in the foreclosure process.
  - o There are two such homes in the Town of Bethany at this time.
  - o A recent ruling declared that Code Enforcement Violations issued were illegal. Cannot force immediate repairs.
  - o Encouraged the Board to support any pending legislation by contacting the Town's representatives.

**Highway Superintendent Report – Paul Fleming**

- Plowed snow every day.
- One truck is going to Caledonia Diesel for repair to either the clutch or transmission.
- Met again with FEMA to wrap up the paperwork for the reimbursement from the November snow storm.
- Just ordered 300 ton of salt. Hoping that will be enough to get through the rest of the winter.

**Town Justice Report – William Shea**

- Court is slow.
- The Justice's Monthly Reports and Bank Statements were reviewed by the Town Board.

**Board Committee Reports****Councilman Wenhold**

- Senior Meals are going well however attendance is low because of the weather.
- The Planning Board did not meet.

**Councilman Fluker**

- The Fire Department had a great turnout for their All-You-Can-Eat Breakfast this past Sunday.
- As always, Volunteers are needed.

## **OLD BUSINESS**

### **Proposed Water District – Little Canada, Torrey, East Bethany-LeRoy & Clipnock Roads – Update**

- Approval has been received from Monroe Water Authority for supplying the water for this district.

### **Proposed Water District – Creek & Putnam Roads – Update**

- Still waiting for residents of the proposed district to return their income surveys.

### **Portable Judge’s Bench – Update**

- Bench has been completed.

### **Highway Superintendent’s Office Wall – Update**

- The construction of the wall has been completed.

### **Union Contract Negotiations – Update**

- The Town Board will hold a Special Meeting on Monday, March 23, 2015 at 7:00 p.m. The Board will immediately go into Executive Session to confer with the Town Attorney concerning negotiations.

### **Transfer Station**

- Supervisor Hyde noted that the cost of operating the Transfer Station for the past 3 years has been over budget by between \$12,000 and \$24,000.
- Looking into options concerning trash disposal from curbside pickup to maintaining the Transfer Station and what that would entail.
- It would be the individual’s responsibility to choose and contract with a company for pickup if that is the route taken. There will not be a Municipal Contract for trash pickup.
- Supervisor Hyde is in the process of gathering information to present at an informational meeting at a future date.

### **Old Town Hall – Update**

- There has been interest in the building however there is not enough land to install a septic system.
- It has been suggested by the realtor that the town sell the property and building that is located behind the Town Hall as a package to increase the lot size allowing for the installation of a septic system and additional parking.
- It would make for a more attractive parcel.

### **Furnace Replacement – Community Center**

- The furnaces in the Community Center are wired to the light switches that operate the kitchen lights. This causes a lot of wear and tear on the furnaces and needs to be changed and will extend the life of the furnaces. A quote is being prepared for this work.

### **SUP1501 – McCormick Farms (Daniel McCormick) – Small WEC – Public Hearing**

- Supervisor Hyde opened the Public Hearing at 7:31 p.m.
- Jodi Laird asked several questions –
  - o Asked that the proposed location be verified and that it met the setback requirements. CEO Douglas verified the location and that the required setbacks are met.
  - o Asked how the equipment would be transported to the site (oversized loads?) CEO Douglas explained that this unit is small and would not require anything more than a regular load tractor trailer.

- She asked about inspections. CEO Douglas is not allowed to inspect per New York State Building Code.
- It was explained that any electricity produced in excess of the amount used by McCormick Farms would go on to the grid. Are allowed to produce 110% of the electricity used.
- Asked if the Fire Department would be able to handle a fire in the unit. Yes, they will be trained in the method of disconnecting the unit and it will be left to burn.
- It was also asked if Mr. McCormick has obtained an eagle permit from the DEC in case an eagle is killed by the WEC. No, he has not, however these machines are recognized by NYS Ag & markets as a standard farming practice and are regulated by other agencies.
- The unit is leased for 20 years by Mr. McCormick. There is a contracted maintenance schedule for the machine.
- Per town of Bethany Zoning Law, it is the responsibility of the property owner to dismantle the unit when it is no longer in use. Should the property owner fail to dismantle the unit legal action may be taken by the Town with the property owner responsible for reimbursing the Town for any reasonable attorney fees and/or court costs.

A **MOTION** was made by Councilman Adams duly seconded by Councilman Fluker to close the public hearing at 7:52 p.m.

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

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

**Resolution #10-2015 SUP1501 – McCormick Farms (Dan McCormick) – Small WEC – Negative Declaration**

**WHEREAS**, the Bethany Town Board, as lead agency, is required to perform SEQR for any Special Use Permit, and

**WHEREAS**, the Bethany Town Board did perform SEQR and found no negative impacts were present, now

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

**RESOLVED** that the Town Board issues a Negative Declaration for SEQR for the Special Use Application (SUP1501) submitted by McCormick Farms (Daniel McCormick) for the installation of a small WEC on the property located at 4612 Brown Road, East Bethany, NY (TMP#7.-1-20.11).

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

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

**Resolution #11-2015 SUP1501 – McCormick Farms (Daniel McCormick) – Small WEC – Approval of**

**WHEREAS**, McCormick Farms has submitted a Special Use Application to the Town of Bethany for the installation of a small WEC with an agricultural exemption per Town of Bethany Zoning Law Article 613, Section B, Subsection 5, Paragraphs b and c,

b. Small WECS over one hundred fifty (150) feet in total height utilized solely for agricultural operations in a state or county agricultural district shall apply for a special use permit in accordance with Article II of the Town's Zoning Law, but shall not require a height variance.

c. Prior to the construction of a Small WECS under this exemption, the property owner or a designated agent shall submit a sketch plan or building permit application to the Town to demonstrate compliance with the setback requirements. And,

**WHEREAS**, such application was submitted in its entirety to the Genesee County Planning Board and the Town of Bethany Planning Board, and

**WHEREAS**, both the Genesee County Planning Board and the Town of Bethany Planning Board have recommended approval of the special use application, and

**WHEREAS**, in accordance with Town of Bethany Zoning Law Article 210, Section C the Bethany Town Board did hold a public hearing where any interested parties for or against were heard, and

**WHEREAS**, the Bethany Town Board did perform SEQR review issuing a Negative Declaration, now

On **MOTION** of Councilman Fluker duly seconded by Councilman Adams the Special Use Permit Application (SUP1501) submitted by McCormick Farms (Daniel McCormick) for the installation of a Small WECS of one hundred seventy-two (172) feet with an agricultural exemption is approved.

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

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

## **NEW BUSINESS**

### **Resolution #12-2015 Contract for Fire Protection – Public Hearing – Setting of**

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

**RESOLVED**, that the Bethany Town Board hereby authorizes and orders that a Public Hearing on the Fire Protection Contract between the Town of Bethany and the Bethany Volunteer Fire Company to be conducted at the Bethany Town Hall, 10510 Bethany Center Road, East Bethany, New York, beginning at 7:30 p.m. on Monday, April 13, 2015 at which time and place all interested persons will be heard; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to publish such public notice of the subject Public Hearing as required by law.

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

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

**Resolution #13-2015 Extension of 2014-2015 Contact for Fire Protection**

**WHEREAS**, the 2014-2015 Fire Protection Contract between the Town of Bethany and the Bethany Volunteer Fire Company will expire on April 1, 2015, and

**WHEREAS**, the Bethany Town Board has scheduled a public hearing to be held on Monday, April 13, 2015 t 7:00 p.m., now on

**MOTION** of Councilman Wenhold duly seconded by Councilman Adams, be it

**RESOLVED** that the Bethany Town Board hereby extends the 2014-2015 Contract for Fire Protection until such time as the new contract is signed by the Town of Bethany and the Bethany Volunteer Fire Company.

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

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

**PESH Inspection**

- PESH (Public Employee Safety & Health Bureau), a division of the New York State Department of Labor, receive a Notice of Alleged Safety or Health Hazards concerning the garage doors at the Highway Department and came to inspect.
- Supervisor Hyde invited them to inspect the entire facility.
- The Town did receive a Notice of Violation and Order to Comply for failure to provide information and training on the risks of workplace violence in the workplace.
- The NYS Department of Labor has been contacted by Supervisor Hyde and this training is being scheduled and presented by the Department of Labor.

**Loader – Trade in**

- The Loader is scheduled to be traded in this year. Because of the change in emissions regulations the trade would cost the town \$23,000 as opposed to \$10,000 that was originally quoted.

**Association of Towns – Annual Dues – Payment of**

- The Annual Dues for the Association of Towns needs to be paid before April 1<sup>st</sup>.

A **MOTION** was made by Councilman Adams duly seconded by Councilman Wenhold to authorize payment to the Annual Dues to the Association of Towns in the amount of \$700.00.

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

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

**Cacner Road – Weight Restriction Request – Paul Adair**

- Paul Adair addressed the Board and asked if they could look into putting a weight restriction for vehicles on Cacner Road.
- Tractor-trailers are using the road to transport manure and it is ruining the road.
- It will be looked into.

**Warrant**

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 4,450.83	\$ 16,360.18
Highway Fund	\$ 305.52	\$ 43,780.97
Fire Protection Fund	\$ 0.00	\$ 0.00
Water Fund	\$ 0.00	\$ 0.00
Justice Fund	\$ 0.00	\$ 2,403.95

**Adjournment**

A **MOTION** was made by Councilman Adams duly seconded by Councilman Adams to adjourn the meeting at 8:01 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: March 10, 2015

Respectfully Submitted,

Debbie L. Douglas, RMC  
Bethany Town Clerk