

REGULAR TOWN BOARD MEETING
9 NOVEMBER 2015

Supervisor Hyde opened the November 9, 2015 Regular Town Board Meeting at 6:58 p.m. with the Pledge of Allegiance followed by a prayer offered by Councilman Wenhold.

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
William Shea, Town Justice	Paul Fleming, Highway Superintendent
Thomas Douglas, CEO/ZEO	Linda Schmidt, Town Historian

Attendees to the Meeting were:

Maelynn Hyde	Don Schmidt
Sandy Fluker	Deb Donnelly
Gary Donnelly	Barb Czworka
Joel Merle	Julie Merle
Carl Hyde	Cathy Hyde
Kelly Herold	Adam Miller
Ken Morgan	Bonnie Morgan
Ron Heywood	Mike Heywood
Doug Heywood	Tim Embt

Finances

Supervisor Hyde presented the finances for October 2015.

General Savings	\$	847,611.97
Contingent Account	\$	302,318.29
Highway Savings	\$	27,579.22
Highway Fund Misc. Savings	\$	859.92
Capital Project Highway	\$	69,480.93
AP/PR Account	\$	38,662.92
Trust & Agency Account	\$	5,369.95
Petty Cash	\$	200.00
Justice Savings	\$	47,295.84
Total		\$ 1,339,379.04
Revenues Received		
Debbie Douglas, Town Clerk	\$	2,359.58
NYS Retirement	\$	48.00
County of Genesee	\$	151,301.34
Bethany Justice – William Shea	\$	1,189.00
Bethany Justice – Thomas McBride	\$	1,669.00
Total Revenue	\$	156,566.92
Total Interest	\$	31.85
Total Revenue	\$	156,598.77

PUBLIC HEARING FOR 2016 PRELIMINARY BUDGET

On **MOTION** of Councilman Adams, duly seconded by Councilman Fluker the Public Hearing for the 2016 Preliminary Budget was opened at 7:00 p.m. Motion **PASSED** with All In Favor.

- No one present spoke concerning the 2016 Preliminary Budget.

On **MOTION** of Councilman Fluker, duly seconded by Councilwoman Neer, the Public Hearing for the 2016 Preliminary Budget was closed at 7:40 p.m. Motion **PASSED** with All In Favor.

RESOLUTION #49-2015 ADOPTION OF 2016 ANNUAL TOWN BUDGET

WHEREAS, the Town of Bethany Chief Fiscal Officer prepared a Tentative Budget for review by the Bethany Town Board, and

WHEREAS, the Town Board has reviewed the Tentative Budget in formulation of the Preliminary Budget; and

WHEREAS, the 2016 Preliminary Budget was adopted on October 19, 2015 and after which a Public Hearing was held on November 9, 2015 for all interested parties to be heard.

NOW ON MOTION OF Councilwoman Neer, duly seconded by Councilman Wenhold, therefore be it

RESOLVED, the Bethany Town Board hereby adopts the Preliminary Town Budget as the 2016 Annual Budget of the Town of Bethany. And be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to enter the adoption of said 2016 Town Budget in the minutes of this meeting and file the said budget with the Genesee County Legislature and the Genesee County Real Property Tax Services.

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

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

NOTE 2016 Final Budget is affixed to the end of these minutes.

Town Clerk Report – Debbie Douglas

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

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

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

- Presented the Minutes of the November 19, 2015 Workshop Meeting.

A **MOTION** was made by Councilman Fluker and seconded by Councilman Wenhold to approve the Minutes of the November 19, 2015 Workshop meeting as presented.

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

- Presented the Minutes of the November 28, 2015 Public Hearing for Water District #2 and Water District #3.

A **MOTION** was made by Councilman Wenhold and seconded by Councilman Fluker to approve the Minutes of the November 28, 2015 Public Hearing for Water District #2 and Water District #3 as presented.

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

- Two resignations have been received by the Clerk. Deb Donnelly has resigned from the Planning Board due to health concerns and Cindy Schafer has resigned her position as Deputy Town Clerk as she is moving from the area. These positions will be advertised.
- The Clerk's Monthly Report and Bank Statements for August were reviewed by the Town Board.

ZEO/CEO Report – Thomas Douglas

- o Working on permits for a house on East Road, a substantial addition on Francis Road and a doublewide on Bethany Center Road along with a couple of other smaller structures.
- Road Review
 - o Approximately 80 % compliance rate for first notices.
 - o Getting second notices ready to go out.
- Zombie House – 5732 Ellicott Street Road
 - o CEO presented photos taken during inspection performed today, October 9, 2015.
 - o Property is in disrepair with ceilings collapsing, structurally unsound roof, chimney falling, fences down, accessory building collapsing, etc.
 - o The electricity has been disconnected and wires are hanging.
 - o The pool has been taken down but still on property. There is a small garden pond with standing water. There is also a dismantled car on the property.
 - o CEO will placard the property as uninhabitable and contact the bank that has a notice posted on the house.

A **MOTION** was made by Councilman Adams, duly seconded by Councilman Fluker, directing CEO Douglas to initiate court proceedings if no response is received from the bank in 30 days.

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

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

- Unsafe Porch – Edward Christner – 5744 Ellicott Street Road
 - o Mr. Christner asked the Board for 60 days to comply with the violation that was issued by CEO Douglas. During the

September 14, 2015 Town Board meeting the Town Board voted to give Mr. Christner until the November 9, 2015 Town Board meeting to secure the building, submit plans and obtain a building permit.

- CEO Douglas inspected the property today, November 9, 2015 and found that the front porch has been secured, however windows are open and an entry way to the rear of the building that is dangerous. (Photos were presented during the meeting.) The rear entry is below grade. If someone were to fall into what is essentially a ten foot pit at the rear entry it would be very difficult to get out and injury could occur.
- CEO Douglas notified Mr. Christner that the Board would appreciate his presence at this meeting. He did come to the meeting, however he left before his property was discussed.

A **MOTION** was made by Councilman Adams, duly seconded by Councilman Fluker, directing CEO Douglas to initiate court proceedings.

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

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

Highway Superintendent Report – Paul Fleming

- Have started installing snow fence.
- Plow trucks are almost ready.
- Still mowing.

Justice Report – William Shea

- Court has been very slow.
- The Justices monthly reports and bank statements for October were reviewed by the Board.

Historian Report – Linda Schmidt

- Provided a display depicting Bethany's fallen WWII veterans during a history event at GCC.

Board Committee Reports

Councilman Wenhold

- Senior Meals are going well. 14-16 people are in attendance each week.
- The Planning Board meet on November 5, 2015.
 - Preliminary approval for the Donald Norton land separation was granted with final approval to be granted upon the required merge being completed.
 - Final approval for the Priscilla Norton Estate land separation was granted.
 - Performed preliminary review on the site plan review application submitted by Crown Castle for the replacement of six existing panel antennas. Final approval will be considered during December's meeting after receipt of Genesee County Planning Board's recommendation.
 - Granted approval to a temporary use application submitted by Airosmith Development for the location of a 1.4 foot microwave dish for up to 180 days on the existing cell tower.

Councilwoman Neer

- The Intercommunity Medical Building Board will meet on November 24th.
- The Medical Building Board has agreed to sell the building and will hopefully have a firm offer from Dr. Craddock for consideration.
- Councilwoman Neer ask Supervisor Hyde to write a letter conveying the Town Board's wish to sell the building. Supervisor Hyde will prepare the letter.

Councilman Fluker

- The first breakfast was held this past Sunday with a good turnout.
- Volunteers are still needed.

OLD BUSINESS**WATER DISTRICT #2****RESOLUTION #50-2015 SEQRA NOTICE LEAD AGENCY DESIGNATION AND DETERMINATION OF SIGNIFICANCE FOR THE FORMATION OF THE TOWN OF BETHANY WATER DISTRICT #2**

On motion of Councilwoman Neer, seconded by Councilman Adams, the following resolution was adopted by the Town Board of Bethany, New York:

WHEREAS, the formation of Water District #2 has been proposed through public interest which includes real property on portions of Clipnock Road, East Bethany-LeRoy Road, Torrey Road, and Little Canada Road in the Town of Bethany; and

WHEREAS, the real property that will be located in the district and the improvements proposed is more particularly described in the June 2015 Map, Plan, and Report as prepared by the consulting firm of Clark Patterson Lee of Rochester, New York; and

WHEREAS, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the formation of the water district is an Unlisted Action that is subject to SEQRA review; and

WHEREAS, the Town Board hereby declares itself Lead Agency for the proposed action and will determine if the proposed action will have a significant effect on the environment. Now, therefore, be it

RESOLVED, that there are no other agencies that are required to be involved in the SEQRA review and, as a result, the Bethany Town Board shall act as Lead Agency for said review and shall act accordingly; and be it

FURTHER RESOLVED that based upon examination of the Short Form Environmental Assessment Form (EAF), its own independent analysis of the Proposed Action, and comparison with the criteria for determining significance under 6 NYCRR 617.7, the Town Board finds that the Proposed Action will not result in any significant adverse environmental impacts and hereby issues a Negative Declaration; and be it

FURTHER RESOLVED that this determination is based on the facts and conclusions as noted in the attached EAF.

AYES: 5

NOES: 0

ABSENT: 0

RESOLUTION #51-2015 RESOLUTION AND ORDER FOR ESTABLISHMENT OF THE TOWN OF BETHANY WATER DISTRICT NO. 2

WHEREAS, the Town Board of the Town of Bethany duly adopted a Resolution directing the Supervisor of the Town of Bethany to file a map, plan and report as prepared by the Town's engineer for providing the facilities, improvements or services in a portion of the Town of Bethany wherein a water district is proposed to be established as hereinafter described; and

WHEREAS, after said Supervisor duly filed the map, plan and report in the Office of the Town Clerk of the Town of Bethany on July 1, 2015 and said Town Board did on September 14, 2015, duly adopt an "Order for a Public Hearing on the Petition for Establishment of the Town of Bethany Water District No. 2" reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a map, plan and report describing the same is on file in the Town Clerk's Office for public inspection and specifying that said Town Board shall meet at the Town of Bethany Town Hall on the 28th day of October 2015 at 6:00 p.m. for the purpose of conducting a public hearing on such proposal to establish Water District No. 2 with the specified improvements and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, a "Petition to Request Water District" was filed in the Bethany Town Clerk's Office on September 14, 2015, signed by the required number of property owners within the proposed district, which was greater than the percentage required by law; and

WHEREAS, the improvements proposed are to provide a safe and reliable potable water supply and fire protection to certain residences located within the proposed water district. The overall project will consist of the construction and installation of approximately 21,700 linear feet of 8" diameter ductile iron water main, valves, fire hydrants, water services and appurtenances along Clipnock Road, East Bethany-LeRoy Road, Little Canada Road and Torrey Road, as shown in **Appendix A**, attached hereto and incorporated herein; and

WHEREAS, copies of the aforesaid "Order for a Public Hearing on the Petition for of the Town of Bethany Water District No. 2" was duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject matter thereof, who appeared at such time and place, concerning the same; and

WHEREAS, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made.

ON MOTION OF Councilman Wenholt, which has been duly seconded by Councilman Adams.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Bethany, in the County of Genesee, duly convened on November 9, 2015, that it be and hereby determined as follows:

1. The aforesaid "Petition to Request Water District" was signed and acknowledged or proved or authenticated, as required by law and is

- otherwise sufficient.
2. The Notice of Hearing was published and posed as required by law and is otherwise sufficient.
 3. That all property and property owners, within the proposed water district are benefited thereby.
 4. That all of the property and property owners benefited are included within the proposed water district.
 5. It is in the public interest to establish the proposed water district as herein after described as **Appendix B**, attached hereto and incorporated herein; and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of Water District No. 2 as described in Appendix B, attached hereto to be known as Water District No. 2 of the Town of Bethany; and be it

FURTHER RESOLVED, the project area has been identified through public interest and the proposed Water District will obtain its water supply from the Monroe County Water Authority and Thru Genesee County Water Supply Program. Both the Monroe County Water Authority and the Genesee County Water Supply Program have ample capacity available to provide water for this project; and be it

FURTHER RESOLVED, the water system will be designed to provide 60 gallons of water per person per day for domestic and commercial use and to provide fire protection meeting Insurance Services Office (ISO) Standards and will serve approximately 44 units, 40 of which are residential; and be it

FURTHER RESOLVED, the debt service for the initial project costs are based on equivalent dwelling units and the Town of Bethany anticipates securing grants from the USDA Rural Development to partially fund the project through grant, while the remaining share will be paid for by a USDA Rural Development Loan; and be it

FURTHER RESOLVED, a typical average household uses 60,000 gallon of water per year and water rates for that usage shall be as follows:

1. Monroe County Water Authority bills their customer quarterly. 2015 Rates include a 0.21 cent per day meter charge ($0.21 \times 365 = 76.65$) and a retail rate of \$2.98 per 1,000 gallons ($2.98 \times 60,000 = \underline{178.00}$); and
2. The County of Genesee places a surcharge of 0.60 cents per 1,000 gallons (\$36.00); and

The total cost to homeowners for water would be \$291.45 per year; and be it

FURTHER RESOLVED, the total Capital Cost for the Town of Bethany Water District No. 2 is \$1,354,000.00. It is projected that this project shall receive a USDA Rural Development grant in the amount of \$500,000.00; and be it

FURTHER RESOLVED, Net local project costs are anticipated to be \$854,000.00 with an annual debt service including (38 years at 3.50% interest) of \$40,977.00 and the estimated Debt Service per Unit of \$931.30; and be it

FURTHER RESOLVED, the payment of debt service will be made by levy and collection of special assessments from the several lots and proceeds of lands within the District which for the Town Board shall determine and specify to be specifically benefitted thereby, so much upon and from each as such shall be in just proportion of the amounts of benefit conferred upon the same, to pay the principal of and interest on said bonds, as same shall become due and payable; and be it

FURTHER RESOLVED, the total annual cost for an average homeowner including debt service and water bill would be estimated to be \$1,230.00 per year, per household; and be it

FURTHER RESOLVED, in addition each unit shall be responsible for several one-time costs, including cost to hookup and connect to the Right of Way to interior plumbing, (approximately \$10.00 per linear foot) with an average of seventy five (75) linear feet (approximate total cost of \$750.00 per unit) for pipe installation, meter and account set up charge through water supplier (approximately \$230.00 per unit) and well separation costs (approximately \$200.00 per unit); and be it

FURTHER RESOLVED, that this Resolution and Order is NOT subject to permissive referendum; and be it

FURTHER RESOLVED, that the total annual cost to a typical property owner in said water district exceeds the maximum amount of \$862.00 of the average estimated costs applied to town special district establishments, extensions or increases to be expended as published by the State of New York Office of the State Comptroller in December, 2014 for January 1, 2015 through December 31, 2015; and be it

FURTHER RESOLVED, that this Resolution and Order IS subject to the approval of the Office of the State Comptroller, Department of Audit and Control and the Town Supervisor, assisted by the Town Attorney, will prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this water district; and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized and directed, within ten (10) days hereof, to record a certified copy of this Resolution and Order with the Genesee County Clerk's Office and submit duplicate certified copies of this Resolution and Order with the Office of the State Department of Audit and Control, together with an application, in duplicate, executed and verified by the Supervisor of the Town of Bethany for permission to create such district.

Approved on Roll Call as follows:

Supervisor	Carl Hyde	X Yes	⌚ No	⌚ Abstain	⌚ Absent
Councilmember	Daniel Adams	X Yes	⌚ No	⌚ Abstain	⌚ Absent
Councilmember	Walter Wenhold	X Yes	⌚ No	⌚ Abstain	⌚ Absent
Councilmember	Susan Neer	X Yes	⌚ No	⌚ Abstain	⌚ Absent
Councilmember	Jeffrey Fluker	X Yes	⌚ No	⌚ Abstain	⌚ Absent

NOTE Appendix A is the map. Appendix B is the description.

RESOLUTION #52-2015 RESOLUTION OF FINDINGS FOR APPLICATION TO STATE COMPTROLLER FOR WATER DISTRICT NO. 2

WHEREAS, the Town Board of the Town of Bethany met at a regular board meeting at the Town Offices of the Town of Bethany in the Town of Bethany, New York on the 9th day of November 2015, commencing at 7:00 p.m., at which time and place the following members were:

Present: Supervisor Carl Hyde, Jr.
 Council Member Daniel Adams
 Council Member Walter Wenhold
 Council Member Susan Neer

Council Member Jeffrey Fluker

Absent: _____

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, the Town Board of the Town of Bethany on November 9, 2015 adopted a Resolution and Order for the Establishment of Water District No. 2 for a portion of the Town of Bethany; and

WHEREAS, this Resolution and Order is subject to approval of the Office of the State Comptroller, Department of Audit and Control; and

WHEREAS, said Resolution authorized the Town Supervisor, assisted by the Town Attorney, to prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this Water District.

NOW ON MOTION OF Councilman Fluker which has been duly seconded by Councilwoman Neer, now, therefore,

BE IT RESOLVED, by the Town Board of the Town of Bethany as follows:

1. That the annexed application was prepared at the direction of the Town Board.
2. That the Town Board has reviewed this application and believes the contents of the application to be accurate.
3. The Town Board has determined that Water District No. 2, for which permission is sought, is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof.
4. That that the cost of the proposed improvements is to be assessed in whole or in part against the benefited area and the Town Board has determined that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Bethany hereby authorizes and directs the Town Supervisor, as assisted by the Town Attorney, to submit the necessary application to the Office of the State Comptroller, Department of Audit and Control for approval of the Town of Bethany Water District No. 2.

Ayes: 5

Nays: 0

Quorum Present: Yes No

Dated: November 9, 2015

WATER DISTRICT #3**RESOLUTION #53-2015 SEQRA NOTICE LEAD AGENCY DESIGNATION AND DETERMINATION OF SIGNIFICANCE FOR THE FORMATION OF THE TOWN OF BETHANY WATER DISTRICT #3**

On motion of Councilman Wenhold, seconded by Councilman Fluker, the following resolution was adopted by the Town Board of Bethany, New York:

WHEREAS, the formation of Water District #3 has been proposed through public interest which includes real property on a portion of Transit Road in the Town of Bethany; and

WHEREAS, the real property that will be located in the district and the improvements proposed is more particularly described in the June 2015 Map, Plan, and Report as prepared by the consulting firm of Clark Patterson Lee of Rochester, New York; and

WHEREAS, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the formation of the water district is an Unlisted Action that is subject to SEQRA review; and

WHEREAS, the Town Board hereby declares itself Lead Agency for the proposed action and will determine if the proposed action will have a significant effect on the environment.

NOW THEREFORE BE IT RESOLVED, that there are no other agencies that are required to be involved in the SEQRA review and, as a result, the Stafford Town Board shall act as Lead Agency for said review and shall act accordingly; and

BE IT FURTHER RESOLVED that based upon examination of the Short Form Environmental Assessment Form (EAF), its own independent analysis of the Proposed Action, and comparison with the criteria for determining significance under 6 NYCRR 617.7, the Town Board finds that the Proposed Action will not result in any significant adverse environmental impacts and hereby issues a Negative Declaration; and

BE IT FURTHER RESOLVED that this determination is based on the facts and conclusions as noted in the attached EAF.

AYES: 5

NOES: 0

ABSENT: 0

RESOLUTION #54-2015 RESOLUTION AND ORDER FOR ESTABLISHMENT OF THE TOWN OF BETHANY WATER DISTRICT NO. 3

WHEREAS, the Town Board of the Town of Bethany duly adopted a Resolution directing the Supervisor of the Town of Bethany to file a map, plan and report as prepared by the Town's engineer for providing the facilities, improvements or services in a portion of the Town of Bethany wherein a water district is proposed to be established as hereinafter described; and

WHEREAS, after said Supervisor duly filed the map, plan and report in the Office of the Town Clerk of the Town of Bethany on July 1, 2015 and said Town Board

did on September 14, 2015, duly adopt an "Order for a Public Hearing on the Petition for Establishment of the Town of Bethany Water District No. 3" reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a map, plan and report describing the same is on file in the Town Clerk's Office for public inspection and specifying that said Town Board shall meet at the Town of Bethany Town Hall on the 28th day of October 2015 at 7:00 p.m. for the purpose of conducting a public hearing on such proposal to establish Water District No. 3 with the specified improvements and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, a "Petition to Request Water District" was filed in the Bethany Town Clerk's Office on September 14, 2015, signed by the required number of property owners within the proposed district, which was greater than the percentage required by law; and

WHEREAS, it is important to note that Water District No. 3 is a joint District with the Town of Stafford, acting on behalf of Stafford Water District No. 11; and

WHEREAS, the improvements proposed are to provide a safe and reliable potable water supply and fire protection to certain residences located within the proposed water district. The overall project will consist of the construction and installation of approximately 15,000 linear feet of 8" diameter ductile iron water main, valves, fire hydrants, water services and appurtenances along East Bethany-LeRoy Road and Transit Road, as shown in **Appendix A**, attached hereto and incorporated herein; and

WHEREAS, copies of the aforesaid "Order for a Public Hearing on the Petition for of the Town of Bethany Water District No. 3" was duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject matter thereof, who appeared at such time and place, concerning the same; and

WHEREAS, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made.

ON MOTION OF Councilwoman Neer, which has been duly seconded by Councilman Adams.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Bethany, in the County of Genesee, duly convened on November 9, 2015, that it be and hereby determined as follows:

1. The aforesaid "Petition to Request Water District" was signed and acknowledged or proved or authenticated, as required by law and is otherwise sufficient.
2. The Notice of Hearing was published and posed as required by law and is otherwise sufficient.
3. That all property and property owners, within the proposed water district are benefited thereby.
4. That all of the property and property owners benefited are included within the proposed water district.
5. It is in the public interest to establish the proposed water district as herein after described as **Appendix B**, attached hereto and incorporated herein; and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of Water District No. 3 as described in Appendix B, attached hereto to be known as Water District No. 3 of the Town of Bethany; and be it

FURTHER RESOLVED, the project area has been identified through public interest and the proposed Water District will obtain its water supply from the Monroe County Water Authority and Thru Genesee County Water Supply Program. Both the Monroe County Water Authority and the Genesee County Water Supply Program have ample capacity available to provide water for this project; and be it

FURTHER RESOLVED, The Towns of Bethany and Stafford acknowledge that the mechanics of their Inter-Municipal relationship shall be governed by an Inter-Municipal Agreement; and be it

FURTHER RESOLVED, the project shall encompass residents from both the Town of Stafford and the Town of Bethany, and the residents of both Towns will assume the cost for this project; and be it

FURTHER RESOLVED, the water system will be designed to provide 60 gallons of water per person per day for domestic and commercial use and to provide fire protection meeting Insurance Services Office (ISO) Standards and will serve approximately 32 residential units in the Town of Bethany; and be it

FURTHER RESOLVED, the debt service for the initial project costs are based on equivalent dwelling units and the Town of Bethany anticipates securing grants from the USDA Rural Development to partially fund the project through Grant, while the remaining share will be paid for by a USDA Rural Development Loan, that said funding and repayment of same shall be governed by an Inter-Municipal Agreement with the Town of Stafford; and be it

FURTHER RESOLVED, a typical average household uses 60,000 gallon of water per year and water rates for that usage shall be as follows:

1. Monroe County Water Authority bills their customer quarterly. 2015 Rates include a 0.21 cent per day meter charge ($0.21 \times 365 = 76.65$) and a retail rate of \$2.98 per 1,000 gallons ($2.98 \times 60,000 = 178.00$); and
2. The County of Genesee places a surcharge of 0.60 cents per 1,000 gallons (\$36.00) ;and

The total cost to homeowners for water would be \$291.45 per year; and be it

FURTHER RESOLVED, the total Capital Cost for the Town of Bethany Water District No. 3 is \$1,052,000.00. It is projected that this project shall receive a USDA Rural Development grant in the amount of \$500,000.00; and be it

FURTHER RESOLVED, Net local project costs are anticipated to be \$552,000.00 with an annual debt service including (38 years at 3.50% interest) of \$26,487.00 and the estimated Debt Service per Unit of \$814.98; and be it

FURTHER RESOLVED, the payment of debt service will be made by levy and collection of special assessments from the several lots and proceeds of lands within the District which for the Town Board shall determine and specify to be specifically benefitted thereby, so much upon and from each as such shall be in just proportion of the amounts of benefit conferred upon the same, to pay the principal of and interest on said bonds, as same shall become due and payable; and be it

FURTHER RESOLVED, the total annual cost for an average homeowner including debt service and water bill would be estimated to be \$1,100.00 per year, per household; and be it

FURTHER RESOLVED, in addition each unit shall be responsible for several one-time costs, including cost to hookup and connect to the Right of Way to

interior plumbing, (approximately \$10.00 per linear foot) with an average of seventy five (75) linear feet (approximate total cost of \$750.00 per unit) for pipe installation, meter and account set up charge through water supplier (approximately \$230.00 per unit) and well separation costs (approximately \$200.00 per unit); and

FURTHER RESOLVED, that this Resolution and Order is NOT subject to permissive referendum; and be it

FURTHER RESOLVED, that the total annual cost to a typical property owner in said water district exceeds the maximum amount of \$862.00 of the average estimated costs applied to town special district establishments, extensions or increases to be expended as published by the State of New York Office of the State Comptroller in December, 2014 for January 1, 2015 through December 31, 2015; and be it

FURTHER RESOLVED, that this Resolution and Order IS subject to the approval of the Office of the State Comptroller, Department of Audit and Control and the Town Supervisor, assisted by the Town Attorney, will prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this water district; and be it.

FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized and directed, within ten (10) days hereof, to record a certified copy of this Resolution and Order with the Genesee County Clerk’s Office and submit duplicate certified copies of this Resolution and Order with the Office of the State Department of Audit and Control, together with an application, in duplicate, executed and verified by the Supervisor of the Town of Bethany for permission to create such district.

DATED: November 9, 2015

[SEAL]

Debbie Douglas, Clerk
Town of Bethany

Approved on Roll Call as follows:

Supervisor	Carl Hyde	X Yes	⌚ No	⌚ Abstain	⌚ Absent
Councilmember	Daniel Adams	X Yes	⌚ No	⌚ Abstain	⌚ Absent
Councilmember	Walter Wenhold	X Yes	⌚ No	⌚ Abstain	⌚ Absent
Councilmember	Susan Neer	X Yes	⌚ No	⌚ Abstain	⌚ Absent
Councilmember	Jeffrey Fluker	X Yes	⌚ No	⌚ Abstain	⌚ Absent

NOTE Appendix A is the map. Appendix B is the description.

RESOLUTION #55-2015 RESOLUTION OF FINDINGS FOR APPLICATION TO STATE COMPTROLLER FOR WATER DISTRICT NO. 3

WHEREAS, the Town Board of the Town of Bethany met at a regular board meeting at the Town Offices of the Town of Bethany in the Town of Bethany, New York on the 9th day of November 2015, commencing at 7:00 p.m., at which time and place the following members were:

Present: Supervisor Carl Hyde
Council Member Daniel Adams
Council Member Walter Wenhold
Council Member Susan Neer
Council Member Jeffrey Fluker

Absent: _____

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, the Town Board of the Town of Bethany on November 9, 2015 adopted a Resolution and Order for the Establishment of Water District No. 3 for a portion of the Town of Bethany; and

WHEREAS, this Resolution and Order is subject to approval of the Office of the State Comptroller, Department of Audit and Control; and

WHEREAS, said Resolution authorized the Town Supervisor, assisted by the Town Attorney, to prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this Water District.

NOW ON MOTION OF Councilman Adams which has been duly seconded by Councilman Fluker, now, therefore,

BE IT RESOLVED, by the Town Board of the Town of Bethany as follows:

1. That the annexed application was prepared at the direction of the Town Board.
2. That the Town Board has reviewed this application and believes the contents of the application to be accurate.
3. The Town Board has determined that Water District No. 3, for which permission is sought, is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof.
4. That that the cost of the proposed improvements is to be assessed in whole or in part against the benefited area and the Town Board has determined that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Bethany hereby authorizes and directs the Town Supervisor, as assisted by the Town Attorney, to submit the necessary application to the Office of the State Comptroller, Department of Audit and Control for approval of the Town of Bethany Water District No. 3.

Ayes: 5

Nays: 0

Quorum Present: Yes No

Dated: November 9, 2015

RESOLUTION #56-2015 RESOLUTION TO AUTHORIZE THE TOWN SUPERVISOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF STAFFORD FOR WATER DISTRICT NO. 3

WHEREAS, the Town Board of the Town of Bethany met at a regular board meeting at the Town Offices of the Town of Bethany in the Town of Bethany, New York on the 9th day of November 2015, commencing at 7:00 p.m., at which time and place the following members were:

<u>Present:</u>	Supervisor	Carl Hyde
	Council Member	Daniel Adams
	Council Member	Walter Wenhold
	Council Member	Susan Neer
	Council Member	Jeffrey Fluker

Absent: _____

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, the Town Board of the Town of Bethany is in the process of forming a water district along East Bethany-Leroy Road and Transit Road, this water district shall be entitled "Water District No.3"; and

WHEREAS, Water District No. 3 will consist of 15,000 linear feet of 8" diameter ductile iron water main, valves, fire hydrants and water services along East Bethany- Leroy Road and Transit Road from the Town of Bethany into the Town of Stafford where it shall continue and be known as Water District No. 11 of the Town of Stafford; and

WHEREAS, as this water district will be shared by both the Town of Stafford and the Town of Bethany, both parties feel it is necessary to enter into an Inter-Municipal agreement to further protect all parties involved in the creation and maintenance of said water district;

WHEREAS, the Town of Bethany has been presented with an Inter- Municipal Agreement between the Town of Bethany and the Town of Stafford and all members of the Town Board of the Town of Bethany have had an opportunity to review this Agreement;

WHEREAS, the Town Board of the Town of Bethany believes it is in the best interest of the Town of Bethany to authorize the Town Supervisor's signature on said agreement on this day.

NOW ON MOTION OF Councilman Fluker which has been duly seconded by Councilman Wenhold, now, therefore,

BE IT RESOLVED, that the Town Board of the Town of Bethany hereby authorizes and directs the Town Supervisor to execute said Inter Municipal Agreement for Water District No. 11 of the Town of Stafford and Water District No. 3 of the Town of Bethany.

Ayes: 5
Nays: 0
Quorum Present: Yes No
Dated: November 9, 2015

RESOLUTION #57-2015 PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF BETHANY AND MUNICIPAL SOLUTIONS, INC. FOR GRANT AND BONDING APPLICATION PREPERATION FOR WATER DISTRICT #3

WHEREAS, the Town Supervisor wishes to retain Municipal Solutions, Inc. to prepare the applications for grant and loan funding for submission to Rural Development for the proposed water districts which include Torrey Road with the cost not to exceed forty five thousand (\$45,000) (contract attached); now on

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

RESOLVED that the Bethany Town Board hereby authorizes the Supervisor to retain Municipal Solutions, Inc. for the aforementioned services and costs and to execute the agreement between the Town of Bethany and Municipal Solutions, Inc.

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

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

Proposed Water District – Creek & Putnam Roads – Update

RESOLUTION #58-2015 PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF BETHANY AND G & G PROCESS SERVICES, INC. TO CONDUCT A MEDIAN HOUSEHOLD INCOME SURVEY FOR THE PROPOSED CREEK/PUTNAM ROAD WATER DISTRICT

WHEREAS, the Town Supervisor wishes to retain G & G Process Services, Inc. to conduct a Median Household Income Survey (MHI) for the proposed Creek/Putnam Road water district at a cost of \$799.00 plus postage and includes door to door (contract attached); now on

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

RESOLVED that the Bethany Town Board hereby authorizes the Supervisor to retain G & G Process Services, Inc. for the aforementioned services and costs and to execute the agreement between the Town of Bethany and G & G Process Services, Inc.

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

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

Transfer Station Update

- For the months of July, August and September, the Transfer Station has paid for itself.

NEW BUSINESS

RESOLUTION #59-2015 AUTHORIZING THE HIGHWAY SUPERINTENDENT TO SIGN THE 2016 SNOW & ICE REMOVAL AND MOWING CONTRACT WITH GENESEE COUNTY

WHEREAS, Section 135-A of the Highway Law provides that the County Superintendent of Highways may contract with the Town Superintendent for the control of ice and snow on county highways and the cutting of noxious weeds within the bounds of the county highways subject to the approval of each of the Legislative bodies of said County and Towns, and

WHEREAS, the Town is willing to perform the work of such control of ice and snow and the cutting of weeds upon such terms, rules and regulations as are contained herein and deemed by the County Superintendent of Highways to be for the best interests of the people of Genesee County.

NOW, THEREFORE, in consideration of the mutual covenants and agreements between the parties hereto; Witnessed:

1. The term of the **Agreement shall be for two (2) years** commencing January 1, 2016. At the expiration of each year of the term specified herein, as such term may be extended as herein provided, the Town shall notify the County superintendent either
 - a. That it requests, with the approval of the County Superintendent that the term of the Agreement be extended for one year, or
 - b. That it intends not to extend the agreement, in which case, the Agreement shall expire at the end of the Two-Year term. If the Town fails to notify the County Superintendent as herein provided, it shall be deemed that the Town intends not to extend the term of the Agreement.
2. The Town shall provide all the labor, materials and equipment necessary for the control of snow and ice on such county highways as designated by the County Superintendent to the extent that the County Superintendent deems necessary to provide reasonable passage and movement of vehicles over said highways and shall include clearing of the pavement and pushing the snow as near the ditch line as practicable to provide room for future storms and ensure that it melts down to the ditches, together with sanding of hill curves and intersections and such other places as may cause dangerous driving conditions.
3. The Town shall provide all the labor, materials and equipment necessary for the mowing of weeds on such county highways as designated by the County Highway Superintendent. County highways shall be mowed to the standard of that to which Town Highways are mowed and maintained. It is the intent of these specifications that only areas accessible to tractor mowers shall be mowed.
4. The County Superintendent shall furnish the Town with a suitable map of such municipality which shall delineate the county highways within the boundaries of the town and shall show distinctively the county highways or parts thereof that are affected by this agreement. For each year of the term of the agreement, or for any extended term thereof, the map shall be modified to show the changes, if any, to the county highways affected by this agreement. Any such modification to such map, shall be agreed upon in writing by the County Superintendent and the Town.
5. In consideration of the performance of the Town for **control of snow and ice** on county roads, the County agrees to pay one-half the sums due on or before March 20 and the remainder on or before May 20, for the control of ice and snow on **21.79 miles** of county roads at the **rate of \$5,885.72 per mile** or the total cost of **\$128,249.84** for the year **2016**.
6. In consideration of the performance of the Town for **mowing** of county roads, the County agrees to pay on or before October 15, for the mowing of weeds on **21.79 miles** of county roads at the **rate of \$429.86 per mile** or a total cost of **\$9,366.65** for the year **2016**.

- 7. Both parties agree that due to the instability of economic conditions, the rate per mile for the year 2004 and each year thereafter, may be open to negotiations prior to the beginning of each year.

MOTION of Councilwoman Neer duly seconded by Councilman Adams, be it **RESOLVED**, that Highway Superintendent Fleming is hereby authorized to sign the Joint Agreement of Snow & Ice and Mowing on County Roads.

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

RESOLUTION #60-2015 IN SUPPORT OF THE TOWN OF ALEXANDER YOUTH RECREATION PROGRAM FOR THE YEAR 2016

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 Councilwoman Neer duly seconded by Councilman Wenhold, now, therefore, be it

RESOLVED that the Town of Bethany is in support of the Town of Alexander Youth Recreation Program for the Year 2016 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 – Yes
Councilman Wenhold– Yes	Councilwoman Neer – Yes
Councilman Fluker – Yes	

RESOLUTION #61-2015 IN SUPPORT OF THE TRI-TOWN ATHLETICS, INC. RECREATION PROGRAM FOR THE YEAR 2016

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 Councilwoman Neer duly seconded by Councilman Adams now, therefore, be it

RESOLVED that the Town of Bethany is in support of the Tri-Town Athletics, Inc. recreation program for the Year 2016 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 – Yes
Councilman Wenhold - Yes	Councilwoman Neer – Yes
Councilman Fluker – Yes	

RESOLUTION #62-2015 IN SUPPORT OF THE TOWN OF PAVILION YOUTH RECREATION PROGRAM FOR THE YEAR 2016

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 Councilwoman Neer duly seconded by Supervisor Hyde now, therefore, be it

RESOLVED that the Town of Bethany is in support of the Town of Pavilion Youth Recreation Program for the Year 2016 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 – Yes |
| Councilman Wenhold - Yes | Councilwoman Neer – Yes |
| Councilman Fluker – Yes | |

RESOLUTION #63-2015 REQUEST TO ATTEND G/FLRPC FALL LOCAL GOVERNMENT WORKSHOP — APPROVAL OF

WHEREAS, the Planning Board and Zoning Board of Appeals members are required to acquire four (4) hours of training per year, and

WHEREAS, the Genesee/Fingerlakes Regional Planning Council (G/GLRPC) is holding their Fall 2015 Regional Local Government Workshop on Friday, November 13, 2015 at the Clarion Hotel in Batavia, NY at a cost of \$75.00 per person, now on

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

RESOLVED that the Planning Board and Zoning Board of Appeals members who wish to attend are hereby authorized to attend the November 13, 2015 Fall 2015 Regional Local Government Workshop sponsored by G/FLRPC being held at the Clarion Hotel in Batavia, NY at a cost of \$75 per person.

Motion PASSED with the following Roll Call Vote:

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

RESOLUTION #64-2015 CEO TRAVEL REQUEST – APPROVAL OF

WHEREAS the Code Enforcement Officer is required to obtain 24 continuing education credits for Code Enforcement Officers each year, and

WHEREAS the Code Enforcement Officer is requesting permission to attend the 2015 Niagara Frontier Building Officials Conference to be held in Buffalo, NY from January 24 - 27, 2016 in order to fulfill this requirement, and

WHEREAS the cost of attending the conference (\$648.50) will be divided between the Town of Bethany, Genesee County and the City of Batavia, and

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

MOTION of Councilwoman Neer seconded by Councilman Wenhold, be it

RESOLVED that the Town Board approves the travel request of the Code Enforcement Officer to the 2016 Niagara Frontier Building Officials Conference in Buffalo, NY from January 24 - 27, 2016 with the cost of \$648.50 to be divided between the Town of Bethany, Genesee County and the City of Batavia.

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

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

RESOLUTION #65-2015 AUTHORIZING THE ESTABLISHMENT OF A VILLAGE POST OFFICE IN THE TOWN CLERK'S OFFICE

WHEREAS, the United States Postal Service has closed the East Bethany Post Office, and

WHEREAS, the closure of the Post Office has created a hardship and inconvenience for the residents of Bethany, and

WHEREAS, it is possible to offer limited service through a Village Post Office (VPO) to include the sale of stamps, mail drop box and flat rate boxes, now

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

RESOLVED that the Bethany Town Board feels it is in the best interest of the residents of Bethany to establish a VPO in the Office of the Town Clerk, and be it

FURTHER RESOLVED that the VPO will have an outside drop box for mail, will sell books and rolls of stamps only (no individual stamps), and will provide flat rate boxes for use by the consumer and be it

FURTHER RESOLVED that purchase of stamps will be established through an account USPS Stamp Fulfillment Center and sales will be tracked by the Town Clerk and balanced during the monthly reporting of the Town Clerk's Office

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

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

Vandalism/Sign Incident

- On Election Day it was discovered that some political signs had been vandalized and one of the vandalized signs was affixed to the door at the Highway Department. The Sheriff's Department was called and they are investigating.
- Supervisor Hyde has the signs if anyone would like to view them however he warned that they were obscene and vulgar.

Kenny Morgan – Retirement from the Highway Department

- Kenny was recognized for more than 35 years of service to the Town of Bethany and presented with a proclamation and an engraved clock.
- A reception followed the Board meeting.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 2,703.44	\$ 15,977.01
Highway Fund	\$ 0.00	\$ 19,242.04
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	\$ 6,078.00

Adjournment

A **MOTION** was made by Councilman Adams, duly seconded by Councilman Fluker to adjourn the meeting at 8:42 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: November 12, 2015

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk