

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

13 June 2016

Supervisor Hyde opened the June 13, 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 | Daniel Adams, Councilman |
| Susan Neer, Councilwoman | Jeffrey Fluker, Councilman |
| Timothy Embt, Councilman | Debbie Douglas, Town Clerk |
| William Shea, Town Justice | Linda Schmidt, Historian |
| Donald Schmidt, Deputy Historian | |

Town Officials Absent were:

Joel Merle, Highway Superintendent

Attendees to the Meeting were:

- | | |
|--------------------------------------|------------------------------------|
| Matt Landers, Assistant Co. Manager | Kathy Jasinski, Gen. Co. Self Ins. |
| Gregg Torrey, Genesee Co. Legislator | Maelynn Hyde |
| Gary Donnelly | Joe Nowakowski |
| Dan Dietrich | Mel Davis |
| Greg Miller | Dan Street |
| Karen Street | Ray Cipriano |
| Barb Czworka | |

Genesee County Mutual Self Insurance - Matt Landers, Assistant County Manager

- Matt Landers explained how the new Genesee County Mutual Self Insurance would be calculated and how pricing compares to estimated retail cost to municipalities and fire departments.
- An estimated total of \$1.1 – 1.2 million dollars would be saved by being self-insured vs. retail pricing.
- Historically, under the old method of calculating contributions, fire departments were being undercharged and schools were being overcharged.

FINANCES

Supervisor Hyde presented the finances for May 2016.

General Savings	\$1,073,654.26
Highway Savings	\$ 423,506.48
Capital Project Highway	\$ 192,526.92
AP/PR Account	\$ 81,900.90
Trust & Agency Account	\$ 22,244.76
Highway Checking	\$ 1,995.00
Petty Cash	\$ 200.00
Total	\$ 1,796,028.32
Revenues Received	
Debbie Douglas, Town Clerk	\$ 2,310.70
Auctions International	\$ 4,050.00

William Shea, Justice	\$	1,765.00
Thomas McBride, Justice	\$	3,264.00
Total Revenue	\$	11,398.70
Total Interest	\$	41.90
Total Revenue	\$	11,431.60

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the May 9, 2016 Regular Town Board meeting.

A motion was made by Councilman Fluker and seconded by Councilwoman Neer to approve the Minutes of the May 9, 2016 Regular Town Board meeting as presented. The motion passed with All In Favor.

- The Clerk's Monthly Report and Bank Statements for May were reviewed by the Town Board.

CEO/ZEO Report – Tom Douglas read by Town Clerk

- Has been in contact with the bank that owns 5329 Ellicott Street Road and informed them of multiple violations that exist on the property. They informed CEO Douglas that they are aware and are currently taking bids for the roof repair. They will have a schedule for the necessary repairs by June 30.
- Currently performing road review and will be sending out violations.

Highway Superintendent Report – Joel Merle read by Town Clerk

- Mowing road sides is getting done slowly. Having some issues with the mowers because of their age.
- Have been working with Alexander and Batavia through the Shared Services Agreement. Received help preparing Batavia-Bethany Townline, Mayne, Conway and Silver Roads for oil and stone which is scheduled for the third week of July. The Town in turn helped them with grader patching.
- Putnam Cemetery has been mowed and trimmed.
- Old East Road has been touched up.
- Received training from PESH (Workplace violence and First Responder).
- Cacner Road was sprayed for dust control. The #2 stone has been graded off of the west end of Cacner Road to prepare for blacktop.
- A second coat of oil and stone has been applied to Paul Road. This completes the reclaiming project that was part of last year's projects.
- Attended the Cornell Local Roads Program in Ithaca and found it to be worthwhile.

Town Justice Report – Bill Shea & Tom McBride

- The number of tickets being received in court is picking up a little bit.
- Justice McBride and Shea's monthly reports for May 2016 was reviewed by the Board.

Historian Report – Linda Schmidt

- A number of people stopped in to the Open House held at the Old Town Hall on June 4th.
- There will be a military display in July.

Board Committee Reports

Councilman Adams

- The Planning Board met and recommended approval of a special use permit application (SUP1601) submitted Daniel Dietrich for the operation of an auto repair shop at 10263 West Bethany Road.

Councilman Fluker

- The Fire Department has gained a couple of new members as a result of the recruitment weekend that was held.

Councilwoman Neer

- Received a letter from John King pertaining to the sale of the Intercommunity Medical Building.
 - o The Attorney General has no opposition to the planned distribution of the funds (after any remaining debts are paid) of the sale back to the municipalities.
 - o The closing will be scheduled as soon as the Craddock's loan is finalized.
 - o The corporation will be dissolved.
 - o Supervisor Hyde will handle any further business pertaining to the building.

Councilman Embt

- The ZBA met and reviewed the area variance application submitted by Robert and Patricia Puleo. The initial application asked for 3 variances. The Puleo's offered to move the location of the proposed garage to a location that would only require 2 variances. The ZBA approved the application with the change in location of the garage.

OLD BUSINESS**Old Town Hall - Update**

- The couple that visited from Florida to tour the building have not responded to Supervisor Hyde's calls.
- A Long Island company asked for information about the building and were considering purchasing it to use as a set for movies. After receiving the information, they sent back an email stating that the building needed more work than they could afford.

Transfer Station - Update

- The Transfer Station is currently \$1,200 in the black and it looks as though the Town will be able to keep it operating for another year.
- Supervisor Hyde thanked Barb and the taxpayers for the good work and support.

RESOLUTION #26-2016 RELATING TO THE INITIAL REVIEW, UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, OF THE 2016 UPDATE TO THE TOWN'S COMPREHENSIVE PLAN"

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 considering updates to the Town's Comprehensive Plan, drafted by the Town Planning Board; and

WHEREAS, the proposed updates include updating the names of the current and past Board Members as well as providing for updates to the Town's infrastructure, resources

and community based plans for development and protection of agricultural and residential lands; and

WHEREAS, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Bethany declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Carl Hyde, Supervisor- Town of Bethany;
 2. Joel Merle, Highway Superintendent- Town of Bethany;
 3. Town of Bethany Planning Board;
 4. Town of Bethany Zoning Board of Appeals;
 5. Genesee County Planning Board;
 6. State Office of Historic Parks & Preservation;
 7. New York State Department of Transportation;
 8. New York State Department of Agriculture and Markets;
 9. New York State Department of Environmental Conservation, Buffalo and Albany;
- and

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

RESOLVED, by the Town Board of the Town of Bethany that the Comprehensive Plan update being considered by the Town Board, in its current form, can be used to begin review under the State Environmental Quality Review Act, also known as SEQRA and the Town Board shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Carl Hyde, Supervisor- Town of Bethany;
 2. Joel Merle, Highway Superintendent- Town of Bethany;
 3. Town of Bethany Planning Board;
 4. Town of Bethany Zoning Board of Appeals;
 5. Genesee County Planning Board;
 6. State Office of Historic Parks & Preservation;
 7. New York State Department of Transportation;
 8. New York State Department of Agriculture and Markets;
 9. New York State Department of Environmental Conservation, Buffalo and Albany;
- and

RESOLVED, to seek lead agency for the proposed application review.

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

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

RESOLUTION #27-2015 SCHEDULE PUBLIC HEARING FOR THE COMPREHENSIVE PLAN

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 update of the Town of Bethany Comprehensive Plan as submitted by the Town of Bethany Planning Board; and

WHEREAS, the Bethany Town Board is required to hold a public hearing on the updated Comprehensive Plan; now on

MOTION of Councilman Embt 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 Town of Bethany Comprehensive Plan on the 13th day of July 2016 at 7:00 p.m., at which time all interested parties and citizens for or against the revised Comprehensive Plan will be heard.

The motion passed with the following Roll Call Vote:

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

NEW BUSINESS

RESOLUTION #28-2015 SCHEDULE PUBLIC HEARING FOR SPECIAL USE PERMIT (SUP1601)

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 (SUP1601) from Daniel Dietrich requesting permission to operate an auto repair business on the property located at 10263 West Bethany Road (TMP# 4.-1-39); 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 Adams 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 Daniel Dietrich (SUP1601) on the 11th day of July 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 – Yes
Councilwoman Neer -Yes	Councilman Fluker – Yes
Councilman Embt - Yes	

RESOLUTION #29-2016 AUTHORIZING SUPERVISOR TO CONTRACT WITH G&G MUNICIPAL CONSULTING AND GRANT WRITING

WHEREAS, the Town of Bethany is on occasion in need of assistance with grant writing, and

WHEREAS, Supervisor Hyde wishes to contract with G&G Municipal Consulting and Grant Writing, now on

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

RESOLVED that Supervisor Hyde is hereby authorized to contract with G&G Municipal Consulting and Grant Writing.

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

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

RESOLUTION #30-2016 AUTHORIZING SUPERVISOR TO SEEK GRANT FUNDING FOR ACCESSIBILITY UPDATE

WHEREAS, the Town of Bethany Community Center and Town Hall building is in need of an update to comply with accessibility requirements under the American Disabilities Act (ADA), now

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

RESOLVED that Supervisor Hyde is hereby authorized to seek grant funding for updating the Bethany Community Center and Town Hall building to meet ADA requirements.

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

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

Cemeteries

- Cynthia Craig from the Department of State Division of Cemeteries spoke at the last GAM meeting.
 - o Many cemeteries are being turned over to municipalities because of the lack of funds to maintain them.
 - o Encouraged Town Supervisors to contact their local cemetery associations to discuss their financial (in)stability.
 - o Supervisor Hyde has been in contact with the 3 associations in Bethany. The East Bethany and West Bethany Cemeteries are doing fine while Maple Lawn Cemetery is not as financially sound.
 - o In the event that Maple Lawn Cemetery is turned over to the Town as some point, it would be the responsibility of the Town to maintain it adding an extra tax burden on the property owners.
 - o Supervisor Hyde and the Board encourage residents to volunteer to help maintain the cemetery hoping it will help prolong the associations control of the cemetery.

RESOLUTION #31-2016 AUTHORIZING SUPERVISOR HYDE TO FINANCIALLY ASSIST THE MAPLE LAWN CEMETERY ASSOCIATION IN THE REMOVAL OF A TREE ON CEMETERY PROPERTY

WHEREAS, Supervisor Hyde was approached last fall by a member of the Maple Lawn Cemetery Association to assist in removing a tree on cemetery property; and

WHEREAS, the tree in question has rotted down the center and has become a hazard to the Town’s Highway storage barn and employees who may have occasion to be working in the barn as it is next to and hangs over the barn; and

WHEREAS, after many months of searching for someone to take the tree down, Ken’s Tree Service of Warsaw, NY who initially quoted a price of \$3,000 has agreed to take the tree down for \$1,500, now

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

RESOLVED that Supervisor Hyde is hereby authorized to financially assist the Maple Lawn Cemetery in taking down the hazardous tree next to the Town’s storage barn, and be it

FURTHER RESOLVED that the Maple Lawn Cemetery Association is responsible for the cutting up and removal of the tree.

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

- | | |
|----------------------------|-------------------------|
| Supervisor Hyde - Yes | Councilman Adams – Yes |
| Councilwoman Neer - Yes | Councilman Fluker – Yes |
| Councilman Embt – Abstain* | |

*Councilman Embt abstained because he is a Trustee for the Maple Lawn Cemetery.

2017 Tri-Annual Reassessment Project

- The Tri-Annual Reassessment Project is due for renewal for 2017.

Councilwoman Susan Neer – Resignation

- Councilwoman Neer has submitted a letter of resignation effective June 13, 2016. She and her husband are retiring and moving out of state.

A **MOTION** was made with regret by Supervisor Hyde, duly seconded by Councilman Adams to accept Councilwoman Neer’s resignation.

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

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

Planning Board Chair Daniel Street – Resignation

- Planning Board Chair Daniel Street has submitted a letter of resignation effective immediately.

A **MOTION** was made by Supervisor Hyde, duly seconded by Councilman Adams to accept Planning Board Chair Daniel Street’s resignation.

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

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

RESOLUTION #20-2014 APPOINTMENT TO VACANT TOWN BOARD POSITION

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 resignation of Councilwoman Neer created a vacancy in office as defined by § 30 of the Public Officer’s Law; and

WHEREAS, in accordance with § 64 of Town Law, whenever a vacancy occurs, the Town Board or a majority of the members thereof may appoint a qualified person to fill the vacancy; and

WHEREAS, in accordance with § 38 of Public Officers Law, if the vacancy occurs in an elective office, the officer appointed shall fill the vacancy until the commencement of the political year next succeeding the first annual election after the happening of the vacancy; and

WHEREAS, the Town Board finds Daniel Street to be qualified to fill the vacancy of Council Member of the Town of Bethany.

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

RESOLVED, by the Town Board of the Town of Bethany, hereby appoints Daniel Street as Council Member of the Town of Bethany until the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled.

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

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

Councilwoman Neer – Recognition

- Councilwoman Neer was presented with a proclamation and an engraved clock.
- A reception was held for her after the meeting.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 3,438.97	\$ 6,170.25
Highway Fund	\$ 0.00	\$ 41,718.03
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	\$ 1,194.00

Adjournment

A **MOTION** was made by Councilwoman Neer, duly seconded by Councilman Fluker, to adjourn the meeting at 8:45 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: June 15, 2016

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk