

**TOWN OF BETHANY**

**REGULAR TOWN BOARD MEETING**

**11 July 2016**

Deputy Supervisor Adams opened the July 11, 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:

- |                                 |                                  |
|---------------------------------|----------------------------------|
| Daniel Adams, Deputy Supervisor | Jeffrey Fluker, Councilman       |
| Timothy Embt, Councilman        | Daniel Street, Councilman        |
| Debbie Douglas, Town Clerk      | William Shea, Town Justice       |
| Thomas Douglas, CEO/ZEO         | Thomas McBride, Town Justice     |
| Linda Schmidt, Historian        | Donald Schmidt, Deputy Historian |

Town Officials Absent were:

- |                            |                                    |
|----------------------------|------------------------------------|
| Carl Hyde, Jr., Supervisor | Joel Merle, Highway Superintendent |
|----------------------------|------------------------------------|

Attendees to the Meeting were:

- |                 |                  |
|-----------------|------------------|
| Carol Wittman   | Dennis Wittman   |
| Jim Phillips    | Dan Dietrich     |
| Laura Dietrich  | Gerald Wolff     |
| Anne Wolff      | Greg Miller      |
| Sandy Fluker    | Mel Davis        |
| Vicki Wolak     | Jessica Connolly |
| James Young     | Sally Waldron    |
| Joann Petrovich | Terry Alwardt    |

**Public Hearing – SUP1601 – Daniel Dietrich – Auto Repair Shop**

- Deputy Supervisor Adams opened the public hearing at 7:03 p.m.
- No one present spoke concerning SUP1601.
- Deputy Supervisor Adams closed the public hearing at 7:23 p.m.

**FINANCES**

Deputy Supervisor Adams presented the finances for July 2016.

General Savings	\$1,134,424.26
Highway Savings	\$ 310,574.66
Capital Project Highway	\$ 192,530.08
AP/PR Account	\$ 31,239.86
Trust & Agency Account	\$ 7,368.75
Highway Checking	\$ 1,995.02
Petty Cash	\$ 200.00
Total	\$ 1,678,332.63
Revenues Received	
Debbie Douglas, Town Clerk	\$ 2,172.28
NY Municipal Insurance	\$ 180.55
Town of Pembroke	\$ 360.31
Genesee County Treasurer	\$ 9,428.43
William Shea, Justice	\$ 579.00

Total Revenue	\$	12,720.57
Total Interest	\$	40.35
Total Revenue	\$	15,760.92

**Town Clerk Report – Debbie Douglas**

- Presented the Minutes of the June 11, 2016 Regular Town Board meeting.

A motion was made by Councilman Fluker and seconded by Councilman Councilman Embt to approve the Minutes of the June 11, 2016 Regular Town Board meeting as presented. The motion passed with All In Favor.

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

**CEO/ZEO Report – Tom Douglas**

- Permits are slow.
- There are several illegal pools in town which will be receiving violations.
- Asked the Board’s permission to join [www.complianceconnections.com](http://www.complianceconnections.com). This organization tracks foreclosed/zombie houses. When violations are entered into their system, they are forwarded to any parties with interest in the property. There is no cost for membership.

On **MOTION** of Councilman Fluker, duly seconded by Councilman Street, CEO Douglas is hereby authorized to join [complianceconnedtions.com](http://www.complianceconnections.com). Motion **PASSED** with All In Favor.

- 5732 Ellicott Street Road – Zombie House
  - o Tried to contact the bank again concerning violations of the property maintenance code. Was referred to another company who referred him back to the bank.

**RESOLUTION #33-2016 5732 ELLICOTT STREET ROAD – PLACARDING OF**

**WHEREAS**, CEO Douglas has determined that the property located at 5732 Ellicott Street Road (TMP#6.-1-52) has 17 violations and is uninhabitable and unsafe under *2010 Fire Code of New York State* Section 107 Unsafe Structures and Equipment, and

**WHEREAS**, CEO Douglas is seeking authority to placard the property under Section 311.5 of the *2010 Fire Code of New York State*, and

**WHEREAS**, the property is in violation of the *2010 Fire Code of New York State* Section 311.5, Placards, now on

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

**RESOLVED** that CEO Douglas is hereby authorized to placard the property located at 5732 Ellicott Street Road (TMP#6.-1-52) as an unsafe structure. Be it

**FURTHER RESOLVED** CEO Douglas will notify Genesee County Dispatch Center of the unsafe structure.

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

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

**RESOLUTION #34-2016 DIRECTING CODE ENFORCEMENT OFFICER TO INSTITUTE COURT ACTION OF BEHALF OF THE TOWN OF BETHANY**

**WHEREAS**, upon recent inspection by the Code Enforcement Officer on the property located at 5732 Ellicott Street Road, also identified as SBL# 6.-1-52, it is noted that seventeen (17) violations of the *2010 New York State Fire Code* are apparent causing the structure to be uninhabitable and unsafe, and

**WHEREAS**, CEO Douglas has not been able to make progress with either the lending company or the property maintenance company, and

**WHEREAS**, said violations are a hazard to the safety and welfare of the community, and

**WHEREAS**, the Town Board feels it is in the best interest of the Town of Bethany to institute court action to pursue the enforcement of the *2010 New York State Fire Code* to bring said property into compliance. Now on

**MOTION** of Councilman Street, duly seconded by Councilman Fluker, be it

**RESOLVED** that the Code Enforcement Office of the Town of Bethany, assisted by the Town Attorney DiMatteo, be and he hereby is authorized and directed to institute court action to enforce any violation of the provisions of *2010 New York State Fire Code*.

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

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

- There is also another house located at 5723 Ellicott Street Road that is vacant and falling into disrepair. This property will be entered into the [complianceconnections.com](http://complianceconnections.com) registry.
- The old Broadway Auto Sales building and another house on Francis Road will be inspected and action considered.

**Highway Superintendent Report – Joel Merle read by Town Clerk**

- 3,500 feet of Cacner Road has been paved at an approximate cost of \$68,000 which included the shoulder material. The remainder of the road will be paved next year as tile has been installed and needs to go through a freeze/thaw period to be sure that the road is properly drained.
- A culvert pipe on Jerico Road was replaced.
- Employees have been working with other towns.
- Mowing is done as it can be fit into the schedule. In the process of hiring a part-time seasonal employee to help with mowing.
- Looked at new trucks and feels that the height of the boxes are not what is needed (sides are shorter than old trucks). Working to see what can be done to rectify this problem. Delivery is expected in 2 weeks.

**Town Justice Report – Bill Shea & Tom McBride**

- The number of tickets being received in court is picking up a little bit but people are not paying the fines. After 60 days of non-payment their license is scoffed.
- Justice Shea’s monthly report for June 2016 was reviewed by the Board.

**Historian Report – Linda Schmidt**

- July’s military display was well received. Photos and information was received from 22 men and women who served in the military from the town.

- This information has been copied and Linda is working on organizing and writing it all up.
- There was a service at the West Middlebury Cemetery for Lt. Leonard B. Fuller who was shot down in Germany July 7, 1944.
- There will be a display for the Town of Bethany at the Genesee County Fair which is being held this week.

**Board Committee Reports**

**Councilman Adams**

- Planning Board did not meet.

**Councilman Fluker**

- The Fire Department has had 76 calls so far this year which is higher than normal
- As always, more volunteers are needed!

**Councilman Embt**

- The ZBA did not meet.

**OLD BUSINESS**

**Resolution #35-2015 SUP1601 – Daniel Dietrich – Auto Repair Shop – 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 Street, be it

**RESOLVED** that the Town Board issues a Negative Declaration for SEQR for the Special Use Application (SUP1601) submitted by Daniel Dietrich for the operation of an auto repair shop on the property located at 10263 West Bethany Road, East Bethany, NY (TMP#4.-1-39).

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

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

**Resolution #36-2016 SUP1601 – Daniel Dietrich – Auto Repair Shop – Approval of**

**WHEREAS**, Daniel Dietrich has submitted a Special Use Application to the Town of Bethany for the operation of an auto repair shop, and

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

**WHEREAS**, the Genesee County Planning Board has recommended approval of the Site Plan Review Application and the Special Use Application with the following modifications:

1. All outdoor storage of parts, junk cars, apparatus and trash shall be prohibited with the exception of vehicles being serviced;

- 2. Compliance with the Town’s Zoning Law as it pertains to signage;
- 3. Storage and disposal of new and used waste oils, lubricants, fuel and other hazardous materials must be conducted in accordance with applicable State and Federal regulations, and

**WHEREAS**, each of these recommendations has been addressed in the Site Plan Review application (SPR1601) also submitted by Mr. Dietrich, which has been approved by the Town of Bethany Planning Board, and

**WHEREAS**, the Town Board requires set hours of operation, such hours of operation shall be 8 a.m. until 10 p.m., and

**WHEREAS**, the Town of Bethany Planning Board has 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 Embt the Special Use Permit Application (SUP1601) submitted by Daniel Dietrich for the operation of an auto repair shop on the property located at 10263 West Bethany Road (TMP #4.-1-39) is approved.

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

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

**NEW BUSINESS**

**RESOLUTION #37-2016 – ADJUST 2016 BUDGET -A8810.4 (Cemeteries)**

**WHEREAS**, the Bethany Town Board approved the expenditure of \$1,500.00 to assist the Maple Lawn Cemetery in the removal of a tree that was endangering a town building;

Now on **MOTION** of Councilman Embt duly seconded by Councilman Street, be it

**RESOLVED**, the Supervisor is hereby authorized to adjust the 2016 Budget in the following manner:

Transfer \$1,500.00 from A1990.4 to A8810.4

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

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

**Fire Siren**

- The fire siren is being replace and there were residents present to speak concerning the fire siren. There were speakers both for and against the replacement of the siren.

- The siren and the replacement of it falls under the Fire Department’s jurisdiction and is not a Town Board matter.
- The Fire Department President, Chief, and the Chair of the Board of Directors were all present and listened and responded to questions and concerns.
- They residents were encouraged to attend the Fire Department’s monthly meetings which are held on the first Monday of each month.

**Warrant**

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 3,994.30	\$ 6,411.05
Highway Fund	\$ 0.00	\$ 24,129.91
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	\$ 2,303.00

**Adjournment**

A **MOTION** was made by Councilman Street, duly seconded by Councilman Embt, to adjourn the meeting at 8:00 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: July 13, 2016

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