

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

08 August 2016

Supervisor Hyde opened the August 8, 2016 Town Board Meeting at 7:02 p.m. with a prayer offered by Councilman Embt followed by the Pledge of Allegiance.

Town Officials in Attendance were:

Carl Hyde, Jr., Supervisor	Jeffrey Fluker, Councilman
Timothy Embt, Councilman	Daniel Street Councilman
Debbie Douglas, Town Clerk	William Shea, Town Justice
Linda Schmidt, Historian	Donald Schmidt, Deputy Historian

Town Officials Absent were:

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

Joe Nowakowski	Gary Donnelly
Greg Miller	Barb Czworka
Ray Cipriano	Maelynn Hyde
Diane Fowler	

FINANCES

Supervisor Hyde presented the finances for July 2016.

General Savings	\$1,182,337.88
Highway Savings	\$ 347,666.61
Capital Project Highway	\$ 192,533.14
AP/PR Account	\$ 39,831.57
Trust & Agency Account	\$ 10,210.48
Highway Checking	\$ 1,995.03
Petty Cash	\$ 200.00
 Total	 \$ 1,774,774.71

Revenues Received	
Debbie Douglas, Town Clerk	\$ 1,752.44
Stanley Staba	\$ 235.80
County of Genesee	\$ 129,902.25
US Post Office	\$ 100.00
Intuit Payroll	\$ 268.95
Thomas McBride, Justice	\$ 1,258.00
 Total Revenue	 \$ 133,517.44
Total Interest	\$ 40.76
Total Revenue	\$ 133,558.20

Town Clerk Report - Debbie Douglas

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

A **MOTION** was made by Councilman Fluker and seconded by Councilman Street to approve the Minutes of the July 11, 2016 Regular Town Board meeting as presented. The motion **PASSED** with All In Favor.

- Presented the Minutes of the July 13, 2016 Public Hearing for the Comprehensive Plan.

A **MOTION** was made by Councilman Fluker and seconded by Councilman Street to approve the Minutes of the July 13, 2016 public hearing for the Comprehensive Plan as presented. The motion **PASSED** with All In Favor.

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

Highway Superintendent Report – Joel Merle read by Supervisor Hyde

- Silver Road, Silver Road Ext., Conway Road, Mayne Road and Batavia-Bethany Townline Road were oiled and stoned.
- Dublin Road has been graded and ground out to help with the potholes.
- All county roads have been mowed twice and town roads should be done by next week.
- Steve Breckenridge has been hired as a part-time MEO.
- Employees have been working in other towns. Superintendent has been mowing.
- New trucks have been delivered. Material has been ordered to extend the sidewalls on the boxes. Repair will be done in-house to save money.

Town Justice Report – Bill Shea

- Ticket numbers are low.
- Justice McBride’s monthly report for June 2016 was reviewed by the Board.

Historian Report – Linda Schmidt

- Updating both the military records and the cemetery burial records.

Resolution #38-2016 Travel Request – Historian and Deputy – Approval of

WHEREAS the Historian and her deputy are requesting permission to attend the 2016 Fall Meeting of Government Appointed Historians of Western New York (GAHWNY) to be held in Geneseo, NY on September 24, 2016, and

WHEREAS the cost of attending the conference is \$72.00 plus mileage, and

WHEREAS there are funds allocated in the Historian budget to cover the cost of attending such meetings, now on

MOTION of Councilman Embt seconded by Councilman Street, be it

RESOLVED that the Town Board approves the travel request of the Historian and her deputy to the 2016 Fall Meeting of GAHWNY in Geneseo, NY on September 24, 2016 at the cost of \$72.00 plus mileage.

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

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

Board Committee Reports

Councilman Fluker

- Things have been pretty quiet with the Fire Department.
- Breakfasts will begin in October.

Councilman Embt

- No ZBA meeting in July.

OLD BUSINESS

RESOLUTION #39-2016 AUTHORIZING THE ADOPTION OF THE TOWN OF BETHANY COMPREHENSIVE PLAN

The Town Board of the Town of Bethany met at a regular Town Board Meeting at the Town Offices of the Town of Bethany located at 10510 Bethany Center Road, in the Town of Bethany, New York on the 8th day of August 2016 commencing at 7:00 p.m., at which time and place the following members were:

<u>Present:</u>	Supervisor	Carl Hyde, Jr.
	Councilman	Jeffrey Fluker
	Councilman	Timothy Embt
	Councilman	Daniel Street

<u>Absent:</u>	Councilman	Daniel Adams
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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, pursuant to and in accordance with the provision of section 617.6 (a) (1) of the New York State Environmental Quality Review Regulations (6 NYCRR part 617) has determined that the proposed action is subject to SEQR; that the classification of this action is a Type I action; sought lead agency status by resolution dated June 13, 2016; and under the State Environmental Quality Review Act, advised all other involved/interested agencies of the proposed local law as follows:

1. Carl Hyde, Jr., Supervisor- Town of Bethany
2. New York State Department of Transportation
3. Town of Bethany Planning Board
4. Town of Bethany Zoning Board of Appeals
5. Town of Stafford
6. Town of Alexander
7. Town of Batavia
8. Town of Pavilion
9. Town of Covington
10. Town of Attica
11. Town of Middlebury
12. Genesee County Planning Board
13. New York State Department of Environmental Conservation, Buffalo and Albany
14. New York State Department of Agriculture and Markets; and

WHEREAS, the Town Board of the Town of Bethany received no (0) responses to its notification seeking lead agency status:

WHEREAS, pursuant to and in accordance with the provision of section 617.6 (b) (2) (i) of the New York State Environmental Quality Review Regulations (6 NYCRR part 617), the Town Board of the Town of Bethany hereby establishes itself as lead agency and has taken a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 2 of the full Environmental Assessment form regarding amendments to the Comprehensive Plan; and

WHEREAS, the Town Board, as lead agency, hereby finds and determines that:

1. it has considered the amendments to the Comprehensive Plan, reviewed the full environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with said law; and
2. the amended Comprehensive Plan will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment; and
3. the reasons supporting this determination are set forth in the negative declaration determination of non-significance with respect to this law; and

WHEREAS, the Town Board, as lead agency, with reference to the above-described amended Comprehensive Plan, hereby:

1. adopts a negative declaration pursuant to 6 NYCRR section 617.7 with respect to said Comprehensive Plan; and
2. authorizes the Supervisor of the Town of Bethany to sign a negative declaration determination of non-significance with respect to the proposed law; and
3. authorizes the Town Attorney for the Town of Bethany to forward a copy of said negative declaration determination of non-significance to all involved and/or interested agencies; and

WHEREAS, a Notice of Public Hearing was duly published in the Town’s official newspaper and said public hearing was held on July 13, 2016 at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the Comprehensive Plan; and

WHEREAS, the Town Board of the Town of Bethany believes that it is in the best interest of the Town of Bethany to adopt said Comprehensive Plan; and

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

RESOLVED, that after careful and deliberate review, the Town Board of the Town of Bethany has determined that the proposed amendments to the Comprehensive Plan will not result in any large and important environmental impacts, and, therefore, will not have a significant impact on the environment and hereby adopts a negative declaration determination of non-significance, authorizes the Supervisor of the Town

of Bethany to sign said negative declaration and authorizes the Town Clerk of the Town of Bethany to forward a copy of said negative declaration to:

1. Carl Hyde, Jr., Supervisor- Town of Bethany
2. New York State Department of Transportation
3. Town of Bethany Planning Board
4. Town of Bethany Zoning Board of Appeals
5. Town of Stafford
6. Town of Alexander
7. Town of Batavia
8. Town of Pavilion
9. Town of Covington
10. Town of Attica
11. Town of Middlebury
12. Genesee County Planning Board
13. New York State Department of Environmental Conservation, Buffalo and Albany
14. New York State Department of Agriculture and Markets; and be it further

RESOVLED, that notice of Negative Declaration will be published in the Environmental Notice Bulletin (ENB) in accordance with §617.12 of 6 NYCRR; and be it further

RESOLVED, that the Town Board of the Town of Bethany feels that the Town should adopt the amended Comprehensive Plan and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter the adoption of said Comprehensive Plan in the minutes of this meeting.

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

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

Broadband Internet – Update – Ray Cipriano

- Governor Cuomo has re-established the grant for internet funding. 3 million dollars has been released however the funds are not intended for the Bethany area.
- Ray Cipriano has been talking with both Time Warner and Empire Access.
- Tom Hare of Empire Access was tentatively scheduled to speak at tonight’s meeting however asked to reschedule at a time when the CEO of Empire Access was available to come with him.
- Farmers are lobbying heavily for internet access. It is needed to run their businesses.

NEW BUSINESS

Zoning Board of Appeals Resignation – William Messinger – Acceptance of

- Bill Messinger has submitted a letter of resignation from the Zoning Board of Appeals which is effective immediately as he is moving out of town.

MOTION made by Councilman Fluker duly seconded by Councilman Street to accept the resignation of William Messinger from the Town of Bethany Zoning Board of Appeals. Motion **PASSED** with All In Favor.

Zoning Board of Appeals Resignation – Diane Fowler – Acceptance of

- Diane Fowler has submitted a letter of resignation from the Zoning Board of Appeals which is effective immediately.

MOTION made by Councilman Fluker duly seconded by Councilman Street to accept the resignation of Diane Fowler from the Town of Bethany Zoning Board of Appeals. Motion **PASSED** with All In Favor.

RESOLUTION #40-2016 APPOINTMENT TO VACANT PLANNING BOARD CHAIR POSITION

WHEREAS, the resignation of Planning Board Chair Daniel Street created a vacancy in the Planning Board Chair position; and

WHEREAS, after polling the current Planning Board Members, of which no one showed interest in filling the vacant position, and

WHEREAS, Supervisor Hyde approach Diane Fowler, Zoning Board of Appeals Member, who agreed to fill the vacant Planning Board Chair position,

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

RESOLVED, by the Town Board of the Town of Bethany, hereby appoints Diane Fowler as Planning Board Chair.

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

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

RESOLUTION #41-2016 2017 REASSESSMENT PROJECTS

RESOLVED, that the Town Board of the Town of Bethany goes on record as being in support of the 2017 Reassessment Project and authorizes the Supervisor to sign the mutual Memorandum of Understanding with the New York State Office of Real Property Services.

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

RESOLVED that Resolution #40-2016, 2017 Reassessment Projects be approved.

The motion passed with the following roll call vote:

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

Justice Court Audit

- The annual Justice Court Audit is due in November. Supervisor Hyde asked that one of the Board members volunteer to do the audit.

RESOLUTION #42-2016 – ADJUST 2016 BUDGET –DA3501 (State Aid CHIPS)

WHEREAS, the Bethany Town Board has been notified that the Town will be receiving an additional \$17,841.00 in CHIPS funding;

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

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

Increase revenue line DA3501 by \$17,841.00 for a total of \$96,001.88

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

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

RESOLUTION #43-2016 – ADJUST 2016 BUDGET –DA5112.2 (IMPROVEMENTS - CHIPS)

WHEREAS, the Bethany Town Board has been notified that the Town will be receiving an additional \$17,841.00 in CHIPS funding; and

WHEREAS, said revenues have been added to DA3501;

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

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

Transfer \$17,841.00 from DA3501 to DA5112.2

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

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

2016 Budget – Tax Cap

- Supervisor Hyde noted that the Tax Cap for 2017 is .068%.
- The Town will have to override the cap because of the work with the water districts.

Black Creek and Tonawanda Creek Watershed Coalitions – Liaison Appointment

- Supervisor Hyde appointed Councilman Street as the Town of Bethany liaison to the Black Creek and the Tonawanda Creek Coalitions.

Tannerite – Ray Cipriano

- Ray Cipriano addressed the Board concerning people in the area setting off tannerite. The explosions occur in the middle of the night and are very unsettling. He has called the police when there has been an occurrence however by the time they get to the area, there are no more explosions.
- Supervisor Hyde offered to sit down with Ray to discuss the matter.

Rock Throwing at Old Town Hall and Highway Department

- Thanks to a neighbor who reported the incident, several youths who were throwing rocks around the Old Town Hall and the Highway Department were caught by the police.

Pokémon Stop – Old Town Hall and Community Center

- People have been milling around the Old Town Hall and the Community Center as these two addresses are Pokémon Stops. Supervisor Hyde has gone online to have the addresses removed to prevent unwanted activity around the buildings.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 2,326.81	\$ 5,366.52
Highway Fund	\$ 0.00	\$ 92,692.12
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	\$ 2,561.00	\$ 2,561.00

Adjournment

A **MOTION** was made by Councilman Embt, duly seconded by Councilman Street, to adjourn the meeting at 7:58 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: August 9, 2016

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk