

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

13 MARCH 2017

Supervisor Hyde opened the March 13, 2017 Regular Town Board Meeting at 7:00 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 |
| Jeffrey Fluker, Councilman | Timothy Embt, Councilman |
| Daniel Street, Councilman | Debbie Douglas, Town Clerk |
| William Shea, Town Justice | Deborah Conti, Assessor |
| Linda Schmidt, Historian | Donald Schmidt, Deputy Historian |

Town Officials Absent were:

Joel Merle, Highway Superintendent (plowing snow)

Attendees to the Meeting were:

- | | |
|--------------|----------------|
| Maelynn Hyde | Joe Nowakowski |
| Barb Czworka | Ramon Cipriano |

FINANCES

Supervisor Hyde presented the finances for February 2017.

General Savings	\$1,307,939.02
Highway Savings	\$ 477,630.34
AP/PR Account	\$ 80,099.43
Trust & Agency Account	\$ 4,686.27
Highway Checking	\$ 2,025.15
Highway Reserve Savings	\$ 535.80
Petty Cash	\$ 200.00
Total	\$ 1,873,116.01

Revenues Received	
Debbie Douglas, Town Clerk	\$ 2,995.60
Debbie Douglas, Tax Collector	\$ 1,179.06
State of New York – JCAP Grant	\$ 7,363.62
Tompkins Insurance	\$ 220.00
Auctions International	\$ 24,000.00
US Post Office	\$ 100.00
Charter Communications	\$ 1,719.73
Thomas McBride, Justice	\$ 1,074.00
Total Revenue	\$ 38,652.01
Total Interest	\$ 42.54
Total Revenue	\$ 38,694.55

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the February 13, 2017 Regular Town Board meeting.

A motion was made by Councilman Fluker and seconded by Councilman Street to approve the Minutes of the February 13, 2017 Regular Town Board meeting as presented. The motion passed with All In Favor.

- Thank you note was received from Tri-Town Youth Athletics for 2017.
- Thank you note was received from Maple Lawn Cemetery Association for the Town's assistance in the removal of a tree in the cemetery.
- The Alzheimer's Association will have a presentation "Understanding and Responding to Dementia-Related Behavior" on Wednesday, March 22nd from 5:00 – 6:00 p.m. at the Bethany Community Center.
- The fire extinguishers have been inspected in the Town Hall and Community Center.
- NYS Department of Labor inspected the Town Hall and Community Center. Everything was fine.
- The Clerk's Monthly Report and Bank Statements for February were reviewed by the Town Board.

Highway Superintendent Report – Joel Merle

- It has been a very interesting month weather-wise. It has been very warm however, there has also been the need for 9 plow/sanding runs.
- The fire extinguishers at the highway garage have been inspected.
- Have been checking drainage culverts and ditches.
- Trees were trimmed with the help of Draves Tree Service on Jerico, Buckman, Torrey and Tapp Roads.
- Two and one half tons of cold patch has been applied to pot holes so far.
- Still working on the Road Widener. Still not quite ready to go.
- Have been changing/repairing road signs.
- Repair to the north side of the salt shed has been completed.
- The recent wind storm on March 8th brought down a lot of wires, limbs and trees. The Highway Department and Fire Department worked very well together to clear roads and maintain safety.
- Asked to attend Highway School in Ithica in June. The Board will approve a resolution at next month's meeting when they have a total cost.

Assessor Report – Deborah Conti

- An overview of the Tri-Annual Reassessment Project per the Cooperative Assessment Agreement was provided to the Board.
- The Agreement calls for a 100% equalization rate. At present the Town of Bethany is at approximately 93%. Property owners can expect a 3% change.
- 750 change notices will be going out. Property owners will have an opportunity to grieve these changes on Grievance Day which is May 18th.

Town Justice Report – Bill Shea

- The number of tickets are up slightly.
- Justice Shea's and Justice McBride's monthly report for the month of February were reviewed by the Board.

Historian Report – Linda Schmidt

- Was able to take pictures of the cannon from Bethany that was donated to the Holland Land Office many years ago.

Board Committee Reports

Councilman Fluker

- o The wind storm on March 8th kept the Fire Department busy for approximately 15 hours on Wednesday and 4-5 hours on Thursday. The Highway Department was a big help!

- There is one new prospective member. Will need to be voted in at the next monthly meeting.

Councilman Embt

- Attended the Town Planning Board meeting as Councilman Adams had to attend Fire Department training.
 - Planning board made the following recommendations to the Zoning Board of Appeals:
 - Roger Norton Area Variance (2) – Recommended approval as the end result of the variances would allow a land separation which would alleviate a non-compliant lot line.
 - United Wind for Justin Washburn Area Variance (2) - Made no recommendation. Vote was tied concerning a height variance and a setback variance for the installation of a residential WEC resulting in no recommendation being made.
 - United Wind for Stephen Breckenridge Area Variance (2) – Made a recommendation of approval for a height variance and a setback variance for the installation of a residential WEC.

Councilman Street

- The Tonawanda Creek Water Shed Committee and River Keeper held a joint meeting. Much of the information did not apply to Bethany.
- There has been a water quality study done that does include Bethany. The study is available online.

OLD BUSINESS

Transfer Station – Update

- The Transfer Station is still running in the red. From July 2016 – February 2017 it is at a loss of \$1,973.16.

Food Link – Update

- The first Food Link truck will be at the Bethany Community Center on March 18 from 10:00 a.m. – 11:30 a.m. All items given away are perishable food items.

Steam Cleaner – Auction Update

- With 9 days left in the auction the current bid is \$250.00. If the sale does not go through for at least \$3,000.00, Supervisor Hyde will reject the sale.
- It was suggested that if it is not sold, that the listing be worded differently better describing it as a hot/cold power washer.

Internet Update

- Getting broadband internet in the area is an uphill battle.
- Supervisor Hyde is in the process of arranging a meeting with Mark Meyerhofer, Director, Government Affairs, Western NY for Charter Communications (formerly Time Warner) to discuss the broadband internet and review coverage maps.
- Bill Daily from the Wyoming County IDA will speak at the June GAM meeting about the funding Wyoming County has received for broadband.

GLOW Recycling

- A letter was received from GLOW informing all of the municipalities in their area that a complaint had been received by their office from a citizen who was concerned that waste haulers were not properly handling recyclables.

- Supervisor Hyde notified all of the haulers who operate in Bethany that Bethany has a local law which was passed in 1992 requiring waste haulers to properly collect and dispose of recyclable waste.

Community Center Rehab – Update

- Almost complete. Light panels need to be replaced and room cleaned up.

NEW BUSINESS

RESOLUTION #14-2017 SCHEDULE PUBLIC HEARING FOR SPECIAL USE PERMIT (SUP1701)

The Town Board of the Town of Bethany met at a regular 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 13th day of March 2017 commencing at 7:00 p.m., at which time and place the following members were:

- Present: Supervisor Carl Hyde, Jr.
- Council Member Jeffery Fluker
- Council Member Timothy Embt
- Council Member Daniel Street
- Council Member Daniel Adams
- Absent: Council Member _____

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 (SUP1701) from United Wind for Justin Washburn requesting permission to erect a residential WEC 153.8’ in height on the property located at 4386 Conway Road (TMP# 10.-1-86.122); 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 the application is received by the Town; now on

MOTION of Councilman Adams duly seconded by Councilman Embt, 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 United Wind for Justin Washburn (SUP1701) on the 10th day of April 2017 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
- Councilman Fluker – Yes
- Councilman Embt – Yes
- Councilman Street - Yes

RESOLUTION #15-2017 SCHEDULE PUBLIC HEARING FOR SPECIAL USE PERMIT (SUP1702)

The Town Board of the Town of Bethany met at a regular 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 13th day of March 2017 commencing at 7:00 p.m., at which time and place the following members were:

- Present: Supervisor Carl Hyde, Jr.
- Council Member Jeffery Fluker
- Council Member Timothy Embt
- Council Member Daniel Street
- Council Member Daniel Adams
- Absent: Council Member _____

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 (SUP1702) from United Wind for Stephen Breckenridge requesting permission to erect a residential WEC 153.8’ in height on the property located at 10171 Francis Road (TMP# 4.-1-27.222); 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 the application is received by the Town; now on

MOTION of Councilman Street 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 United Wind for Stephen Breckenridge (SUP1702) on the 10th day of April 2017 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 Fluker – Yes
- Councilman Street - Yes
- Councilman Adams – Yes
- Councilman Embt – Yes

RESOLUTION #16-2017 CONTRACT FOR FIRE PROTECTION – PUBLIC HEARING – SCHEDULING OF

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

RESOLVED, that the Bethany Town Board hereby authorizes and orders that a Public Hearing on the Fire Protection Contract between the Town of Bethany and the Bethany Volunteer Fire Company to be conducted at the Bethany Town Hall, 10510 Bethany Center Road, East Bethany, New York, beginning at 7:00 p.m. on Monday, April 10, 2017 at which time and place all interested persons will be heard; and be it further

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

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

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

RESOLUTION #17-2017 CONTRACT FOR FIRE PROTECTION – EXTENSION OF 2016-2017 CONTRACT

WHEREAS, the 2016-2017 Fire Protection Contract between the Town of Bethany and the Bethany Volunteer Fire Company will expire on April 1, 2017, and

WHEREAS, the Bethany Town Board has scheduled a public hearing to be held on Monday, April 10, 2017 at 7:00 p.m., now on

MOTION of Councilman Embt duly seconded by Councilman Street, be it

RESOLVED that the Bethany Town Board hereby extends the 2016-2017 Contract for Fire Protection until such time as the new contract is signed by the Town of Bethany and the Bethany Volunteer Fire Company.

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

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

RESOLUTION #18-2017 A RESOLUTION OPPOSING THE NEW YORK STATE LIBERTY ACT

WHEREAS, the New York State Liberty Act bill proposes immigration guidelines in the State of New York.

Now on **MOTION** of Councilman Embt, duly second by Councilman Adams, be it

RESOLVED, the Town Council of the Town of Bethany opposes the passage of New York State Liberty Act.

BE IT FURTHER RESOLVED, that the Town Clerk shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Michael Ranzenhofer, Assemblyman Steve Hawley and all others deemed necessary and proper.

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

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

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 2,807.43	\$ 13,319.17
Highway Fund	\$ 4,253.34	\$ 16,738.76
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	\$	792.00
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Adjournment

A **MOTION** was made by Councilman Adams, duly seconded by Councilman Fluker to adjourn the meeting at 7:40 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: March 14, 2017

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk