

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

10 April 2017

Supervisor Hyde opened the April 10, 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 | 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

Attendees to the Meeting were:

- | | |
|----------------------------|----------------|
| Maelynn Hyde | Joe Nowakowski |
| Barb Czworka | Ramon Cipriano |
| Jim Morris | Barb Spring |
| Deb Donnelly | Gary Donnelly |
| Terry Weber | Jim Phillips |
| Tyler Palmer – United Wind | |

PUBLIC HEARINGS

SUP1702 – Breckenridge – WEC

- Supervisor Hyde opened the public hearing at 7:01 p.m.
- Tyler Palmer offered to answer any questions pertaining to the Special Use Permit (SUP1702) application submitted by United Wind for the installation of a residential WEC on the property owned by Stephen Breckenridge at 10171 Francis Road (4.-1-27.222).
- No one spoke concerning the application.
- Supervisor Hyde closed the public hearing at 7:15 p.m.

2017-2018 Contract for Fire Protection

- Supervisor Hyde opened the public hearing at 7:01 p.m.
- No one spoke concerning the Contract for Fire Protection.
- Supervisor Hyde closed the public hearing at 7:16 p.m.

FINANCES

Supervisor Hyde presented the finances for March 2017.

General Savings	\$1,295,557.24
Highway Savings	\$ 471,633.97
AP/PR Account	\$ 71,812.07
Trust & Agency Account	\$ 2,111.41
Highway Checking	\$ 2,025.17
Highway Reserve Savings	\$ 40,005.30

Petty Cash	\$	200.00
Total		\$ 1,883,345.16
Revenues Received		
Debbie Douglas, Town Clerk	\$	1,707.08
Stanley Stabba	\$	152.00
Valley Energy	\$	234.00
US Post Office	\$	100.00
Charter Communications	\$	5,174.60
William Shea, Justice	\$	1,708.00
Thomas McBride, Justice	\$	281.00
Total Revenue		\$ 9,356.68
Total Interest		\$ 50.60
Total Revenue		\$ 9,407.28

Town Clerk Report – Debbie Douglas

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

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

- Presented the Minutes of the April 3, 2017 Special Town Board meeting.

A **MOTION** was made by Councilman Fluker and seconded by Councilman Embt to approve the Minutes of the April 3, 2017 Special Town Board meeting as presented. The motion **PASSED** with All In Favor.

- Received a letter from Assemblyman Hawley acknowledging receipt of the Town Board’s resolution in opposition to Assembly Bill A-3049B the New York State Liberty Act.
- New website should be up in the beginning of May.
- The Clerk’s Monthly Report and Bank Statements for March were reviewed by the Town Board.

Highway Superintendent Report – Joel Merle

- Clean up from the wind storm is complete.
- There is a possibility of FEMA reimbursement for winter storm Stella. This would cover overtime hours, salt usage and equipment.
- The widener is ready for spring/summer work.
- The plow equipment has been removed from two of the trucks so that they can be used for ditch cleaning.
- All of the snow fence has been taken down.
- Truck 1202 had to have new front leaf springs.

Town Justice Report – Bill Shea

- Has learned that with the addition of one more new deputy, the Sherriff’s Department will be at full staff for the first time in three years.

Historian Report – Linda Schmidt

- Is researching options for the preservation/storage of the hand painted advertisement stage curtain from the old town hall.

Board Committee Reports

Councilman Fluker

- o Things are going smoothly at the Fire Department.

- As always, more volunteers are needed.

Councilman Embt

- The Zoning Board of Appeals approved two area variance applications submitted by Roger Norton. The end result will be an application for land separation.
- The Zoning Board of Appeals approved two area variance applications (height and setback) submitted by United Wind for Stephen Breckenridge for the installation of a residential WEC.
- The Zoning Board of Appeals approved a height variance and denied a setback variance for the installation of a residential WEC submitted by United Wind for Justin Washburn. United Wind has asked that the Special Use Application for this project be put on hold while they work on the set back issues with Mr. Washburn.

Councilman Street

- Councilman Street will be attending Planning Board meetings as the Town Board Liaison.
- Supervisor Hyde will be receiving watershed committee meeting minutes for both Black and Oatka Creeks in order to keep abreast of events.
- The Planning Board made a recommendation of approval to the Town Board concerning the Special Use Permit Application submitted by United Wind for Stephen Breckenridge.

OLD BUSINESS

Transfer Station – Update

- The Transfer Station is still running in the red. From July 2016 – March 2017 it is at a loss of \$2,322.73 up from \$1,973.16 in February.

Food Link – Update

- The Food Link truck, which was at the Bethany Community Center on March 18 from 10:00 a.m. – 11:30 a.m., distributed 7 pallets of food which feed 300 people.
- The event went very smoothly. Ellen Stanton volunteered to work with Supervisor Hyde to coordinate future events.

Steam Cleaner – Auction Update

- The steam cleaner did not sell. The highest bid was \$1,500.00. Supervisor Hyde countered with an offer of \$3,000.00 which was not accepted.
- The steam cleaner will be relisted with a more accurate description.

Planning Board & Zoning Board of Appeals Seats

- There are currently 5 letters of interest for the open seats on the Planning Board and the Zoning Board of Appeals. Supervisor Hyde and Councilman Fluker will be setting up interviews.

Internet Update

- Supervisor Hyde & County Manager Jay Gsell will be meeting with Mark Meyerhoffer from Spectrum concerning internet coverage in town.

RESOLUTION #19-2017 SUP1701 – WASHBURN – WEC – TABLING OF

WHEREAS, the Special Use Permit application submitted by United Wind on behalf of Justin Washburn for the construction of a residential WEC was reliant upon the approval of two area variance applications (one for height and one for setback), and

WHEREAS, the Town of Bethany Zoning Board of Appeals has approved the height variance and denied the setback variance, and

WHEREAS, United Wind has requested that the Special Use Permit application be held while they work with Mr. Washburn to address the setback issue, now

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

RESOLVED that the Special Use Permit application submitted by United Wind on behalf of Justin Washburn for the construction of a residential WEC on the property located at 4386 Conway Road (10.-1-86.122) is tabled for 90 days. If United Wind and Mr. Washburn are not prepared to proceed with the application at the end of 90 days, the application will be considered closed.

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

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

RESOLUTION #20-2017 SUP1702 – STEPHEN BRECKENRIDGE – WEC – 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 (SUP1702) submitted by United Wind, on behalf of Stephen Breckenridge for the construction of a residential WEC on the property located at 10171 Francis Road, East Bethany, NY (TMP#4.-1-27.222).

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

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

RESOLUTION #21-2017 SUP1702 – STEPHEN BRECKENRIDGE – WEC – APPROVAL OF

WHEREAS, United Wind, on behalf of Stephen Breckenridge, has submitted a Special Use Application to the Town of Bethany for a residential WEC 153’ 8” in height, 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 and the Town Planning Board have 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 (SUP1702) submitted by United Wind, on behalf of Stephen Breckenridge, for the construction of a residential WEC on the property located at 10171 Francis Road (TMP #4.-1-27.222) is approved.

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

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

RESOLUTION #22-2017 CONTRACT FOR FIRE PROTECTION BETWEEN THE TOWN OF BETHANY AND THE BETHANY VOLUNTEER FIRE COMPANY – APPROVAL OF

Contract For Fire Protection

THIS AGREEMENT, made the 10th day of April 2017 between the Town of Bethany, Genesee County, State of New York, hereinafter called The Town, and the Bethany Volunteer Fire Company, Inc. of the Town of Bethany, Genesee County, and State of New York, hereinafter called The Fire Company.

WHEREAS, there has been duly established in the Town of Bethany, a fire prevention district known as The Bethany Fire Protection District, and such territory is more fully described in the resolution establishing such District, adopted by the Town Board of the Town of Bethany on April 13th, 1943; and

WHEREAS, following a Public Hearing duly called, the Town duly authorized this contract with The Fire Company for fire protection and emergency service to said District upon the terms and conditions hereinafter set forth; and

WHEREAS, this contract has also been duly authorized by The Fire Company; and

NOW THEREFORE, The Town does engage The Fire Company to furnish fire protection and emergency service to The Bethany Fire Protection District and The Fire Company agrees to furnish fire protection and emergency service as follows:

1. The Fire Company shall at all times during the period of this agreement be subject to call for attendance on any fire occurring in the District, and when notified by alarm or by telephone call, or other means, such Fire Company shall respond and attend upon the fire with suitable equipment and diligently proceed in every reasonable way to extinguish the fire and save lives and property in connection therewith.
2. The Fire Company shall furnish to the property and inhabitants of the

Fire Protection District emergency service in the case of accidents, calamities or other emergencies in connection with which the services of firemen would be required.

3. The Fire Company shall at all times keep in full force and effect adequate public liability insurance coverage to protect itself and The Town, and furnish The Town an affidavit of such insurance coverage.

4. In consideration of furnishing fire protection and emergency service in accordance with this contract, The Town covenants and agrees, on behalf of The Bethany Fire Protection District, to pay to The Fire Company, the sum of Eighty-Six Thousand Seven Hundred Dollars (\$86,700.00) for fire service to be paid upon the collection of taxes by the Town for said purpose on or before April 1st of each year.

5. This agreement shall run for a period of one year commencing on April 1, 2017 and terminating on April 1, 2018.

IN WITNESS WHEREOF, the parties have duly executed and delivered this agreement the day and year above mentioned.

TOWN OF BETHANY, GENESEE COUNTY, NEW YORK

BY: _____

Carl Hyde, Jr, Town Supervisor

BETHANY VOLUNTEER FIRE COMPANY, INC.

BY: _____

Christopher Page, President

STATE OF NEW YORK)
COUNTY OF GENESEE) SS:

On this ___ day of _____ 2017, before me, the subscriber, personally appeared **Carl Hyde, Jr.**, who hereby certified to me that (s)he is the Town Supervisor for the Town of Bethany and known to me to be the same person described in and who executed the within instrument, and (s)he duly acknowledged to me that (s)he executed the same.

On this ___ day of _____ 2017, before me, the subscriber, personally appeared **Christopher Page**, to me personally known, and being by me duly sworn did dispose and say that (s)he resides in The Town of Bethany, Genesee County, New York; that (s)he is the President of The Bethany Volunteer Fire Company, Inc., the corporation described in and which executed the above instrument; and that his/her signature is affixed by Order of the Board of Directors of said corporation, The Bethany Volunteer Fire Company, Inc.

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

RESOLVED that the Bethany Town Board hereby authorizes Supervisor Hyde to enter into the Contract for Fire Protection with the Bethany Volunteer Fire Company upon the receipt of the following documents: List of current officers (received), 2017-2018 Budget (received), Certificate of Insurance and Fit Testing Results.

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

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

NEW BUSINESS

Public Comment

- Joe Nowakowski presented a gift to the Fire Department as a thank you. The Fire Department responded to their house for faulty CO detectors.
- Jim Morris of 9466 Francis Road requested that the Town address the zoning and code issues at 9453 Francis Road. Supervisor Hyde assured Mr. Morris that both he and CEO Douglas are working on the matter.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 2,932.18	\$ 12,799.99
Highway Fund	\$ 0.00	\$ 21,433.40
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	\$ 3,457.69
Justice Fund	\$ 1,534.00	\$ 1,534.00

Adjournment

A **MOTION** was made by Councilman Fluker, duly seconded by Councilman Street to adjourn the meeting at 7:45 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: April 11, 2017

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk