

**TOWN OF BETHANY**

**REGULAR TOWN BOARD MEETING**

**08 May 2017**

Supervisor Hyde opened the May 8, 2017 Regular Town Board Meeting at 7:01 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 | Thomas Douglas, CEO/ZEO          |
| Linda Schmidt, Historian   | Donald Schmidt, Deputy Historian |

Town Officials Absent were:

Joel Merle, Highway Superintendent

Attendees to the Meeting were:

- |                   |                  |
|-------------------|------------------|
| Maelynn Hyde      | Joe Nowakowski   |
| Barb Czworka      | Jim Phillips     |
| Greg Miller       | Steve Whitmore   |
| Patty Famiglietti | Lance Hattendorf |

**FINANCES**

Supervisor Hyde presented the finances for April 2017.

|                         |                |
|-------------------------|----------------|
| General Savings         | \$1,312,328.95 |
| Highway Savings         | \$ 553,540.59  |
| AP/PR Account           | \$ 53,412.67   |
| Trust & Agency Account  | \$ 8,287.16    |
| Highway Checking        | \$ 2,025.18    |
| Highway Reserve Savings | \$ 40,005.91   |
| Petty Cash              | \$ 200.00      |

Total \$ 1,969,800.46

|                                                  |               |
|--------------------------------------------------|---------------|
| Revenues Received                                |               |
| Debbie Douglas, Town Clerk                       | \$ 1,521.70   |
| Debbie Douglas, Tax Collector                    | \$ 754.08     |
| Debbie Douglas, Town Clerk                       | \$ 265.00     |
| Complete Payroll – Refund Overpay                | \$ 110.77     |
| Town of Pembroke                                 | \$ 330.90     |
| County of Genesee S&I                            | \$ 59,944.29  |
| County of Genesee 1 <sup>st</sup> Qtr. Sales Tax | \$ 118,079.52 |
| William Shea, Justice                            | \$ 1,597.00   |

|                |               |
|----------------|---------------|
| Total Revenue  | \$ 182,603.26 |
| Total Interest | \$ 42.91      |
| Total Revenue  | \$ 182,646.17 |

**Town Clerk Report – Debbie Douglas**

- Presented the Minutes of the April 10, 2017 Regular Town Board meeting.

A **MOTION** was made by Councilman Fluker and seconded by Councilman Adams to approve the Minutes of the April 10, 2017 Regular Town Board meeting as presented. The motion **PASSED** with All In Favor.

- New website will launch tomorrow.
- The Clerk's Monthly Report and Bank Statements for April were reviewed by the Town Board with payment in the amount of \$1,521.70.

**CEO/ZEO Report – Thomas Douglas**

- Ads were placed in the Penny Saver concerning spring clean-up and road review. There has been a good response and some written complaints and calls have been received. Violation door hangers have been printed which will serve as the first notice of violation.
- Building permits are slow at this time.
- CEO suggested that the Fire Department check 2 recently added driveways.
- Lei-Ti has requested a fireworks permit which will be forwarded to the Fire Department.
- Working on zombie houses.

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

- Rented excavator from George and Swede for a month at the cost of \$4,000.00.
- Replaced 180 feet of cross culvert pipe and another 60 feet will be installed soon.
- Dublin Road has been graded and will be graded a second time when weather permits.
- Truck 1202 (2006 Peterbilt) needed to have major work done in order to make it safe to drive.
- The Deputy Highway Superintendent has been called to Grand Jury duty which lasts approximately 3 months.

**Town Justice Report – Bill Shea**

- Justice McBride's monthly report for April 2017 was reviewed by the Town Board and payment was received in the amount of \$733.00.

**Historian Report – Linda Schmidt**

- Planning for displays in the Old Town Hall for the summer.
- Working on some genealogy requests.
- Showed the Old Town Hall with Supervisor Hyde to Batavia Players. They may be interested in purchasing the building.
- Representatives from the Batavia Players were invited to look at two scenery backdrops that were used for plays to see if they would be interested in having them for their organization. They did express interest in having them.

A **MOTION** was made by Councilman Adams, duly seconded by Councilman Fluker to donate the scenery backdrops to Batavia Players.

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

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

Councilman Adams – Yes  
 Councilman Embt – Yes

**Board Committee Reports****Councilman Fluker**

- The Fire Department held their FASNY Open House this past weekend. There was a good turnout but no one submitted an application to join.
- Call volume is down.

**Councilman Street**

- The Planning Board approved a Land Separation Application submitted by Johan Bakker.

**OLD BUSINESS****Transfer Station – Update**

- The Transfer Station is still running in the red. From July 2016 – April 2017 it is at a loss of \$2,017.93 down from \$2,322.73 in March.

**Food Link – Update**

- The Food Link truck will be at the Bethany Community Center on July 8 from 10:00 am – 11:30 am. Ellen Stanton will be coordinating this event.

**Planning Board & Zoning Board of Appeals Seats**

- Nine people were interviewed for the open positions.
- The people who were selected will be contacted to make sure they are still interested and appointments will be made at June's regular board meeting.

**Water Districts – Update**

- Water District #2 – Has been submitted to the State Comptroller's office and is currently being reviewed.
- Water District #3 – Will be going out to bid shortly.
- Water District #4 – Letters are going out to residents in the district concerning well testing by the Genesee County Health Department. This testing is free to people in the district and will provide information for the Health Department to submit a letter of support for the water district.
- Water District #5 – Still working on hydraulic issues.

**County Sales Tax Agreement – Update**

- There is still no agreement between the County and the City of Batavia.
- The Sales Tax Agreement runs out at the end of the year.
- All of the towns in the county get 34% of the sales tax generated in the county to split among them. In the Town of Bethany, this represents 50% of the annual budget.
- The County can keep all but 16% of the sales tax revenue which represents the sales tax generated within the City of Batavia.
- When creating a budget for 2018, there will need to be 2 budget plans – one for if the sales tax agreement is continued as is and the other for if there is no sales tax revenue for the town.

**Annual Payment to Fire Department – Update**

- All of the required documentation has been received from the Fire Department so their annual payment will be issued as approved at the April 2017 Regular Town Board meeting.

**NEW BUSINESS**

**Shared Services Requirements in New York State Budget**

- Supervisor Hyde reported that he attended an Association of Towns meeting concerning the countywide shared services property tax savings plan legislation that is a part of the recently approved New York State budget.
- Every town, village and city must participate in a panel which is chaired by the CEO of the county (County Manager). This applies to every county, town, village and city outside of New York City. The Town Supervisor is required to be on the panel representing the Town of Bethany.
- The panel must develop a plan that creates new recurring property tax savings through shared services, or transfer of government function. Things that are already being done, such as shared service agreements for highway cannot be used.
- Suggested plans include returning plowing and mowing for county roads back to the county, cutting employees who perform those services, outsourcing, etc.
- Panel members must present a plan to the county manager and he must have a plan submitted to the county legislature by August 1<sup>st</sup> who will review it and possibly issue advisory recommendations. The county CEO can then modify the plan which will then be issued to the shared services panel to vote on. If approved, it will then be sent to the Division of Budget by September 15<sup>th</sup>.
- If the plan fails, the entire process will be repeated in 2018 and a report must be developed outlining how each panel member voted and why.

**Funding Requests - Cemeteries**

- Maple Lawn Cemetery and the West Bethany Cemetery have submitted letters to the Town Board requesting funding to help them with cemetery maintenance.
- Supervisor Hyde noted that this need was anticipated when forming the 2017 budget and money has been allocated to accommodate these requests.

A **MOTION** was made by Councilman Adams, duly seconded by Councilman Street, to give \$500.00 to each of the cemeteries.

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

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

**RESOLUTION #23-2017 SCHEDULING PUBLIC HEARING FOR PROPOSED LOCAL LAW – UNLICENSED & UNREGISTERED VEHICLE PERMIT LAW FOR THE TOWN OF BETHANY**

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, Bethany, New York on the 8<sup>th</sup> day of May 2017 commencing at 7:00 p.m., at which time and place the following members were:

Present:      Supervisor          Carl Hyde, Jr.  
                  Council Member      Daniel Adams  
                  Council Member      Jeffrey Fluker  
                  Council Member      Timothy Embt  
                  Council Member      Daniel Street

Absent: \_\_\_\_\_

**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**, New York State Law now prohibits all unlicensed, inoperable and unregistered motor vehicles from being parked on a property, outside of a fully enclosed building. The Town of Bethany has found that with the rural nature of the Town of Bethany, many residents have special purpose vehicles that are stored on properties for several reasons such as snow removal, recreational use, restoration projects or hobbies; and

**WHEREAS**, the Town of Bethany is considering the adoption of a local law entitled, “Unlicensed and Unregistered Vehicle Permit Law for the Town of Bethany”, which would allow for property owners to store or park one (1) unlicensed vehicle on their property with a permit from the Town of Bethany; and

**WHEREAS**, upon review of 6NYCRR Part 617 of the New York State Environmental Quality Review Act, “SEQRA”, the Town Board of the Town of Bethany believes that this action is an unlisted action; 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 Short Form EAF; and

**WHEREAS**, the Town Board of the Town of Bethany finds it in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

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

**RESOLVED**, 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 Short Form EAF; and be it further

**RESOLVED**, by the Town Board of the Town of Bethany will hold a public hearing on the proposed adoption of said local law on the 12<sup>th</sup> day of June 2017 at 7:00 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

Ayes:   5    
 Nays:   0    
 Quorum Present: XX Yes       No

**RESOLUTION #24-2017 - ADJUST 2017 BUDGET -DA3501 (STATE AID - CHIPS/PAVE NY)**

**WHEREAS**, the Bethany Town Board has been notified that the Town will be receiving an additional \$14,064.00 in CHIPS funding; and

**WHEREAS**, said revenues must be 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 2017 Budget in the following manner:

Increase DA3501 in the amount of \$14,064.00 bringing the line total to \$110,065

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

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

**RESOLUTION #25-2017 SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY FOR THE TOWN OF BETHANY WATER DISTRICT No. 4**

On motion of Councilman Adams, seconded by Councilman Fluker, the following resolution was adopted by the Bethany Town Board:

**WHEREAS**, the Bethany Town Board (Town) proposes to install approximately 13,600 linear feet of 8-inch and 12-inch water main along portions of Creek Road and Putnam Road to serve approximately 30 residential properties. The proposed facilities will connect to the existing Town of Batavia Creek Road Water District; and

**WHEREAS**, the proposed project is in conjunction with the Preliminary Map, Plan and Report prepared by the consulting firm of Clark Patterson Lee of Rochester, New York; and

**WHEREAS**, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Town intends to serve as Lead Agency for SEQRA review of this Unlisted Action and will determine if the proposed action will have a significant effect on the environment; and

**WHEREAS**, the Lead Agency will undertake a coordinated review of this proposed action.

**NOW THEREFORE BE IT RESOLVED**, that the Town hereby designates its intention to serve as Lead Agency for the proposed action and will circulate Lead Agency Notice along with Part 1 of the Full Environmental Assessment Form and any other supporting documentation to all Involved Agencies. These agencies shall be given 30 days from the mailing of the Lead Agency Notice to consent. Interested Agencies will be given notice, but not required to consent pursuant to 6 NYCRR Part 617.6.

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

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

Councilman Adams – Yes  
Councilman Embt – Yes

**Warrant**

- The Board approved payment of the bills as follows:

|                               | <u>Prepaid</u> | <u>Total</u> |
|-------------------------------|----------------|--------------|
| General Fund                  | \$ 35,165.77   | \$ 39,008.35 |
| Highway Fund                  | \$ 0.00        | \$ 22,988.69 |
| 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                  | \$ 2,238.00    | \$ 3,258.50  |

**Adjournment**

A **MOTION** was made by Councilman Fluker, duly seconded by Councilman Street to adjourn the meeting at 8:46 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: May 10, 2017

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