

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

14 August 2017

Supervisor Hyde opened the August 14, 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 | Linda Schmidt, Historian |
| Donald Schmidt, Deputy Historian | |

Town Officials Absent were:

Joel Merle, Highway Superintendent

Attendees to the Meeting were:

- | | |
|-----------------------------------|----------------|
| David DiMatteo, Town Attorney | Maelynn Hyde |
| Eric Weiss, Clark, Patterson, Lee | Joe Nowakowski |
| Carl Hyde | Cathy Hyde |
| Mel Davis | Jim Phillips |
| Don Frank | Tina Frank |

FINANCES

Supervisor Hyde presented the finances for July 2017.

General Savings	\$1,067,074.71
Highway Savings	\$ 508,866.21
AP/PR Account	\$ 79,196.42
Trust & Agency Account	\$ 8,122.45
Highway Checking	\$ 2,025.23
Highway Reserve Savings	\$ 40,007.97
Petty Cash	\$ 200.00
Total	\$ 1,705,492.99
Revenues Received	
Debbie Douglas, Town Clerk	\$ 2,801.85
Stanley Stabba (Scrap)	\$ 114.00
Town of Byron (Sale of Equipment)	\$ 900.00
US Post Office	\$ 100.00
Genesee Co. Treasurer (Sales Tax)	\$ 136,391.35
William Shea, Justice	\$ 3,005.00
Thomas McBride, Justice	\$ 2,969.50
Total Revenue	\$ 146,281.70
Total Interest	\$ 37.97
Total Revenue	\$ 146,319.67

Town Clerk Report – Debbie Douglas

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

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

- Local Law #1-2017 Unlicensed and Unregistered Vehicle Permit Law, has been filed with the state on June 29, 2017.
- Spoke with BAS concerning the sale and tracking of Unlicensed Vehicle Permits. They have software that would be an addition to the Town Clerk software. They have agreed to provide it to the town at no cost. The town will be billed \$150 annually for software licensing and maintenance.
- The emergency contact list in the Town of Bethany Comprehensive Emergency Management Plan has been updated.
- A report of the Senior Meal site was submitted by Walter Wenhold and read by the Town Clerk. The report noted that since new cooks have been hired the meals are tastier and the new site manager has incorporated games and special events. Participants took a special trip in June to Tillman's Village Inn for a dinner show.
- The Clerk's Monthly Report and Bank Statements for July were reviewed by the Town Board with payment in the amount of \$2,801.85.

Highway Superintendent Report – Joel Merle read by Town Clerk

- Trucks 1201 and 1204 had Ziebart applied and will be touched up annually.
- Trees on County Home hill were trimmed in preparation for chip sealing which was completed on July 24th and 26th.
- Additional roads that have been chip sealed this year include Jerico, Buckman, Dublin, the west end of Chaddock and Tapp.
- The culvert pipe on Chaddock Road was enlarged along with the shoulders.
- Chip sealing was completed with shared services from Alexander, Pavilion and Genesee County. When Bethany's roads were finished the entire crew moved on to Alexander for chip sealing there.
- There has been a lot of flooding due to heavy rains, requiring road repair. On July 13th, 4 inches of rain fell in a very short period of time. Jerico, Brown, Tapp, West Bethany, Chaddock, Conway, Linden and Bethany Center Roads all had flooding and major damage.
- Before all repairs were completed, there was another major rain event on July 23. Some of the repaired roads from the first event were damaged again and had to be repaired a second time.
- During the July 23rd event, a culvert pipe on Cacner Road was heavily damaged with an 8 foot section of pipe breaking away and washing down the water way. This was replaced with the help from the Town of Batavia. CP Ward was hired for excavation.
- Supervisor Hyde has completed paperwork asking for reimbursement of storm damage costs in the amount of \$35,212.00. This information has been sent to Legislator Torrey, Assemblyman Hawley, Senator Ranzenhofer and Genesee County Emergency Management.
- The ditch on Silver Road was cleaned out again.

Town Justice Report – Bill Shea

- People are being picked up on warrants issued by the court.
- Justice Shea's monthly report for July 2017 was reviewed by the Town Board and payment was received in the amount of \$1,715.00.
- Justice McBride's monthly report for July 2017 was reviewed by the Town Board and payment was received in the amount of \$1,336.50.

Historian Report – Linda Schmidt

- The photo of the advertising curtain is hanging in the Town Hall. She is working on the wording for a plaque to be placed under the photo. She is

also making up brochures describing the photo and the curtain’s historical significance.

- Working on a genealogy request about a 7 year old who was indentured at the Poor House.

Board Committee Reports

Councilman Street

- o The Planning Board meeting was cancelled as there were no applications to review.

Councilman Embt

- o The Zoning Board of Appeals meeting was cancelled as there were no applications to review.

Councilman Fluker

- o Things have been quiet at the Fire Department. More volunteers are always needed.

OLD BUSINESS

Transfer Station – Update

- For July, the Transfer Station has a positive balance of \$660.

2009 Pickup – Sale of - Update

- The 2009 Ford F250 Super Duty truck sold on Auctions International for \$5600.00.

Sale of Town Property – Old Gravel Pit – Update

- Town Attorney, David DiMatteo, was in attendance to explain the process of the possible sale of the parcel on Bethany Center road that was once used as a gravel pit.

RESOLUTION #38-2017 SALE OF EXCESS PROPERTY

WHEREAS, the Town Board of the Town of Bethany met at a special board meeting at the Bethany Town Hall located at 10510 Bethany Center Road, Bethany, New York on the 14 day of August 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, the Town Board of the Town of Bethany has been advised by the Highway Superintendent that a certain parcel of land known as SBL #: 8.-1-28, consisting of 16.8 acres, is no longer necessary for the uses of the Highway Superintendent as indicated in the letter attached hereto as Exhibit A, that the 16.8 acres on Bethany

Center Road had previously been used by the prior highway superintendent as a gravel pit; and

WHEREAS, the Highway Superintendent of the Town of Bethany does not believe that pit is viable for his operation and no longer necessary and is excess property; and

WHEREAS, the Town Board has reviewed the decision and interests and agrees with the Highway Superintendent; and

WHEREAS, the Town Board of the Town of Bethany finds it in the best interest of the Town of Bethany to authorize the sale of said land;

WHEREAS, The Town Board of the Town of Bethany acknowledges that the Highway Superintendent, Joel Merle, has declared the 16.8 acres of land previously used as a gravel pit for the Town of Bethany, heretofore is in all respects declared excess property; and

WHEREAS, the Town Board of the Town of Bethany in accordance with its rules and regulations agrees with the Highway Superintendent and believes it would be in its best interest to have the parcel 8.-1-28 surveyed, the abstract updated and move forward with the sale of said property; the Town of Bethany hereby acknowledges that once the abstract and survey are complete that said Resolution will be subject to a Permissive Referendum

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

RESOLVED, the Town Board of the Town of Bethany will survey the property and update the abstract, look at viable options to sell the property and once those are completed make a Resolution subject to a Permissive Referendum to sell said property

RESOLVED, the Town Board of the Town of Bethany finds it in the best interest of the Town of Bethany to authorize the sale of said property.

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

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

- A new survey and new abstract will have to be obtained. Attorney DiMatteo provided quotes for the survey. The Board will review the quotes and possibly contact other surveyors. Mr. DiMatteo will be notified by the Supervisor when a decision has been made.

Water Districts – Update

- Eric Weiss was in attendance to provide an update on the water districts.
- Water District #2
 - o Water District #2 is in the design phase.
- Water District #3
 - o Should be going out to bid in about a month.
- Water District #4
 - o The environment review has been completed and will be going to Rural Development.
- Proposed Water District #5

- There has been discussion between the Town of Bethany and Genesee County concerning the implementation and funding of Phase 2 of the Smart Growth Plan with a proposed water district that would include Ellicott Street Road, East Road, Bethany Center Road and Francis Road. Other cross roads would be considered.
- 2 tanks and 2 pumps would be needed to take care of the hydraulic issues.
- The project is estimated to cost \$10 – 14 million with a large contribution from Genesee County. The estimated debt service would be \$900 – 1,100 per unit. The State Comptroller’s threshold is \$966 but that may be increased in the coming months.
- It is estimated that there are 453 units with 350 of those units being household and the remaining 103 being commercial. The definition of a unit would need to be developed before a final number of units can be determined.
- Private costs to consumers would include plumbing upgrades, connection to the home or business, well abandonment, etc.
- What’s next – consider an income survey, determine service areas, determine the number of units, conduct a hydraulic analysis, consider financing and get a firm commitment for funding from Genesee County.

Water District #2 – Loan and Grant Resolutions

- There were 2 resolutions presented from Rural Development for the loan and grant funding for Water District #2.
- The dollar amounts did not seem to make sense.

On **MOTION** of Councilman Fluker, duly seconded by Councilman Adams, the resolutions for the grant and loan funding for Water District #2 be tabled until the dollar figures can be clarified by Rural Development. Once clarification has been received, a special meeting of the Town Board will be scheduled.

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

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

Old Fire Department Truck Garage – Roof and Drainage Problems

- The roof is leaking.
- The floor drains are plugged.
- A previous estimate for new roof was #13,000 and Supervisor Hyde estimates that it will cost \$7,000 to repair the drains for a total of \$20,000. This does not include some other repairs that would also need to be done.
- The Highway Department uses this building for storage of equipment. The Fire Department also currently stores some things in the building.
- Supervisor Hyde will get quotes for a new building to present to the board.

NEW BUSINESS

RESOLUTION #39-2017 PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF BETHANY AND MUNICIPAL SOLUTIONS, INC.

WHEREAS, the Town Supervisor wishes to renew the two year contract with Municipal Solutions, Inc. for services as follows

Bond Anticipation Notes
Revenue Anticipation Notes
Tax Anticipation Notes

Under \$500,000 (NOS only)	\$1,350	(+\$500 if no prior issue within 3 yrs)
\$500,000-999,999 (NOS only)	\$1,900	(+\$500 if no prior issue within 3 yrs)
Over \$1,000,000 (No OS)	\$2,200	(+\$500 if no prior issue within 3 yrs)
\$1,000,000 or more with OS	Base fee \$4,400	(\$500 if no prior issue within 3 yrs) Plus \$ 175 per million (rounded up to next million)

Serial Bonds

Under \$1,000,000 (NOS)	\$3,500	
Under \$1,000,000 (No OS, w/Statement of Financial and Operating Information	\$4,500	(+\$500 if no prior issue within 3 yrs)
With OS (any amount)	Base fee \$8,000	(+\$500 if no prior issue within 3 yrs)
\$1,000,000-1,999,999	Plus \$500	
\$2,000,000-5,000,000	Additional \$125 per million	(rounded up to the million)

Hourly Rate* \$125

*Please note that if the project ceases for any reason, an invoice for work completed will be due at the current hourly rate plus expenses.

Expenses

Expenses include copies, postage, mileage at the IRS prevailing rate, travel and, if applicable, conference call fees, official statement printing, website fees and any incidental costs.

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

RESOLVED that the Bethany Town Board hereby authorizes the Supervisor to retain Municipal Solutions, Inc. for the aforementioned services and costs and to execute the agreement between the Town of Bethany and Municipal Solutions, Inc.

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

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

RESOLUTION #40-2017 AUTHORIZING SALE OF OBSOLETE CULVERT PIPE

WHEREAS, the Highway Department has and no longer uses one piece obsolete galvanized metal culvert pipe and Paul Adair is interested in purchasing this pipe for \$100.00, now on

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

RESOLVED, that a piece of obsolete galvanized culvert pipe be sold to Paul Adair for \$100.00.

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

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

RESOLUTION #41-2017 - MODIFY 2017 BUDGET -DA

WHEREAS, the Town of Bethany purchased a Pick-Up Truck for \$34,600 to be paid from sales of Machinery and Equipment from this year and last year; now on

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

RESOLVED, the Supervisor is hereby authorized to modify the 2017 Budget in the following manner:

DA-599 Appropriated Fund Balance	\$10,600.00
DA -510 Estimated Revenues	
Sub Account DA2665 Sales of Equipment	\$24,000.00
DA-960 Appropriations	
Sub Account DA5130.2 Machinery, Equipment	\$34,600.00

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

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

RESOLUTION #42-2017 ASSESSOR TRAVEL REQUEST – APPROVAL OF

WHEREAS the Assessor is required to obtain 12 continuing education credits for Assessors each year, and

WHEREAS the Assessor is requesting permission to attend the 2017 Annual Assessment Administration Conference to be held in Lake Placid, NY from October 1 - 4, 2017 in order to fulfill this requirement, and

WHEREAS the cost of attending the conference will be divided between the three towns that the Assessor serves in and an application for New York State reimbursement funds will be submitted, and

WHEREAS there are funds in the Assessor’s budget to cover the cost of attending the conference, now on

MOTION of Councilman Fluker seconded by Councilman Street, be it

RESOLVED that the Town Board approves the travel request of the Assessor to the 2017 Annual Assessment Administration Conference in Lake Placid, NY from October 1 - 4, 2017 with the cost to be divided equally between the towns of Darien, Pembroke and Bethany.

The 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	\$ 3,207.91	\$ 11,973.97
Highway Fund	\$ 0.00	\$159,372.93
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	\$ 1,873.00	\$ 4,924.00

Adjournment

A **MOTION** was made by Councilman Street, duly seconded by Supervisor Hyde to adjourn the meeting at 8:35 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: August 16, 2017

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk