

**TOWN OF BETHANY**

**REGULAR TOWN BOARD MEETING**

**13 November 2017**

Supervisor Hyde opened the November 13, 2017 Regular Town Board Meeting at 7:01 p.m. with a prayer offered by Supervisor Hyde followed by the Pledge of Allegiance.

Town Officials in Attendance were:

- |                               |                                    |
|-------------------------------|------------------------------------|
| Carl Hyde, Jr., Supervisor    | Daniel Adams, Councilman           |
| Jeffrey Fluker, Councilman    | Timothy Embt, Councilman(7:33 pm)  |
| Daniel Street, Councilman     | Debbie Douglas, Town Clerk         |
| William Shea, Justice         | Linda Schmidt, Historian           |
| Don Schmidt, Deputy Historian | Diane Fowler, Planning Board Chair |
| Melanie Beardsley, Attorney   |                                    |

Town Officials Absent were:

Joel Merle, Highway Superintendent

Attendees to the Meeting were:

- |                |              |
|----------------|--------------|
| Maelynn Hyde   | Jim Phillips |
| Joy Hattendorf |              |

**FINANCES**

Supervisor Hyde presented the finances for October 2017.

General Savings	\$1,132,858.41
Highway Savings	\$ 279,572.46
AP/PR Account	\$ 91,981.57
Trust & Agency Account	\$ 2,376.77
Highway Checking	\$ 2,376.77
Highway Reserve Savings	\$ 25,581.87
Petty Cash	\$ 200.00

Total \$ 1,534,947.85

Revenues Received	
Debbie Douglas, Town Clerk	\$ 2,408.55
Stanley Staba (Scrap Metal)	\$ 329.70
County of Genesee 3 <sup>rd</sup> QTR Sales Tax	\$ 153,361.55
US Post Office	\$ 100.00
William Shea, Justice	\$ 2,247.00
Thomas McBride, Justice	\$ 2,620.00
Total Revenue	\$ 161,066.80
Total Interest	\$ 34.05
Total Revenue & Interest	\$ 161,100.85

**PUBLIC HEARINGS**

**Proposed Local Law #2-2017 2% Tax Cap Override**

**A PROPOSED LOCAL LAW ENTITLED, "OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c."**

**BE IT ENACTED** by the Town Board of the Town of Bethany as follows:

**SECTION I. LEGISLATIVE INTENT**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Bethany, County of Genesee pursuant to General Municipal Law §3-c. and to allow the Town of Bethany, County of Genesee to adopt a town budget for (a) town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2018 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

**SECTION II. AUTHORITY**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c. which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

**SECTION III. TAX LEVY LIMIT OVERRIDE**

The Town Board of the Town of Bethany, County of Genesee is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

**SECTION IV. SEVERABILITY**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION V. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State.

- Supervisor Hyde opened the public hearing for Proposed Local Law #2-2017 at 7:01 pm.
- Supervisor Hyde noted that the necessity for the override was created by the funding for the water districts.
- No one spoke concerning the proposed law.
- Supervisor Hyde closed the hearing at 7:18 pm.

**Public Hearing – 2018 Budget**

- Supervisor Hyde opened the public hearing at 7:02pm.
- No one spoke concerning the proposed budget.
- Supervisor Hyde closed the public hearing at 7:21 pm.

**Town Clerk Report – Debbie Douglas**

- Presented the Minutes of the October 11, 2017 Regular Town Board meeting.

A **MOTION** was made by Councilman Street and seconded by Councilman Adams to approve the Minutes of the October 11, 2017 Regular Town Board meeting as presented. The motion **PASSED** with All In Favor.

- Presented the Minutes of the October 16, 2017 Special Town Board meeting.

A **MOTION** was made by Councilman Fluker and seconded by Councilman Street to approve the Minutes of the October 16, 2017 Special Town Board meeting as presented. The motion **PASSED** with All In Favor.

- Presented the Minutes of the November 1, 2017 Special Town Board meeting.

A **MOTION** was made by Councilman Fluker and seconded by Councilman Adams to approve the Minutes of the November 1, 2017 Special Town Board meeting as presented. The motion **PASSED** with All In Favor.

- o Working with Genesee County Planning Department and Genesee/Finger Lakes Regional Planning compiling addresses for the 2020 Census.
  - Was able to provide a list of addresses from the dog license records.
  - Compiled a list of farm worker housing with more than one dwelling unit in the house or more than one housing unit at an address such as the farm worker trailers. All of the farmers were very cooperative and helpful during this process.
- o The Integrated Property System has been installed and training for the CEO/ZEO, Assessor and Clerk has been scheduled.
- o Prepping for tax collection and year end.
- o Received an email from Peggy Grayson of GLOW.
  - She warned that there are tanks that look similar to propane tanks that are actually tanks used to apply foam polyurethane insulation. They are sometimes called Froth paks. There are two different kinds of tanks. They are extremely expensive to dispose of. During the last GLOW collection two of these tanks were dropped off and it will cost \$1,000 to dispose of them.
  - Also, the price of electronics disposal has skyrocketed. There will be state funding for reimbursement for some of the collections done this year. There is no indication that there will be funding released for collections in 2018. There is a very real possibility that GLOW may not be able to hold any collections in the coming year or they will have to charge for the disposal of electronics. Peggy will be providing a template letter available for residents by early December. She and the Town are encouraging residents to sign and forward this letter to their State Legislators asking them to fix the law and provide funding for these collections. The letter will be made available on the Town's website and at the Town Hall.
- The Clerk's Monthly Report and Bank Statements for October were reviewed by the Town Board with payment in the amount of \$2,408.85.

#### **CEO/ZEO Report – Thomas Douglas read by Town Clerk**

- Dilapidated Structures – Update
  - o Started with a list of 13 structures which increased to 15.
  - o 15 letters were sent out to the owners of those buildings.
    - Nine responded
    - Five site reviews were performed
    - 4 action plans were proposed. These plans will be documented by CEO Douglas and the property owner will sign off. The plan will then be presented to the Town Board for approval.

- One agricultural structure was found to be structurally sound.
- Several land separation applications are being processed.
- Kistner Concrete is constructing a permitted roof replacement.
- In the process of archiving records from the BMSI software in preparation for the switch to the BAS Integrated Property System.

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

- The scrap metal at the Transfer Station was taken to Staba's.
- 132 tires were taken to free collection.
- Helped Alexander chip seal.
- Barb attended DEC fuel tank training.
- All of the street lights have been checked.
- In the process of putting equipment away for the winter.
- Have started installing snow fence.
- New part have been installed on the wing of truck 1202.
- New heated plow lights have been installed on trucks 1201 and 1204.
- More flooding occurred during a recent rain storm. Some culverts were plugged and roads flooded. The new backhoe was used the correct the problems.
- All four of the trucks are ready for winter. Already had to do one sanding run.

#### **Town Justice Report**

- Justice Shea's monthly report for October 2017 was reviewed by the Town Board and payment was received in the amount of \$817.00
- Justice McBride's monthly report for October 2017 was reviewed by the Town Board and payment was received in the amount of \$513.00.

#### **Historian Report – Linda Schmidt**

- Attended the annual GWANY Conference in October where the topics were women's suffrage and preparation of the historian's annual report.
- Attended the Federation Conference at GCC. The topics discussed were disaster planning and the current monument controversy. She donated 2 baskets to the fundraiser.
- The Genesee County Historians will be visiting the Jell-O Museum in LeRoy.

#### **Board Committee Reports**

##### **Councilman Street**

- o The Planning Board reviewed and approved a site plan review application for the installation of 3 radio units on the cell tower.

##### **Councilman Fluker**

- o The Fire Department has been quiet.
- o Elections will be held next month. May need to find someone for the secretary position.
- o Supervisor Hyde noted that the Fire Department would like to repair or replace the sign by the road. If they repair the sign, they asked if the Town would contribute \$200 toward the repairs. The Town could use the sign when needed.

On motion made by Councilman Adams, duly seconded by Councilman Street, authorizing Supervisor Hyde to contribute \$200.00 to the Fire Department for the repair of the sign if needed.

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

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

Councilman Adams – Yes  
 Councilman Embt – Absent

**OLD BUSINESS**

**RESOLUTION #57-2017 ADOPTING LOCAL LAW NO. 2-2017 OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW §3-c**

**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**, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” add a new section 3-c. to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

**WHEREAS**, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

**WHEREAS**, a Notice of Public Hearing was duly published in the Town’s official newspaper and said public hearing was held on November 13, 2017 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 proposed local law; and

**WHEREAS**, that the Town Board of the Town of Bethany feels it is in the best interests of the Town of Bethany to adopt said law.

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

**RESOLVED**, that the Town Board of the Town of Bethany feels it is in the best interests of the Town of Bethany to adopt Local Law No. 2 of 2017 entitled, “Override the Tax Levy Limit Established in General Municipal Law §3-c.” and be it

**FURTHER RESOLVED**, that the Town Clerk be and she hereby is directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

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

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

**RESOLUTION #58-2017 ADOPTION OF 2018 ANNUAL TOWN BUDGET**

**WHEREAS**, the Town of Bethany Chief Fiscal Officer prepared a Tentative Budget for review by the Bethany Town Board, and

**WHEREAS**, the Town Board has reviewed the Tentative Budget in formulation of the Preliminary Budget; and

**WHEREAS**, the 2018 Preliminary Budget was adopted on October 16, 2017 and after which a Public Hearing was held on November 13, 2017 for all interested parties to be heard.

**NOW ON MOTION OF** Councilman Street, duly seconded by Councilman Fluker, therefore be it

**RESOLVED**, the Bethany Town Board hereby adopts the Preliminary Town Budget as the 2018 Annual Budget of the Town of Bethany. And be it

**FURTHER RESOLVED**, that the Town Clerk be, and she hereby is, directed to enter the adoption of said 2018 Town Budget in the minutes of this meeting and file the said budget with the Genesee County Legislature and the Genesee County Real Property Tax Services.

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

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

**Water Districts – Update**

- Water District #2 – It is anticipated that this district will be out to bid in December and awarded in January or February. Hoping for a January award but that will depend on the timing of the approvals from the USDA-RD (design, pre-award and post-award). It is anticipated that the low bidder on the Stafford #11/Bethany #3 districts will be very aggressive and go after District 2 so that they can all be done consecutively.
- Water District #3 – The project is out to bid, with bids being opened on November 27, 2017 at 2 pm at the Stafford Town Hall. After the bids are opened a submission is made to the USDA-RD, asking for permission to award. The game plan is to award on December 14<sup>th</sup>, then a second submission is made to the USDA-RD to schedule the pre-construction meeting, which may not be until after the first of the year. All of the water main should be installed and in service by April or May. Please note, the actual construction will take 30 days, but the contractors were given a 120 day window to make sure that at least 5 bids were received.
- Water District #4 – Municipal Solutions has the USDA-RD pre-application is ready when the environmental report is added which will be in the next day or so. After that it is a waiting game for the potential funding package.
- Water District #5 – Currently focusing on getting an accurate unit count and working on the hydraulics. Unit count is critical, as it plays into the annual debt service amount. Hydraulics includes computer modeling and will need approval from MCWA. They will dictate the actual connections needed in Stafford, tank elevations, potential tank locations and pump sizing. Once the hydraulics are approved, the estimate can be updated. The target is to have the district boundary, unit count, hydraulics, and estimate completed by the end of the year. That puts the Town in position to have a public meeting in January. Based on the public meeting, and more importantly, the commitment from the County for the \$4.5 million, we can hopefully start the funding application in February.

**Transfer Station – Update**

- For July, August, September and October, the Transfer Station has a total negative balance of \$1,346.
- For the fiscal year thus far there is a negative balance of \$2,594.88.
- Supervisor Hyde noted that many months did not even cover the cost of payroll. He estimates that the price per bag would have to increase to \$8 in order to break even and we don't plan on doing that.

- He is contacting a new waste hauler that has come into the area to see if they would be any less expensive.

**Old Fire Department Truck Garage – Update**

- There is no evidence that the Town is obligated to provide the Fire Department with a storage area should the old truck garage be torn down.

**Installation of Server – Update**

- The new server has been installed. The offsite backup and bridge will be completed soon.

**ADA Renovations – Update**

- Renovations will go out to bid shortly after the first of the year.
- Will schedule the work for April and May.
- There will be no hall rentals during those months as there will be no bathrooms or water.

**NEW BUSINESS**

**RESOLUTION #59-2017 CEO TRAVEL REQUEST – APPROVAL OF**

**WHEREAS** the Code Enforcement Officer is required to obtain 24 continuing education credits for Code Enforcement Officers each year, and

**WHEREAS** the Code Enforcement Officer is requesting permission to attend the 2018 Niagara Frontier Building Officials Conference to be held in Buffalo, NY from January 22 - 24, 2018 in order to fulfill this requirement, and

**WHEREAS** the cost of attending the conference will be divided between the Town of Bethany, Genesee County, the City of Batavia and the Village of Warsaw, and

**WHEREAS** there are funds allocated in the CEO’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 Code Enforcement Officer to the 2018 Niagara Frontier Building Officials Conference in Buffalo, NY from January 22 - 24, 2018 with the cost of the conference to be divided between the Town of Bethany, Genesee County, the City of Batavia and the Village of Warsaw.

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

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

**RESOLUTION #60-2017 REQUEST FOR FUEL BIDS - 2018**

**WHEREAS**, the Superintendent of Highways feels it is in the best interest of the taxpayers of the Town of Bethany to request bids for delivery of fuel (i.e. gasoline, diesel, and propane) for each calendar year, and

**WHEREAS**, the Superintendent has requested to advertise for such bids,

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

**RESOLVED** that the Superintendent of Highways is hereby authorized to advertise for fuel bids for the Town of Bethany for the year 2018, and be it

**FURTHER RESOLVED** that propane will be bid separately from gasoline and diesel, and be it

**FURTHER RESOLVED** that bids must be submitted to the Town Clerk or the Superintendent of Highways no later than 3:00 p.m. Monday, December 11, 2017 marked "Sealed Bid Propane" or "Sealed Bid Gas & Diesel", and be it

**FURTHER RESOLVED** that bids will be opened during the Regular Town Board meeting on Monday, December 11, 2017 at 7:00 p.m.

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

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

**RESOLUTION #61-2017 - MODIFY 2017 BUDGET - DA FUND**

**WHEREAS**, Highway Superintendent Merle has requested and has been authorized by the Town Board to purchase a backhoe which is not included in 2017 Budget; now

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

**RESOLVED**, the Supervisor is hereby authorized to modify the 2017 Budget by transferring funds in the following manner:

DA5130.4	\$5,360.00
DA5130.2	\$5,360.00

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

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

**RESOLUTION #62-2017 - MODIFY 2017 BUDGET - A FUND – PARKING LOT**

**WHEREAS**, the Town of Bethany repaved the Town Hall & Community Center parking lot and decided to take money out of Unassigned Fund Balance to pay for the project; Now on

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

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

A-599 Appropriated Fund Balance	\$21,367.00
A-960 Appropriations	

Sub Account A1620.4 Buildings - Contractual \$21,367.00

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

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

**RESOLUTION #63-2017 - MODIFY 2017 BUDGET - A FUND – JCAP GRANT**

**WHEREAS**, the Town of Bethany received money from the New York State Justice Court Assistance Program (JCAP) for security cameras; now on

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

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

A-510 Estimated Revenues	
Sub Account A3389 State Aid, Justice Grant	\$ 7,364.00
A-960 Appropriations	
Sub Account A1110.21 Justice, Equipment - Grant	\$ 7,364.00

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

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

**RESOLUTION #64-2017 – OPTING OUT OF THE PAID FAMILY LEAVE ACT**

**WHEREAS**, municipalities are not required to carry Paid Family Leave for their employees, now on

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

**RESOLVED** that the Town of Bethany hereby opts out of carrying Paid Family Leave for its employees, and be it

**FURTHER RESOLVED** that the Supervisor notify all employees that the Town of Bethany does not carry Paid Family Leave by December 1, 2017, and be it

**FURTHER RESOLVED** that the Clerk notify the Tompkins Insurance, The Workers Compensation Board and Hartford Insurance Company of the Town Board’s decision in writing.

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

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

**Underground Fuel Tank – Insurance and Possible Removal**

- After some research, it was found that the town did not have insurance to cover the underground fuel tank at the Highway Department.

- The tank is now covered at the cost of \$884 per year.
- This is a 2500 gallon tank. That is very large compared to the amount of fuel that is used.
- After discussion, the Board agreed that Supervisor Hyde should look into possibly removing the tank and replacing it with a smaller aboveground tank.

**Executive Session – Contract Negotiations**

On **MOTION** of Councilman Fluker, duly seconded by Councilman Street, the Town Board entered into executive session to discuss contract negotiations at 7:55 pm.

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

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

The Board returned from executive session at 9:01 pm.

**Warrant**

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 3,163.88	\$ 27,934.94
Highway Fund	\$ 30,000.00	\$ 58,951.87
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	\$ 0.00

**Adjournment**

A **MOTION** was made by Councilman Adams, duly seconded by Councilman Fluker to adjourn the meeting at 9:02 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: November 15, 2017

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