

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

12 FEBRUARY 2018

Supervisor Hyde opened the February 12, 2018 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 |
| Diane Fowler, Councilwoman | Debbie Douglas, Town Clerk |
| William Shea, Town Justice | Thomas McBride, Town Justice |
| Mark Heale, Deputy Highway Super. | Thomas Douglas, CEO/ZEO |
| Linda Schmidt, Historian | Donald Schmidt, Deputy Historian |

Attendees to the Meeting were:

- | | |
|-----------------|----------------|
| Maelynn Hyde | Adam Miller |
| Michael Nichols | LuAnn Henry |
| Robert Henry | Louise Fleming |
| Paul Fleming | Gino Maniace |
| Lynn Maniace | Mike Adams |
| Noreen Adams | Sandy Fluker |
| Don Frank | Ramon Cipriano |
| Terri Alwardt | Barb Czworka |

FINANCES

Supervisor Hyde presented the finances for January 2018.

General Savings	\$1,506,751.94
Highway Savings	\$ 278,270.97
AP/PR Account	\$ 87,427.20
Trust & Agency Account	\$ 3,957.94
Highway Checking	\$ 2,025.35
Supervisor	\$ 25,583.16
Petty Cash	\$ 200.00

Total \$ 1,904,216.56

Revenues Received	
Debbie Douglas, Town Clerk	\$ 2,222.63
Debbie Douglas, Tax Collector	\$ 483,320.00
Lehigh Hanson	\$ 29.78
Co. of Genesee, 4 th QTR Sales Tax	\$ 138,553.68
US Post Office	\$ 100.00
William Shea, Justice	\$ 1,413.00
Thomas McBride, Justice	\$ 861.00

Total Revenue	\$ 626,500.09
Total Interest	\$ 50.73
Total Revenue	\$ 626,550.82

Town Clerk/Tax Collector Report – Debbie Douglas

- Presented the Minutes of the January 8, 2018 Regular Town Board meeting.

A motion was made by Councilman Embt, duly seconded by Councilwoman Fowler, to approve the Minutes of the January 8, 2018 Regular Town Board meeting as presented. The motion passed with All In Favor.

- As of February 1st, a total of \$1,183,408.78 has been collected. The full warrant for the Town of Bethany has been paid to the Supervisor in the amount of \$483,320.00. The remainder of \$700,088.78 has been paid to the Genesee County Treasurer.
- There have been several problems with checks intended for tax payments this year. Some of them were made out incorrectly and had to be returned, some were returned by the bank for insufficient payment.
- The Clerk's Monthly Report and Bank Statements for January 2018 were reviewed by the Town Board.

CEO/ZEO Report – Thomas Douglas

- Permits are slow. One new permit has been issued for an accessory structure.
- The zombie house on Rt. 63 in East Bethany is now owned by a property management company and is up for sale. A list of violations was requested and have been sent.
- Received a call about the old Broadway Auto Sales property on Rt. 20.
- The Maniaces were present to discuss their property located at 10553 Bethany Center Road and the stabling of horses which they consider emotional support animals.
 - o The property is zoned residential. The Maniaces would like to stable their two horses on the property.
 - o Zoning law states that animals cannot be stabled nor manure stored within 500' of a residential district. Fencing in the horses would not be a problem as that is not considered stabling.
 - o If the property were to be rezoned, it would be a substantial rezone as the properties on the other side of Bethany Center Road and on the southwest side of Old Telephone Road would also have to be rezoned to accommodate stabling horses.
 - o CEO Douglas also contacted New York State Agriculture and Markets concerning emotional support animals. Two divisions responded to this request for information:
 - Division of Animal Industry
 - The do not certify anyone's animals as emotional support animals and keeping pet horses is not considered to be a protected agricultural activity.
 - Division of Land and Water Resources
 - Agricultural Districts Law does not mention support animals. AML is there to protect commercial farm operations located within a county agricultural district.
 - o If the Maniaces would like to pursue the matter, they may apply for the necessary variances and/or special use permits.

Highway Superintendent Report – Deputy Superintendent Mark Heale

- During the past month 38 plow runs and 2 salt/sand runs have been performed.
- Melting snow and rain has caused water problems.
- Mike Nichols has been trained and is now plowing snow.
- Truck 1212 needed maintenance.
- Truck 1210 had a check engine light on. The light went off on the way to Marquart's for repair. Marquart's stated that the truck needed to have longer trips.
- Keeping track of a problematic culvert pipe on Conway Road.

- Dug up and repaired a broken water line behind the Highway garage.
- Higley's is repairing the worn bottom of the plow from truck 1204.

Town Justice Report – Justice McBride and Justice Shea

- Tickets are still down.
- The New York State Court System has purchased the SEI program (reporting program). Municipalities will no longer have to pay for the licensing and other fees that has been associated with the program in the past.
- Justice McBride has applied for a credit card machine for the court. The card user will be assessed a 3.5% fee for using the machine. There will be no cost to the town and perhaps fines will be paid in a more timely fashion. Justice McBride currently has 53 scoffs due to unpaid fines. Funds collected through use of the machine will be deposited three times weekly into the justice's accounts.

Historian Report – Linda Schmidt

- Have not had any requests recently.
- Working on sorting and filing photos and family files.

Board Committee Reports

Councilman Street

- The Planning Board meet on February 2 and approved two land separation applications.

Councilman Embt

- The Zoning Board of Appeals did not meet in January.

Councilwoman Fowler

- The Water Agency has not met as they are waiting for water agreements with municipalities to be returned.

Councilman Fluker

- The Fire Department is still in need of volunteers. There are many different positions that need to be filled. There is a possibility that a chief's secretary position will be created.

OLD BUSINESS

Water Districts – Update

- Water District #2 – Monroe County Water Authority is working on two easements.
- Water District #3 – The bid has been awarded. Residents have met with the MCWA to establish their accounts.
- Water District #4 – Working on a funding package.
- Water District #5 – The Median Household Income surveys are out.

Transfer Station – Update

- Transfer Station card sales were up in January. At this point in 2018 the Transfer Station is running in the black at \$458.00.
 - o Supervisor Hyde and Attorney David DiMatteo will be meeting with the DEC. They received a complaint that the Town was not following its recycling law which was passed in 1979.

Highway Superintendent – Appointment to Vacant Position

- Supervisor Hyde read a letter from the Thomas Douglas, Chair of the Bethany Republican Committee stating that the committee had advertised for and

interviewed candidates for the vacant Highway Superintendent position. They are putting forth Michael Adams as their candidate for the position.

- The person appointed to the vacant position would have to run in the general election in November 2018 and the winner of that election would fulfill the term which expires on December 31, 2019.
- Supervisor Hyde read the following resolution.

RESOLUTION #11-2018 APPOINTMENT TO VACANT HIGHWAY SUPERINTENDENT POSITION

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 resignation of Joel Merle created a vacancy in office as defined by § 30 of the Public Officer's Law; and

WHEREAS, in accordance with § 64 of Town Law, whenever a vacancy occurs, the Town Board or a majority of the members thereof may appoint a qualified person to fill the vacancy; and

WHEREAS, in accordance with § 38 of Public Officers Law, if the vacancy occurs in an elective office, the officer appointed shall fill the vacancy until the commencement of the political year next succeeding the first annual election after the happening of the vacancy; and

WHEREAS, the Town Board finds Michael Adams to be qualified to fill the vacancy of Highway Superintendent of the Town of Bethany.

NOW ON MOTION OF Supervisor Hyde which has been duly seconded by _____, be it

RESOLVED, by the Town Board of the Town of Bethany, hereby appoints Michael Adams as Highway Superintendent of the Town of Bethany until the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled.

The motion did not get a second.

- Councilwoman Fowler noted that she did not know Mr. Adams and wondered what his qualifications are and if the Board should interview also.
- Councilman Embt asked if someone had to be appointed to the position. Could the Deputy Highway Superintendent continue to perform the duties until the next general election in the fall? Supervisor Hyde stated that he had been advised by the Town's attorney that the Bethany Republican Committee could choose a candidate to bring to the board, the board could pick a candidate to fill the position or the Supervisor could appoint someone. It was decided to let the Republican Committee interview and choose the candidate.
- Mr. Douglas asked Mr. Adams if he would mind sharing his resume with the board. Mr. Adams consented.
- Councilwoman Fowler indicated that she would not be comfortable appointing a candidate that she didn't know and did not know if he was qualified for the position.
- Supervisor Hyde noted that the job of the committee was to interview and select the candidate with the best qualifications. Prior to interviewing

candidates, Mr. Douglas asked Supervisor Hyde what qualifications were expected from a potential candidate. Supervisor Hyde stated that because in the Town of Bethany, the Highway Superintendent position, per a court ruling, is a working position. Therefore, a CDL license would be necessary. Other qualifications would include basic computer knowledge, bookkeeping, and management of employees. The afore mentioned court ruling was provided to the committee for reference.

Councilman Embt offered the following motion:

Motion to table the appointment for 90 days to consider the qualifications of the candidate and perhaps more applicants.

Councilwoman Fowler said she would consider seconding if the 90 days were to be changed to the March meeting. Councilman Embt agreed and offered the following motion:

MOTION by Councilman Embt, duly second by Councilwoman Fowler that the appointment be tabled until the March 2018 meeting to consider the qualifications of the candidate and perhaps more applicants.

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

- | | |
|---------------------------|-------------------------|
| Supervisor Hyde – Nay | Councilman Fluker – Yes |
| Councilman Embt – Yes | Councilman Street – Yes |
| Councilwoman Fowler - Yes | |

NEW BUSINESS

Street Lighting

- Supervisor Hyde has been in contact with National Grid regarding a street light conversion to LED lights.
- National Grid has informed him that there are currently 6 street light in town that would be converted to LED the next time they go out as they are irreparable.
- There are 30 street lights in Bethany. The LED replacements are approximately \$146 each. The total replacement cost would be approximately \$4,400.
- There is grant funding available for the conversion and Supervisor Hyde will continue to work on this.

Resolution #12-2018 Authorizing the Town Supervisor to Sign the 2018 Shared Services Agreement

WHEREAS, it is necessary, on occasion to exchange equipment and employees with other municipalities within Genesee County in order to complete projects and/or handle emergency situations; and

WHEREAS, this arrangement also helps to lessen the financial burden of each participating municipality; and

WHEREAS, it is in the best interest of the Town of Bethany, to renew the Highway Shared Services Agreement allowing the Highway Superintendent to exchange equipment and employees with other participating municipalities, now on

MOTION of Councilman Fluker duly seconded by Councilwoman Fowler, be it

RESOLVED, that Supervisor Hyde is hereby authorized to sign the Highway Shared Service Agreement.

Supervisor Hyde- Yes	Councilman Fluker – Yes
Councilman Embt – Yes	Councilman Street – Yes
Councilwoman Fowler - Yes	

RESOLUTION #13-2018 – MODIFY 2017 BUDGET -DA FUND

WHEREAS, the Town of Bethany received \$14,064.88 more in CHIPS (Consolidated Highway) than budgeted from New York State; now

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

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

DA-510 Estimated Revenues		
Sub Account DA3501 State Aid, Consolidated Highway		\$14,064.88
DA-960 Appropriations		
Sub Account DA5112.2 IMPROVEMENTS -CHIPS		\$14,064.88

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

Supervisor Hyde – Yes	Councilman Fluker – Yes
Councilman Embt – Yes	Councilman Street – Yes
Councilwoman Fowler – Yes	

RESOLUTION #14-2018 2017 YEAR END BUDGET TRANSFERS

Supervisor Hyde presented the following resolution.

WHEREAS, the appropriated accounts in the 2017 Town of Bethany Budget listed below are insufficiently funded due to unanticipated events; and

WHEREAS, to enable these accounts to function in an effective manner, additional funding is required, therefore, be it

RESOLVED, that the following transfers be made:

GENERAL FUND

Transfer \$8,113.00 (Eight thousand one hundred thirteen dollars)

From A1220.4	Supervisor Contractual
To A1420.4	Attorney Contractual

Transfer \$1.00 (One dollar)

From A1110.4 Justices Contractual
 To A1110.11 Justices Personal Services (Court Clerks)

Transfer \$550.00 (Five hundred fifty dollars)
 From A1220.2 Supervisor Equipment
 To A1220.12 Financial Clerk/Typist (Bookkeeper Personal Services)

Transfer \$2,403.00 (Two thousand four hundred three dollars)
 From A5132.4 Garage Contractual
 To A1355.4 Assessors Contractual

Transfer \$2,414.00 (Two thousand four hundred fourteen dollars)
 From A5132.4 Garage Contractual
 To A1410.4 Town Clerk Contractual

Transfer \$207.00 (Two hundred seven dollars)
 From A5132.4 Garage Contractual
 To A5010.4 Highway Superintendent Contractual

Transfer \$16,000.00 (Sixteen thousand dollars)
 From A9030.8 Social Security Employee Benefits
 To A9010.8 State Retirement System

Transfer \$3,396.00 (Three thousand three hundred ninety six dollars)
 From A9901.9 Transfers to Other Funds
 To A9010.8 State Retirement System

Transfer \$77.00 (Seventy seven dollars)
 From A9901.9 Transfers to Other Funds
 To A8389.4 Other Water Contractual

HIGHWAY FUND

Transfer \$1,201 (One thousand two hundred one dollars)
 From DA9010.8 State Retirement System
 To DA5110.4 General Repairs Contractual

Transfer \$17.00 (Seventeen dollars)
 From DA9010.8 State Retirement System
 To DA5130.2 Machinery Equipment

Transfer \$2,340.00 (Two thousand three hundred forty dollars)
 From DA9010.8 State Retirement System
 To DA9040.8 Workers Compensation Employees Benefits

Transfer \$3,558.00 (Three thousand five hundred fifty eight dollars)
 From DA9010.8 State Retirement System
 To DA9040.8 Workers Compensation Employees Benefits

On **MOTION** of Councilwoman Fowler, duly seconded by Councilman Fluker, Supervisor Hyde is hereby authorized to make the noted budget transfers.

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

- Supervisor Hyde – Yes
- Councilman Embt – Yes
- Councilwoman Fowler – Yes
- Councilman Fluker – Yes
- Councilman Street – Yes

Executive Session

A **MOTION** was made by Councilman Fluker, duly seconded by Councilwoman Fowler, to go into Executive Session at 8:10 p.m. to discuss the draft audit report of the Clerk’s Fees and their response and corrective action plan (CAP).

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

- Supervisor Hyde – Yes
- Councilman Embt – Yes
- Councilwoman Fowler – Yes
- Councilman Fluker – Yes
- Councilman Street – Yes

The Board reviewed the draft audit report and the CAP.

On **MOTION** of Councilman Fluker, duly seconded by Councilwoman Fowler, the Corrective Action Plan for the recommendations as set forth in the NYS comptroller’s Audit of the Town Clerk Fees and hereby authorize the Supervisor to submit the response to the State Comptroller’s office.

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

- Supervisor Hyde – Yes
- Councilman Embt – Yes
- Councilwoman Fowler – Yes
- Councilman Fluker – Yes
- Councilman Street – Yes

The Board returned from Executive Session at 8:34 p.m.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 2,676.37	\$ 18,370.12
Highway Fund	\$ 0.00	\$ 15,872.31
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	\$ 7,150.00
Justice Fund	\$ 0.00	\$ 4,789.00

Adjournment

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

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: February 20, 2018

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk