

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

10 SEPTEMBER 2018

Supervisor Hyde opened the September 10, 2018 Regular Town Board Meeting at 7:00 p.m. with the Pledge of Allegiance followed by a prayer offered by Councilman Embt.

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
Michael Adams, Highway Superintendent	William Shea, Town Justice
Linda Schmidt, Historian	Don Schmidt, Deputy Historian

Attendees to the Meeting were:

Maelynn Hyde	Noreen Adams
Greg Miller	Bill Elsasser
Don Oberlin, Pavilion Town Board	Bill Gick
Suzanne Schauf, Pavilion Library	Molly Smith
Gerry Fry	Bruce Smith
Don Frank	Tina Frank

FINANCES

Supervisor Hyde presented the finances for August 2018.

General Savings	\$	997,211.15
Highway Savings	\$	427,096.92
AP/PR Account	\$	73,999.20
Trust & Agency Account	\$	3,379.78
Highway Checking	\$	5,401.73
Supervisor	\$	748,808.04
Water District #2	\$	30,615.00
Petty Cash	\$	200.00
Total		\$ 2,286,711.82

Revenues Received

Debbie Douglas, Town Clerk	\$	1,632.45
Thomas McBride, Justice	\$	1,776.00
Total Revenue	\$	3,408.45
Total Interest	\$	190.93
Total Revenue	\$	3,599.38

PUBLIC HEARING – SA18007 – SPECIAL USE PERMIT - SMITH/CRANDALL POND

- Supervisor Hyde opened the Public Hearing for Special Use Permit application (SA18007) submitted by Molly Smith and James Crandall for a pond on the property located at 4497 Conway Road (TMP #10.-1-3.2) at 7:01 pm.
- No one was present to speak for or against the application.
- Supervisor Hyde closed the Public Hearing at 7:28 p.m.

Guest Speaker – Suzanne Schauf, Director of Hollwedel Memorial Library, Pavilion

- Ms. Schauf asked to address the Town Board after an article was published concerning library funding and the lack of funds coming from towns including Bethany. Supervisor Hyde responded to her and asked her to visit as he and the current Board Members did not realize that the Town had ever sent money to help the library. There had been a political issue years ago and the funding stopped. She submitted a letter to the Board asking them to consider a stipend to the library in the upcoming budget.
- She also discussed the fact that the New York State Board of Regents is urging all small libraries to become School District Public Libraries. The school district would be taxed instead of the town.

Town Clerk/Tax Collector Report – Debbie Douglas

- Presented the Minutes of the August 13, 2018 Regular Town Board meeting.

A **MOTION** was made by Councilman Fluker, duly seconded by Councilman Street, to approve the Minutes of the August 13, 2018 Regular Town Board meeting as presented. The motion **PASSED** with All In Favor.

- Joint Meeting of the Town Board, Planning Board and Zoning Board of Appeals has been scheduled for Thursday, September 20, 2018 at 7:30 pm. The purpose of the meeting is to discuss the possible extension of the commercial and industrial zones in the area of Route 63 in the hamlet of East Bethany.
- A reminder that the Clerk will be attending a seminar on Monday, September 17 and her office will be closed.
- Received a Notice of Intent to Act as Lead Agency from the Town Zoning Board of Appeals as it pertains to the Maniace Use Variance.

On **MOTION** of Councilman Embt, duly seconded by Councilman Street, the Clerk is ordered to respond to the ZBA that the Town Board has no objections to the Town Zoning Board of Appeals acting a Lead Agency for SEQR for the Special Use application submitted by Gino and Lynn Maniace.

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

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

- The Clerk’s Monthly Report and Bank Statements for August 2018 were reviewed by the Town Board.

Highway Superintendent Report – Michael Adams

- Paved McLernon Road, half of Conway Road, a small section of the west end of Cacner Road, small section of Chaddock Road where two culverts were replaced. The shoulders were also done on these roads.
- Culvert replacements included one on Jerico Road and two on Transit Road. Also, cold patched the areas where the culverts were replaced.
- Cleaned ditches on Transit, Silver and Marsh Roads.
- Patching done on Dublin, Mill, corner of East and McLernon and East and Rt. 20.
- Mowing roadsides when time permits.
- Performed shared services with Genesee County, Alexander, Middlebury, Stafford, Pavilion, Oakfield and Batavia.
- Stock piled #1 crusher run and 1 A’s for stone and oiling.
- The new foyer should be delivered sometime on Wednesday. The sidewalk will be scheduled to be poured sometime after that.

- Spoke to the County about the ditches near Roy Hersee's. Waiting for a response.

Town Justice Report – Justice Shea

- Nothing to report.

Town Historian Report – Linda Schmidt

- Working on two requests that were received over the summer.
- Updating cemetery listings.
- Will be attending conference in Salamanca on September 22.

Board Committee Reports

Councilman Fluker

- Ticket sales for the side-by-side ATV raffle are going well. It will be raffled off on November 11 during a breakfast being held by the Fire Department.
- Volunteers needed!

Councilman Street

- The Planning Board met on September 6.
- Held a public hearing for a Site Plan Review application submitted by Susan Blackburn (Baskin Livestock). No one appeared to speak during the public hearing. The site plan was approved.
- Reviewed a Special Use Permit application submitted by Phil LaFreniere for the excavation of a pond. A recommendation of approval was sent to the Town Board.

Councilman Embt

- The Zoning Board of Appeals meet on August 22, 2018.
- Opened public hearings for Area and Use Variance applications submitted by Lynn and Gino Maniace.
 - o Notices of Intent for Lead Agency (SEQR) are to be sent to affected parties.
 - o Public hearing was adjourned.
 - o The Board will reconvene on October 11 at 7:30 pm.

OLD BUSINESS

Water Districts – Update

Water District #2

- o Pipe has started going in the ground.

Water District #4

- o Public Hearing will be held on October 10, 2018 at 7:00 pm at the Community Center.

Water District #5

- Informational meeting will be held on September 17 at 6:00 pm at the Community Center.

Transfer Station – Update

- As of the end of August, the Transfer Station is + \$600.

Street Light Replacement – Update

- The replacement of the street lights is almost complete.

Possible Extension of Commercial & Industrial Zones - East Bethany Area

- A joint meeting of the Town Board, Planning Board, and Zoning Board of Appeals is scheduled for September 20 at 7:00 pm to discuss the possible extension of the commercial and industrial zones along Route 63 in the area of the hamlet of East Bethany.

Union vs. Town – Refusal To Take Lunch Breaks Greivance – Cost of Litigation

- The final total cost for litigating this matter is \$17,037.

Radon Detection Kit Order Forms

- The forms to order Radon detection kits is available at the Town Hall. It is also available on the Genesee County website under environmental health.

RESOLUTION #45-2018 SA18007 – SMITH/CRANDALL. SPECIAL USE – POND – 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 Councilwoman Fowler, be it

RESOLVED that the Town Board issues a Negative Declaration for SEQR for the Special Use Application (SA18007) submitted by Molly Smith and James Crandall for the construction of a pond on the property located at 4497 Conway Road, East Bethany, NY (TMP#10.-1-3.2).

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

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

RESOLUTION #46-2018 – SUP – SMITH/CRANDALL – POND – APPROVAL OF

WHEREAS, Molly Smith and James Crandall have submitted a Special Use Application to the Town of Bethany for a pond, 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 Councilwoman Fowler, duly seconded by Councilman Fluker the Special Use Permit Application (SA18007) submitted by Molly Smith and James Crandall for the construction of a pond on the property located at 4497 Conway Road in the Town of Bethany (TMP #10.-1-3.2) is approved.

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

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

NEW BUSINESS

RESOLUTION #47-2018 SCHEDULE PUBLIC HEARING FOR SPECIAL USE PERMIT (SA18010) – LAFRENIERE

WHEREAS, all Town Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings 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 received an application for a Special Use Permit (SA18010) from Phil LaFreniere requesting permission to excavate a pond on the property located at 4956 Linden Road (TMP# 10.-1-26.1); and

WHEREAS, Town of Bethany Zoning Law (II, 210, C) requires that the Town Board hold a public hearing as part of the special use permit process and that such public hearing shall be held within sixty-two (62) days from the date the application is received by the Town; now on

MOTION of Councilman Street duly seconded by Councilman Embt, now therefore be it

RESOLVED, that Town Board of the Town of Bethany will hold a public hearing on the special use permit application submitted by Phil LaFreniere (SA18010) on the 10th day of October 2018 at 7:00 p.m., at which time all interested parties and citizens for or against the Special Use Permit will be heard.

The motion **PASSED** with the following Roll Call Vote:

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

RESOLUTION #48-2008 ORDER FOR A PUBLIC HEARING ON THE PETITION FOR ESTABLISHMENT OF THE TOWN OF BETHANY WATER DISTRICT NO. 4

WHEREAS, the Town Board of the Town of Bethany, New York, has duly adopted a resolution directing the Supervisor of the Town of Bethany to file a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Bethany, where a Water District is proposed to be established; and said map, plan and report dated June, 2018; has been filed in the office of the Town Clerk of the Town of Bethany on August 8, 2018, and

WHEREAS, a “Petition to Request Water District” was filed in the Bethany Town Clerk’s Office on August 30th, 2018, signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Bethany, the owners of taxable real property located in the proposed Town of Bethany Water District No. 4 (also referred to herein as “Water District”) owning in the aggregate at least one-half (½) of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the

signatures of resident owners who own taxable real property aggregating at least one-half (½) of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents, and

WHEREAS, the boundary of the proposed Town of Bethany Water District No. 4 shall have an exterior boundary described in **Appendix A**, attached hereto and incorporated herein by reference.

WHEREAS, the project area has been identified through public interest and the proposed Water District will obtain its water supply from the Town of Batavia who has ample capacity available to provide water for this project; and

WHEREAS, the water system will be designed to provide 180 gallons of water per person per day for domestic and commercial use and to provide fire protection meeting Insurance Services Office (ISO) Standards and will serve approximately 30 residential units; and

WHEREAS, the debt service for the initial project costs are based on equivalent dwelling units and the Town of Bethany anticipates securing grants—from the USDA Rural Development to partially fund the project through grant, while the remaining share will be paid for by a USDA Rural Development Loan; and

WHEREAS, the project will generally consist of installing approximately 13,600 linear feet of 8” or 12” diameter PVC water main, and 12” water main or 8” water main along portions of Creek Road and Putnam Road and will serve approximately 30 units; and

WHEREAS, a typical average household uses 63,000 gallon of water per year and water rates for that usage shall be as follows:

1. 2018 Rates include an effective rate of \$5.36 per 1,000 gallons (5.36 x 63,000 = 337.68); and

The total cost to homeowners for water would be \$750.00 per year; and

WHEREAS, the total Capital Cost for the Town of Bethany Water District No. 4 is \$1,177,000. It is projected that this project shall receive a USDA Rural Development grant in the amount of \$722,000; and

WHEREAS, Net local project costs are anticipated to be \$1,177,000 with an annual debt service including (38 years at 2.375% interest) of \$18,617 and the estimated Debt Service per Unit of \$409.16; and

WHEREAS, the payment of debt service will be made by levy and collection of special assessments from the several lots and proceeds of lands within the District which for the Town Board shall determine and specify to be specifically benefitted thereby, so much upon and from each as such shall be in just proportion of the amounts of benefit conferred upon the same, to pay the principal of and interest on said bonds, as same shall become due and payable; and

WHEREAS, the total annual cost for an average homeowner including debt service and water bill would be estimated to be \$750.00 per year, per household; and

WHEREAS, in addition each unit shall be responsible for several one-time costs, including a one-time meter fee (\$125.00), cost to hookup and connect to the Right of Way to interior plumbing, (approximately \$10.00 per linear foot) with an average of fifty (50) linear feet (approximate total cost of \$500.00 per unit) for pipe installation and well separation costs (approximately \$500.00 per unit); and

WHEREAS, the map, plan and report describing such improvements is on file in the office of the Town Clerk of the Town of Bethany and available for public inspection.

NOW ON MOTION OF Councilman Fluker which has been duly seconded by

Councilman Street, therefore, it is

ORDERED, that the Town Board of the Town of Bethany, New York, shall meet at the Bethany Town Office, located at 10510 Bethany Center Rd, East Bethany, NY 14054 on the 10 day of October 2018, at 7:00 p.m. for the purpose of conducting a public hearing on the proposal to establish said Water District with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Bethany is hereby authorized and directed to publish a copy of this Order in The Daily News, to post a copy of the same on the signboard of the Town of Bethany and to mail a copy to all owners of property located within the proposed Water District, in the time and manner required by law.

Approved on Roll Call as follows:

Supervisor	Carl Hyde, Jr.	X Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember	Jeffrey Fluker	X Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember	Daniel Street	X Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember	Timothy Embt	X Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember	Diane Fowler	X Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 3,493.60	\$ 43,049.92
Highway Fund	\$ 2,949.10	\$ 55,572.47
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 Councilwoman Fowler, duly seconded by Councilman Fluker to adjourn the meeting at 7:46 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: September 12, 2018

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk