

TOWN OF BETHANY

ORGANIZATIONAL & REGULAR TOWN BOARD MEETING

14 JANUARY 2019

Supervisor Hyde opened the January 14, 2019 Organizational Town Board Meeting at 7:05 p.m. with the Pledge of Allegiance followed by a prayer.

Town Officials in Attendance were:

- | | |
|---|-----------------------------------|
| Carl Hyde, Jr., Supervisor | Timothy Embt, Councilman (7:10pm) |
| Daniel Street, Councilman | Diane Fowler, Councilwoman |
| Debbie Douglas, Town Clerk | William Shea, Town Justice |
| Willian Shea, Town Justice | Thomas McBride, Town Justice |
| Thomas Douglas, CEO | |
| Barbara Czworka, Highway Superintendent | |

Town Officials Absent were:

- Jeffrey Fluker, Councilman

Attendees to the Meeting were:

- | | |
|---------------|----------------|
| Linda Schmidt | Don Schmidt |
| Greg Miller | Paul Adair |
| Phil Sortore | Ramon Cipriano |
| Terri McBride | |

RESOLUTION #1-2019 APPOINTMENTS – APPROVAL OF

A **MOTION** was made by Councilwoman Fowler and seconded by Councilman Street to make appointments as follows:

- | | |
|--------------------------------|--|
| Deputy Supervisor | Jeffrey Fluker |
| CEO/ZEO | Thomas Douglas |
| Court Clerk | Jillian Welch |
| Dog Control Officer | Genesee County Animal Control |
| Historian | Vacant |
| Deputy Historian | Vacant |
| Registrar | Debbie Douglas |
| Deputy Registrar | Audrey Wells |
| Cap 1 Assessor | Deborah Conti |
| Veteran’s Officer | Vacant |
| RMO/RAO | Debbie Douglas |
| Planning Board Member | Thomas Foss |
| Zoning Board of Appeals Member | George Larish |
| Assessment Review Board | Calvin Fleming |
| Retained Legal Counsel | David M. DiMatteo, Esq. |
| Insurance Agency | NYMIR-Thomkins |
| First Depository | Five Star Bank |
| Second Depository | Bank of Castile |
| Third Depository | M & T Bank |
| Official Newspaper | The Daily News
(Drummer & Pennysaver as needed) |
| Retained Consulting Firm | Clark Patterson Lee |
| Mileage Rate | \$.50 |

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

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

RESOLUTION #2-2019 SETTING OF SALARIES

On **MOTION** of Councilman Embt, duly seconded by Councilman Street, 2019 Salaries are set as follows per the Town of Bethany Budget for the Year 2019.

TOWN OF BETHANY
2019 SALARY SCHEDULE
January 14, 2019

POSITION	NAME	SALARY
Town Supervisor	Carl Hyde Jr.	\$ 9,000.00
Council Member	Diane Fowler	\$ 1,701.25
Council Member	Timothy Embt	\$ 1,701.25
Council Member	Daniel Street	\$ 1,701.25
Council Member	Jeffrey Fluker	\$ 1,701.25
Town Clerk/Tax Collector/Dogs	Debbie Douglas	\$32,697.00
Highway Superintendent	Barbara Czworka	\$52,000.00
Town Justice	William Shea	\$ 9,342.00
Town Justice	Thomas McBride	\$ 9,342.00
Assessor	Deborah Conti	\$19,231.00
Code Enforcement Officer	Thomas Douglas	\$ 2,000.00
Zoning Enforcement Officer	Thomas Douglas	\$ 7,868.00
Deputy Town Supervisor	Jeffrey Fluker	\$ 1,000.00
Deputy Town Clerk	Audrey Wells	\$ 11.10/hr
Deputy Highway Superintendent	Mark Heale	\$.50/hr
Court Justice Clerk	Deborah Shufelt	\$ 2,997.00
Court Justice Clerk	Jillian Welch	\$ 2,997.00
Court Officer	Christopher Hausfelder	\$ 12.50/hr
Registrar of Vital Statistics	Debbie Douglas	\$ 412.00
Financial Clerk Typist P/T	Denise Veerecken	\$ 8,500.00
MEO	Mark Heale	\$ 21.81/hr
MEO	Adam Miller	\$ 21.81/hr
MEO	Joshua McClellan	\$ 21.81/hr
MEO P/T	Thomas Dills	\$ 21.81/hr
MEO P/T	Stephen Breckenridge	\$ 21.81/hr
MEO P/T	Wyatt Van Buren	\$ 21.81/hr
MEO P/T	Michael Nichols	\$ 21.81/hr
Laborer P/T	Barbara Czworka	\$ 11.60/hr
Laborer P/T	David Tidd	\$ 11.60/hr

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

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

RESOLUTION #3-2019 MEETING DATES – SETTING OF

TOWN BOARD MEETING

Regular Town Board meetings are held the second Monday of each month at 7:00 p.m.

January 14, 2019	February 11, 2019	March 11, 2019
April 8, 2019	May 13, 2019	June 10, 2019
July 8, 2019	August 12, 2019	September 9, 2019
October 16, 2019*	November 13, 2019*	December 9, 2019
Year End Meeting & Open House		December 30, 2019

ORGANIZATIONAL MEETING January 13, 2020 7:00 p.m.

BETHANY PLANNING BOARD

Town of Bethany Planning Board meetings are held the first Thursday of each month at 7:00 p.m.

January 3, 2019	February 7, 2019	March 7, 2019
April 4, 2019	May 2, 2019	June 6, 2019
July 11, 2019*	August 1, 2019	September 5, 2019
October 3, 2019	November 7, 2019	December 5, 2019

ZONING BOARD OF APPEALS

Town of Bethany Zoning Board of Appeals meetings are held, as needed, the fourth Wednesday of each month at 7:30 p.m.

January 23, 2019	February 27, 2019	March 27, 2019
April 24, 2019	May 22, 2019	June 26, 2019
July 24, 2019	August 28, 2019	September 25, 2019
October 23, 2019	November 27, 2019	December 18, 2019*

Any changes in meeting dates will be posted on the Town bulletin board, in the local newspaper and on the Town’s website calendar.

**** Moved Due To Holiday***

On **MOTION** made by Councilwoman Fowler, duly seconded by Councilman Embt, to approve the meeting dates for 2019 as follows:

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

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

RESOLUTION #4-2019 FEE SCHEDULE – SETTING OF

On **MOTION** of Councilman Street, duly seconded by Councilman Embt, to approve the 2019 fee schedule as follows:

FEE SCHEDULE

Permits:

Land Separation	\$ 50.00	Each additional parcel	\$ 15.00
If survey presented at time of application	\$ 25.00	Each additional parcel	\$ 15.00
Special Use Permit	\$250.00		
Subdivision Permit	\$500.00	Each additional parcel	\$ 50.00

Variance	\$200.00		
Site Plan Review (Simple)	\$ 50.00	with Public Hearing	\$100.00
Temporary Mobile Home/RV Permit	\$100.00		
Temporary C of O (3 months)	\$ 50.00		

Note any other fees will be assumed by the applicant which may include fees for additional permit requirements, state/county permit requirements, etc. Once the permit process has begun, fees are non-refundable.

INFORMATIONAL BOOKS:

Bethany Zoning Regulations	\$ 10.00
Bethany Land Separations Regulations	\$ 3.00
Bethany Comprehensive Plan	\$ 1.00

DOG LICENSE FEES:

Spayed/Neutered Dog	\$ 5.00	Unspayed/Unneutered Dog	\$18.00
Senior Discount (over 65)	\$ 2.50	Senior Discount (over 65)	\$10.50
Late Fee	\$ 1.00	Unlicensed Dog Fee	\$ 5.00
Dog Seizure Fine	\$10.00	2nd & consecutive seizures	\$ 20.00
Enumeration Fee	\$ 5.00	Each seizure per owner	

RETURNED CHECKS \$15.00

TRANSFER STATION CARDS:

Twenty (20) punch card	\$ 80.00
Ten (10) punch card	\$ 40.00

MARRIAGE LICENSE FEE

License	\$ 40.00
Additional Certified copy	\$ 10.00

SPORTING LICENSES: Fees set by New York State

COPIES

Certified & sealed	\$ 10.00 each
Flat Rate	\$.25 each
Genealogy Copy	\$ 1.00 each

COMMUNITY CENTER RENTAL:

Bethany Residents	\$ 50.00/day \$100.00 Cleaning/damage deposit
Fire Co. Members	Day of event is free. \$50.00/additional day \$100.00 Cleaning/damage deposit
Non-Residents	Please Contact the Town Clerk

ZONING PERMIT FEE SCHEDULE

New Construction—Homes, Additions, Porches, Decks, Renovations	\$ 30.00 plus \$.05 per sq. ft.
Garages, Pole Barns	\$ 25.00 plus \$.05 per sq. ft.
Trailers (When Allowed)	\$ 50.00 plus \$.05 per sq. ft.

Accessory Buildings (less than 200 sq. ft.)	\$ 30.00 plus \$.03 per sq. ft.
Chimneys, Fire Places, Wood Stoves	\$ 25.00
Swimming Pools & Ponds	\$ 50.00
Solar Permit (NY-Sun)	\$ 25.00
Agricultural Building (sq. ft.)	
501—1,000	\$ 15.00
1,001—1,500	\$ 25.00
1,500—2,500	\$ 35.00
2,501—Over	\$ 50.00
Commercial Building (sq. ft.)	
Up to 10,000	\$200.00
10,001—20,000	\$200.00 plus \$5.00 per each additional 1000 sq. ft. over 10,000
20,000—Over	\$200.00 plus \$3.00 per each additional 1000 sq. ft. over 20,000

UNLICENSED/UNREGISTERED VEHICLE PERMIT

One unlicensed vehicle allowed.
Vehicle MUST be permitted.

\$25.00 annually
To be renewed by January 31st of
each year

BUILDING PERMIT/INSPECTION FEE SCHEDULE

New Construction, Trailers

Up to \$ 5,000	\$ 50.00
\$ 5,001—\$15,000	\$ 90.00
\$15,001—\$25,000	\$125.00
\$25,001—Over	\$125.00 plus \$2.00 per \$1,000 over \$25,000

Additions, Alterations, Decks, Porches, Garages, Pole Barns

Up to \$5,000	\$ 60.00
\$ 5,001—\$10,000	\$ 70.00
\$10,001—\$20,000	\$ 90.00
\$20,001—\$30,000	\$120.00
\$30,000—Over	\$120.00 plus \$2.00 per \$1,000 over \$30,000

Swimming Pools

Above Ground	\$125.00
In Ground	\$250.00
Temporary Pool (Initial)	\$ 50.00
Temporary Pool (Annual Insp.)	\$ 20.00

Solar (NY-Sun Only) \$ 75.00

Commercial Buildings

Up to \$20,000	\$250.00
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\$20,001—\$50,000	\$300.00
\$50,000—Over	\$200 plus \$50.00 per \$1,000 Over \$50,000

Fire Places, Chimneys, Wood Stoves \$ 50.00

FINES

Starting Without Permit	3 times normal fee
Missed Inspection	\$100 per infraction

Inspections of all construction are done in accordance with the NYS Uniform Fire Prevention and Building Code.

Certificates (C of O & C of C) are issued **only when the construction is violation free**, and all health and electrical certificates (if needed) are current and in order, and all fees have been paid.

Dollar value is to be verified by an acceptable contractor. If estimate is based on material and his own labor, the permit will not be issued until an agreement can be reached over the true value of the construction. Any extra time spent for Building Inspector’s evaluation shall be charged at \$50.00 per hour.

Any time spent by the Building Inspector for multiple review of contractor’s plans for acceptability after requested changes are made, shall be charged at \$50.00 per hour.

Any re-inspection for unacceptable work or for any other reasonable cause shall be charged at \$50.00 per hour.

TRANSFER STATION FEES & RULES

Cacner Road

Saturday 8 a.m. – 2 p.m.

(Closed if a holiday falls on a Friday, Saturday, Sunday or Monday)

Users will be required to bring their garbage in 30-gallon trash bags or 30-gallon trashcans.

Cardboard must be broken down, bagged and placed in dumpsters.

NO LOOSE TRASH! FOUR BAGS PER HOUSEHOLD PER DAY.

Transfer Station cards will be required for use of the Transfer Station which may be purchased at the Bethany Town Clerk’s office during normal business hours or by mail.

Transfer Station Punch Cards

10 Punches	\$40.00
20 Punches	\$80.00

1. Trash bags and/or cans (30 gallon capacity) \$ 4.00
2. Appliances (washer, dryer, stove) \$ 8.00
3. Furniture - must be broken into small pieces that will completely fit into compactor. \$ 8.00
4. Non-stuffed chairs (Wood or Plastic) \$ 4.00
5. Stuffed couches, chairs, sofas, box springs \$ 8.00
6. Carpets (68” length or less) and mattresses \$ 8.00
7. Refrigerator, air conditioner, freezer - \$ 20.00
8. Toilets, sinks, plumbing accessories \$ 4.00
9. Florescent Lamps **(Must be recycled!!!!)** 8’ tubes \$ 4.00(3 tubes)
All others \$ 4.00(6 bulbs)
10. Electronics (TVs, Computers, etc.) **Not Accepted—May be taken to ARC in Batavia**

Tires will be accepted for disposal all year long at the following prices:

- 1. Car tire w/o rim \$ 4.00
- 2. Truck and Tractor Tires \$ 12.00

Tires with rims will not be accepted.
Tires of any other size will not be accepted

PAPER/MAGAZINES/JUNK MAIL Shredded paper must be bagged. Telephone books are not recycled.

SCRAP METAL Check with transfer station attendant regarding scrap metal that you would like dispose of.

CONSTRUCTION MATERIAL Not Accepted

FOR USE BY TOWN OF BETHANY RESIDENTS ONLY

Decisions by the Transfer Station Operator regarding solid waste disposal are final.

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

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

RESOLUTION #5-2019 FIRE COMPANY OFFICERS – APPROVAL OF

A **MOTION** was made by Councilman Embt seconded by Councilwoman Fowler to approve the Fire Company Officers for 2019 as follows:

- | | |
|---------------------|-----------------------|
| Chief | Jeffrey Pietrzykowski |
| 1st Assistant Chief | Jeffrey Fluker |
| 2nd Assistant Chief | Kyle Rombout |
| Captain | Jamie Fluker |
| Lieutenant | Greg Johnson |
| EMS Captain | Melody Davis |
| EMS Lieutenant | James Duval |

- | | |
|----------------|------------------|
| President | Christopher Page |
| Vice President | Greg Johnson |
| Secretary | Corrie Rombaut |
| Treasurer | Jeffrey Wolak |

Board of Directors

- | | |
|------------------------|--------------------------|
| Vicki Wolak, President | Peggy Johnson, Secretary |
| Wayne Walker | Bill Shea |
| Melody Davis | Todd Mogenhan |

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

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

RESOLUTION #6-2019 EMERGENCY USE OF HIGHWAY EQUIPMENT

WHEREAS, it may be necessary that the Bethany Volunteer Fire Company may need assistance in gaining access to an emergency scene by way of plowing, moving storm debris, etc; and

WHEREAS, the Town of Bethany Highway Department has or has access to equipment to provide this assistance, now therefore, be it

RESLOVED, that the Town of Bethany Highway Department may use equipment and manpower to assist the Bethany Volunteer Fire Company in gaining access to an emergency scene at the request of the Bethany Volunteer Fire Company.

A **MOTION** was made by Councilwoman Fowler, duly seconded by Supervisor Hyde, to approve Resolution #6-2019 "Emergency Use of Highway Equipment".

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

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

RESOLUTION #7-2019 PROCUREMENT POLICY FOR THE TOWN OF BETHANY

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML or any other law; and

WHEREAS, comments have been solicited from those town officials involved with procurement; NOW THEREFORE, be it

RESOLVED, that the Town of Bethany does hereby adopt the following procurement policies and procedures;

Guideline 1. All purchases of a) supplies or equipment which will exceed \$10,000 in the fiscal year, or b) public works contracts over \$20,000 shall be formally bid. In the event vendors are unwilling to bid a price for the entire year, as in the case of, say, heating and fuel oil, the purchaser will follow the measures outlined in Guideline 3 to obtain a favorable spot price.

Guideline 2. Estimated purchases of:

Less than \$10,000 but greater than \$5,000 require a written request for proposal (RFP) and written/fax quotes from three vendors.

Less than \$5,000 but greater than \$1,000 require an oral RFP and oral/fax quotes.

From two vendors.

Less than \$1,000 but greater than \$250 are at the discretion of the Purchaser. Estimated public works contracts of: Less than \$20,000 but greater than \$10,000 require a written RFP and fax/proposals from three contractors.

Less than \$10,000 but greater than \$3,000 require a written RFP and fax/proposals from two contractors.

Less than \$3,000 but greater than \$500 are at the discretion of the Purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom Written/fax/oral quotes were solicited, and the quotes offered. The list will be retained with the purchase documentation.

Guideline 3. The lowest responsible proposal or quote will be awarded the purchase or works contract, unless the Purchaser provides written demonstration that it is in the best

interest of the town and its taxpayers to award otherwise. If the bidder is deemed not responsible, a justification of that decision shall be filed with the purchase documentation.

Guideline 4. A good faith effort shall be made to obtain the required number of proposals or quotes. If the Purchaser is unable to obtain said proposals or quotes he shall document the effort. The inability to obtain proposals or quotes shall not deter the Purchaser from procurement.

Guideline 5. Except when directed by the Town Board, no solicitation of written proposals or quotes shall be required for the following:

- Acquisition of professional services
- Emergencies
- Sole source situations
- Goods from agencies for the blind or severely handicapped
- Goods from correctional facilities
- Goods from another governmental agency
- Goods purchased at auction
- Goods and services less than \$250
- Public works contracts and services less than \$500

Guideline 6. This policy shall be reviewed annually by the Town Board at its organizational meeting, or as soon thereafter as is reasonably practicable.

On **MOTION** by Councilman Embt, duly seconded by Councilman Street, Resolution #7-2019 Procurement Policy for the Town of Bethany be approved.

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

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

RESOLUTION #8-2019 OFFICIAL UNDERTAKING OF MUNICIPAL OFFICIALS

WHEREAS, various sections of New York State Town Law and Public Officers Law require that certain officials execute and Official Undertaking; and

WHEREAS, we, the Town Board of the Town of Bethany hereby require the Supervisor, Deputy Supervisor, Town Clerk/Tax Collector, Deputy Town Clerk/Deputy Tax Collector, Town Justice, Town Justice Clerks, Bookkeeper and Highway Superintendent to execute said Official Undertaking as required by said law; now,

On **MOTION** of Councilwoman Fowler, duly seconded by Councilman Embt, be it

RESOLVED that we, The Town, does and shall maintain insurance coverage, in the sum of \$1,000,000.00 for the Town Clerk/Tax Collector, Deputy Town Clerk/Deputy Tax Collector, Highway Superintendent, Town Justices, Court Clerks and Bookkeeper to indemnify against losses through the failure of the officers, clerks and employees covered there under faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered there under; and be it

FURTHER RESOLVED, that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

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

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

Councilman Fluker – Absent
Councilman Street – Yes

RESOLUTION #9-2019 2019 AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS – APPROVAL OF

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

Agreement shall take effect when it is approved by the County Superintendent of Highways.

Agreement between the town Highway Superintendent of the Town of Bethany, County of Genesee, State of New York and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highway, and received from the State for State Aid for the repair and improvement of highways shall be expended as follows:

GENERAL REPAIRS AND PERMANENT IMPROVEMENTS: The sum of \$226,001.00 shall be set aside to be expended for primary work and general repairs upon 30.84 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

No moneys set aside for such permanent improvements shall be expended, no shall any work be undertaken on such improvements, until the County Superintendent of Highways approves the plans, specifications and estimates for such construction.

Executed in duplicate this ___ day of _____ 20__.

Supervisor _____

Councilperson _____

Councilperson _____

Councilperson _____

Councilperson _____

The foregoing agreement is hereby approved this ___ day of _____ 20__.

Town Highway Superintendent _____

NOTE: THIS AGREEMENT SHOULD BE SIGNED IN DUPLICATE BY A MAJORITY OF THE MEMBERS OF THE TOWN BOARD AND BY THE TOWN HIGHWAY SUPERINTENDENT.

One copy to be filed with the Town Clerk, one copy to be filed with the County Superintendent of Highways and no copies to Albany.

On **MOTION** of Councilman Embt, duly seconded by Councilman Street, approval is granted for the signing of the 2019 Agreement for the Expenditure of Highway Moneys.

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

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

Councilman Fluker – Absent
Councilman Street – Yes

RESOLUTION #10-2019 2019 HOLIDAY CLOSINGS – SETTING OF

A **MOTION** was made by Councilwoman Fowler and seconded by Councilman Embt to make appointments as follows:

		<u>Offices</u>	<u>Transfer Station</u>
1/1/19	New Year’s Day	X	
1/21/19	Martin Luther King Day	X	
2/18/19	Presidents Day	X	
4/20/19	Good Friday & Easter	X	X
5/25/19	Memorial Day	X	X
7/4/19	July 4 th	X	
8/31/19	Labor Day	X	X
9/2/19	Labor Day	X	
10/14/19	Columbus Day	X	
11/5/19	Election Day	X	
11/28/19	Thanksgiving Day	X	
12/24/19	Christmas Eve	X	
12/25/19	Christmas	X	
12/31/19	New Year’s Eve	X	
1/1/19	New Year’s Day	X	

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

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

REGULAR TOWN BOARD MEETING

FINANCES

Supervisor Hyde presented the finances for January 2018 thus far.

General Savings	\$ 894,920.39
Highway Savings	\$ 181,461.47
AP/PR Account	\$ 79,739.69
Trust & Agency Account	\$ 1,737.35
Highway Checking	\$ 12,051.10
Supervisor	\$ 41,646.19
Water District #2	\$ 30,897.47
Petty Cash	\$ 200.00
Total	\$ 1,242,653.66
Revenues Received	
Debbie Douglas, Town Clerk	\$ 1,814.00
Debbie Douglas, Town Clerk	\$.26
US Post Office	\$ 100.00

Total Revenue	\$	1,914.28
Total Interest	\$	78.63
Total Revenue	\$	1,992.91

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the December 12, 2018 Regular Town Board meeting.

A motion was made by Councilman Street, duly seconded by Supervisor Hyde, to approve the Minutes of the December 12, 2018 Regular Town Board meeting as presented. Motion passed with All In Favor.

- Presented the Minutes of the December 27, 2018 Year-End Town Board Meeting.

A motion was made by Councilwoman Fowler, duly seconded by Councilman Street, to approve the Minutes of the December 27, 2018 Year-End Town Board meeting as presented. Motion passed with All In Favor.

- Presented the Minutes of the January 7, 2019 Joint Board meeting

A motion was made by Councilman Embt, duly seconded by Councilwoman Fowler, to approve the Minutes of the January 7, 2019 Joint Board meeting as presented. Motion passed with All In Favor

- Thank you note was received from the East Bethany Cemetery Board for the \$500 donation from the Town.
- The Clerk's Monthly Report and Bank Statements for December were reviewed by the Town Board.

CEO/ZEO Report – Thomas Douglas

- One permit was issued for a private solar project.
- A solar farm company made contact asking about zoning.
- Fees seem to be in line with the cost of inspections.

Highway Superintendent Report – Barbara Czworka

- It has been windy this month requiring cleanup and trimming.
- Paperwork required for overweight trucks, 1201 and 1204, has been completed and returned.
- Patched potholes.
- One employee was call in for random drug testing by the county. Partners In Safety have also done drug testing in the past. Will check to see if both are necessary. May not need to pay Partners In Safety.
- Truck 1210 was inspected.
- New tires were put on truck 1200.
- Repairs were made on sander for truck 1204 and has been reinstalled.
- Loader 1208 has been serviced including oil and filter change, greasing, fuel and transmission filter replacement.
- First snow of the year was on January 3rd.
- Highway Superintendent and Deputy were sworn in on January 3rd.
- There have been 6 plow runs and 3 salt/sand runs.

Town Justice Report – Justice McBride and Justice Shea

- December monthly reports for Justice Shea and Justice Mc Bride were presented to the Board.

Board Committee Reports

Councilman Street

- The Planning Board did not meet this month.

Councilman Embt

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

Councilwoman Fowler

- The Water Resource Agency met on January 8th.
- There is increasing interest in public water.
- LeRoy is investigating a large district that would include large farms. Farms are becoming very interested in public water.
- Hood, a resident of the Ag Park in Batavia, still needs 3 more lines.
- The next meeting, which is open to the public, will be on April 9th at 8:00 am at County Building #2.

Supervisor Hyde

- Will be attending the GLOW meeting in two weeks.
- GAM is meeting on Thursday. The Sales Tax Agreement is on the agenda again.
- The Fire Department is still in need of volunteers. Still waiting for the ambulance and related equipment to be delivered.

OLD BUSINESS**Transfer Station – Update**

- Supervisor Hyde reported that the Transfer Station finished +\$560 for the year. This is right where it should be. Supervisor Hyde recommends that the Transfer Station continue operating as it is.

RESOLUTION #11-2019 TOWN OF BETHANY WATER DISTRICT NO. 4 - LATERAL RESTRICTIONS

WHEREAS, the Town Board of the Town of Bethany has created the Town of Bethany Water District No. 4 pursuant to Town Law for the express purpose of providing public water supply to residents along Creek and Putnam Roads; and

WHEREAS, part of the land area within Water District No. 4 is also within Genesee County Agricultural District No. 1; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 1; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District, now

On Motion of Councilman Embt, duly seconded by Councilman Street, be it

RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Bethany imposes the following conditions, for the management of water/sewer lines located along Creek and Putnam Road within Water District No. 4 within an agricultural district, maps of which are attached to this resolution showing the boundaries of the agricultural district in relation to the parcels indicated:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, future agricultural structures, and land and structures that have

already been approved for development by the local governing body prior to the date of filing of the Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the NOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

Motion PASSED with the following Roll Call Vote:

Supervisor Hyde – Yes

Councilman Fluker – Absent

Councilman Embt – Yes

Councilman Street – Yes

Councilwoman Fowler – Yes

RESOLUTION #12-2019 TOWN BOARD OF THE TOWN OF BETHANY DECLARING LAND NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND IS SURPLUS PROPERTY SUBJECT TO PERMISSIVE REFERENDUM

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 Bethany, pursuant to New York State Town Law, Article 4, §64, is authorized to, upon the adoption of a resolution, convey or lease real property in the name of the Town, which resolution shall be subject to a permissive referendum; and

WHEREAS, pursuant to the Resolution adopted on August 14th, 2017 by the Town Board of the Town of Bethany, the Town Board confirmed that the property owned by the Town of Bethany known as SBL #: 8.-1-28, consisting of 16.8 acres, which formerly served as the

gravel pit used by the Highway Superintendent and more fully described below, was no longer needed for municipal purposes –

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Bethany, County of Genesee and State of New York, being part of lot No. 28, Township 11, Range 1 of the Holland Land company survey (so-called) bounded and described as follows:

BEGINNING, at a point on the east bounds of the Bethany Center Road (so-called) at a distance of 10 chains and 57 links (697.62 feet) southerly measured along the said line from the south-west corner of a 2.5 acre parcel of land conveyed to Ralph M. and Ann M. Leaton by deed recorded in the Genesee county clerk's Office in Liber 307 of deeds at Page 252.

RUNNING THENCE easterly along the south line of said Leaton lands a distance of 3 chains and 43 links (226.38 feet) to the southeast corner of the said 2.5 acre parcel conveyed to the said Leaton.

RUNNING THENCE south 84 degrees east along the south line of lands previously owned by Jabez Warren a distance of 30 chains and 19 links (1992.54 feet) to a point.

RUNNING THENCE south 2 degrees 30 minutes west along the west line of lands previously owned by D.R. Prindle a distance of 4 chains and 92 links (324.72 feet) to a point.

RUNNING THENCE north 86 degrees west a distance of 33 chains and 58 links (2216.28 feet) to a point on the east line of the Bethany Center Road which is 5 chains and 86 links (386.76 feet) southerly measured along the east line of the Bethany Center Road from the point of beginning.

RUNNING THENCE northerly along the east line of the Bethany Center Road a distance of 5 chains and 86 links (386.76 feet) to the point or place of beginning;

EXCEPTING therefrom a 2.5 acre parcel of land lying in the southwest corner of the above described premises.

ALSO EXCEPTING that part of the above described premises conveyed to Raymond and Mary Walker by deed recorded in the Genesee County clerk's Office in Liber 247 of Deeds at Page 96. Parcel being conveyed contains 15.5 acres be the same more or less. Intending by the above description to describe a portion of the property described in two deeds to Fred Leaton both recorded in the Genesee county clerk's Office, one in Liver 238 of Deeds at Page 37 and the other in Liber 237 of Deeds at Page 129.

ALSO, ALL THAT OTHER TRACT OR PARCEL OF LAND situate in the Town of Bethany, county of Genesee, State of new York and being a part of Lot 28, Township 11, Range 1 of the Holland Land Company survey (so-called_ bounded and described as follows:

BEGINNING at a point on the east bounds of the Bethany Center Road (so-called) at a distance of 10 chains and 57 links (697.62 feet) southerly measured along the said line from the south-west corner of a parcel of land previously owned by Hobart Leavenworth, said point of beginning being also the south-west corner of a 2.5 acre parcel of land conveyed to Ralph M. and Ann M. Leaton by deed recorded in the Genesee County Clerk's office in Liber 307 of deeds at Page 252.

RUNNING THENCE easterly along the south line of said Leaton lands a distance of 3 chains and 43 links (226.38 feet) to the south-east corner of the said 2.5 acre parcel conveyed to the said Leaton.

RUNNING THENCE northerly along the east line of the said Leaton lands a distance of 30 feet to a point.

RUNNING THENCE westerly and parallel to the first described boundary a distance of 220.84 feet to the east line of Bethany Center Road.

RUNNING THENCE southerly along the east line of the Bethany Center Road a distance of 30 feet to the point or place of beginning; containing .152 acres be the same more or less.

BEING AND INTENDED TO BE a 30 foot Right of Way along the south bounds of the 2.5 acre parcel referred to above.

and;

WHEREAS, pursuant to the Resolution subject to a Permissive Referendum adopted by the Town Board of the Town of Bethany on December 10th, 2018, the Supervisor of the Town of Bethany is authorized to, contingent upon the passage of the permissive referendum period required under law without a petition for a permissive referendum, execute all documents necessary to sell 16.8 acres of land previously used as a gravel pit by the Highway Superintendent of the Town of Bethany as excess property no longer needed for municipal purposes; and

WHEREAS, pursuant to the aforesaid Resolution subject to a Permissive Referendum, the Clerk of the Town of Bethany be was directed to publish an abstract of the resolution concisely stating the purpose and effect thereof in the Town's official newspaper within ten (10) days after the date of the adoption; and

WHEREAS, the abstract of the resolution concisely stating the purpose and effect thereof was published in the Town's official newspaper, the Batavia Daily News, on the 18th day of December, 2018; and

WHEREAS, the Town Board of the Town of Bethany finds it in the best interest of the Town to authorize the Town Supervisor to sign the Bargain and Sale Deed, the TP 584, and the RP 5217 at this present time, but not to deliver the deed for filing until the Clerk signs the Certificate of Estoppel on or after the 18th day of January, 2019, thirty (30) days after the publication of the abstract of the resolution.

NOW ON MOTION OF Councilwoman Fowler which has been duly seconded by Councilman Embt, now therefore

BE IT RESOLVED, that the Town Board of the Town of Bethany authorizes the Supervisor of the Town of Bethany to sign the Bargain and Sale Deed, the TP 584, and the RP 5217 at this present time, but not to deliver the deed for filing until the Clerk signs the Certificate of Estoppel on or after the 18th day of January, 2019, thirty (30) days after the publication of the abstract of the resolution.

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

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

Food Link

- Linda Schmidt asked about the scheduling of another Food Link event.
- Supervisor Hyde noted that the new scheduling system does not work out well. You must go online and sign up and request an event one year in advance. They will then get back to you and let you know when you are scheduled. Without being able to pick dates that will work with the hall rentals, meetings, etc. it is too difficult to hold an event.

NEW BUSINESS

Executive Session

On **MOTION** made by Councilman Street, duly seconded by Councilwoman Fowler, the Board went into Executive Session at 8:30 p.m. to discuss Union contract negotiations.

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

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

On **MOTION** made by Councilman Embt, duly seconded by Supervisor Hyde, Councilwoman Fowler and Councilman Street are hereby authorized to represent and negotiate all union matters on behalf of the Town Board.

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

Supervisor Hyde – Yes

Councilman Fluker – Absent

Councilman Embt – Yes

Councilman Street – Yes

Councilwoman Fowler – Yes

The Board returned from Executive Session at 9:30 p.m.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,837.16	\$ 35,628.49
Highway Fund	\$ 7,143.50	\$ 17,749.51
Trust & Agency	\$ 0.00	\$ 1,546.28
Highway Capital Funds Project	\$ 0.00	\$ 0.00
Fire Protection Fund	\$ 0.00	\$ 0.00
Water Fund	\$ 0.00	\$ 0.00

Adjournment

A **MOTION** was made by Supervisor Hyde, duly seconded by Councilman Street to adjourn the meeting at 9:30 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: January 17, 2019

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk