

**TOWN OF BETHANY**

**REGULAR TOWN BOARD MEETING**

**11 MARCH 2019**

Supervisor Hyde opened the March 11, 2019 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	Timothy Embt, Councilman
Daniel Street, Councilman	Debbie Douglas, Town Clerk
William Shea, Town Justice	Thomas McBride, Town Justice
Thomas Douglas, CEO/ZEO	

Town Officials Absent were:

Jeffrey Fluker, Councilman	Diane Fowler, Councilwoman
Barbara Czworka, Highway Superintendent	

Attendees to the Meeting were:

Bill Elsasser	Gerry Fry
Don Frank	Phil Sortore
Ray Cipriano	Maelynn Hyde

**FINANCES**

Supervisor Hyde presented the finances for February 2019.

General Savings	\$1,106,977.13
Highway Savings	\$ 394,137.35
AP/PR Account	\$ 105,273.27
Trust & Agency Account	\$ 3,560.48
Highway Checking	\$ 3,114.93
Supervisor	\$ 140,107.65
Water District #2	\$ 30,897.47
Petty Cash	\$ 200.00
 Total	 \$ 1,784,268.28

Revenues Received	
Debbie Douglas, Tax Collector	\$ 431.47
Debbie Douglas, Town Clerk	\$ 2,029.47
Genesee County, S&I County Roads	\$ 59,181.64
David DiMatteo, Survey Refund	\$ 2,200.00
US Post Office	\$ 100.00
William Shea, Town Justice	\$ 1,769.00
 Total Revenue	 \$ 65,711.58
Total Interest	\$ 176.84
Total Revenue	\$ 65,888.42

**PUBLIC HEARING – FIRE PROTECTION CONTRACT**

- Supervisor Hyde opened the public hearing for the 2019-2020 Fire Protection Contract at 7:03 p.m.
  - o Supervisor Hyde read the contract for the public.
  - o One person questioned why the contract was for only one year. It is renewed annually because of the budgeting process.
  - o Supervisor Hyde closed the Public Hearing at 7:30 p.m.

#### **Town Clerk Report – Debbie Douglas**

- Presented the Minutes of the February 11, 2019 Regular Town Board meeting.

A motion was made by Councilman Street, duly seconded by Councilman Embt, to approve the Minutes of the February 11, 2019 Regular Town Board meeting as presented. Motion passed with All In Favor.

- Thank you note from the East Bethany Rural Cemetery Association for a gift of money.
- Zoning Board of Appeals Chair Nancy Burke has submitted her resignation effective immediately.

Motion made by Councilman Embt, duly seconded by Supervisor Hyde to accept the resignation of Nancy Burke from the Zoning Board of Appeals. Motion passed with All In Favor.

- Kennedy Wilson would like to be appointed to the Board of Assessment Review. He served on the Planning Board from 2006-2013.

Motion made by Supervisor Hyde, duly seconded by Councilman Embt, to appoint Kennedy Wilson to the Town of Bethany Board of Assessment Review. Motion passed with All In Favor.

- The Clerk's Monthly Report and Bank Statements for February were reviewed by the Town Board.

#### **Town Justice Report – Justice McBride and Justice Shea**

- Justice McBride noted that the new Town Prosecutor, Robert Zickel has some cases that he is working on. They will be tracking the fines to see if it helps the Town to retain some of the fine revenues.
- February monthly report for Justice Shea was presented to the Board.

#### **Board Committee Reports**

##### **Supervisor Hyde**

- The new ambulance has been certified and is in service.
- The books have been closed out for 2018 and the AUD has been submitted.

### **OLD BUSINESS**

#### **Water District Update**

- The Rural Development paperwork for Districts 4 & 5 is in process.
- Water District 4 should go out to bid in April or May.
- Water District 5 should go to bid in June or July.
- Working on closing out District 2.

#### **Transfer Station – Update**

- Supervisor Hyde reported that the Transfer Station is at -\$512.15 so far this year.

**RESOLUTION #16-2019 TOWN OF BETHANY’S POSITION CONCERNING GENESEE COUNTY’S REQUEST FOR SPECIAL NEW YORK STATE LEGISLATION TO SUPPORT A FORTY (40) YEAR SALES TAX AGREEMENT AUTHORIZATION**

**WHEREAS**, Genesee County and the City of Batavia have passed resolutions to enter into a new Sales Tax Agreement with a term of forty (40) years, and

**WHEREAS**, Genesee County requires special New York State Legislation to authorize the County to enter into a Sales Tax Agreement with a term of forty (40) years, and

**WHEREAS**, our State Representatives would have to introduce bills to authorize the needed legislation, and

**WHEREAS**, during a meeting of the Genesee County Sales Tax Committee with Senator Michael Ranzenhofer and Assemblyman Stephen Hawley in attendance, Assemblyman Hawley asked for GAM’s (Genesee Association of Municipalities) position on the forty (40) year agreement, and

**WHEREAS**, in an effort to respond to Assemblyman Hawley’s request, GAM is asking each member municipality to poll its Board as to whether it supports or opposes special legislation authorizing Genesee County to enter into a forty (40) year Sales Tax Agreement. Now, on

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

**RESOLVED**, that the Town Board of the Town of Bethany, Genesee County, State of New York, has discussed the pro and cons of a forty (40) year Sales Tax Agreement and the Special Legislation needed in order for it to become effective, and be it,

**FURTHER RESOLVED** that upon polling the Town Board of the Town of Bethany, it was determined that the Board supports special legislation required for the County of Genesee to enter into a Sales Tax Agreement with a term of forty (40) years.

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

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

**RESOLUTION #17-2019 CONTRACT FOR FIRE PROTECTION BETWEEN THE TOWN OF BETHANY AND THE BETHANY VOLUNTEER FIRE COMPANY – APPROVAL OF**

**Contract For Fire Protection**

**THIS AGREEMENT**, made the 11<sup>th</sup> day of March 2019 between the Town of Bethany, Genesee County, State of New York, hereinafter called The Town, and the Bethany Volunteer Fire Company, Inc. of the Town of Bethany, Genesee County, and State of New York, hereinafter called The Fire Company.

**WHEREAS**, there has been duly established in the Town of Bethany, a fire prevention district known as The Bethany Fire Protection District, and such territory is more fully described in the resolution establishing such District, adopted by the Town Board of the Town of Bethany on April 13th, 1943; and

**WHEREAS**, following a Public Hearing duly called, the Town duly authorized this contract with The Fire Company for fire protection and emergency service to said District upon the terms and conditions hereinafter set forth; and

**WHEREAS**, this contract has also been duly authorized by The Fire Company; and

**NOW THEREFORE**, The Town does engage The Fire Company to furnish fire protection and emergency service to The Bethany Fire Protection District and The Fire Company agrees to furnish fire protection and emergency service as follows:

1. The Fire Company shall at all times during the period of this agreement be subject to call for attendance on any fire occurring in the District, and when notified by alarm or by telephone call, or other means, such Fire Company shall respond and attend upon the fire with suitable equipment and diligently proceed in every reasonable way to extinguish the fire and save lives and property in connection therewith.

2. The Fire Company shall furnish to the property and inhabitants of the Fire Protection District emergency service in the case of accidents, calamities or other emergencies in connection with which the services of firemen would be required.

3. The Fire Company shall at all times keep in full force and effect adequate public liability insurance coverage to protect itself and The Town, and furnish The Town an affidavit of such insurance coverage.

4. In consideration of furnishing fire protection and emergency service in accordance with this contract, The Town covenants and agrees, on behalf of The Bethany Fire Protection District, to pay to The Fire Company, the sum of Ninety Eight Thousand Dollars (\$98,000.00) for fire service to be paid upon the collection of taxes by the Town for said purpose on or before April 1st of each year.

5. This agreement shall run for a period of one year commencing on April 1, 2019 and terminating on April 1, 2020.

**IN WITNESS WHEREOF**, the parties have duly executed and delivered this agreement the day and year above mentioned.

TOWN OF BETHANY, GENESEE COUNTY, NEW YORK

BY: \_\_\_\_\_

Carl Hyde, Jr, Town Supervisor

BETHANY VOLUNTEER FIRE COMPANY, INC.

BY: \_\_\_\_\_

Christopher Page, President

STATE OF NEW YORK)  
COUNTY OF GENESEE) SS:

On this \_\_\_ day of \_\_\_\_\_ 2019, before me, the subscriber, personally appeared **Carl Hyde, Jr.**, who hereby certified to me that (s)he is the Town Supervisor for the Town of Bethany and known to me to be the same person described in and who executed the within instrument, and (s)he duly acknowledged to me that (s)he executed the same.

\_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_ 2019, before me, the subscriber, personally appeared **Christopher Page**, to me personally known, and being by me duly sworn did dispose and say that (s)he resides in The Town of Bethany, Genesee County, New York; that (s)he is the President of The Bethany Volunteer Fire Company, Inc., the corporation described in and which executed the above instrument; and that his/her signature is affixed by Order of the Board of Directors of said corporation, The Bethany Volunteer Fire Company, Inc.

\_\_\_\_\_

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

**RESOLVED** that the Bethany Town Board hereby authorizes Supervisor Hyde to enter into the Contract for Fire Protection with the Bethany Volunteer Fire Company upon the receipt of the following documents: List of current officers, 2019-2020 Budget and Certificate of Insurance.

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

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

**RESOLUTION #18-2019 SETTING PUBLIC HEARING FOR THE INCORPORATION OF FUTURE LAND USE MAPS INTO THE TOWN OF BETHANY COMPREHENSIVE PLAN**

**WHEREAS**, the Town Board is considering incorporating maps, attached hereto as **Exhibit A**, into the Comprehensive Plan of the Town of Bethany; and

**WHEREAS**, the Town Board believes it is in the best interest of the Town to refer said action to the Town of Bethany Planning Board and the Genesee County Planning Board for their review and analysis; and

**WHEREAS**, the Town Board of Bethany finds it in the best interest of the Town of Bethany to hold a public hearing on the incorporation of said maps.

**NOW, THEREFORE, ON MOTION** made by Councilman Embt and duly seconded by Councilman Street, therefore, be it

**RESOLVED**, that the Town Board of the Town of Bethany will refer said action to the Town of Bethany Planning Board and the Genesee County Planning Board for their review and analysis; and be it

**FURTHER RESOLVED**, that the Town Board of the Town of Bethany will hold a public hearing on the 13 day of May, 2019, commencing at 7:00 p.m., at which time all interested parties and citizens for or against incorporating the maps will be heard.

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

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

**NEW BUSINESS**

**RESOLUTION # 19-2019 MODIFY 2018 BUDGET – DA FUND**

**WHEREAS**, the Town of Bethany received \$14,065.00 more in CHIPS (Consolidated Highway) funding than budgeted from New York State; now on

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

**RESOLVED** the Supervisor is hereby authorized to modify the 2018 Budget in the following manner:

DA.510	Estimated Revenues	
	DA3501 State Aid, Consolidated Highway	\$14,065.00
DA.960	Appropriations	
	DA5112.2 Improvement – CHIPS	\$14,065.00

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

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

**RESOLUTION #20-2019 2018 YEAR END BUDGET TRANSFERS**

Supervisor Hyde presented the following resolution.

**WHEREAS**, the appropriated accounts in the 2018 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 \$1.00 (One dollar)

From A1110.13	Justices – Personal Services (Bailiff)
To A1110.11	Justices – Personal Services (Court Clerks)

Transfer \$133.00 (One hundred thirty-three dollars)

From A1220.4	Supervisor - Contractual
To A1220.12	Financial Clerk/Typist – Bookkeeper PS

Transfer \$162.00 (One hundred sixty-two dollars)

From A1330.11	Tax Collector – Personal Services (Deputy)
To A1330.4	Tax Collector - Contractual

Transfer \$327.00 (Three hundred twenty-seven dollars)

From A1110.13	Justices – Personal Services (Baliff)
To A1355.4	Assessor - Contractual

Transfer \$38.00 (Thirty-eight dollars)

From A1110.13	Justices – Personal Services (Bailiff)
To A1355.42	Assessor – Assessment Review

Transfer \$449.00 (Four hundred forty-nine dollars)

From A1220.41	Supervisor – Payroll Service
To A1380.4	Fiscal Agent Fees - Contractual

Transfer \$1,407.00 (One thousand four hundred seven dollars)

From A9050.8	NYS Unemployment Insurance – Employee Benefit
To A1410.2	Town Clerk - Equipment

Transfer \$541.00 (Five hundred forty-one dollars)

From A9050.8	NYS Unemployment Insurance – Employee Benefit
To A1410.4	Town Clerk - Contractual

Transfer \$108.00 (One hundred eight dollars)

From A9050.8	NYS Unemployment Insurance – Employee Benefit
To A9055.8	Disability Insurance – Employee Benefit

Transfer \$6,938.00 (Six thousand nine hundred thirty-eight dollars)

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

Transfer \$1,000.00 (One thousand dollars)

From A1220.2 Supervisor - Equipment

To A1420.4 Attorney - Contractual

Transfer \$4,100.00 (Four thousand one hundred dollars)

From A1620.2 Building (Town Hall) - Equipment

To A1610.2 Central Service Administration Equipment/For Server

Transfer \$1,026.00 (One thousand twenty-six dollars)

From A1620.2 Building (Town Hall) - Equipment

To A1610.4 Central Service Administration - Contractual

Transfer \$11,147.00 (Eleven thousand one hundred forty-seven dollars)

From A5132.4 Garage - Contractual

To A1620.4 Building (Town Hall) - Contractual

Transfer \$4,791.00 (Four thousand seven hundred ninety-one dollars)

From A9040.81 Worker's Compensation (Fire District) - Employee Benefit

To A1620.4 Building (Town Hall) - Contractual

Transfer \$1,850.00 (One thousand eight hundred fifty dollars)

From A1621.4 Building (Old Town Hall) - Contractual

To A1640.2 Central Garage - Equipment

Transfer \$1,086.00 (One thousand eighty-six dollars)

From A1920.4 Municipal Association Dues - Contractual

To A1670.4 Central Printing & Mailing - Contractual

Transfer \$700.00 (Seven hundred dollars)

From A3620.4 Safety Inspections - Contractual

To A1680.4 Central Data Processing - Contractual

Transfer \$477.00 (Four hundred seventy-seven dollars)

From A3620.4 Safety Inspections - Contractual

To A1910.4 Unallocated Insurance - Contractual

Transfer \$1,595.00 (One thousand five hundred ninety-five dollars)

From A3620.4 Safety Inspections - Contractual

To A3620.2 Safety Inspections - Equipment

Transfer \$1.00 (One dollar)

From A3620.4 Safety Inspections - Contractual

To A4020.1 Registrar of Vital Statistics - Personal Services

Transfer \$7,384.00 (Seven thousand three hundred eight-four dollars)

From A5010.4 Superintendent of Highways - Personal Services

To A3989.2 Miscellaneous Public Safety - Contractual

Transfer \$317.00 (Three hundred seventeen dollars)

From A8010.41 Zoning Board of Appeals - Contractual

To A8020.41 Planning Board - Contractual

Transfer \$922.00 (Nine hundred twenty-two dollars)

From A8160.1 Refuse & Garbage - Personal Services

To A8160.4 Refuse & Garbage - Contractual

Transfer \$5,876.00 (Five thousand eight hundred seventy-six dollars)  
 From A9950.9 Transfers to Capital Project Fund  
 To A8389.4 Other Water – Contractual

Transfer \$2,737.00 (Two thousand seven hundred thirty-seven dollars)  
 From A9950.9 Transfers to Capital Project Fund  
 To A5182.4 Street Lighting - Contractual

HIGHWAY FUND

Transfer \$2,998.00 (Two thousand nine hundred ninety-eight dollars)  
 From DA5110.4 General Repairs - Contractual  
 To DA1710.4 Administration - Contractual

Transfer \$16,502.00 (Sixteen thousand five hundred two dollars)  
 From DA5110.4 General Repairs - Contractual  
 To DA5130.4 Machinery - Contractual

Transfer \$4,036.00 (Four thousand thirty-six dollars)  
 From DA5110.4 General Repairs - Contractual  
 To DA5130.41 Machinery Fiscal Aging Fees - Contractual

Transfer \$963.00 (Nine hundred sixty-three dollars)  
 From DA9060.8 Hospital & Medical Insurance – Employee Benefit  
 To DA9030.8 Social Security – Employee Benefit

Transfer \$7,231.00  
 From DA5142.4 Snow Removal – Contractual  
 To DA5680.2 Other Transactions - Equipment

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

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

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

**Volunteer Firefighter’s Exemption – Discussion of**

- New York State law allows for an exemption for volunteer firefighters and ambulance personnel. The Genesee County Legislature did not opt-in to this exemption.
- Residents of the county are encouraged to contact your legislators asking them to opt-in to this exemption which would then allow individual municipalities to decide whether or not to opt in.

**Warrant**

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$35,324.55	\$ 50,046.28
Highway Fund	\$ 325.28	\$ 12,812.62
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 Embt, duly seconded by Supervisor Hyde to adjourn the meeting at 7:50 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: March 20, 2019

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