

**TOWN OF BETHANY**  
**REGULAR TOWN BOARD MEETING**

**08 APRIL 2019**

Supervisor Hyde opened the April 8, 2019 Regular Town Board Meeting at 6:59 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
William Shea, Town Justice	Thomas McBride, Town Justice

Attendees to the Meeting were:

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

**FINANCES**

Supervisor Hyde presented the finances for March 2019.

General Savings	\$1,055,851.62	
Highway Savings	\$ 461,815.05	
AP/PR Account	\$ 74,178.37	
Trust & Agency Account	\$ 4,666.17	
Highway Checking	\$ 2,711.49	
Supervisor	\$ 132,914.34	
Water District #2	\$ 30,897.47	
Petty Cash	\$ 200.00	
Total		\$ 1,763,234.51

Revenues Received		
Debbie Douglas, Town Clerk	\$ 1,328.50	
NYS Dept Taxation & Finance -CHIPS	\$ 110,065.56	
Union Life STD – M Heale	\$ 1,800.00	
US Post Office	\$ 100.00	
William Shea, Town Justice	\$ 999.00	
Thomas McBride, Town Justice	\$ 2,570.00	
Total Revenue	\$ 116,863.06	
Total Interest	\$ 176.84	
Total Revenue		\$ 117,049.99

**Town Clerk Report – Debbie Douglas**

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

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

- William Elsasser would like to be appointed to the vacant position on the Zoning Board of appeals. He has served on the Assessment Review Board for many years.

**MOTION** made by Councilwoman Fowler, duly seconded by Councilman Street, to appoint William Elsasser to the Town of Bethany Zoning Board of Appeals. Motion **PASSED** with All In Favor.

- Thank you note from the Maple Lawn Cemetery Association for a gift of money.
- The Clerk's Monthly Report and Bank Statements for March were reviewed by the Town Board.

**CEO/ZEO Report – Thomas Douglas – Read by Town Clerk**

- Has started road review which will be completed by May's meeting.
- Issuing violations for unregistered vehicles as well as unsanitary yards. A list will be presented at the May meeting.
- Updating last year's list of unsafe/dilapidated buildings. Will be documenting these with photos and asking for Board direction on each building specifically, also at the May meeting.
- A letter has been prepared for Frank and Jamie Stanton (Pig Pen's Waller) requiring their attendance at the May Town Board meeting to revisit their Special Use Permit, more specifically the lack of required improvements and messy conditions on site that remain unsolved. They have two events scheduled as stated online. This schedule will be confirmed and a copy of the Special Use Permit will be available at the meeting.
- One day of the January codes conference was cancelled due to a blizzard, the make-up day will be on April 30.
- The permit report for the first quarter of 2019 was presented to the Town Board.

**Highway Superintendent Report – Barbara Czworka**

- March Meeting Report – (unable to attend due to snow)
  - o 35 plow/sand runs, 8 salt/sand, 4 one truck runs.
  - o CHIPS paperwork has been completed.
  - o Main plow hydraulic line on Truck 1203 needed repair and was back in service in two days.
  - o County Highway provided a new wing cable to replace the broken one on Truck 1201.
  - o A lot of dead deer have been picked up.
  - o Overhead Door Co. repaired and performed annual maintenance on the doors.
  - o Attended chainsaw training at Cedar Street Rental, very informative.
  - o Truck 1201 is at Fleet Maintenance for repair to the splitter.
- April Report
  - o 7 plow runs, 1 salt/sand run, 1 one truck run.
  - o Supervisor Hyde will make sure that the safe that was placed on the Praxair property will be taken care of.
  - o National Grid made repairs at the pole to correct an electrical problem at the Transfer Station.
  - o Leaking diesel tank is being repaired.
  - o Pot holes have been filled twice. More have appeared in the last 2 weeks.
  - o Josh McClellan attended 10-hour OSHA training which was provided by the County.
  - o Recall work was performed on Truck 1210.
  - o All septic tanks have been pumped.
  - o Results of DEC fuel tank inspection (minor violations)
    - New tank needs to be labeled
    - Closure information for the removal of the underground tank needs to be kept in the location where the tank was removed.
    - Registration Form needs to be updated with current Highway Superintendent name. This is required each time the Superintendent changes.
    - The drain port on the gas tank needs to be replaced.
    - The black residue should be scrubbed off the gas tank.
  - o There are trees that need trimming and one tree on Mill Road that will be removed with permission of the property owner. Pavilion Highway

Department will be assisting with trimming in town. Shared services with Pavilion over the past two weeks performing trimming on Transit Road.

- Two of three operators have completed the DIG Safe training with certificates that will be good for five years.
- Truck 1201 was hauled to Fleet Maintenance by Genesee County Highway. Because work was refused when the truck was there last year it may cause problems with the warranty. Receipts were presented proving that the work was completed locally. The sales representative is trying to submit the receipts to keep the warranty enforce. If not, perhaps the town can pay for the labor and Fleet Maintenance will pay for the parts.
- The state budget was passed without Extreme Winter Recovery. Money may come in June but waiting for a letter of confirmation.
- Looking for a trailer to transport the zero-turn mower to the cemeteries.
- Would like to Board's support concerning mailbox replacement.
  - Many people have the plastic framed mailboxes which do not hold up over the winter. These are the boxes that have a plastic "post" all the way to the ground. They become brittle in the cold weather and split and crack without the plow hitting them (photos were provided showing no marks from the plow hitting them). These mailboxes cost \$60-100.
  - Very few municipalities replace mailboxes including the county. They are considered the homeowner's responsibility.
  - The Board agrees that a standard mailbox (currently \$20) is what should be used to replace any mailboxes. The large plastic mailboxes will not be replaced.
- Highway Superintendent Czworka has submitted a request to attend Highway School from June 3 – 5, 2019 at a cost of \$538.00.

**MOTION** made by Supervisor Hyde, duly seconded by Councilman Fluker, to approve the travel request submitted by Highway Superintendent Czworka to attend Highway School from June 3 – 5, 2019 at the cost of \$538.00.

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

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

Councilman Fluker – Yes  
 Councilman Street – Yes

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

- Town Prosecutor is working out well.
  - If someone pleads not guilty to a ticket, it gives them an opportunity to speak to the prosecutor and possibly avoid or reduce the number of points on their license.
  - The prosecutor reviews the tickets and driving abstract which are provided by the court.
  - The ticket may be reduced to parking, etc. In this case, the imposed fine stays with the town and only the surcharge is passed on to the state.
- March monthly report for Justice Shea was presented to the Board.
- Justice McBride's reports for February and March were presented to the Board.

### **Board Committee Reports**

#### **Councilman Fluker**

- The new ambulance has been used for a few calls.
- Fire departments nation-wide will be holding open house events on April 27<sup>th</sup>. Bethany Fire Company will hold their open house from 10:00 am – 3:00 pm on that day.

#### **Councilman Street**

- The Planning Board met on April 4<sup>th</sup>.
  - Preliminary approval was granted for a land separation on Bethany Center Road with final approval to be granted when the survey is provided.

- The Planning Board also made a recommendation of approval for the incorporation of the future land use maps into the Town’s Comprehensive Plan.

**Councilwoman Fowler**

- Water Advisory Board meets tomorrow at 8:00 am.

**Supervisor Hyde**

- The Fire Protection Contract has been signed and the check is being cut.
- Volunteers are needed to help place flags on Veteran’s graves before Memorial Day.

**OLD BUSINESS**

**Water District Update**

- Will be closing on Water District 2 by the end of April.

**RESOLUTION # 21-2019 WATER DISTRICT NO. 2 PROJECT COMPLETION**

**WHEREAS**, the Town of Bethany has substantially completed construction of the Water District No. 2 project; and

**WHEREAS**, the Town Board of the Town of Bethany has received notice of substantial completion for Water District No. 2 on October 19, 2018; now

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

**RESOLVED**, that the Town Board of the Town of Bethany accepts the Water District No. 2 Project as substantially complete and authorizes final payment to the contractors upon submission of final payment applications; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Bethany hereby states an operator appropriately licensed by New York State has been retained to oversee operation of the water system. Raymond Benshoff, license #NY0036708.

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

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

- Water District 4 may go out to bid in June.
- Water District 5 working on easements.

**Transfer Station – Update**

- Supervisor Hyde reported that the Transfer Station is at -\$409.87 so far this year.

**Volunteer Firefighter’s Exemption – Update**

- 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.
- Received letters from Senator Ranzenhofer and Assemblyman Hawley concerning a property tax break for volunteer firefighters. They both would support legislation to offer this tax break.
- 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.

**NEW BUSINESS**

**New York State Purchase of Development Rights (PDR) – Heineman**

- A letter has been received from Kasey Heineman asking for the Town Board’s support.
- She is applying for a grant to place her property (TMP # 8.-1-37.1 and 8.-1-51.114) into a program to protect farm land from development. This program is offered by New York State. The state would purchase 87.5% of the land’s development rights for 99 years. Three of these grants are awarded per grant cycle. Eleven applications have been received.
- There was some concern that by placing the land in this type of program it would hinder the placement of water transmission lines. Supervisor Hyde, CEO Douglas and Felipe Oltramari, Genesee County Planning Director, researched this and found that it would not affect the placement of water lines.

Motion by Councilwoman Fowler, duly second by Councilman Embt, directing the Clerk to send a letter in support of the grant application for the PDR to Kasey Heineman.

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

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

**RESOLUTION #22-2019 IN SUPPORT OF HOME RULE**

**WHEREAS**, the Liberties, Happiness and Well-being of the citizens of the Town of Bethany, New York are often adversely affected by the laws, rules, regulations and edicts set forth by the State of New York, and

**WHEREAS**, unfunded mandates legislated by the State of New York consume a large portion of the budget of the Town of Bethany regardless of their effectiveness in the Town of Bethany, which has led to higher taxes, and

**WHEREAS**, the excessive amount of bureaucracy and regulations has stifled economic growth and impeded small business start-up, expansion, and growth, thus adversely affecting the economic viability of many businesses in the Town of Bethany, and

**WHEREAS**, certain laws, rules and regulations and edicts legislated by the State of New York have resulted in a trend of Bethany residents leaving because they do not reflect the culture of Bethany, thus resulting in fewer citizens on the tax rolls to support the efforts of the Town, and

**WHEREAS**, certain State of New York laws, rules and edicts are not applicable in the Town of Bethany, New York because of the culture found within the Town of Bethany, now on

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

**RESOLVED** that the Town Board of the Town of Bethany, County of Genesee, State of New York proclaimed the intension of invoking “Home Rule” within the parameters set forth by the New York State Constitution to decide which laws, rules, regulations and edicts set forth by the State of New York are beneficial to the Town of Bethany and support the Rights, Liberties, and general Well-being of its residents, and be it

**FURTHER RESOLVED**, that this resolution be forwarded to Governor Cuomo, NYS Senate Leader, NYS Assembly Speaker, Senator Michael Ranzenhofer, Assemblyman Steve Hawley, GAM, NYSAC and Inter County Association, NYSAOT and any other interested parties.

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

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

Councilman Fluker – Yes  
Councilman Street – Yes

**Warrant**

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$32,528.82	\$ 40,897.43
Highway Fund	\$ 0.00	\$ 3,025.21
Trust & Agency	\$ 0.00	\$ 7,491.50
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 Street, duly seconded by Councilman Embt to adjourn the meeting at 7:50 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: April 10, 2019

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