

**TOWN OF BETHANY**  
**REGULAR TOWN BOARD MEETING**  
**08 July 2019**

Supervisor Hyde opened the July 8, 2019 Regular Town Board Meeting at 7:04 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  |
| Debbie Douglas, Town Clerk              | William Shea, Town Justice |
| Barbara Czworka, Highway Superintendent |                            |

Town Officials Absent were:

Diane Fowler, Councilwoman

Attendees to the Meeting were:

|                                        |                |
|----------------------------------------|----------------|
| David DiMatteo, Esq., DiMatteo & Roach | Eric Weis, CPL |
| Don Frank                              | Ray Cipriano   |
| Jim Phillips                           |                |

**FINANCES**

Supervisor Hyde presented the finances for June 2019.

|                        |    |            |                 |
|------------------------|----|------------|-----------------|
| General Savings        | \$ | 979,782.76 |                 |
| Highway Savings        | \$ | 519,307.71 |                 |
| AP/PR Account          | \$ | 78,686.12  |                 |
| Trust & Agency Account | \$ | 4,014.84   |                 |
| Highway Checking       | \$ | 3,349.46   |                 |
| Supervisor             | \$ | 54,467.66  |                 |
| Water District #2      | \$ | 134,926.47 |                 |
| Petty Cash             | \$ | 200.00     |                 |
| Total                  |    |            | \$ 1,774,735.02 |

|                                      |    |           |              |
|--------------------------------------|----|-----------|--------------|
| Revenues Received                    |    |           |              |
| Debbie Douglas, Town Clerk           | \$ | 2,730.18  |              |
| USDA – Water District #2             | \$ | 73,554.00 |              |
| Genesee Co. Treasurer – Mortgage Tax | \$ | 8,743.35  |              |
| RANDSCO – Water District #2          | \$ | 4,227.00  |              |
| Town of Pembroke                     | \$ | 284.91    |              |
| US Post Office                       | \$ | 100.00    |              |
| William Shea, Town Justice           | \$ | 3,001.00  |              |
| Thomas McBride, Town Justice         | \$ | 1,693.00  |              |
| Total Revenue                        | \$ | 94,333.44 |              |
| Total Interest                       | \$ | 151.00    |              |
| Total Revenue                        |    |           | \$ 94,484.44 |

**Town Clerk Report – Debbie Douglas**

– Presented the Minutes of the June 10, 2019 Regular Town Board meeting.

On **MOTION** made by Councilman Street, duly seconded by Councilman Embt, to approve the Minutes of the June 10, 2019 Regular Town Board meeting as presented. Motion passed with All In Favor.

- Presented the minutes of the June 24, 2019 Town Board Public Hearing. When the Court Reporter's transcript is received, it will be added to the record.

On **MOTION** made by Councilman Fluker, duly seconded by Councilman Embt, to approve the Minutes of the June 24, 2019 Town Board Public Hearing as presented. Motion passed with All In Favor.

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

#### **Highway Superintendent Report - Barbara Czworka**

- Went to Genesee County, Pavilion and Town of Batavia to share services. Pavilion, Middlebury, Batavia and Bergen came to Bethany for shared services.
- Have not had any problems with the John Deere mower recently. The work order is still open at Land Pro in case something goes wrong while brooming or mowing. The Town is unable to purchase an extended warranty as the original warranty is expired. There is a policy that the town can purchase. Will be looking into this.
- One round of mowing has been completed.
- Green telephone boxes were hit on Francis Road while mowing. The boxes are green without any other markings and blended into the grass. The grass is especially tall due to the extreme amount of rain received this year.
- A company was hired to spray around signs and guard rails which was completed on June 27, 2019.
- Marquart is rebuilding the transmission on truck 1202(Peterbilt).
- There have been some washouts due to heavy rains in short periods of time.
- The culverts on Mill Road have all been changed to plastic with the exception of one which is galvanized and shows very little wear. The end of this pipe was extended to allow for drainage further from the road shoulder.
- Transit Road from Route 20 to East Bethany-LeRoy Road has been chip sealed. Sections of Cacner and Chaddock Roads and part of the Fire Department driveway were also chip sealed.
- The Emergency Winter Recovery funding was reinstated in the amount of \$14,063.68.
- Received a letter from Barb and Pat Pietrzykowski asking that the town not use chemical weed spray around the town's fence that abuts their back yard.
- Superintendent was also contacted by Jim Pietrzykowski concerning expanding the speed zone from the 35-mph zone to approximately 10272 Bethany Center Road. Superintendent contacted the County Highway Department as Bethany Center Road is a county road. A representative came out to look at the area. She informed the Superintendent, who in turn informed Mr. Pietrzykowski, that the residents of the area should petition for the change. The Town Clerk noted that there was a post on Facebook admonishing the Town Clerk for not knowing "how or who to even start contacting". Mr. Pietrzykowski did contact the Town Clerk concerning this issue approximately two years ago. The Town Clerk, after doing some research and contacting the Genesee County Highway Superintendent informed Mr. Pietrzykowski that the residents of the area should petition for the change as suggested by the Genesee County Highway Superintendent.

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

- Beginning on July 15, Justices will begin a rotation for arraignments in a central location. Arraignments can no longer be performed without an attorney for the defendant present.
- June monthly report for Justice Shea was presented to the Board.
- May monthly report for Justice McBride was presented to the Board.

**Board Committee Reports****Councilman Fluker**

- Accident at Route 20 and East Road.
- Fire Department has responded to 80 calls so far this year.

**OLD BUSINESS****WATER DISTRICTS UPDATE – Eric Weis, CPL****Water District #4**

- District has been designed and permitted.
- SHPO has sent notification that an archaeological survey Phase IA/IB needs to be completed. A proposal was submitted by Deuel Archaeology to complete the necessary work at a cost of \$3,175.00.

On **MOTION** made by Councilman Street, duly seconded by Councilman Embt, authorized Supervisor Hyde to sign the contract with Deuel Archaeology to complete the Archaeological Survey for Water District #4. Motion passed with All In Favor.

- One easement still needs to be signed.

**Water District #5**

- The environmental and assorted reports have been completed.
- Reviewing cost figures.
- Bidding is tough right now because contractors are busy. May want to open the construction window to encourage more contractors to bid. This can be decided at a later date.
- Application is close to being ready to submit to USDA.

**Transfer Station – Update**

- Supervisor Hyde reported that the Transfer Station is at -\$1,045.71 so far this year.

**RESOLUTION #29-2019 AUTHORIZING SUPERVISOR TO SIGN TENTATIVE AGREEMENT WITH TEAMSTERS UNION**

**WHEREAS**, the Town Board of the Town of Bethany has been presented with a Tentative Agreement between the Town of Bethany and the International Brotherhood of Teamsters Local 264; and

**WHEREAS**, all members of the Town Board of the Town of Bethany have had an opportunity to review this Agreement; and

**WHEREAS**, the Town Board of the Town of Bethany believes it is in the best interest of the Town of Bethany to authorize the Town Supervisor's signature on said Agreement on this day.

**NOW ON MOTION OF** Councilman Street which has been duly seconded by Councilman Fluker, now, therefore,

**BE IT RESOLVED**, that the Town Board of the Town of Bethany hereby authorizes and directs the Town Supervisor to execute said Tentative Agreement between the Town of Bethany and the International Brotherhood of Teamsters Local 264.

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

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

**NEW BUSINESS**

**RESOLUTION #30-2019 APPOINTING ASSESSOR DEBORAH CONTI**

**WHEREAS**, Deborah Conti has submitted her New York State Retirement which becomes effective on July 19, 2019, and

**WHEREAS**, Deborah Conti has requested a reappointment as Assessor for the Town of Bethany (this position will no longer build her New York State Retirement), now

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

**RESOLVED** that Deborah Conti is hereby appointed as Assessor for the Town of Bethany effective July 22, 2019 through September 30, 2025 which encompasses the term that will renew on September 30, 2019.

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

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

**Executive Session**

On **MOTION** of Councilman Street, duly seconded by Councilman Embt, the Board along with the Town Clerk entered into Executive Session to discuss specific personnel at 7:50 p.m.. Motion **PASSED** with all in favor.

The Board and Clerk returned from Executive Session at 8:00 p.m.

**Warrant**

- The Board approved payment of the bills as follows:

|                               | <u>Prepaid</u> | <u>Total</u> |
|-------------------------------|----------------|--------------|
| General Fund                  | \$ 4,309.30    | \$ 7,487.81  |
| Highway Fund                  | \$ 0.00        | \$ 11,873.33 |
| 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        | \$ 562.50    |
| Justice Fund                  | \$ 0.00        | \$ 0.00      |

**Adjournment**

A **MOTION** was made by Councilman Fluker, duly seconded by Councilman Street to adjourn the meeting at 8:00 p.m. The motion **PASSED** with All In Favor.

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

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