

**TOWN OF BETHANY**

**REGULAR TOWN BOARD MEETING**

**08 JUNE 2020**

Supervisor Hyde opened the June 8, 2020 Town Board Meeting at 7:03 p.m. with the Pledge of Allegiance followed by a prayer lead by Councilman Embt.

**\*\*\*Please note that this meeting is being held outside of Executive Order 202.1. The Town of Bethany is not technologically equipped to hold virtual meetings and therefore, must meet in person to conduct essential business. The public is welcome to attend however, facial covering and social distancing regulations must be adhered to.**

Town Officials in Attendance were:

- |   |                            |
|---|----------------------------|
| Carl Hyde, Jr., Supervisor              | Jeffrey Fluker, Councilman |
| Timothy Embt, Councilman                | Daniel Street, Councilman  |
| Debbie Douglas, Town Clerk              |                            |
| Barbara Czworka, Highway Superintendent |                            |

Town Officials Absent were:

- Diane Fowler, Councilwoman

Attendees to the Meeting were:

- |               |                  |
|---------------|------------------|
| Bill Elsasser | Dustin Beardsley |
| Jim Phillips  | Joe Nowakowski   |

**FINANCES**

Supervisor Hyde presented the finances for May 2020.

General Fund	\$1,100,571.83
Highway Fund	\$ 707,439.02
AP/PR Account	\$ 77,112.50
Trust & Agency Account	\$ 3,141.00
Highway Checking	\$ 2,682.00
Supervisor	\$ 455,012.85
Water District #2	\$ 51,724.37
Petty Cash	\$ 200.00
<b>Total</b>	<b>\$ 2,397,883.57</b>

Revenues Received	
Debbie Douglas, Town Clerk	\$ 552.60
Genesee County Treasurer	\$ 7,929.85
County of Genesee (Snow & Ice)	\$ 140,501.92
US Post Office	\$ 100.00
Thomas McBride, Justice	\$ 180.00
<b>Total Revenue</b>	<b>\$ 149,264.37</b>
<b>Total Interest</b>	<b>\$ 179.38</b>
<b>Total Revenue</b>	<b>\$ 149,443.75</b>

**Town Clerk Report – Debbie Douglas**

- Presented the Minutes of the March 9, 2020 Regular Town Board meeting.

A motion was made by Councilman Fluker, duly seconded by Councilman Embt, to approve the March 9, 2020 Regular Town Board meeting as presented. Motion passed with All In Favor.

- Presented the Minutes of the May 11, 2020 Regular Town Board meeting.

A motion was made by Councilman Fluker, duly seconded by Councilman Street, to approve the May 11, 2020 Regular Town Board meeting as presented. Motion passed with All In Favor.

- Presented the Minutes of the May 27, 2020 Special Town Board meeting.

A motion May 27, 2020 Special Town Board meeting as presented. Motion passed with All In Favor.

- The Clerk's Monthly Report and Bank Statements for March, April and May 2020 were reviewed by the Town Board.

**Highway Superintendent Report – Barbara Czworka**

- All snow plowing equipment has been removed from the trucks and they have been cleaned.
- Chip stone was hauled for Silver Road.
- 2.5 ton of cold patch has been used to fill pot holes.
- Brake inspections have been performed on all trucks.
- Rims on truck 1203 have been scraped and repainted.
- Bristles have been changed on the broom
- Highway Department employees were divided into two two-man crews from March 30 thru May 26, 2020. It was necessary to have all three employees and the Highway Superintendent work together on three occasions. This made it difficult to complete projects.
- The three highway employees have been furloughed from June 1, 2020 thru August 31, 2020. Highway Superintendent thinks that the Supervisor and the Board "should be talking to other towns because they are all going along with their projects as planned." "You need to realize that we have worked very hard as a town to get our roads where they are today. This year can set us further back than you may realize."
- Rough road signs were installed on Brown Road.
- Five hundred ton of Salt (\$51.29 per ton) and sand (\$11.45 per ton) have been mixed. The ratio included more sand than usual to stretch the salt.
- The first pass of mowing was completed by May 29 with the use of overtime.
- The list of roads that should be worked on this year includes Molasses Hill Road, Silver Road, and Mill Road. Paradise and Paul Roads should be prepared for next year and top pipes replaced on Jerico and Brown Roads.
- The contract with Genesee County for mowing and snow and ice removal has been received. "I would like to tell the County that we will be signing. This money is very substantial to our operating budget, and we travel county roads to mow and plow most of our town roads."
- Highway School was three days of Zoom classes and was interesting.
- The total cost of completing Mill Road is \$136,748.44. The date for Mill Road was originally mid-July but has been moved to September 9<sup>th</sup> or 10<sup>th</sup> depending on the weather. Once the road is complete it shouldn't need anything more for five years or more.
- Hoping that CHIPS funding (\$96,001.00) from the state comes in soon. A portion of the CHIPS money was used for Mill Road last year. Trying to find out if some of this year's money can be used again for Mill Road. Have been informed that CHIPS money should not be rolled over into the next budget year. It makes it look like the municipality does not need the funding and funding may not be available next year.

- Two bridges have been red tagged. One is on McClernon Road and the other on West Bethany Road.

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

- Justice McBride's reports for March and April were presented to the Board.

### **Board Committee Reports**

#### **Councilman Street**

- The Planning Board met on May 4th and there was further discussion concerning solar.
- The moratorium is due to expire however, due to COVID-19 there should be no problem in getting an extension.

#### **Councilman Embt**

- The Zoning Board of Appeals will be meeting on June 24<sup>th</sup> to hear the applications that were scheduled for the March meeting which was cancelled due to COVID-19.

#### **Councilman Fluker**

- As always, the Fire Department needs volunteers. Please come to the Fire Hall on any Monday evening if interested in volunteering.

#### **Supervisor Hyde**

##### **Sales Tax Revenue Sharing**

- Things are heated during the GAM meetings. The towns and villages are upset with the County Legislature's decision to eliminate Genesee County sales tax sharing. It is not expected that the town will receive any more sales tax revenues this year. It effectively eliminates 50% of the town's revenue flow.
- GAM had offered the Legislature a resolution that would cut the sharing with the towns and villages by the percentage of loss due to COVID-19. The Legislature would not accept it.
- In trying to plan ahead for a future with out this revenue, Supervisor Hyde calculated that the property tax rate would have to increase to \$8.50 per \$1,000 from the current rate of \$3.71 per \$1,000 in order to operate at the current level of service. A tax rate increase to \$5.00 per \$1,000 would be a 200% increase and is unacceptable.
- Supervisor Hyde contacted the State Comptroller's office to inquire about the limit for rate increases. There is no limit, however, any increase of two digits or higher will automatically trigger a full financial audit and cause flagging for misappropriation of funds and misuse of government funds.
- Once the situation with the elimination of sales tax sharing was fully explained to the Comptroller's office, Supervisor Hyde was asked to send over the Town's budget, the agreement with the county for sales tax sharing, the resolution from the county with their decision to end sharing, along with other documentation. Supervisor Hyde then received a call from an attorney in the comptroller's office in Albany. The attorney informed Supervisor Hyde that the forty-year agreement the county presented to the towns does not include the towns. When the Comptroller's office was reviewing the 40-year agreement, the county was asked about the towns and villages. The county said that they had a separate agreement with the towns and villages to take care of them. This was not the case.
- Supervisor Hyde has contacted the Town's attorney about getting a court ordered injunction to get the funds promised for the 2020 budget year. He is referring the case to another firm that specializes in these types of cases. Two other towns have expressed interest in joining the suit. Supervisor Hyde is hoping others will also join.

##### **Post Office**

- USPS sent out a survey to the 14054 zip code concerning the closing of the Bethany Post Office. This comes several years after the office closed. 500 surveys were sent out and only a handful have been returned.

- Residents in the 14054 zip code have until Monday, June 15 to respond to the survey or call the representative with their thoughts about having a post office in Bethany.
- Surveys and the phone number are available at the Town Hall.

#### Audit

- The Teamsters performed a payroll audit. Results of the audit were “Our examination disclosed that no audit liability is due the New York State Teamsters Council Health and Hospital Fund.”

#### Resident Comments

- Janet Berkemeier asked Supervisor Hyde to pass along to the Town Board that if the Transfer Station can not be funded then she doesn't think that the youth programs, library, senior program or cemeteries should be fund any longer either.

### **OLD BUSINESS**

#### **Water District #4 – Update**

- The bid has been awarded to Rochester Pipeline, Inc.
- Getting ready to schedule the pre-construction meeting.

#### **Water District #5 – Update**

- This district is still moving along.
- The Inter-Municipal Agreement with Genesee County is with the county for review. Once approved by the Legislature the Town will be able to sign.

### **NEW BUSINESS**

#### **RESOLUTION #25-2020 SCHEDULE PUBLIC HEARING FOR SPECIAL USE PERMIT (SA20007) – DUSTIN BEARDSLEY POND**

**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 (SA20007) from Dustin Beardsley requesting permission to enlarge a pond on his property located at 9708 Clipnock Road; 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 Fluker 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 Dustin Beardsley (SA20007) on the 10<sup>th</sup> day of August 2020 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 Fluker – Yes
Councilman Embt – Yes	Councilman Street – Yes
Councilwoman Fowler - Absent	

**RESOLUTION #26-2020 SCHEDULE PUBLIC HEARING FOR SPECIAL USE PERMIT (SA20010) – RAYMOND & LAURA LADD POND**

**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 (SA20010) submitted by Raymond & Laura Ladd requesting permission to install a pond on his property located at 10900 East Road; 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 Fluker 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 Raymond & Laura Ladd (SA18010) on the 13<sup>th</sup> day of July 2020 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 Fluker – Yes
Councilman Embt – Yes	Councilman Street – Yes
Councilwoman Fowler - Absent	

**RESOLUTION #27-2020 SCHEDULING SPECIAL TOWN BOARD MEETING TO DISCUSS BUDGET CUTS**

**WHEREAS**, the Genesee County Legislature has voted to end sale tax sharing with the municipalities in Genesee County which eliminates approximately 50% of the funding for the 2020 Town of Bethany Budget, and

**WHEREAS**, Supervisor Hyde has deemed it necessary to hold a special Town Board meeting to discuss budget cuts, now

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

**RESOLVED** that a special Town Board meeting on Monday, June 22, 2020 at 7:00 p.m.

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

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

**Warrant**

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,836.19	\$ 11,713.12
Highway Fund	\$ 4,557.42	\$ 41,725.76
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	\$ 6,971.00

**Adjournment**

A **MOTION** was made by Councilman Fluker, duly seconded by Councilman Street, to adjourn the meeting at 7:34 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: June 10, 2020

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