

TOWN OF BETHANY

SPECIAL TOWN BOARD MEETING

22 JUNE 2020

Supervisor Hyde opened the June 22, 2020 Town Board Meeting at 7:00 p.m. with the Pledge of Allegiance followed by a prayer offered 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 (7:29 p.m.) |
| Timothy Embt, Councilman | Daniel Street, Councilman |
| Diane Fowler, Councilwoman | |
| Barbara Czworka, Highway Superintendent (7:03 p.m.) | |

Attendees to the meeting were:

- | | |
|--------------|---------------|
| Phil Sortore | Bill Elsasser |
|--------------|---------------|

RESOLUTION #28-2020 SETTING PUBLIC HEARING FOR PROPOSED LOCAL LAW EXTENDING MORATORIUM FOR LARGE SCALE SOLAR PROJECTS

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Governor Andrew Cuomo’s Executive Order 202.1 dated March 7, 2020, said meeting was conducted through social distancing regulations due to the COVID-19 pandemic; and

WHEREAS, the Town Board of the Town of Bethany has considered a proposed local law known as “Extending the Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations in the Town of Bethany for Six Months,” as COVID-19 had frustrated the process of adopting a Solar Law and the Town has noted deficiencies within the Zoning Code; and

WHEREAS, pursuant to section 239 1-m of the General Municipal Law, said local law with all supporting documents is to be submitted to the Genesee County Planning Board for its comments; and

WHEREAS, the Town Board of the Town of Bethany finds it in the best interest of the Town of Bethany to hold a public hearing on the adoption of said local law.

NOW ON MOTION OF Council Member Fowler which has been duly seconded by Council Member Embt, be it

RESOLVED, by the Town Board of the Town of Bethany will hold a public hearing on the proposed local law on the 13th day of July 2020, at 7:00 p.m., at which time and place all interested parties and citizens for or against the proposed law 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 – Yes | |

RESOLUTION #29-2020 AUTHORIZING THE EXECUTION OF THE AMENDED LEGAL SERVICES AGREEMENT FOR TOWN OF BETHANY WATER DISTRICT NO. 4

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, pursuant to Governor Andrew Cuomo's Executive Orders put into place in consideration of the COVID-19 pandemic and the guidelines put in place during Phase III of New York Forward, said meeting was held in accordance with social distancing protocol and face coverings were worn by all Board Members and public attendees; and

WHEREAS, the Town of Bethany has established Water District No. 4 in the Town of Bethany; and

WHEREAS, a portion of the financing of said water district will involve Rural Development funding which requires the submission of RUS Bulletin 1780-7; Legal Services Agreement; and

WHEREAS, the Town Board of the Town of Bethany authorized Supervisor Hyde to execute RUS Bulletin 1780-7; Legal Services Agreement on or about October 16, 2019, which determined that legal services provided by Town Attorney David M. DiMatteo would not exceed \$6,000.00; and

WHEREAS, due to the ongoing work on the project, particularly the complexity of drafting and revising the Inter-municipal Agreement with the Town of Batavia, the legal fees as of June 22, 2020, total \$8,484.67; and

WHEREAS, the Town Board feels it is in the best interest of the Town of Bethany to enter into an amended Legal Services Agreement with the David M. DiMatteo for services not to exceed \$9,284.67.

NOW ON MOTION OF Councilman Street which has been duly seconded by Councilman Embt, now, therefore be it

RESOLVED, that the Town Board of the Town of Bethany hereby authorizes and empowers Carl Hyde, Jr., Supervisor of the Town of Bethany, to execute RUS Bulletin 1780-7; Legal Services Agreement amended as of June 22, 2020.

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

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

Councilman Fluker – Absent
Councilman Street – Yes

RESOLUTION #30-2020 AUTHORIZING SUPERVISOR TO SIGN THE INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF BETHANY AND THE COUNTY OF GENESEE FOR TOWN OF BETHANY WATER DISTRICT NO. 5

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Governor Andrew Cuomo's Executive Order 202.1 dated March 7, 2020, said meeting was open to the public subject to social distancing guidelines as a result of the COVID-19 pandemic; and

WHEREAS, the Town of Bethany wishes to enter into an Agreement with Genesee County in regard to Water District No. 5 in the Town of Bethany for Water Construction Payments; and

WHEREAS, the Town of Bethany is authorized to enter into this Agreement pursuant to Article IX, Section 1(c) of the New York State Constitution and Article 5-G of the New York State General Municipal Law.

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

RESOLVED, that the Town Board of the Town of Bethany hereby authorizes and empowers Carl Hyde, Jr., Supervisor of the Town of Bethany, to execute said Intermunicipal Agreement.

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

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

Councilman Fluker – Absent
 Councilman Street – Yes

2021 Budget Discussion

- Supervisor Hyde distributed sales tax collection information compiled by the State Comptroller's Office.
 - o From January – May of 2020 there was a decrease of 4.8% from 2019. January thru March show increases from 7.5% to 22.9% over the 2019 figures. April and May, however, show decreases of 24.6% and 29.7% respectively compared to the 2019 figures.
 - o As state before, Genesee County has opted not the continue the sharing of sales tax revenues. There is no indication at this point in time that they will resume the practice as stated in the agreement with the municipalities outside the City of Batavia.
 - o The County will not compromise by decreasing the distributions by the percentage of decrease in collection.
- The Supervisor provided a budget summary showing what the town tax rate would be should the town continue to function at the current level without any sales tax revenues.
 - o The current tax rate is \$3.713457/\$1,000. The town tax rate for 2021 without cuts would be \$9.004546/\$1,000. It is unacceptable to place that burden on the taxpayers of Bethany.
 - o Adding to the burden, Genesee County is projecting a tax increase of approximately 10%.
- What cuts could be made –
 - o Supervisor looked into having outside entities perform assessment, code enforcement and zoning duties. Genesee County will not take these duties over. The Town of Batavia would be willing to perform these duties however, they would expect payment in the same amount that the town is currently paying in-house. There is nothing to gain by moving these services. There would be negative impact by having personnel who are unfamiliar with Bethany and less personal service.
 - o Elected official's salaries cannot be cut during their term of office. Elected official could however submit in writing their willingness to take a pay cut. Pay could then be lowered.
 - o Justice Court costs the town approximately \$30,000 per year. Some of that loss was recovered when the Town Prosecutor was hired.
 - Supervisor looked into sharing of court facilities with another town. This however would cost more money. Rental fees would have to be paid for the facility. The town has a facility in place. Judges and clerks would have to be paid mileage to travel to a different court.
 - Another option would be to eliminate one judge and clerk. The only way this could happen would be to wait for a judge's term to expire or for a judge to resign. Eventually court could be eliminated altogether using this method. Cases would be divided among neighboring towns.

- Bethany could elect to request a portion of the fines collected but would then have to pay a portion to the State. They could also elect not to be paid any fines revenue there would be no cost to the town.
- The Highway Fund has already taken a hit as the Governor elected to retain 20% of the CHIPS funding for this year which is approximately \$15,000 for Bethany.
 - Sand and salt are being mixed in a 3:1 ratio to save money and stretch the salt. The roads will not melt away as quickly but will still have some grit for stopping.
 - Highway Superintendent noted that there are no funds for overtime when snow plowing starts.
 - There is about \$200,000 to get through until the end of January when taxes have been collected. Mill Road has to be finished this year so that the money invested in it last year is not wasted. That cost is approximately \$130,000. The CHIPS funding that the Town does receive (about \$80,000) will pay for a portion of the cost.
 - Bethany was on track to pay off the equipment BAN this year (a year early) however, that has been put off. The plan to buy a third truck next year has also been put off.
 - Supervisor Hyde prepared a sample 2021 budget adding approximately \$116,000 to the appropriated fund balance in the Highway fund. This brought the tax rate to \$7.639961 which means that it would lower the tax rate by approximately \$1.00.
 - Many of the line items cannot be cut as they pertain to Social Security, retirement, insurance, etc.
 - Residents in attendance were asked what they thought about the tax rates discussed. One resident asked about folding the town. Supervisor Hyde responded that it could be a possibility and that many small towns may not come through this. He noted that he could keep supplementing the budget with reserved funds until they are gone, which wouldn't be very long, and then the town would file bankruptcy and be done.
 - Supervisor Hyde asked everyone to review the budget documents that he handed out and return with suggestions for cuts. He also asked everyone to let their friends and neighbors know about the situation and encourage them to attend meetings to let the Board know their thoughts.

Budget Meeting

- The Town Board scheduled the next budget meeting for Wednesday, July 1, 2020 at 7:00 p.m. at the Bethany Community Center.

Adjournment

A **MOTION** was made by Councilman Fluker, duly seconded by Councilman Street, to adjourn the meeting at 8:25 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: June 24, 2020

Respectfully Submitted,

Debbie L. Douglas
Clerk