

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

14 DECEMBER 2020

Supervisor Hyde opened the December 14, 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 |
| Timothy Embt, Councilman | Daniel Street, Councilman |
| Debbie Douglas, Town Clerk | Ruth Bodkins, Deputy Clerk |

Town Officials Absent were:

- Diane Fowler, Councilwoman
- Barbara Czworka, Highway Superintendent

Attendees to the Meeting were:

- | | |
|---------------|----------------|
| Bill Elsasser | Don Frank |
| James Kramer | Phillip Kramer |
| Jeremy Kramer | |

FINANCES

Supervisor Hyde presented the finances for November 2020.

General Fund	\$1,321,134.05	
Highway Fund	\$ 462,094.23	
AP/PR Account	\$ 94,365.34	
Trust & Agency Account	\$ 6,689.31	
Highway Checking	\$ 2,683.83	
Supervisor	\$ 254,755.83	
Water District #2	\$ 41,578.75	
Petty Cash	\$ 200.00	
Total		\$ 2,183,492.34

Revenues Received		
Debbie Douglas, Town Clerk	\$	444.94
US Post Office	\$	299.45
US Post Office	\$	100.00
William Shea, Justice	\$	40.00
Total Revenue	\$	884.39
Total Interest	\$	204.39
Total Revenue	\$	1,088.78

Town Clerk Report – Debbie Douglas

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

A **MOTION** was made by Councilman Fluker, duly seconded by Councilman Street, to approve the minutes of the November 9, 2020 Regular Town Board meeting as presented. Motion **PASSED** with All In Favor.

- Introduced new Deputy Town Clerk Ruth Bodkins to the Board.
- New pass-thru window has been installed in the Clerk’s office.
- The Clerk’s Monthly Report and Bank Statements for November 2020 were reviewed by the Town Board.

Highway Superintendent Report – Barbara Czworka

- All trucks have been inspected.
- Some cold patching has been done.
- Sander is ready to be put back on truck 1210.
- One of the plows has been painted.
- Overweight permits for 2021 have been completed.
- Roadsides are still being mowed.
- The pressure washer is back at Land Pro because it will not spray water again. Pressure washer is needed to clean up summer equipment so that it can be put away.
- Piles of field debris left by the farmers are being cleaned up. When these piles freeze, they cause the plow wing to jump and can cause damage to the road.
- Three applications have been received for the part-time driver positions.
- The floor drain has been cleaned.
- There have been three sanding and one plow runs.
- Branches on Marsh Road along with bushes at some intersections have been trimmed.
- The road-widener has been put away and the radiator has been removed to be repaired.
- There has been a 20% decrease in CHIPS, PAVE NY and Extreme Winter Recovery funding this year for a total decrease of \$22,010.12.

Justice Report

- Justice Shea submitted his report for October 2020.
- Justice Shea has submitted his resignation effective December 31, 2020.

On **MOTION** of Supervisor Hyde, duly seconded by Councilman Fluker, the Town Board accepts Justice Shea’s resignation.

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

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

- Supervisor Hyde noted that the Town Attorney will be contacted to start the necessary paperwork concerning the resignation. A sitting Justice will be appointed by NYS Office of Court Administration to handle any Bethany cases.
- There has already been headway in the consolidation/merger of the courts with the Town of Alexander and this resignation will more than likely expedite the matter.

Board Committee Reports

Councilman Fluker

- The Fire Department has the new rescue engine in service.

Councilman Street

- The Planning Board met and approved a Land Separation Application and discussed the setbacks for the solar and zoning law.

Supervisor Hyde

- The Town Hall and Highway Department is getting a new internet phone system. The current landline does not work a good share of the time.
 - o Each department will have their own extension.
 - o This update will save the Town approximately \$55 per month.
- The Comptroller has not put out the sales tax figures for November as of yet.

OLD BUSINESS

Water District #4 – Update

- This district will be complete around the first of the year.

RESOLUTION #59-2020 APPROVING CONTRACTOR’S APPLICATION FOR PAYMENT NO. 2 FOR WATER DISTRICT NO. 4

WHEREAS, Rochester Pipeline, Inc. has submitted Contractor’s Application for Payment No. 2 for Water District No. 4 in the amount of \$288,147.09, and

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

RESOLVED that payment of Contractor’s Application for Payment No. 2 for Water District No. 4 is hereby approved in the amount of \$288,147.00 to Rochester Pipeline, Inc.

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

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

RESOLUTION # 60-2020 WATER DISTRICT #4 PROJECT BUDGET MODIFICATIONS

WHEREAS, the Town of Bethany has received funding from Rural Development for their Water District #4 Project (“Project”); and

WHEREAS, the Town Board wishes to adjust project budget items to more accurately reflect actual costs and;

WHEREAS, Rural Development requires the Town Board to authorize all changes to the Administrative Budget as shown on the Form E; NOW,

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

RESOLVED, that the Town Board of the Town of Bethany authorizes the following Budget modifications for the Project:

Single Audit	Increase of	\$8,200.00
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Motion **PASSED** with the following Roll Call Vote:

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

Water District #5 – Update

- Notice was received that the funding from Rural Development is moving forward and the paperwork should be signed shortly and the project can go out to bid.

Proposed Water District #6 – Update

- Working on the information letter/survey for this district.

NEW BUSINESS

RESOLUTION #61-2020 AUTHORIZING SUPERVISOR TO EXECUTE THE RENEWAL OF THE TOWN ATTORNEY RETAINER

On **MOTION** of Councilman Fluker, duly seconded by Councilman Embt, Supervisor Hyde is hereby authorized to execute the following agreement.

The purpose of this letter is to confirm our engagement for the position of Attorney for the Town and to outline the basic services to be provided in exchange for the compensation set forth hereinafter. It is agreed and understood that our client for purposes of this representation is the Town of Bethany and not any of its individual officers, board members or employees. Absent any special arrangements made, all legal work done by this office will be on the terms and conditions set forth in this letter.

COMPENSATION

The compensation for the basic services hereinafter described will be billed at an hourly rate of \$150.00 for attorney time and \$80.00 for support staff time, which will be paid monthly by the Town. Compensation for services beyond the scope of basic services (hereinafter referred to as “additional services”) shall be billed on an hourly basis at the rate of \$250.00 per hour for attorney time and \$80.00 for support staff time, with the lowest billable increment of .10. Compensation for these additional services shall be billed and paid on a monthly basis.

BASIC SERVICES

The basic services to be provided in consideration for the above compensation shall be as follows:

- A. General legal consultation to the Supervisor and/or Town Board;
- B. General legal consultation to the Zoning Board of Appeals and/or Planning Board, exclusive of commercial and industrial site plan reviews or substantial residential subdivision reviews;
- C. Legal consultation to the Town Clerk on general administrative matters;
- D. Legal consultation to such Town Department heads as directed the Supervisor;
- E. General Legal consultation with Zoning Officer;
- F. General Legal consultation with Assessor and Board of Assessment of Assessment Review;
- G. Attendance at occasional meeting of the Town Board as requested by the Supervisor; it is understood and agreed that attendance at all regularly scheduled meetings shall not be required;
- H. Basic contract review;
- I. Drafting of Local Laws to review existing provisions of the Town Code.

ADDITIONAL SERVICES

Services beyond the above-mentioned Basic Services and which will be performed at the above named hourly rates shall include the following:

- A. Litigation in any Federal, State, County or Local courts;
- B. Appearance before Federal, State, County of Local administrative agencies;
- C. Drafting of original Local Laws on subject matter not currently included in the Town Code;
- D. Representatives of the Town in zoning and planning matters consisting of commercial or industrial site plan/subdivision reviews or substantial residential subdivision reviews;
- E. Improvement District formation;
- F. Representation in connection with capital development projects;
- G. Contract negotiation;
- H. Environmental Matters;
- I. Dissolution;
- J. Bond Anticipation Notes, including renewals, will be charged a flat fee of \$500.00;
- K. Annexation;
- L. Preparation of Information for prosecution of zoning violations will be charged a flat fee of \$450.00.

COSTS

Advances made by this firm for expenses such as travel, long distance telephone calls, filing fees, photocopying, telecopy transmission, postage and overnight delivery, computer-assisted research, special deliveries, other similar costs incurred in the research, special deliveries, consultants' fees and other similar cost incurred in the performance of the above services will be billed to the Town as costs are expected to be substantial, however, they may be billed directly to the Town, without being advanced by this office. Large expenses will not be advances on your behalf without prior approval of the Town Board.

If the terms of our representation are agreeable to you, please sign the enclosed copy of this letter and return it to the undersigned to confirm your acceptance of the terms of our engagement.

Very truly yours,

David M. DiMatteo

DMD/lw
AGREED:

TOWN OF BETHANY

By: _____

Title: _____

Date: _____

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	\$ 22,673.77	\$ 37,969.35
Highway Fund	\$ 23,774.30	\$ 40,334.71
Trust & Agency	\$ 0.00	\$189,312.75
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 Fluker, duly seconded by Councilman Embt, to adjourn the meeting at 7:33 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: December 17, 2020

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk