

TOWN OF BETHANY

ORGANIZATIONAL & REGULAR TOWN BOARD MEETING

11 JANUARY 2021

*****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.**

Supervisor Hyde opened the January 11, 2021 Organizational & Regular Town Board Meeting at 7:00 p.m. with the Pledge of Allegiance followed by a prayer lead by Councilman Embt.

Town Officials in Attendance were:

- | | |
|---|--------------------------------------|
| Carl Hyde, Jr., Supervisor | Jeffrey Fluker, Councilman (7:59 pm) |
| Timothy Embt, Councilman | Daniel Street, Councilman |
| Diane Fowler, Councilwoman | Debbie Douglas, Town Clerk |
| Barbara Czworka, Highway Superintendent | |
| Ruth Bodkins, Deputy Town Clerk | |

Attendees to the Meeting were:

- | | |
|---------------|--------------|
| Gary DeVoe | Donald Frank |
| Bill Elsasser | Thomas Foss |

ORGANIZATIONAL MEETING

RESOLUTION #1-2021 APPOINTMENTS – APPROVAL OF

A **MOTION** was made by Councilwoman Fowler and seconded by Councilman Street to make appointments as follows:

- | | |
|--------------------------------|----------------------------------|
| Deputy Supervisor | Jeffrey Fluker |
| Town Justice, Acting | Nicholas Falcone |
| Court Clerk | Ann Marie Loranty |
| CEO/ZEO | Thomas Douglas |
| Dog Control Officer | Genesee County Animal Control |
| Historian | Scott Wakefield |
| Deputy Historian | Vacant |
| Registrar | Debbie Douglas |
| Deputy Registrar | Ruth Bodkins |
| Cap 1 Assessor | Deborah Conti |
| RMO/RAO | Debbie Douglas |
| Planning Board Member | Barbara Czworka |
| Zoning Board of Appeals Member | Patricia Famiglietti |
| Assessment Review Board | William Elsasser |
| Retained Legal Counsel | David M. DiMatteo, Esq. |
| Insurance Agency | NYMIR-Thomkins |
| First Depository | Five Star Bank |
| Second Depository | Bank of Castile |
| Third Depository | M & T Bank |
| Official Newspaper | The Daily News |
| | (Drummer & Pennysaver as needed) |
| Retained Consulting Firm | Clark Patterson Lee |
| Mileage Rate | \$.50 |

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

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

RESOLUTION #2-2021 SETTING OF SALARIES

On **MOTION** of Councilman Street, duly seconded by Councilwoman Fowler, 2021 Salaries are set as follows per the Town of Bethany Budget for the Year 2021.

TOWN OF BETHANY
2021 SALARY SCHEDULE
January 11, 2021

POSITION	NAME	SALARY
Town Supervisor	Carl Hyde Jr.	\$ 8,100.00
Council Member	Diane Fowler	\$ 1,531.25
Council Member	Timothy Embt	\$ 1,531.25
Council Member	Daniel Street	\$ 1,531.25
Council Member	Jeffrey Fluker	\$ 1,531.25
Town Clerk/Tax Collector/Dogs	Debbie Douglas	\$32,697.00
Highway Superintendent	Barbara Czworka	\$52,000.00
Town Justice	Nicholas Falcone	\$ 9,342.00
Town Justice	Vacant	\$ 9,342.00
Assessor	Deborah Conti	\$17,308.00
Code Enforcement Officer	Thomas Douglas	\$ 125.00
Zoning Enforcement Officer	Thomas Douglas	\$ 5,081.00
Deputy Town Supervisor	Jeffrey Fluker	\$ 900.00
Deputy Town Clerk	Ruth Bodkins	\$ 12.50/hr
Deputy Highway Superintendent	Mark Heale	\$.50/hr
Court Justice Clerk	Ann Marie Loranty	\$ 2,997.00
Court Justice Clerk	Jillian Welch	\$ 12.50/hr
Court Officer	Christopher Hausfelder	\$ 12.50/hr
Registrar of Vital Statistics	Debbie Douglas	\$ 412.00
Financial Clerk Typist P/T	Denise Veerecken	\$ 8,500.00
MEO	Mark Heale	\$ 23.82/hr
MEO	Adam Miller	\$ 23.82/hr
MEO P/T	Gregory Dembowski	\$ 19.00/hr
MEO P/T	Michael Jacobson	\$ 19.00/hr
MEO P/T	John Hargrave	\$ 19.00/hr
MEO P/T	Stephen Breckenridge	\$ 23.82/hr
MEO P/T	Wyatt Van Buren	\$ 23.82/hr
MEO P/T	Michael Nichols	\$ 23.82/hr

The motion **PASSED** with the following Roll Call Vote:

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

RESOLUTION #3-2021 MEETING DATES – SETTING OF

TOWN BOARD MEETING

Regular Town Board meetings are held the second Monday of each month at 7:00 p.m.

January 11, 2021	February 8, 2021	March 8, 2021
April 12, 2021	May 10, 2021	June 14, 2021
July 12, 2021	August 9, 2021	September 13, 2021

October 13, 2021* November 8, 2021 December 13, 2021
 Year End Meeting & Open House December 29, 2021
ORGANIZATIONAL MEETING January 10, 2022 7:00 p.m.

BETHANY PLANNING BOARD

Town of Bethany Planning Board meetings are held the first Thursday of each month at 7:00 p.m.

January 7, 2021	February 4, 2021	March 4, 2021
April 1, 2021	May 6, 2021	June 3, 2021
July 1, 2021	August 5, 2021	September 2, 2021
October 7, 2021	November 4, 2021	December 2, 2021

ZONING BOARD OF APPEALS

Town of Bethany Zoning Board of Appeals meetings are held, as needed, the fourth Wednesday of each month at 7:30 p.m.

January 27, 2021	February 24, 2021	March 24, 2021
April 28, 2021	May 26, 2021	June 23, 2021
July 28, 2021	August 25, 2021	September 22, 2021
October 27, 2021	November 24, 2021	December 22, 2021

Any changes in meeting dates will be posted on the Town bulletin board, in the local newspaper and on the Town’s website calendar.

**** Moved Due To Holiday***

On **MOTION** made by Councilman Fluker, duly seconded by Councilman Embt, to approve the meeting dates for 2021 as follows:

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

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

RESOLUTION #4-2021 FEE SCHEDULE – SETTING OF

On **MOTION** of Councilwoman Fowler, duly seconded by Councilman Street, to approve the 2021 fee schedule as follows:

FEE SCHEDULE

Permits:

Land Separation	\$ 50.00	Each additional parcel	\$ 15.00
If survey presented at time of application	\$ 25.00	Each additional parcel	\$ 15.00
Special Use Permit	\$250.00		
Subdivision Permit	\$500.00	Each additional parcel	\$ 50.00
Variance	\$200.00		
Site Plan Review (Simple)	\$ 50.00	with Public Hearing	\$100.00
Temporary Mobile Home/RV Permit	\$100.00		
Temporary C of O (3 months)	\$ 50.00		

Note any other fees will be assumed by the applicant which may include fees for additional permit requirements, state/county permit requirements, etc. Once the permit process has begun, fees are non-refundable.

INFORMATIONAL BOOKS:

Bethany Zoning Regulations	\$ 10.00
Bethany Land Separations Regulations	\$ 3.00
Bethany Comprehensive Plan	\$ 1.00

DOG LICENSE FEES:

Spayed/Neutered Dog	\$ 5.00	Unspayed/Unneutered Dog	\$18.00
Senior Discount (over 65)	\$ 2.50	Senior Discount (over 65)	\$10.50
Late Fee	\$ 1.00	Unlicensed Dog Fee	\$ 5.00
Dog Seizure Fine	\$10.00	2nd & consecutive seizures	\$ 20.00
Enumeration Fee	\$ 5.00		Each seizure per owner

RETURNED CHECKS \$15.00

TRANSFER STATION CARDS:

Ten (10) punch card	\$ 50.00
---------------------	----------

MARRIAGE LICENSE FEE

License	\$ 40.00
Additional Certified copy	\$ 10.00

SPORTING LICENSES: Fees set by New York State

COPIES

Certified & sealed	\$ 10.00 each
Flat Rate	\$.25 each
Genealogy Copy	\$ 1.00 each

COMMUNITY CENTER RENTAL:

Bethany Residents	\$ 50.00/day \$100.00 Cleaning/damage deposit
Fire Co. Members	Day of event is free. \$50.00/additional day \$100.00 Cleaning/damage deposit
Non-Residents	Please Contact the Town Clerk

ZONING PERMIT FEE SCHEDULE

New Construction—Homes, Additions, Porches, Decks, Renovations	\$ 30.00 plus \$.05 per sq. ft.
Garages, Pole Barns	\$ 25.00 plus \$.05 per sq. ft.
Trailers (When Allowed)	\$ 50.00 plus \$.05 per sq. ft.
Accessory Buildings (less than 200 sq. ft.)	\$ 30.00 plus \$.03 per sq. ft.
Chimneys, Fire Places, Wood Stoves	\$ 25.00
Swimming Pools & Ponds	\$ 50.00
Solar Permit (NY-Sun)	\$ 25.00

Agricultural Building (sq. ft.)

501—1,000	\$ 15.00
1,001—1,500	\$ 25.00
1,500—2,500	\$ 35.00
2,501—Over	\$ 50.00

Commercial Building (sq. ft.)

Up to 10,000	\$200.00
10,001—20,000	\$200.00 plus \$5.00 per each additional 1000 sq. ft. over 10,000
20,000—Over	\$200.00 plus \$3.00 per each additional 1000 sq. ft. over 20,000

BUILDING PERMIT/INSPECTION FEE SCHEDULE

New Construction, Trailers

Up to \$ 5,000	\$ 50.00
\$ 5,001—\$15,000	\$ 90.00
\$15,001—\$25,000	\$125.00
\$25,001—Over	\$125.00 plus \$2.00 per \$1,000 over \$25,000

Additions, Alterations, Decks, Porches, Garages, Pole Barns

Up to \$5,000	\$ 60.00
\$ 5,001—\$10,000	\$ 70.00
\$10,001—\$20,000	\$ 90.00
\$20,001—\$30,000	\$120.00
\$30,000—Over	\$120.00 plus \$2.00 per \$1,000 over \$30,000

Swimming Pools

Above Ground	\$125.00
In Ground	\$250.00
Temporary Pool (Initial)	\$ 50.00
Temporary Pool (Annual Insp.)	\$ 20.00

Solar (NY-Sun Only)

\$ 75.00

Commercial Buildings

Up to \$20,000	\$250.00
\$20,001—\$50,000	\$300.00
\$50,000—Over	\$200 plus \$50.00 per \$1,000 Over \$50,000

Fire Places, Chimneys, Wood Stoves

\$ 50.00

FINES

Starting Without Permit	3 times normal fee
Missed Inspection	\$100 per infraction

Inspections of all construction are done in accordance with the NYS Uniform Fire Prevention and Building Code.

Certificates (C of O & C of C) are issued **only when the construction is violation free**, and all health and electrical certificates (if needed) are current and in order, and all fees have been paid.

Dollar value is to be verified by an acceptable contractor. If estimate is based on material and his own labor, the permit will not be issued until an agreement can be reached over the true value of the construction. Any extra time spent for Building Inspector’s evaluation shall be charged at \$50.00 per hour.

Any time spent by the Building Inspector for multiple review of contractor’s plans for acceptability after requested changes are made, shall be charged at \$50.00 per hour.

Any re-inspection for unacceptable work or for any other reasonable cause shall be charged at \$50.00 per hour.

The motion **PASSED** with the following Roll Call Vote:

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

RESOLUTION #5-2021 FIRE COMPANY OFFICERS – APPROVAL OF

Due to COVID-19, the Fire Company is unable to meet to elect new officers. Therefore, the 2020 officers will continue to hold their positions until such time that the Fire Company is able to meet and hold election of officers.

A **MOTION** was made by Councilman Embt seconded by Councilman Embt to approve the Councilman Street for 2021 as follows:

- | | |
|---------------------|------------------|
| Chief | Jeffrey Fluker |
| 1st Assistant Chief | Jeffrey Wolak |
| 2nd Assistant Chief | Greg Johnson |
| Captain | Jamie Fluker |
| Fire Police | George Larish |
| President | Daniel Adams |
| Treasurer | Deborah Donnelly |

Board of Directors

- | | |
|----------------|----------------|
| Vicki Wolak | Peggy Johnson |
| Corrie Rombaut | Bill Shea |
| Todd Mogenhan | Carl Hyde, Jr. |

The motion **PASSED** with the following Roll Call Vote:

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

RESOLUTION #6-2021 EMERGENCY USE OF HIGHWAY EQUIPMENT

WHEREAS, it may be necessary that the Bethany Volunteer Fire Company may need assistance in gaining access to an emergency scene by way of plowing, moving storm debris, etc; and

WHEREAS, the Town of Bethany Highway Department has or has access to equipment to provide this assistance, now therefore, be it

RESLOVED, that the Town of Bethany Highway Department may use equipment and manpower to assist the Bethany Volunteer Fire Company in gaining access to an emergency scene at the request of the Bethany Volunteer Fire Company.

On **MOTION** made by Councilman Street, duly seconded by Councilman Fluker, Resolution #6-2021 “Emergency Use of Highway Equipment” was approved.

The motion **PASSED** with the following Roll Call Vote:

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

RESOLUTION #7-2021 PROCUREMENT POLICY

This resolution sets forth the policy and procedures of the Town of Bethany to meet the requirements of General Municipal Law § 104-b, which requires each political subdivision to adopt procurement policies and procedures.

I. STATEMENT OF POLICY AND PURPOSE

Goods and services that are not required by law to be procured pursuant to the competitive bidding requirements of General Municipal Law § 103 must be procured in a manner that assures use of public moneys in a prudent and economical manner and in the best interest of the taxpayers, facilitates the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and guards against favoritism, improvidence, extravagance, fraud, and corruption.

To further these objectives, the governing board is adopting an internal policy and procedures to govern the procurement of all goods and services that are not subject to the competitive bidding requirements of General Municipal Law § 103 or any other general, special, or local law.

II. APPLICABILITY OF THIS POLICY

The policies and procedures outlined herein apply to the procurement of every good or service procured by the municipality that are not required to be made pursuant to the competitive bidding requirements General Municipal Law § 103 or of any other general, special or local law.

A. Purchase or Public Works Contract Determination. Every proposed purchase must initially be reviewed to determine whether it constitutes a purchase contract or a public works contract. In general, purchase contracts involve the acquisition of commodities, materials, supplies, or equipment, while contracts for public work involve labor or construction. For the purposes of this policy, routine service contracts (e.g. grounds maintenance, vehicle maintenance and repair, janitorial services) will be considered purchase contracts for the applicable methods of procurement and adequate documentation.

B. Aggregate Amount Determination. Once the determination is made regarding whether the procurement constitutes a purchase contract or a public works contract, a good-faith effort will be made to determine whether it is known, or can reasonably be expected, that the aggregate amount to be spent on the goods or services falls below the monetary threshold for state competitive bidding laws set forth under General Municipal Law § 103. This determination must take into account past purchases and the aggregate amount to be spent in a year.

C. Procurements Subject to State Competitive Bidding. The following items are subject to competitive bidding pursuant to General Municipal Law § 103 and must be procured through the procedure outlined therein:

- purchase contracts over \$20,000; and
- public works contracts over \$35,000.

D. (i) Procurements Not Subject to State Competitive Bidding Requirements. The following items are either not subject to or are exceptions to General Municipal Law § 103 competitive bidding requirements:

- purchase contracts under \$20,000 and public works contracts under \$35,000;
- emergency purchases;
- certain municipal hospital purchases;
- goods purchased from agencies for the blind or severely handicapped;
- goods purchased from correctional institutions;

- purchases under state and county contracts; and
- surplus and secondhand purchases from another governmental entity.

(ii) Documentation Required. The determination that a purchase is not subject to competitive bidding requirements under General Municipal Law § 103 must be documented in writing by the purchasing agent. This documentation may include:

- written or verbal quotes from vendors; or
- a memo from the purchasing agent indicating how the decision was arrived at; or
- a copy of the contract indicating the source that makes the item or service exempt; or a memo from the purchasing agent detailing the circumstances that led to an emergency purchase; or
- any other written documentation that is appropriate.

E. Statutory Exceptions to Quotations/Proposals Requirements of This Policy and Procedures.

All goods and services will be secured in accordance with this policy except in the following circumstances:

- purchase contracts over \$20,000 and public works contracts over \$35,000 competitive bidding procedures General Municipal Law § 103;
- goods purchased from agencies for the blind or severely handicapped pursuant to State Finance Law § 175-b;
- goods purchased from correctional institutions pursuant to Correction Law § 186;
- purchases under state contracts pursuant to General Municipal Law § 104;
- purchases under county contracts pursuant to General Municipal Law § 103(3);
- purchases let by other governmental entities pursuant to General Municipal Law § 103(16); or
- other items excepted from this policy (see section, “Items Excepted from this Policy and Procedures by the Board”); or where other exceptions provided by law apply.

III. ADOPTION OF PROCEDURES

The following procedures identify the methods of competition and the means of adequate documentation to be used for the procurement of goods and services subject to this policy.

A. Methods of Procurement

The methods of procurement to be used are as follows:

1. Discretion of purchasing agent
2. Verbal estimates
3. Written quotations
4. Requests for proposals

B. Adequate Documentation

Documentation of actions taken in connection with each method of procurement is required as follows:

Estimated Amount of Purchase or Service Contract Method Less than \$500 Discretion of purchasing agent \$500 - \$4,999 two (2) verbal quotes \$5,000 - \$35,999 three (3) written quotes/RFPs, and \$36,000 and over are to receive a formal bid.

Estimated Amount of Public Work Contract Method Less than \$500 Discretion of purchasing agent \$500 - \$2,999 two (2) verbal quotes, \$3,000 - \$9,999 two (2) written quotes, \$10,000 - \$35,999 three (3) written quotes/RFPs, \$36,000 and over are to receive a formal bid.

A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement. C. Required Statements for Submissions Made Pursuant to Competitive Bidding. If the goods or services to be procured must be acquired by competitive bidding pursuant to General Municipal Law § 103 or any other general, special or local law, the following statement must accompany such bid:

- i. The Iran Divestment Act. Every written offer made to the Town of Bethany must contain the following statement subscribed and affirmed by the offeror as true under the penalties of perjury: By submission of this offer, each offeror and each person signing on behalf of any offeror certifies, and in the case of a joint offer each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each offeror is not on the list created pursuant to State Finance Law § 165-a (3)(b). The Town of Bethany may award an offer to an offeror who cannot make the statement of non-investment on a case-by-case basis if: The investment activities in Iran were made before the effective date of this section, the investment activities in Iran have not been expanded or renewed after the effective date of this section, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or The Town of Bethany makes a determination that the goods or services are necessary for the Town of Bethany to perform its functions and that, absent such an exemption, the Town of Bethany would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document. No contract may be awarded to any persons determined to be engaged in investment activities in Iran as indicated by New York State Office of General Services.
- ii. Statement of Non-Collusion. Every written offer made to the Town of Bethany must contain the following statement subscribed and affirmed by the offeror as true under the penalties of perjury: By submission of this offer, each offeror and each person signing on behalf of any offeror certifies, and in the case of joint offer each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief: The prices in this offer have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor; Unless otherwise required by law, the prices quoted in this offer have not been knowingly disclosed by the offeror and will not knowingly be disclosed by the offeror prior to opening, directly or indirectly, to any other offeror or to any competitor; and No attempt has been made or will be made by the offeror to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
- iii. Statements for Non-Bid Procurements. Offers submitted in a manner other than competitive bidding shall also contain the above statements; however, the failure to include them shall not result in their automatic rejection.

IV. AWARDS TO OTHER THAN THE LOWEST RESPONSIBLE DOLLAR OFFER OR Whenever a contract is awarded to someone other than the lowest responsible dollar offeror, the reasons why the award furthers the purposes of General Municipal Law § 104-b shall be documented as follows:

A. Best Value. Notwithstanding anything else contained in this policy, the Town of Bethany may award purchase contracts and service contracts that have been procured pursuant to competitive bidding under General Municipal Law § 103(1) or otherwise under this policy by either the lowest responsible bidder standard or the best value standard.

i. Definition. “Best value” is defined in State Finance Law § 163 as, “the basis for awarding contracts for services to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors.” For the purposes of this section, the Town of Bethany adopts the above definition of “best value” as may be modified from time to time by the State Legislature.

ii. Applicability. The best value standard may only be used for purchase contracts, which includes contracts for service work, but excludes any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law. When awarding contracts under the best value standard, the Town of Bethany must consider the overall combination of quality, price, and other elements of the required commodity or service that in total are optimal relative to the needs of the Town of Bethany. Use of the best value standard must rely, wherever possible, on objective and quantifiable analysis. The best value standard may identify as a quantitative factor whether offerors are small businesses or certified minority- or women-owned business enterprises as defined in New York Executive Law § 310.

iii. Approval. Use of the best value standard for the procurement of goods and services requires approval from the Town of Bethany. The board must also approve the factors to be considered when awarding contracts under this standard.

V. ITEMS EXCEPTED FROM THIS POLICY AND PROCEDURES BY THE BOARD Pursuant to General Municipal Law § 104-b(2)(g), this policy may contain circumstances or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Town of Bethany to solicit quotations or document the basis for not accepting the lowest bid:

A. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the individual or body making the purchase shall take into consideration the following guidelines:

- (i) whether the services are subject to state licensing or testing requirements;
- (ii) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- (iii) whether the services require a personal relationship between the individual and municipal officials. “Professional or technical services” shall include but not be limited to the following services of: an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software. To the extent practicable, professional services are to be obtained through requests for proposals issued by the Town of Bethany’s purchasing agent. All RFPs are to be reviewed by the purchasing agent, who will make a recommendation to the Town board for final approval. The determination of the RFP will be based on clearly described and documented criteria, and will include the evaluation of the service provider’s accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. In the event an RFP is not used to procure a professional service, no contract shall be awarded without written documentation of the procurement process and evaluation methods used.

B. Emergency purchases. For purpose of this section, an emergency refers to an occurrence that presents an immediate threat to public property, the life, safety, health, welfare or property of residents or the public, or threatens to curtail or terminate an essential service to residents or the public. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety, property or welfare of the residents of the Town of Bethany. This section does not preclude alternate proposals if time permits. Emergency purchases will be made at the discretion of the appropriate department head with documentation as to the nature of the emergency.

C. Sole Source. Under State Finance Law § 163, “sole source” is defined as “a procurement in which only one offeror is capable of supplying the required commodities or services,” and no substantial equivalent exists. To qualify under the sole source exception, the Town of Bethany must demonstrate that the acquisition of the good or service sought is in the public interest and is available from only one source, for which there is no equivalent. A good or service serves the public interest if there are unique benefits arising from the particular good or service as compared to a different good or service, no other good or service would provide substantially similar benefits, and the cost is reasonable when considering the benefit conferred upon the municipality.

D. Purchases of surplus and secondhand goods from any source or goods purchased at auction. If alternate proposals are required, the Town of Bethany would be precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

E. Goods or services under \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contractors would be awarded based on favoritism.

F. Cooperative or Piggyback Contracts. General Municipal Law § 103(16) allows for the procurement of certain goods (including apparatus, materials, equipment and supplies) and services through contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein, if such

FURTHER RESOLVED, that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

TOWN OF BETHANY
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

WHEREAS, Carl L. Hyde, Jr., of the Town of Bethany, County of Genesee, New York, has been elected to the Office of Supervisor of the Town of Bethany, and

WHEREAS, Jeffrey R. Fluker, of the Town of Bethany, County of Genesee, New York, has been appointed to the Office of Deputy Supervisor of the Town of Bethany, and

WHEREAS, Debbie L. Douglas, of the Town of Bethany, County of Genesee, New York, has been elected to the Office of Town Clerk/Tax Collector of the Town of Bethany, and

WHEREAS, Ruth Bodkins, of the Town of Bethany, County of Genesee, New York has been appointed to the Office of Deputy Town Clerk/Tax Collector of the Town of Bethany, and

WHEREAS, Nicholas Falcone, of the Town of Bethany, County of Genesee, New York, has been elected to the Office of Town Justice of the Town of Bethany, and

WHEREAS, Vacant, of the Town of Bethany, County of Genesee, New York, has been elected to the Office of Town Justice of the Town of Bethany, and

WHEREAS, Ann Marie Loranty, of the Town of Bethany, County of Genesee, New York, has been appointed to the Office of Court Clerk of the Town of Bethany, and

WHEREAS, Jillian M. Welch, of the Town of Bethany, County of Genesee, New York, has been appointed to the Office of Court Clerk of the Town of Bethany, and

WHEREAS, Denise I. Vereecken, of the Town of Bethany, County of Genesee, New York has been appointed to the Office of Bookkeeper of the Town of Bethany, and

WHEREAS, Barbara A. Czworka, of the Town of Bethany, County of Genesee, New York, has been elected to the Office of Superintendent of Highways of the Town of Bethany, and

NOW, THEREFORE, I(we) as respective officer(s) above, do hereby undertake with the Town of Bethany that I(we) will faithfully perform and discharge the duties of my/our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law or in default thereof, that the parties executing such undertaking will pay all damages, costs and expenses resulting from such default; and

This undertaking of the Town Supervisor is further conditioned upon that (s)he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his/her hands as such Supervisor; and

This undertaking of the Deputy Town Supervisor is further conditioned upon that (s)he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his/her hands as such Deputy Supervisor; and

This undertaking of the Town Clerk/Tax Collector is further conditioned that (s)he will well and truly keep, pay over and account for all moneys and property coming into his/her hands as such Town Clerk/Tax Collector; and

This undertaking of the Deputy Town Clerk/Deputy Tax Collector is further conditioned that (s)he will well and truly keep, pay over and account for all moneys and property coming into his/her hands as such Deputy Town Clerk/Deputy Tax Collector; and

This undertaking of the Town Justices is further conditioned that (s)he will well and truly keep, pay over and account for all moneys and property coming into his/her hands as such Town Justice; and

This undertaking of the Town Justice Clerks is further conditioned that (s)he will well and truly keep, pay over and account for all moneys and property coming into his/her hands as such Town Justice Clerk; and

This undertaking of the Highway Superintendent is further conditioned that (s)he will well and truly keep, pay over and account for all moneys and property coming into his/her hands as such Highway Superintendent, and

This undertaking of the Bookkeeper is further conditioned that (s)he will well and truly keep, pay over and account for all moneys and property coming into his/her hands as such Bookkeeper.

The motion **PASSED** with the following Roll Call Vote:

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

RESOLUTION #9-2021 2021 AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS – APPROVAL OF

On **MOTION** of Councilwoman Fowler, duly seconded by Councilman Fluker, approval is granted for the signing of the 2021 Agreement for the Expenditure of Highway Moneys as follows:

**AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONIES
Section 284 OF THE HIGHWAY LAW**

AGREEMENT between the Town Superintendent of the Town of Bethany, of Genesee County, County, State of New York and the undersigned members of the Town Board.

For the fiscal year of 2021, it is expected that the Town will receive approximately \$96,001.00 in State Aid through the Consolidated Highway Improvement Program (CHIPS) and any other State Aid Program.

For the fiscal year of 2021, it is expected that the Highway Accounts will receive approximately \$270,794.00 from taxes levied within the Town, approximately \$ 8,000.00 in revenues from equipment rentals, reimbursement for snow and ice removal and other charges for services and as reimbursements from other municipal accounts for services performed with Highway Department personnel and equipment.

For the fiscal year of 2021, the Town Board agrees to re-appropriate what money that remains unencumbered from the last fiscal year to the highway accounts for this fiscal year.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected in the Town for the repair and improvement of highways, the revenues from equipment rentals, reimbursement for snow and ice removal and other charges for services, the reappropriated funds, and the CHIPS and other State aid for highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$155,000.00 shall be set aside to be expended for basic work and general maintenance and repairs upon 30.52 miles of town highways, including sluices, drainage ditches, culverts and bridges having a span of less than five feet, tree and brush removal, board walks, sidewalks that are the responsibility of the Town, emergency activities as such are authorized by the Town Board, and other activities involved with the care, upkeep and maintenance of highways and bridges of the Town.
2. EQUIPMENT PURCHASES AND REPAIRS. The sum of still to be \$48,000.00 shall be set aside to be expended for equipment purchases and repairs for the Highway Department. The major pieces of equipment that are intended to be purchased include:

- a) _____.
- b) _____.
- c) _____.
- d) _____.
- e) _____.

4. SNOW AND ICE REMOVAL. The sum of \$213,670.00 shall be set aside to be expended for snow and ice removal activities including acquisition of snow and ice control materials, emergency snow and ice activities as such are authorized by the Town Board, snow and ice control activities performed by contract for the Town, and snow and ice control activities performed by the Highway Department under contract.

The motion **PASSED** with the following Roll Call Vote:

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

RESOLUTION #10-2021 2021 HOLIDAY CLOSINGS – SETTING OF

A **MOTION** was made by Councilman Street and seconded by Councilman Embt to make appointments as follows:

DATE	HOLIDAY
01/01/2021	New Years Day
01/18/2021	Martin Luther King Day
02/15/2021	Presidents Day
04/02/2021	Good Friday/Easter
05/31/2021	Memorial Day
07/04/2021	Independence Day
09/06/2021	Labor Day
10/11/2021	Columbus Day
11/11/2021	Veteran’s Day
11/25/2021	Thanksgiving
12/24/2021	Christmas Eve
12/31/2021	New Year’s Eve

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

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

REGULAR MEETING

FINANCES

Supervisor Hyde presented the finances for January 2021 thus far.

General Fund	\$1,198,591.24
Highway Fund	\$ 492,664.40
AP/PR Account	\$ 102,636.44
Trust & Agency Account	\$ 4,170.63
Highway Checking	\$ 22,077.43
Supervisor	\$ 307,259.81
Water District #2	\$ 41,578.75
Petty Cash	\$ 200.00
 Total	 \$ 2,169,178.70

Revenues Received		
Debbie Douglas, Town Clerk	\$	489.28
NYS Dept. Finance – CHIPS	\$	100,446.84
US Post Office	\$	100.00
William Shea, Town Justice	\$	3,679.00
Total Revenue	\$	104,715.12
Total Interest	\$	188.92
Total Revenue	\$	104,904.04

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the December 14, 2020 Regular Town Board meeting.

A motion was made by Councilman Fluker, duly seconded by Councilwoman Fowler, to approve the Minutes of the December 14, 2020 Regular Town Board meeting as presented. Motion passed with All In Favor.

- Presented the Minutes of the December 28, 2020 Year-End Town Board Meeting.

A motion was made by Councilman Embt, duly seconded by Councilman Street, to approve the Minutes of the December 28, 2020 Year-End Town Board meeting as presented. Motion passed with All In Favor.

- Received a letter from the New York State Department of Transportation regarding a petition to lower the speed limit in a certain area of Bethany Center Road. After study, it was determined that a speed reduction is not warranted.



**Department of
Transportation**

ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Commissioner

KEVIN BUSH, P.E.
Regional Director

File: 18.13-CR
Study: 04200093

December 11, 2020

Ms. Debbie L. Douglas, Clerk
Town of Bethany
10510 Bethany Center Road
East Bethany, NY 14054

Dear Ms. Douglas:

We have completed our review of County Road 15, between 10236 Bethany Center Road and 10342 Bethany Center Road, relative to the establishment of a lower speed limit. Our review included an observation of the roadway characteristics, analysis of vehicle speed, and review by the State Police.

During our review, a representative from this office visited the site to evaluate roadway characteristics and analyze vehicle speed by use of radar. We also met with the Traffic Supervisor from the New York State Police at this location to seek his input about lowering the speed limit. In consideration of the roadway characteristics, radar data, and the review by the State Police, it has been determined that a reduction of the speed limit is not warranted at this time.

Sincerely,

Paul J. Spitzer, P.E.
Regional Traffic Engineer

PJS/AOQ/CAR

cc: T.Sgt. G. Jankowlak, State Police Troop "A"
T. Hens, Highway Superintendent, Genesee County

- The Clerk's Monthly Report for December were reviewed by the Town Board.

Highway Superintendent Report – Barbara Czworka

- There have been 5 plow runs, 6 salt runs and 2 one-way salt runs.
- Working on floor grates to get some replaced.
- Working on down road signs.
- Cleaning shop.

Board Committee Reports

Councilman Street

- The Planning Board met and continued to work on Schedule A of the Zoning Law.

Councilman Fluker

- The Fire Department had 170 calls in 2020. Approximately 65% of those were ambulance calls. 10-12% were mutual aid. The high call volume helps to obtain grant funding.

Supervisor Hyde

- Justice Nicholas Falcone and his clerk Ann Marie Loranty have been appointed to handle the Town of Bethany's cases by the New York State Unified Court System Eighth Judicial District. Court will be held in Bethany on every other Tuesday.
- Study is continuing concerning the merge of the courts with the Town of Alexander.
 - o The legal fees, which are estimated to be between \$2,500 - \$5,000, are the sticking point right now. Supervisor Hyde has the funds available to pay for the fees.
 - o If there is a merge, there will be two justices to cover both towns. Justices will run for election in both towns and the two people with the highest cumulative total of votes will hold the positions.
 - o There doesn't seem to be a cost savings, however it does widen the candidate pool. The Town of Bethany would fund one judge and one clerk instead of two. Two Judges are required per law.
 - o Grants may be available after the merge to update facilities.
 - o Supervisor Hyde and Councilman Fluker will be meeting again with Alexander on January 27.
- There was a county-wide conference call this past Saturday. Vaccinations for COVID-19 are becoming available. There will be categories that people must fit into in order to be eligible to receive the vaccination. These categories change from week to week.

OLD BUSINESS**Water Districts – Update****Water District #4**

- Water District #4 is progressing. There has been a claim filed against the Town for alleged damage to a property during the construction. This has been turned over to the insurance company and the town attorney.

RESOLUTION #11-2021 AUTHORIZING SUPERVISOR TO EXECUTE THE AMENDED CONTRACT WITH MUNICIPAL SOLUTIONS EXTENDING SERVICES FOR WATER DISTRICT NO. 4

WHEREAS, the contact with Municipal Solutions, Inc., will expire prior to Water District No. 4 being complete, now,

On **MOTION** of Councilman Street, duly seconded by Councilman Fluker, Supervisor Hyde is authorized to execute the amended contact as follows:

The total fee for this contract based on the current project scope is estimated to remain at \$41,000 for an additional six month, at a rate of \$142. If this timeframe is exceeded, or the estimated total fee is exhausted due to unanticipated changes in project plans, scope or timeline, we reserve the right to amend this agreement through project completion.

The hourly rate may be amended annually based on the U.S. Bureau of Labor and Statistics Consumer Price Index. The Town will be notified of any potential rate changes prior to the start of the new fiscal year.

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

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

Councilman Fluker – Yes
 Councilman Street – Yes

Water District #5

- A public hearing will be held on January 25, 2021 at 7:00 p.m.

RESOLUTION #12-2021 ORDER FOR A PUBLIC HEARING FOR THE TOWN OF BETHANY WATER DISTRICT NO. 5 IN THE TOWN OF BETHANY

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 into place during Phase IV 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 Board of the Town of Bethany (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12-A, caused Clark Patterson Lee (CPL), competent engineers duly licensed by the State of New York, to prepare a preliminary map, plan and report for the establishment of Water District No. 5 (the "District"); and

WHEREAS, such map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, such map, plan and report proposes the installation of approximately 154,000 linear feet of 8-inch water main. The water main will be installed along portions of Ellicott Street Road (NYS RT 63), Bethany Center Road (C.R. 15), Broadway Road (NYS RT 20), Brown Road, Cackner Road, Clapsaddle Road, East Road (C.R. 35) East Bethany-LeRoy Road, Francis Road (C.R. 38), Fargo Road (C.R. 198), Jerico Road, Little Canada Road, Marsh Road, Mayne Road, McLennon Road, Sweetland Road, Silver Road, Paradise Road, and Paul Road. This includes roads in the Town of Stafford; and

WHEREAS, the boundary of the proposed Town of Bethany Water District No. 5 in the Town of Bethany shall be bounded and described as follows:

All that tract or parcel of land situate in the Town of Bethany, County of Genesee, State of New York, being described as follows:

Beginning at a point on the center line of Francis Road (49.5 feet wide right-of-way) at the intersection of the center line of Batavia Bethany Townline Road (66 feet right-of-way), along the northerly Municipal Boundary Line of the Town of Bethany, and a northwesterly corner of the Existing Water District No. 1; thence,

1. Southerly, along the center line of Francis Road, and the Existing Water District No. 1, a distance of 333 feet, more or less, to the westerly extension of the northerly line of tax account number 1.-1-39, and the Existing Water District No. 1; thence,
2. Easterly, along the northerly line of tax account number 1.-1-39, and the Existing Water District No. 1, a distance of 835 feet, more or less, to the northeasterly corner of said tax account, and the Existing Water District No. 1; thence,
3. Southeasterly, along the northeasterly line of tax account number 1.-1-39, and the Existing Water District No. 1, a distance of 16 feet, more or less, to an angle point, and the Existing Water District No. 1; thence,
4. Southerly, along the easterly lines of tax account numbers 1.-1-39 and 1.-1-41, and the Existing Water District No. 1, a distance of 1,092 feet, more or less, to the southeasterly corner of tax account number 1.-1-41, and the Existing Water District No. 1; thence,
5. Easterly, along the northerly line of tax account number 1.-1-42.221 and the Existing Water District No. 1, a distance of 1,534 feet, more or less, to the northeasterly corner of said tax account, and the Existing Water District No. 1; thence,
6. Northerly, along the westerly line of tax account number 1.-1-43, the northerly extension of the westerly line of tax account number 1.-1-43, and the Existing Water District No. 1, a distance of 1,400 feet, more or less, to the northerly Municipal Boundary Line of the Town of Bethany, the center line of Batavia Bethany Townline Road, and the Existing Water District No. 1; thence,

7. Easterly, along the northerly Municipal Boundary Line of the Town of Bethany, and along the center line of Batavia Bethany Townline Road, the northerly lines of tax account numbers 2.-1-9 and 2.-1-94, the center line of Clapsaddle Road (49.5 feet wide right-of-way), and along the northerly lines of tax account numbers 2.-1-36.12, 2.-1-36.113, and 3.-1-1, a distance of 14,206 feet, more or less, to a northeasterly corner of tax account number 3.-1-1; thence,
8. Southerly, along an easterly line of tax account number 3.-1-1, a distance of 1,984 feet, more or less, to a northwesterly corner of said tax account number, and the Existing Water District No. 2; thence,
9. Easterly, along a northerly line of tax account number 3.-1-1, and the Existing Water District No. 2, a distance of 516 feet, more or less, to a northeasterly corner of said tax account number, and the Existing Water District No. 2; thence,
10. Southerly, along an easterly line of tax account number 3.-1-1 and a southerly extension of the easterly line of tax account number 3.-1-1, and the Existing Water District No. 2, a distance of 2,117 feet, more or less, to the center line on Torrey Road (66 feet wide right-of-way), and the Existing Water District No. 2; thence,
11. Southwesterly, along the center line of Torrey Road, and the Existing Water District No. 2, a distance of 248 feet, more or less, to the center line of Little Canada Road (49.5 feet wide right-of-way), and the Existing Water District No. 2; thence,
12. Northwesterly, along the center line of Little Canada Road, and the Existing Water District No. 2, a distance of 138 feet, more or less, to the northeasterly extension of an easterly line of tax account number 3.-1-44.2, and the Existing Water District No. 2; thence,
13. Southwesterly, along an easterly line of tax account number 3.-1-44.2, and the Existing Water District No. 2, a distance of 702 feet, more or less, to an angle point, and the Existing Water District No. 2; thence,
14. Southeasterly, along a northerly line of tax account number 3.-1-44.2, and the Existing Water District No. 2, a distance of 583 feet, more or less, to an easterly line of said tax account number, and the Existing Water District No. 2; thence,
15. Southerly, along an easterly line of tax account number 3.-1-44.2, and the Existing Water District No. 2, a distance of 2,260 feet, more or less, to the northwesterly corner of tax account number 3.-1-43, and the Existing Water District No. 2; thence,
16. Southeasterly, along the northerly line of tax account number 3.-1-43, and the Existing Water District No. 2, a distance of 683 feet, more or less, to the northeasterly corner of said tax account number, and the Existing Water District No. 2; thence,
17. Southerly, along the easterly line of tax account number 3.-1-43, and the Existing Water District No. 2, a distance of 314 feet, more or less, to the southeasterly corner of said tax account number, and the Existing Water District No. 2; thence,
18. Easterly, along the northerly lines of tax account numbers 6.-1-21.2 and 6.-1-22, and the Existing Water District No. 2, a distance of 1,437 feet, more or less, to the northeasterly corner of tax account number 6.-1-22, and the Existing Water District No. 2; thence,
19. Southerly, along the easterly line of tax account number 6.-1-22 and the southerly extension of the easterly line of tax account number 6.-1-22, and the Existing Water District No. 2, a distance of 82 feet, more or less to the center line of East Bethany-LeRoy Road (66 feet wide right-of-way), and the Existing Water District No. 2; thence,
20. Easterly, along the center line of East Bethany-LeRoy Road, and the Existing Water District No. 2, a distance of 256 feet, more or less, to the northerly extension of the easterly line of tax account number 6.-1-24.1, and the Existing Water District No. 2; thence,
21. Southerly, along the northerly extension of the easterly line of tax account number 6.-1-24.1 and the easterly lines of tax account numbers 6.-1-24.1 and 6.-1-25.11, and the Existing Water District No. 2, a distance of 1,448 feet, more or less, to a southeasterly corner of tax account 6.-1-25.11, and the Existing Water District No. 2; thence,
22. Westerly, through the lands of tax account number 6.-1-25.11, and along the southerly lines of tax account numbers 6.-1-19.1 and 6.-1-16.2, a distance of 1,699 feet, more or less to the easterly line of tax account number 6.-1-76.1; thence,

23. Southerly, along the easterly lines of tax account numbers 6.-1-76.1 and 6.-1-65, a distance of 815 feet, more or less, to a northeasterly corner of tax account number 6.-1-65; thence,
24. Easterly, along northerly lines of tax account numbers 6.-1-65, 6.-1-66, and 6.-1-67, a distance of 1,683 feet, more or less, to a northeasterly corner of tax account number 6.-1-67; thence,
25. Southerly, along the easterly lines of tax account numbers 6.-1-67 and 6.-1-41, a distance of 1,557 feet, more or less, to the northwesterly corner of tax account number 6.-1-40; thence,
26. Southeasterly, along a northerly line of tax account number 6.-1-40, a distance of 757 feet, more or less, to an angle point of said tax account number; thence,
27. Northeasterly, along a northerly line of tax account number 6.-1-40, a distance of 284 feet, more or less, to the northeasterly corner of said tax account number; thence,
28. Southwesterly, along an easterly line of tax account number 6.-1-40, a distance of 504 feet, more or less, to an angle point of said tax account number; thence,
29. Southwesterly, along the easterly line of tax account number 6.-1-40, and the southwesterly extension of the easterly line of tax account number 6.-1-40, crossing Ellicott Street Road (66 feet wide right-of-way), and through the lands of tax account number 6.-1-33.11, a distance of 844 feet, more or less, to a point, 500 feet southwesterly of and parallel to the center line of Ellicott Street Road; thence,
30. Northwesterly, through the lands of tax account number 6.-1-33.11, along a line 500 feet southwesterly of and parallel to the center line of Ellicott Street Road, a distance of 520 feet, more or less, to a point on the easterly line of tax account number 6.-1-44.2; thence,
31. Southerly, along the easterly lines of tax account numbers 6.-1-44.2, 6.-1-44.1 and 6.-1-46, a distance of 2,893 feet, more or less, to the southeasterly corner of tax account number 6.-1-46; thence,
32. Westerly, along the southerly line of tax account number 6.-1-46, a distance of 1,114 feet, more or less, to the northeasterly corner of tax account number 9.-1-2.11; thence,
33. Southerly, along the easterly line of tax account number 9.-1-2.11, a distance of 1,996 feet, more or less, to a southeasterly corner of said tax account number; thence,
34. Westerly, along a southerly line of tax account number 9.-1-2.11, a distance of 1,095 feet, more or less, to a southwesterly corner of said tax account number; thence,
35. Northerly, along a westerly line of tax account number 9.-1-2.11, a distance of 1,311 feet, more or less, to a southwesterly corner of said tax account number; thence,
36. Westerly, along a southerly line of tax account number 9.-1-2.11, a distance of 1,036 feet, more or less, to a point 500 feet easterly of and parallel to the center line of East Road (49.5 feet wide right-of-way); thence,
37. Southerly, through the lands of tax account number 9.-1-3, along a line 500 feet easterly of and parallel to the center line of East Road, a distance of 2,953 feet, more or less, to a point 500 feet southerly of and parallel to the center line of Broadway Road (66 feet wide right-of-way); thence,
38. Westerly, through the lands of tax account numbers 9.-1-19 and 8.-1-44.214, along a line 500 feet southerly and parallel to the center line of Broadway Road, a distance of 3,063 feet, more or less, to a point on the southeasterly line of tax account number 8.-1-43.11; thence,
39. Southwesterly, along a southeasterly line of tax account number 8.-1-43.11, a distance of 116 feet, more or less, to a southeasterly corner of said tax account number; thence,
40. Westerly, along the southerly line of tax account number 8.-1-43.11, a distance of 1,581 feet, more or less, to a southwesterly corner of said tax account number; thence,
41. Southerly, along an easterly line of tax account number 8.-1-51.114, a distance of 1,182 feet, more or less, to a southeasterly corner of said tax account number; thence,
42. Westerly, along the southerly line of tax account number 8.-1-51.114, a distance of 333 feet, more or less, to the northeasterly corner of tax account number 8.-1-50; thence,

43. Southerly, along the easterly line of tax account number 8.-1-50, a distance of 655 feet, more or less, to the southeasterly corner of said tax account number; thence,
44. Easterly, along the northerly line of tax account number 8.-1-49.21, a distance of 333 feet, more or less, to the northeasterly corner of said tax account number; thence,
45. Southerly, along the easterly lines of tax account numbers 8.-1-49.21 and 8.-1-48.1, a distance of 1,968 feet, more or less, to the southeasterly corner of tax account number 8.-1-48.1; thence,
46. Westerly, along the southerly lines of tax account numbers 8.-1-48.1 and 8.-1-72.1, and crossing Bethany Center Road (66 feet wide right-of-way), a distance of 6,081 feet, more or less, to a point; thence,
47. Northerly, through the lands of tax account number 8.-1-72.1 and 8.-1-70, a distance of 2,619 feet, more or less, to the midpoint of the northerly line of tax account number 8.-1-70; thence,
48. Westerly, along the southerly lines of tax account numbers 8.-1-68, 8.-1-73, 8.-1-75.2, and along the westerly extension of the southerly line of tax account number 8.-1-75.2, crossing Marsh Road (49.5 feet wide right-of-way), and through the lands of tax account number 7.-1-32, a distance of 3,699 feet, to a westerly line of tax account number 7.-1-32; thence,
49. Southerly, along the easterly line of tax account number 7.-1-34, a distance of 2,636 feet, more or less, to the southeasterly corner of said tax account number; thence.
50. Westerly, along the southerly line of tax account number 7.-1-34, a distance of 687 feet, more or less, to the southwesterly corner of said tax account number; thence,
51. Northerly, along the westerly line of tax account number 7.-1-34, a distance of 3,487 feet, more or less, to a point 500 feet southerly of and parallel to the center line of Broadway Road; thence,
52. Westerly, through the lands of tax account numbers 7.-1-35.1 and 7.-1-39.11, crossing Silver Road (49.5 feet wide right-of-way), along a line 500 feet southerly and parallel to the center line of Broadway Road, a distance of 2,111 feet, more or less, to a point 500 feet westerly of and parallel to Francis Road (49.5 feet wide right-of-way); thence,
53. Northerly, through the lands of tax account numbers 7.-1-39.11 and 7.-1-40.11, along a line 500 feet westerly of and parallel to the center line of Francis Road, a distance of 2,572 feet, more or less, to the southerly line of tax account number 7.-1-24; thence,
54. Westerly, along the southerly lines of tax account numbers 7.-1-24 and 7.-1-23, a distance of 1,249 feet, more or less, to the southwesterly corner of tax account number 7.-1-23; thence,
55. Northerly, along the westerly line of tax account number 7.-1-23, a distance of 722 feet, more or less, to the northwesterly corner of said tax account number; thence,
56. Easterly, along the northerly line of tax account number 7.-1-23, a distance of 888 feet, more or less, to the southwesterly corner of tax account number 7.-1-22.11; thence,
57. Northerly, along the westerly lines of tax account numbers 7.-1-22.11 and 7.-1-22.12, and the northerly extension of the westerly line of tax account number 7.-1-22.12, a distance of 1,235 feet, more or less, to the center line of Brown Road (49.5 feet wide right-of-way); thence,
58. Easterly, along the center line of Brown Road, a distance of 147 feet, more or less, to the southerly extension of the westerly line of tax account number 4.-1-24.2; thence,
59. Northerly, along the southerly extension of the westerly line of tax account number 4.-1-24.2 and the westerly line of tax account number 4.-1-24.2, a distance of 469 feet, more or less to the northwesterly corner of said tax account number; thence,
60. Westerly, along the southerly line of tax account numbers 4.-1-26, a distance of 1,501 feet, more or less to the southwesterly corner of said tax account number; thence,
61. Northerly, along the westerly lines of tax account numbers 4.-1-26, and 4.-1-37.1, a distance of 1,301 feet, more or less, to a southerly line of tax account number 4.-1-27.112; thence,
62. Westerly, along a southerly line of tax account number 4.-1-27.112, a distance of 734 feet, more or less, to an angle point; thence,

63. Southwesterly, along a southerly line of tax account number 4.-1-27.112, a distance of 634 feet, more or less, to an angle point; thence,
64. Westerly, along a southerly line of tax account number 4.-1-27.112, a distance of 596 feet, more or less, to a westerly line of said tax account number; thence,
65. Northerly, along a westerly line of tax account number 4.-1-27.112, a distance of 496 feet, more or less, to a northerly line of said tax account number; thence,
66. Easterly, along a northerly line of tax account number 4.-1-27.112, a distance of 503 feet, more or less, to a westerly line of said tax account number; thence,
67. Northerly, along the westerly lines of tax account numbers 4.-1-27.112, 4.-1-4, 4.-1-35, 4.-1-5, and 4.-1-7, a distance of 5,233 feet, more or less, to the northwesterly corner of tax account number 4.-1-7; thence,
68. Easterly, along the northerly line of tax account number 4.-1-7, a distance of 486 feet, more or less, to the southwesterly corner of tax account number 4.-1-8.1; thence,
69. Northerly, along the westerly line of tax account number 4.-1-8.1, a distance of 715 feet, more or less, to the northwesterly corner of said tax account number; thence,
70. Easterly, along the northerly line of tax account number 4.-1-8.1, a distance of 1,566 feet, more or less, to a southwesterly corner of tax account number 1.-1-51.113; thence,
71. Northerly, along the westerly line of tax account number 1.-1-51.113, a distance of 1,445 feet, more or less, to the northwesterly corner of said tax account number; thence,
72. Easterly, along the northerly line of tax account number 1.-1-51.113, a distance of 395 feet, more or less, to a southwesterly corner of tax account number 1.-1-52.2; thence,
73. Northerly, along the westerly lines of tax account numbers 1.-1-52.2, 1.-1-54, and 1.-1-55, a distance of 2,429 feet, more or less, to the northwesterly corner of tax account number 1.-1-55; thence,
74. Westerly, along the southerly line of tax account number 1.-1-25 and the Existing Water District No. 4, a distance of 1,323 feet, more or less, to a point 500 feet southeasterly of and parallel to the center line Putnam Road (49.5 feet wide right-of-way), and the Existing Water District No. 4; thence,
75. Northeasterly, through the lands of tax account number 1.-1-25, along a line 500 feet southeasterly of and parallel to the center line of Putnam Road, and the Existing Water District No. 4, a distance of 1,475 feet, more or less, to the northerly line of said tax account, and the Existing Water District No. 4; thence,
76. Easterly, along the northerly line of tax account number 1.-1-25, and the Existing Water District No. 4, a distance of 1,731 feet, more or less, to a southwesterly corner of tax account number 1.-1-27.22, and the Existing Water District No. 4; thence,
77. Northwesterly, along a westerly line of tax account number 1.-1-27.22, and the Existing Water District No. 4, a distance of 1,638 feet, more or less, to the northerly line of said tax account number, and the Existing Water District No. 4; thence,
78. Easterly, along the northerly line of tax account number 1.-1-27.22, and the Existing Water District No. 4, a distance of 101 feet, more or less, to a point 500 feet easterly of and parallel to the center line of Putnam Road, and the Existing Water District No. 4; thence,
79. Northeasterly, through the lands of tax account numbers 1.-1-28.1 and 1.-1-30, along a line 500 feet easterly of and parallel to the center line of Putnam Road, and the Existing Water District No. 4, a distance of 1,205 feet, more or less, to the southerly line of tax account number 1.-1-33, and the Existing Water District No. 4; thence,
80. Westerly, along the southerly line of tax account number 1.-1-33, and the Existing Water District No. 4, a distance of 21 feet, more or less, to the southwesterly corner of said tax account number, and the Existing Water District No. 4; thence,

81. Northerly, along the westerly line of tax account number 1.-1-33, and the Existing Water District No. 4, a distance of 240 feet, more or less, to the southerly line of tax account number 1.-1-34, and the Existing Water District No. 4; thence,
82. Easterly, along the northerly line of tax account number 1.-1-33, and the Existing Water District No. 4, a distance of 254 feet, more or less, to a point 500 feet easterly of and parallel to the center line of Putnam Road, and the Existing Water District No. 4; thence,
83. Northeasterly, through the lands of tax account number 1.-1-34, along a line 500 feet easterly of and parallel to the center line of Putnam Road, and the Existing Water District No. 4, a distance of 427 feet, more or less, to the northerly line of said tax account number, the northerly Municipal Boundary Line of the Town of Bethany, and the Existing Water District No. 4; thence,
84. Easterly, along the northerly line of tax account number 1.-1-34 and the easterly extension of the northerly line of tax account number 1.-1-34, and the northerly Municipal Boundary Line of the Town of Bethany, a distance of 86 feet, more or less, to the point of beginning.

Town of Bethany Water District No. 5, as described above contains approximately 9,885 acres of land.

All as shown on a map prepared by CPL, "Water District No. 5 – Water District Map", Drawing Numbers WD-05A, WD-05B, and WD-05C, dated September 24, 2019.

WHEREAS, the map, plan and report is available at the Town Clerk's Office, and a digital copy is available on the Town of Bethany website, which may be accessed at <https://townofbethany.com/>; and

WHEREAS, as stated in such map, plan and report, the project has an estimated maximum cost of \$16,680,000.00, which amount is to be financed by the issuance of serial bonds in an aggregate principal amount not to exceed \$16,680,000.00, such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, grants funds in an approximate amount of \$0.00 expected to be received from the USDA [United States of America – Rural Development Agency], or other funding sources or offset by a reduction in project costs, and unless paid from other sources or charges (including, but not limited to, water rents), the cost of the Water Improvement will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of the benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and

WHEREAS, pursuant to the July 22, 2020 Agreement by County of Genesee and Town of Bethany for Water Construction Payments, Genesee County will pay to Bethany annual payments based on the final terms identified at the time of financing is closed with the USDA-Rural Development. Per the Agreement, current projections are based on 38-year term at 1.375% interest, totaling \$152,835 per year. The term will not change, however, the rate may decrease or increase; and

WHEREAS, the Town Board may establish water rents as provided in paragraph (d) of subdivision three of Town Law Section 198; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single family home) will be approximately \$1,218.60 (such amount includes construction financing costs (debt service) and estimated annual water usage costs); and each property will also have to provide for the first year, service from their home to the property line and internal plumbing modifications (as applicable) to set a meter and valves at an estimated one-time cost of approximately \$2,433.60 (actual costs will vary depending on the actual length of the service line and the complexity of installation); and

WHEREAS, the Town Board of the Town of Bethany has determined the potential establishment of proposed Water District No. 5 to be completed through Resolution subject to Permissive Referendum due to the threat of the COVID-19 pandemic and the desire of the Town Board of the Town of Bethany to keep their residents safe.

NOW ON MOTION OF Councilman Fluker which has been duly seconded by Councilman Street, therefore, it is

ORDERED, that the Town Board of the Town of Bethany, New York, shall meet at the Bethany Town Office, located at 10510 Bethany Center Road, East Bethany, NY 14054 on the 25th day of January 2021, at 7:00 p.m. for the purpose of conducting a public hearing on the proposal to establish said Water District with the improvements specified herein, at which time and place all persons interested

in the subject thereof may be heard concerning the same. This public hearing shall be held in accordance with social distancing protocol and face coverings shall be worn by all Board Members and public attendees pursuant to Governor Andrew Cuomo’s Executive Orders in consideration of the COVID-19 pandemic; and it is further

ORDERED, that the Town Clerk of the Town of Bethany is hereby authorized and directed to publish a copy of this Order in The Daily News, to post a copy of the same on the signboard of the Town of Bethany and to mail a copy to all owners of property located within the proposed Water District, in the time and manner required by law.

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

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

NEW BUSINESS

UTILITIES IN THE RIGHT-OF-WAY

- There has been another claim filed by Verizon for a utility box that was hit during mowing. The cost of the previous one was \$8,000 and the current one is \$10,000.
- Supervisor Hyde has been looking into a proposed law for utilities that are placed in the right-of-way. Some of them are marked and some of them are not. This makes it difficult to know where utility pedestals are located.
- Councilman Street contacted CPL to see if they had any prints showing the location of utilities. They didn’t have anything comprehensive to offer.
- Mailbox placement was discussed. The plow trucks will not cross the centerline to avoid mailboxes. Mailbox replacement is not the responsibility of the town.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,368.84	\$ 31,526.86
Highway Fund	\$ 0.00	\$ 8,846.42
Trust & Agency	\$ 0.00	\$ 2,092.50
Highway Capital Funds Project	\$ 0.00	\$ 0.00
Fire Protection Fund	\$ 0.00	\$ 0.00
Water Fund	\$ 0.00	\$ 0.00

Adjournment

A **MOTION** was made by Councilwoman Fowler, duly seconded by Councilman Fluker to adjourn the meeting at 8:56 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: January 19, 2020

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk