

**TOWN OF BETHANY****REGULAR TOWN BOARD MEETING****10 May 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 May 10, 2021 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., Deputy Supervisor	Jeffrey Fluker, Deputy Supervisor
Timothy Embt, Councilman	Daniel Street, Councilman
Diane Fowler, Councilwoman	Tom Douglas, Town CEO & ZEO
Barbara Czworka, Highway Superintendent	
Ruth A. Bodkins, Town Clerk/Tax Collector	

Attendees to the Meeting were:

Debbie Douglas	Ellen Wood
Don Frank	Bill Elsasser
Joe Nowakowski	Glenn Adams
Maylynn Hyde	Jeffrey Ackerman
Vicki Wolak	Sandy Fluker
Jim Phillips	Phil Sorter

**FINANCES**

Supervisor Hyde presented the finances for May 2021.

General Fund	\$	1,000,242.26
Highway Fund	\$	929,880.52
AP/PR Account	\$	88,050.81
Trust & Agency Account	\$	1,908.53
Highway Checking	\$	2,684.98
Supervisor	\$	302,688.44
Water District #2	\$	41,578.75
Water District #4	\$	10,171.02
Water District #5	\$	00.00
Petty Cash	\$	200.00

Total		\$2,377,405.31
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Revenues Received		
TOMPKINS INS	\$	393.20
Charter Communications	\$	7,373.64
Ruth A. Bodkins, Town Clerk	\$	983.25
Ruth A. Bodkins, Tax Collector	\$	00.00
County of Genesee – Voluntary Distribution	\$	34,177.00
Genesee County /S&I Roads	\$	70,980.93
US POST OFFICE	\$	100.00
Nicholas Falcone, Justice	\$	1,910.00

Total Revenue	\$	114,008.02
Total Interest	\$	198.25
Total Revenue	\$	114,008.02

### **Town Clerk Report – Ruth A. Bodkins**

- Presented the Minutes of the April 12, 2021, Regular Town Board meeting.

A motion was made by Councilman Fluker, duly seconded by Councilman Street, to approve the Minutes of the April 12, 2021, Regular Town Board meeting as presented. Motion passed with All In Favor.

- The Clerk's Monthly Report for April and bank statements for March and April 2021 were reviewed by the Town Board.

### **CEO/ZEO – Thomas Douglas**

- Working on several permits.

### **Highway Superintendent Report – Barbara Czworka**

- Tree trimming continues
- Training on Storm Water Management
- Plowed again on 4/21/2021, 4/22/2021 and 5/01/2021.
- Truck 1210 spent three weeks at Genesee Valley Ford for repair that included: Two recalls, vac pump, front crank seal and cooler line leaking.
- Truck 1209 has been serviced for the mowing season.
- Truck 1201 has been striped of the plow and sander. It is ready for the summer season.
- We have been hauling chip stone for road work.
- We had Brown Road corded to see what is underneath to prepare for next year.
- Grader has been patched with Town of Batavia.
- The guys are now involved in the Clearing House as required by Federal Government. This initiative opens all driver records for future employment. I am obligated to do an annual check in this system.
- I have some boxes of surplus items and request they be auctioned off. I need approval to do this.
- I have a request for another \$60,000.00 to go toward road work (a list has been provided).
- Our new drug and alcohol testing site is called Sage Drivers Solutions, Dansville, NY 14437. They come out to the shop to do testing and help with Clearing House set-up.

### **Board Committee Reports**

#### **Councilman Fluker**

The Fire Department desperately needs Volunteers. The need for a Ambulance Driver is crucial and applications are being accepted with no experience necessary. Training is provided. Applications are available at the Fire House.

#### **Councilman Street**

#### **Councilwomen Fowler**

#### **Supervisor Hyde**

Presented Water District Updates as listed below in Old and New Business and any Resolutions to be voted upon. In addition, Supervisor Hyde, presented Debbie L. Douglas, former Town Clerk of Bethany, with a gift and Proclamation on behalf of the Town of Bethany to recognize and thank her for Nineteen years of outstanding Public Service, as Town Clerk and Tax Assessor to our community. Several other gifts, by donation of the Town Residents and fellow Municipal Officers were presented by the Town Clerk and light

refreshments served to celebrate. Supervisor Hyde, then gave the floor to Debbie and her husband Tom, who presented some very generous and lifesaving gifts to the Town of Bethany. The gifts include two, new Defibrillators which will be placed in the Community Center and Fire House. A Thermal Imaging camera and Layard's to be used by the Town Fire Department were included as part of their farewell gift to the town. Both expressed the pleasure it has given them to serve the community and thought it only fair to give back one last time.

### **OLD BUSINESS**

#### **Water District #4**

This district completion of housekeeping continues to include grading and seeding in the area of pipeline installation.

Resolution to establish Modification to: WD#4 Legal Service Agreement

The Town Clerk rescheduled the Public Hearing re: Adoption of Local Law for Solar and Accessory Use based on lapse in time to notify the public. A Special Meeting is now scheduled for 24 May 2021 and the Town Clerk has published the notice in the Batavia Daily News.

#### **Water District #5**

This district update includes the USDA Bid which expected to take place in May. Pipe line installation is expected to start as early as June and as late as August. Towers will have to go up before pipe line installation begins.

### **NEW BUSINESS**

#### **RESOLUTION #29 2021 Water District #4 Project Budget Modifications**

Supervisor Hyde presented the following resolution

**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, therefore be it

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

Local Attorney (DiMatteo Law)	Increase of	\$3,215.33
Fiscal Coordination (Municipal Solution)	Decrease of	\$5,000.00

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

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

**RESOLUTION #30 2021 TO AUTHORIZE SUPERVISOR TO EXECUTE PURCHASE CONTRACT**

**WHEREAS**, the Town Board of the Town of Bethany met at a regular board meeting at the Town Hall of the Town of Bethany, located at 10510 Bethany Center Road, East Bethany, New York on the 10 day of May, 2021 commencing at 7:00pm at which time and place the following members were:

Present: Supervisor Carl Hyde Jr.  
Councilman Timothy Embt  
Councilman Jeffrey Fluker  
Councilwomen Diane Fowler  
Councilman Daniel Street

Absent: None

**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 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 guidelines put in 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 Member and public attendees; and

**Whereas**, the Town Board of the Town of Bethany wishes to purchase a 7.70 acre lot from the Bethany Volunteer Fire Company Inc., said parcel is identified as Tax Map No. 8.-1-13.11; and

**Whereas**, the Town of Bethany wishes to utilize the 7.70 acres from the Bethany Volunteer Fire Company Inc. for a water tower if the Town of Bethany Water District No. 5 is approved and constructed, Mercy Flight landing location, Bethany Volunteer Fire Company Inc. training, and for additional parking for the Town of Bethany Highway Department; and

**Whereas**, the Bethany Volunteer Fire Company Inc. has advised the Town Board that they are willing to sell the 7.70 acre parcel for \$1,500.00 per acre, totaling \$11,550.00; and

**Whereas**, the Town Board of the Town of Bethany has reviewed the purchase and sale contract provided by Town Attorney, David DiMatteo, Esq.; and

**Whereas**, the Town Board of the Town of Bethany believes it to be in the best interest of the Town to purchase said parcel; and

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

**Resolved**, that the Town Board of the Town of Bethany find it in the best interest of the Town to complete the purchase contract for the 7.70 acre parcel; and be it further

**Resolved**, the Town Board of the Town of Bethany hereby authorizes and empowers Carl Hyde Jr., Supervisor of the Town of Bethany, to execute said purchase contract.

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

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

Councilman Fluker – Yes  
Councilman Street – Yes

**RESOLUTION #31 2021 FINDINGS FOR APPLICATION TO STATE COMPTROLLER FOR WATER DISTRICT NO.5**

**WHEREAS**, the Town Board of the Town of Bethany met at a regular board meeting at the Town Hall of the Town of Bethany, located at 10510 Bethany Center Road, East Bethany, New York on the 10 day of May, 2021 commencing at 7:00pm at which time and place the following members were:

Present: Supervisor Carl Hyde Jr.  
Councilman Timothy Embt  
Councilman Jeffrey Fluker  
Councilwomen Diane Fowler  
Councilman Daniel Street

Absent: None

**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 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 guidelines put in 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 Member and public attendees; and

**Whereas**, the Town Board of the Town of Bethany on January 11, 2021 adopted an Order for a Public Hearing for the Town of Bethany Water District No. 5 in the Town of Bethany; and

**Whereas**, the Town Board of the Town of Bethany held a public hearing on January 25, 2021; and

**Whereas**, this Resolution and Order is subject to approval of the Office of the State Comptroller, Department of Audit and Control; and

**Whereas**, said Resolution authorized the Town Supervisor, assisted by the Town Attorney, to prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this Water District.

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

**BE IT RESOLVED**, by the Town Board of the Town of as follows:

1. That the annexed application was prepared at the direction of the Town Board.
2. That the Town Board has reviewed this application and believes the contents of the application to be accurate.
3. The Town Board has determined that Water District No. 5, for which permission is sought, is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof.
4. That the cost of the proposed improvements is to be assessed in whole or in part against the benefited area and the Town Board has determined that all real property to be so

assessed will be benefited by the proposed improvements and no benefited property has been excluded.

**AND BE IT FURTHER RESOLVED**, that the Town of Bethany hereby authorizes and directs the Town Supervisor, as assisted by the Town Attorney, to submit the necessary application to the Office of the State Comptroller, Department of Audit and Control for approval of the Town of Bethany Water District No. 5.

Motion PASSED with the following Roll Call Vote:

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

**Warrant #5**

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,967.29	\$ 8,001.65
Highway Fund	\$ 0.00	\$ 9,145.91
Capital Project	\$ 0.00	\$
Highway Capital Funds Project	\$ 0.00	\$ 00.00
Fire Protection Fund	\$ 0.00	\$ 00.00
Water Fund	\$ 0.00	\$ 00.00
Justice Fund	\$ 0.00	\$ 00.00

**Adjournment**

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

BY ORDER OF THE  
 BETHANY TOWN BOARD  
 DATED: 10 May, 2021

Respectfully Submitted,  
  
 Ruth A. Bodkins  
 Town Clerk/Tax Collector