TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

11 October 2017

Supervisor Hyde opened the October 11, 2017 Regular Town Board Meeting at 7:00 p.m. with a prayer offered by Councilman Embt followed by the Pledge of Allegiance.

Town Officials in Attendance were:

Carl Hyde, Jr., Supervisor	Daniel Adams, Councilman
Timothy Embt, Councilman	Daniel Street, Councilman
Debbie Douglas, Town Clerk	Linda Schmidt, Historian
Don Schmidt, Deputy Historian	

Town Officials Absent were:

Jeffrey Fluker, Councilman	Joel Merle, Highway Superintendent

Attendees to the Meeting were:

Barb Czworka	Joe Nowakowski
Diane Fowler	Gary Donnelly

FINANCES

Supervisor Hyde presented the finances for September 2017.

General Savings	$1,090,283.92	
Highway Savings	$ 263,632.54	
AP/PR Account	$ 90,705.08	
Trust & Agency Account	$ 4,057.12	
Highway Checking	$ 2,025.27	
Highway Reserve Savings	$ 25,581.42	
Petty Cash	$ 200.00	
Total		$ 1,476,485.35

Revenues Received		
Debbie Douglas, Town Clerk	$ 2,543.15	
Debbie Douglas, Tax Collector	$ .22	
Auctions International (Sale of Pickup)	$ 5,600.00	
Josh Merle (Sale of Pressure Washer)	$ 2,500.00	
US Post Office	$ 100.00	
County of Genesee (Mowing)	$ 9,366.65	
NY State Aid	$ 18,128.00	
Thomas McBride, Justice	$ 1,297.00	
Total Revenue	$ 39,535.02	
Total Interest	$ 36.77	
Total Revenue & Interest		$ 39,571.79

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the September 11, 2017 Regular Town Board meeting.

A **MOTION** was made by Councilman Adams and seconded by Councilman Street to approve the Minutes of the September 11, 2017 Regular Town Board meeting as presented. The motion **PASSED** with All In Favor.

- Presented the Minutes of the September 27, 2017 Special Town Board meeting.

A **MOTION** was made by Councilman Street and seconded by Councilman Embt to approve the Minutes of the September 27, 2017 Special Town Board meeting as presented. The motion **PASSED** with All In Favor.

- Read a report from Walter Wenhold concerning the Senior Meal Site.
  - Everything went smoothly over the summer. Meals are held at noon on Wednesdays. There are usually 12-16 people in attendance
  - The meal price has increased from $3.00 to $3.50 because of increased costs.
  - No meals have been held in October at this point. On the first Wednesday of the month there was no water at the church. The electric had been turned off at the manse (this is where the water comes from) because the family living there was moving. The summer picnic, which had been cancelled, was rescheduled for the second Wednesday of October and the meal will be held at the ARC in Batavia. The normal schedule should resume on the third Wednesday in October.
  - Had a speaker concerning identity theft.

- The Clerk's Monthly Report and Bank Statements for September were reviewed by the Town Board with payment in the amount of $2,543.15.

CEO/ZEO Report – Thomas Douglas read by Town Clerk

- Has issued or is in the process of issuing four permits: Attached garage, roof reconstruction on a commercial property, new barn and an accessory building.
- Still working with the town's attorney and the owners of several dilapidated structures.
- Currently in phase two of road review.
- Was contacted by Genesee County in regard to a matter involving a property with excessive junk around it. The junk is on land in the Town of Bethany and on land in Genesee County. Currently coordinating with the county's attorney.
- The zombie house on route 63 has had some improvements made to it by the bank which include painting, removing debris, repairing the fence, removal of a collapsed shed and replacing the porch floor. A new set of violations is being issued as the property has been transferred to a different property management company.
- Working on a site plan application for the addition of 3 antennae to the cell tower.
- Working on an interpretation of retail business as it pertains to home occupancy, walk-in sales and an art studio. The applicant proposes to do all three to various degrees.
- Plans to attend the NFBOA conference in January. Will be presenting at the November meeting for approval. This training fulfills the mandated annual training requirement of 24 hours.

Highway Superintendent Report – Joel Merle read by Town Clerk

- Helped Bergen and Darien pave, Alexander chip seal and the county Nova chip.
- Sale of pressure washer is complete.
- Overweight permits have been received for trucks 1201 and 1204.

- A rip in the salt shed cover has been repaired. $1,200 was saved by ordering the kit and doing the repair in-house as opposed to the company coming out to do it.
- Still mowing but have to work around farmers harvesting corn.
- Trimmed weeds from around the guardrails.
- Shoulders were applied to Community Center parking lot and handicap parking was marked.
- Cleaned up glass, etc. from Fire Department training area.
- Cleaning out the old shop in order to move items over from the old fire truck garage.
- Hauling in chip stone for next year. Currently have 690.88 ton with a goal of 900 ton.
- CHIPs paperwork has been submitted and approved. Check will be issued after December 15.
- Truck 1203 has been inspected and new tires put on the front to prepare for winter. The plow and sander have been installed.
- The salt shed is full.

Town Justice Report

- Justice McBride's monthly report for September 2017 was reviewed by the Town Board and payment was received in the amount of $2,107.00.
- Justice Shea's monthly report for September 2017 was reviewed by the Town Board and payment was received in the amount of $2,247.00

Historian Report – Linda Schmidt

- Was contacted by someone in the western United States that bought an 1839 Bethany coverlet at a Goodwill Store in their area.
- Will be attending a conference on Saturday and another at GCC in November.

Board Committee Reports

Councilman Street

- The Planning Board reviewed and approved three land separation applications. Two of those applications require mergers and will be final when proof of merge is received from the County.

Councilman Embt

- The Zoning Board of Appeals meeting was cancelled as there were no applications to review.

Councilman Adams

- Fire Department needs new members.

OLD BUSINESS

Transfer Station – Update

- For July, August and September, the Transfer Station has a total negative balance of $656.28.
- For the fiscal year thus far there is a negative balance of $1,904.88.

Water Districts – Update

- Water District #2

RESOLUTION #48-2017 FINAL ORDER FOR ESTABLISHMENT OF WATER DISTRICT #2

The following order was offered by Councilman Adams and seconded by Councilman Embt, to wit;

A meeting of the Town Board of the Town of Bethany, in the County of Genesee, State of New York, was held at the Town Hall, in the Town, on October 11, 2017.

PRESENT:

Hon. Carl Hyde Jr., Supervisor

Hon. Daniel Adams, Councilperson

Hon. Timothy Embt, Councilperson

Hon. Daniel Street, Councilperson

In the Matter of the Establishment of the Town of Bethany Water District No. 2, in the Town of Bethany, in the County of Genesee, New York, pursuant to Article 12 of the Town Law.

FINAL ORDER ESTABLISHING
TOWN OF BETHANY WATER DISTRICT NO. 2
OCTOBER 11, 2017

WHEREAS, the Town Board of the Town of Bethany (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, has received a petition pursuant to Section 191 of the Town Law, for the establishment of the Town of Bethany Water District No. 2 in the Town (the "District"), which petition was signed by a number of owners within the District, and was greater than the percentage required by law; and

WHEREAS, a map, plan and report, dated June 2015, was prepared by Clark Patterson Lee, competent engineers duly licensed by the State of New York, for the establishment of the District; and

WHEREAS, such map, plan and report was filed on July 1, 2015 at the office of the Town Clerk, and was available for public inspection at said location; and

WHEREAS, said proposed improvements consist of a project to provide a safe and reliable potable water supply and fire protection in the proposed District; and

WHEREAS, the overall project will generally consist of the construction and installation of approximately 21,700 linear feet of 8-inch water main along various roads in the Town including, but not limited to, Clipnock Road, East Bethany-LeRoy Road, Little Canada Road and Torrey Road, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such Project, together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, water services, appurtenances, apparatus, and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"); and

WHEREAS, the estimated maximum amount proposed to be expended for the Project is estimated to be $1,354,000; and

WHEREAS, pursuant to the Order duly adopted on September 14, 2015, the Town Board determined to proceed with the proposed establishment of the District and adopted an Order reciting a

description of the boundaries of the District, the improvements proposed, the maximum amount proposed to be expended for the construction of the Project in connection with the establishment of the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same is on file in the Town Clerk's office and is available for public inspection and specifying October 28, 2015, at 6:00 o'clock p.m. (Prevailing Time) or shortly thereafter, as the time when the Town Board would meet to consider the proposed establishment of the District and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law; and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12 of the Town Law and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted November 9, 2015, determined that the Petition to Request the Water District was signed and acknowledged or proved or authenticated, as required by law, and was otherwise sufficient, the notice of public hearing was published and posted as required by law and was otherwise sufficient, that all the property and property owners included within the proposed District were benefited thereby, that all the property and property owners benefited were included within the limits of the proposed District, that it was in the public interest to establish the District and approved the establishment of the District and the construction of the Project in connection with the District as hereinabove described at an estimated maximum cost of $1,354,000; and

WHEREAS, permission of the State Comptroller was required with respect to the establishment of the District and the Town submitted an application to the Office of the State Comptroller, Department of Audit and Control, as required by Town Law; and

WHEREAS, the Office of the State Comptroller, Department of Audit and Control reviewed such application and on September 13, 2017, the State Comptroller issued an order that such application of the Town Board of the Town of Bethany for permission to establish the Town of Bethany Water District No. 2 was approved and permitted the establishment of the District in accordance with the description referred to in a resolution of November 9, 2015, at an estimated maximum cost of $1,354,000;

NOW, THEREFORE, be it

ORDERED, that the establishment of the District is hereby approved and will be known as the Town of Bethany Water District No. 2, situate wholly outside of any incorporated village or city, and is bounded and described as follows:

Beginning at a point being the centerline intersection of East Bethany-Leroy Road (66 feet wide right-of way) and Clipnock Road (66 feet wide right-of-way); thence,

1. Southwesterly, along the centerline of East Bethany-Leroy Road, a distance of 256 feet, more or less, to the southerly extension of the westerly line of tax account number 3.-1-35; thence,

2. Northwesterly, along the southerly extension of the westerly line of tax account number 3.-1-35 and the westerly line of said tax account number, a distance of 82 feet, more or less, to the southeasterly corner of tax account number 3.-1-36; thence,

3. Westerly, along the southerly line of tax account numbers 3.-1-36 and 3.-1-42.1, a distance of 1,437 feet, more or less, to a southwesterly corner of tax account number 3.-1-42. l ; thence,

4. Northerly, along a westerly line of tax account number 3.-1-42.1, a distance of 314 feet, more or less, to an angle point; thence,

5. Northwesterly, along a southerly line of tax account 3.-1-42.1, a distance of 683 feet, more or less, to the westerly line of said tax account number; thence,

6. Northerly, along the westerly line of tax account number 3.-1-42.1, a distance of 2,260 feet, more or less, to the southeasterly corner of tax account number 3.-1-44.1; thence,

7. Northwesterly, along the southerly line of tax account number 3.-1-44.1, a distance of 583 feet, more or less, to the southwesterly corner of said tax account number; thence,

8. Northeasterly, along the westerly line of tax account number 3.-1-44.1, a distance of 702 feet, more or less, to the centerline of Little Canada Road (49.5 feet wide right-of-way); thence,

9. Southeasterly, along the centerline of Little Canada Road, a distance of 138 feet, more or less, to the intersection of the centerline of Torrey Road (66 feet wide right-of-way); thence,

10. Northeasterly, along the centerline of Torrey Road, a distance of 248 feet, more or less to the southerly extension of the westerly line of tax account number 3.-1-3; thence,

11. Northerly, along the southerly extension of the westerly line of tax account number 3.-1-3 and a westerly line of said tax account number, a distance of 2,117 feet, more or less, to a southeasterly corner of said tax account number; thence,

12. Westerly, along a southerly line of tax account number 3.-1-3, a distance of 516 feet, more or less, to a southwesterly corner of said tax account number; thence,

13. Northerly, along the westerly line of tax account number 3.-1-3, a distance of 402 feet, more or less, to the northwesterly corner of said tax account number; thence,

14. Easterly, along the northerly line of tax account number 3.-1-3, a distance of 789 feet, more or less, to the northeasterly corner of said tax account number; thence,

15. Northerly, along the westerly lines of tax account numbers 3.-1-9.122, 3.-1-9.123, and 3.-1-10, a distance of 1,582 feet, more or less, to the northwesterly corner of tax account number 3.-1-10 and the Town of Bethany/Town of Stafford municipal division line; thence,

16. Easterly, along the Town of Bethany/Town of Stafford municipal division line and the northerly line of tax account numbers 3.-1-10, across Clipnock Road, continuing along the northerly lines of tax account number 3.-1-11.11, a distance of 5,669 feet, more or less, to a point 500 feet westerly of and parallel to the centerline of Transit Road (66 feet wide right-of-way); thence,

17. Southerly, along a line 500 feet westerly of and parallel to the centerline of Transit Road, through the lands of tax account numbers 3.-1-11.11, 3.-1-12.11, 3.-1-17, and 3.-1-22, a distance of 3,985 feet, more or less, to the southerly line of tax account number 3.-1-22; thence,

18. Westerly, along the southerly line of tax account number 3.-1-22, a distance of 222 feet, more or less, to the northeasterly corner of tax account number 3.-1-23; thence,

19. Southeasterly, along the easterly line of tax account number 3.-1-23, a distance of 1,672 feet, more or less, to the southeasterly corner of said tax account number; thence,

20. Easterly, along the northerly line of tax account number 3.-1-52, a distance of 4 feet, more or less, to the northeasterly corner of tax account number 3.-1-52; thence,

21. Southerly, along the easterly lines of tax account numbers 3.-1-52 and 3.-1-27.112, a distance of 1,105 feet, more or less, to the southeasterly corner of tax account number 3.-1-27.112; thence,

22. Westerly, along the southerly line of tax account number 3.-1-27.112, a distance of 438 feet, more or less, to the northeasterly corner of tax account number 3.-1-45.11; thence,

23. Southerly, along the easterly line of tax account number 3.-1-45.11, a distance of 418 feet, more or less, to the northwesterly corner of tax account number 3.-1-29. 1 ; thence,

24. Easterly, along the northerly line and the easterly extension of the northerly line of tax account number 3.-1-29.1, a distance of 938 feet, more or less, to the centerline of Transit Road; thence,

25. Southerly, along the centerline of Transit Road, a distance of 1,448 feet, more or less, to the easterly extension of a southerly line of tax account number 6.-1-27.1; thence,

26. Southwesterly, along a southerly line and through the lands of tax account numbers 6.-1-27.1 and 6.-1-26, a distance of 4,065 feet, more or less, to a southwesterly corner of tax account number 6.-1-26; thence,

27. Northerly, along the westerly line of tax account number 6.-1-26 and the northerly extension of the westerly line of said tax account number, a distance of 1,448 feet, more or less, to the centerline of East Bethany-Leroy Road and the Point of Beginning;

and be it further:

ORDERED, that the District hereinabove referred to shall be constructed as set forth in the Order Calling the Public Hearing and the resolution establishing the District, at an estimated maximum cost of $1,354,000 and that the plan of financing is the issuance of serial bonds in an aggregate principal amount not to exceed $1,354,000 such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, grant funds in an approximate amount of $500,000 anticipated to be received from the United States of America – Rural Development Agency, and unless paid from other sources or charges, the costs for the establishment of the District will be by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer 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 be it further

ORDERED, that within ten days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Genesee and file with the Department of Audit and Control in Albany, New York copies of this Order, certified by the Town Clerk.

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

Supervisor Hyde – Yes
Councilman Fluker – Absent
Councilman Street - Yes
Councilman Adams – Yes
Councilman Embt – Yes

RESOLUTION #49-2017 – BOND RESOLUTION FOR WATER DISTRICT #2

The following resolution was offered by Councilman Adams and seconded by Councilman Street, to wit;

A BOND RESOLUTION, DATED OCTOBER 11, 2017, OF THE TOWN BOARD OF THE TOWN OF BETHANY, GENESEE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF BETHANY WATER DISTRICT NO. 2 IN THE TOWN AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF $1,354,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $1,354,000 OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED BY THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Bethany, Genesee County, New York (the "Town"), pursuant to Article 12 of the Town Law, created a water district designated and known as the Town of Bethany Water District No. 2 (the "District"); and

WHEREAS, the Town Board has determined to undertake a water system capital improvements project (the "Project") generally consisting of the construction of the infrastructure for the District; and

WHEREAS, by Resolutions the Town Board took the following actions with respect to the Project: (a) prepared maps, plans and reports and identified the boundaries for the District and the Project, (b) held public hearings with respect to the Project, (c) determined that the Project would not have a significant effect on the environment under Article 8 of the Environmental Conservation Law, (d) determined that the requirements of Article 12 of the Town Law had been satisfied with respect to the Project and further determined to undertake the Project and (e) received permission to establish the District from the New York State Comptroller; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Project;

NOW, THEREFORE, be it

RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1: The Town is hereby authorized to undertake a certain capital improvements project generally consisting of the construction and installation of approximately 21,700 linear feet of 8-inch water main along various roads in the Town including, but not limited to, Clipnock Road, East Bethany-LeRoy Road, Little Canada Road and Torrey Road, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such Project, together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, water services, appurtenances, apparatus, and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of said purpose is $1,354,000.

SECTION 2: The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed $1,354,000 said amount to be offset by the receipt of any federal, state, county and/or local funds received including, but not limited to, the application of approximately $500,000 of grant funds anticipated from the United States of America – Rural Development Agency. Unless paid from other sources or charges, the costs for the establishment of the District will be by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer 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.

SECTION 3: It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4: Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5: It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6: The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the costs of said establishment of the District shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the 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 benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same shall become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7: Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with

substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8: The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9: The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10: The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11: The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 12: In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13: The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14: The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 15: This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: Supervisor Hyde
Councilman Adams
Councilman Embt
Councilman Street

NOES:

ABSENT: Councilman Fluker

The foregoing resolution was thereupon declared duly adopted.

- Proposed Water District #5
  - Feedback from people in the proposed district indicates that they are in favor of the district.
  - Supervisor Hyde and Diane Fowler will be meeting with Genesee County representatives next Wednesday to discuss funding for the district.

Old Fire Department Truck Garage – Roof and Drainage Problems

- Fixing the roof, drainage problems, etc. would cost approximately $20-25,000.
- Constructing a new 44x60 building would cost approximately $60,000.
- Tearing the building down and salvaging the steel beams to sell would cost approximately $4,500.
- The board will consider these options and make a decision in December. The Supervisor would like to schedule the work, whatever it should be, for April.
- The Highway Department is in the process of cleaning the building out.
- Some tires that had been stored in the building were returned to Sedam Tires in Perry Center and a credit of $1,700 was received.
- The Fire Department has been informed of the possible changes. An extensive search has not yielded a copy of any agreement on file with the town giving the Fire Department any guarantee of storage area. The Fire Department has been asked provide a copy of any agreement they may have to the Town.

RESOLUTION #50-2017 SCHEDULING OF PUBLIC HEARING FOR PROPOSED LOCAL LAW TO OVERRIDE 2% TAX CAP

The Town Board of the Town of Bethany met at a regular board meeting at the Town Offices of the Town of Bethany located at 10510 Bethany Center Road, Bethany, New York on the 11th day of October 2017 commencing at 7:00 p.m., at which time and place the following members were:

Present:	Supervisor	Carl Hyde, Jr.
	Council Member	Timothy Embt
	Council Member	Daniel Street
	Council Member	Daniel Adams
Absent:	Council Member	Jeffrey Fluker

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, Chapter 97 of the Laws of 2011 – "The Property Tax Cap" add a new section 3-c to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

WHEREAS, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

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

NOW ON MOTION OF Councilman Adams which has been duly seconded by Councilman Embt, be it

RESOLVED, by the Town Board of the Town of Bethany will hold a public hearing on the proposed adoption of said local law on the 13th day of November 2017 at 7:00 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

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

Supervisor Hyde – Yes
Councilman Fluker – Absent
Councilman Street - Yes
Councilman Adams – Yes
Councilman Embt – Yes

A PROPOSED LOCAL LAW ENTITLED, "OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c."

BE IT ENACTED by the Town Board of the Town of Bethany as follows:

SECTION I. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Bethany, County of Genesee pursuant to General Municipal Law §3-c. and to allow the Town of Bethany, County of Genesee to adopt a town budget for (a) town purposes; (b) fire protection districts; and (c) any other

special or improvement district governed by the Town Board for the fiscal year 2018 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

SECTION II. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c. which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

SECTION III. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Bethany, County of Genesee is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

SECTION IV. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION V. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

2018 Budget – Scheduling Special Meeting to Adopt Preliminary Budget

- Supervisor Hyde cannot get the tax cap amount until Friday.
- A special meeting will be held on Monday, October 16, 2017 at 7:00 p.m. to adopt the preliminary budget after the tax cap figure is added.
- The Town Board will then set the public hearing for the 2018 budget.

Parking Lot Paving – Update

- The parking lot paving project was estimated at $26,000 – 27,000. The actual cost is $21,213.91.

NEW BUSINESS

RESOLUTION #51-2017 BONDING OF TOWN OF BETHANY TAX COLLECTOR

WHEREAS, the Town is required by law to file a bond on the Tax Collector with the County Clerk prior to tax rolls and bills being picked up, and

WHEREAS, the Town is required by law to bond the Tax Collector for the money in the control of the Tax Collector,

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector shall have no more than $500,000.00 in her control at any time, and

BE IT FURTHER RESOLVED that the Tax Collector shall be bonded by the Town in the amount of $500,000.00.

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

Supervisor Hyde – Yes
Councilman Fluker – Absent
Councilman Street - Yes
Councilman Adams – Yes
Councilman Embt – Yes

RESOLUTON #52-2017 AUTHORIZING PURCHASE OF SERVER AND OFF-SITE BACKUP

WHEREAS, the town does not currently have off-site backup for official records, and

WHEREAS, upgrades of certain software requires a server for sharing of information contained in the program, and

WHEREAS, Supervisor Hyde contacted the following for quotes:

- Fiorella's Technical Services, LLC $ 9,829.27
  - Includes server, installation, off-site backup and technical support.
- Williamson Law $11,500.00
  - Includes server and installation, does not include off-site backup or technical support.
- Millennium Computers No response

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

RESOLVED, Supervisor is authorized to purchase a server and off-site backup from Fiorella's Technical Services, LLC in the amount of $9,829.27.

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

Supervisor Hyde – Yes
Councilman Fluker – Absent
Councilman Street - Yes
Councilman Adams – Yes
Councilman Embt – Yes

RESOLUTION -MODIFY 2017 BUDGET - A Fund

WHEREAS, the Town of Bethany is upgrading its computer system by purchasing a server and other equipment which was not included in 2017 Budget; Now on

MOTION of Councilman Adams, duly seconded by Councilman Street, be it

RESOLVED, the Supervisor is hereby authorized to modify the 2017 Budget in the following manner:

A-599 Appropriated Fund Balance $10,000.00

A-960 Appropriations
Sub Account A1620.2 Building, Equipment $10,000.00

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

Supervisor Hyde – Yes
Councilman Fluker – Absent
Councilman Street – Yes
Councilman Adams – Yes
Councilman Embt – Yes

Storm Damage – Update

- Supervisor Hyde received a letter from Senator Ranzenhofer stating that the town would not be reimbursed for the storm damage this summer. FEMA requires $21,000,000 in damage in an area before reimbursement for storm damage will be considered. The town spent $35,000 to make repairs to flood damaged areas.
- Highway Superintendent Merle has asked for $10,000 to help offset the cost of the repairs.

RESOLUTION #54-2017 - MODIFY 2017 BUDGET - DA Fund

WHEREAS, the Town of Bethany incurred additional materials costs relating to rain storm damages which were not included in 2017 Budget; now

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

RESOLVED, the Supervisor is hereby authorized to modify the 2017 Budget in the following manner:

DA-599 Appropriated Fund Balance	$10,000.00
DA-960 Appropriations Sub Account DA5110.4 Maint. of Streets, Contractual	$10,000.00

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

Supervisor Hyde – Yes
Councilman Adams – Yes
Councilman Fluker – Absent
Councilman Embt – Yes
Councilman Street – Yes

Food Link – 2018 Dates

- Supervisor Hyde has requested three dates for 2018. They will tentatively be the 2nd Saturday in February (Fire Department Truck Garage), July and October (Community Center).

Warrant

- The Board approved payment of the bills as follows:

	Prepaid	Total
General Fund	$ 4,002.34	$ 22,306.78
Highway Fund	$ 0.00	$ 53,572.87
Trust & Agency	$ 0.00	$ 0.00
Highway Capital Funds Project	$ 0.00	$ 0.00
Fire Protection Fund	$ 0.00	$ 0.00
Water Fund	$ 0.00	$ 0.00
Justice Fund	$ 0.00	$ 3,165.50

Adjournment

A **MOTION** was made by Councilman Street, duly seconded by Councilman Embt to adjourn the meeting at 8:15 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: October 16, 2017

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk