

TOWN OF BETHANY
REGULAR TOWN BOARD MEETING
8 MARCH 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 March 8, 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	Debbie Douglas, Town Clerk
Thomas Douglas, CEO/ZEO	
Barbara Czworka, Highway Superintendent	

Attendees to the Meeting were:

Patrick Pietrzykowski	Bill Elsasser
Don Frank	Joe Nowakowski
Jim Phillips	Nicole Szymkowiak
John Szymkowiak	

FINANCES

Supervisor Hyde presented the finances for February 2021.

General Fund	\$1,621,546.42
Highway Fund	\$ 427,132.71
AP/PR Account	\$ 90,589.07
Trust & Agency Account	\$ 3,711.32
Highway Checking	\$ 2,684.67
Supervisor	\$ 611,431.63
Water District #2	\$ 41,578.75
Water District #4	\$ 131,207.76
Petty Cash	\$ 200.00
Total	\$2,930,082.33
Revenues Received	
Debbie Douglas, Town Clerk	\$ 245.30
Debbie Douglas, Tax Collector	\$ 418.67
Debbie Douglas, Tax Collector	\$ 220.13
County of Genesee – Snow & Ice - Roads	\$ 70,980.93
County of Genesee – Voluntary Distribution	\$ 34,177.00
NYMIR	\$ 1,342.84
US Post Office	\$ 100.00
William Shea, Justice Retired (September)	\$ 486.00
Nicholas Falcone, Justice	\$ 4,057.00

Total Revenue	\$ 112,027.87
Total Interest	\$ 187.80
Total Revenue	\$ 112,215.67

PUBLIC HEARING – FIRE PROTECTION CONTRACT

- Supervisor Hyde opened the Public Hearing for the Fire Protection Contract at 7:01 p.m.
- No one spoke concerning the contract.
- Supervisor Hyde closed the Public Hearing at 8:10 p.m.

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the February 8, 2021 Regular Town Board meeting.

A motion was made by Councilman Fluker, duly seconded by Councilman Street, to approve the Minutes of the February 8, 2021 Regular Town Board meeting as presented. Motion passed with All In Favor.

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

CEO/ZEO – Thomas Douglas

- Working on 3 permits – a house rehab, a new house and an inground pool.
- Will be starting road review now that the weather is better.
- Has a complaint concerning a business operating without a permit. It looks to be an ag business.
- A building on Ellicott Street Road was demolished. A site visit was completed and all looks to be ok. The property still needs to be maintained (mowing, etc.).

Republican Committee – Thomas Douglas

- The Bethany Republican Committee met and endorsed incumbents (Dan Street and Diane Fowler for Town Board Positions.
- Five candidates for the two open Town Justice positions were interviewed. The committee chose not to endorse anyone. There will likely be a primary for these positions.
- All candidates are passing petitions. Those wishing to support candidates for Justice may sign for two candidates.

Highway Superintendent Report – Barbara Czworka

- There have been 15 plow runs and 2 sanding runs.
- Performing maintenance on equipment
- Having trouble with the sanders on trucks 1203 and 1204.
- Installed a battery shutoff on the Ford tractor.
- Planning on attending Highway School from June 7-9. It is unknown at this point if it will be in person or virtual.

Board Committee Reports

Councilman Fluker

- Things have slowed down a little at the Fire Department. Have responded to some mutual aid calls for fires. Ambulance calls have settled down.

Councilman Street

- The Planning Board met approved a land separation. Also continued to work on proposed solar law.

Supervisor Hyde

Court Consolidation

- The study for the court consolidation has been dropped. The Town of Alexander decided not to move forward.
- Ann Marie Loranty, the clerk for Justice Falcone, will most likely stay on to serve both of the new Justices.

- Court night may change to Wednesday or Thursday.
- The financials from the previous Justices are being sorted out with the help of Ms. Loranty.

AUD – Annual Update Document

- The AUD has been completed and filed with the State.

BAN For Trucks and Tractor

- The BAN for the purchase of the trucks and the tractor has been paid off.

Town Hall/ Community Center Septic System

- The line to the septic system froze. It had to be dug up and repaired.
- The holding tanks are degrading and need to be replaced.

OLD BUSINESS

Water Districts – Update

Water District #4

- This district is mostly complete except for some housekeeping that will need to be done when the weather breaks.
- There are some funds left for this project. The Town of Batavia is deciding if the pumpstation that serves this district needs to be upgraded. The funds can also be applied to road repair for damage caused by the installation of this district.

RESOLUTION #16-2021 WATER DISTRICT #4 PROJECT BUDGET MODIFICATIONS

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

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

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

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

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

Single Audit	Decrease of	\$13,500.00
Net Interest	Decrease of	3,450.84
Miscellaneous	Decrease of	2,000.00

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

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

Water District #5

RESOLUTION #17-2021 RESOLUTION CREATING THE TOWN OF BETHANY WATER DISTRICT NO. 5 IN THE TOWN OF BETHANY, SUBJECT TO PERMISSIVE REFERENDUM

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, Cacner 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, McLernon Road, Sweetland Road, Paradise Road, and Paul Road. This includes roads in the Town of Stafford; and

WHEREAS, 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 the State Environmental Quality Review Act is necessary; 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], 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 has pursuant to an Order Calling for a Public Hearing, which Order was duly posted and published, held a public hearing on February 8, 2021 to consider the creation of the proposed District, at which hearing all members of the public were given an opportunity to be heard. The public hearing was held in accordance with social distancing protocol and face coverings were worn by all Board Members and public attendees pursuant to Governor Andrew Cuomo's Executive Orders in consideration of the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BETHANY as follows:

The Board hereby determines:

1. *That the notice of public hearing was duly published and posted as required by law, and is otherwise sufficient.*
2. *That all properties and property owners benefited by the improvements are included in the proposed District.*
3. *That all properties and property owners included in the proposed District are benefited thereby.*
4. *That it is in the public interest to establish the proposed District.*
5. *That in the opinion of the Town Board, none of the properties included in the proposed District will be unduly burdened by the creation of the District.*

RESOLVED that the Town Board hereby approves the creation of The Town of Bethany Water District No. 5 in the Town of Bethany and 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. Northeastly, 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.

AND BE IT FURTHER RESOLVED, that the estimated maximum amount proposed to be expended for such Water Improvement is \$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], 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 be it

FURTHER RESOLVED, that the Town Board of the Town of Bethany has determined the 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; and be it

FURTHER RESOLVED, that this resolution is subject to permissive referendum; and be it

FURTHER RESOLVED, that the Town Clerk shall, within ten days after the adoption of this Resolution, publish a public notice at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, in the Form of Exhibit A to this Resolution, stating the adoption of this Resolution subject to permissive referendum, and the Town Clerk shall cause to be prepared and have available for distribution proper forms for the petition requesting a referendum and shall distribute a supply to any person requesting same; and be it

FURTHER ORDERED, that if the time for filing a petition requesting that the matter be submitted to a referendum of the property owners expires without such a petition being filed, the Town Clerk shall file a certificate stating such fact in the office of the county clerk; and be it

FURTHER ORDERED, that if such petition is filed, after such referendum is held the Town Clerk shall file a certificate stating that a petition was filed and a referendum held and certifying the results of the vote on the proposition submitted at such referendum in the office of the county clerk.

FURTHER ORDERED, due to the annual unit cost of \$1,218.60, this District requires additional authorization from the Office of the State Comptroller. The Town Board has waited additional time to receive comments. Once the additional 30 days of the permissive referendum period has been reached, the Town Board shall send an application to the Office of the State Comptroller for approval.

MOTION made by Councilman Street, duly seconded by Councilman Fluker, to establish Town of Bethany Water District #5.

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

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

**RESOLUTION #18-2021 AUTHORIZING SUPERVISOR TO EXECUTE LOAN
RESOLUTION RUS BULLETIN 1780-27 FOR WATER DISTRICT NO. 5 - \$9,000,000**

WHEREAS, the Town of Bethany has qualified for a \$9,000,000 loan from USDA-RD for Water District No. 5, and

WHEREAS, USDA-RD requires the filing of RUS Bulletin 1780-27 authorizing and providing for the incurrence of indebtedness for the purpose of constructing the water district, now

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

RESOLVED that Supervisor Hyde is hereby authorized to execute RUS Bulletin 1780-27.

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

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

**RESOLUTION #19-2021 AUTHORIZING SUPERVISOR TO EXECUTE LOAN
RESOLUTION RUS BULLETIN 1780-27 FOR WATER DISTRICT NO. 5 - \$7,680,000**

WHEREAS, the Town of Bethany has qualified for a \$7,680,000 loan from USDA-RD for Water District No. 5, and

WHEREAS, USDA-RD requires the filing of RUS Bulletin 1780-27 authorizing and providing for the incurrence of indebtedness for the purpose of constructing the water district, now

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

RESOLVED that Supervisor Hyde is hereby authorized to execute RUS Bulletin 1780-27.

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

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

**RESOLUTION #20-2021 RESOLUTION AUTHORIZING THE EXECUTION OF THE
ENGINEERING SERVICES AGREEMENT FOR TOWN OF BETHANY WATER DISTRICT NO.**

5

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, the Town of Bethany is working toward the establishment of Water District No. 5 in the Town of Bethany; and

WHEREAS, CPL of Buffalo, NY has submitted a proposal for the following:

- Study & Report Phase - the completion of an engineering report and environmental report, summarizing the project, estimate of probable cost, and potential environmental impacts
- Preliminary & Final Design Phase – 1. complete mapping suitable for design of the project, which will include a combination of areal mapping and field survey. Highway rights-of-way will be plotted based on available record information, and it is anticipated that the water main will be primarily located within the existing rights-of-way. 2. Prepare detailed construction drawings, specifications, contract documents, and cost estimates for the water mains described above. All work will be in accordance with the standards of the Monroe County Water Authority (MCWA), and the requirements of the New York State Department of Health (NYSDOH). 3. Prepare permit applications and assist the Town in obtaining the necessary permits and approvals including: Genesee County Health Department, Genesee County Highway Department, MCWA, and NYSDOT.
- Bidding Phase – 1. Provide up to twenty (20) sets of plans, specifications, and contract documents to be issued to prospective bidders. We anticipate up to six (6) construction contracts. 2. Respond to bidders' questions during the bidding period and issue and addenda required for the interpretation and clarification of the bidding documents. 3. Attend the bid opening, review bids for compliance with the bid requirements and mathematical correctness, prepare the bid tabulation, investigate bidders' qualifications, and prepare a written recommendation for the award of the contract.
- Construction Phase – Provide construction administration services, which include shop drawing review, processing of payment requests, preconstruction and project meetings, schedule coordination, preparation of change orders, coordination with the contractor, Town, MCWA, and regulatory agencies, final inspection and punch list, and preparation of record drawings.
- Construction Phase – Provide a qualified Resident Engineer to monitor construction and the contractor's compliance with the Contract Documents. The Resident Engineer will serve as the Town's representative on the project, maintain detailed records of the work performed, document payments to the contractor, handle concerns and complaints from residents affected by the project, and coordinate with regulatory agencies and utilities. And

WHEREAS, the fee for these services is broken down as follows:

Study Phase	\$ 20,000
Preliminary & Final Design	\$ 798,000
Bidding	\$ 30,000
Construction Administration	\$ 200,000
Construction Observation	<u>\$ 432,000</u>
 TOTAL	 \$1,480,000

- Additional Services – Not Included in this proposal, as the extent of the work required will not be known until the preliminary design is completed and/or the environmental review process is completed.
 - o Property survey for the purpose of purchasing property, establishing property line locations, or obtaining easements or rights-of-way.
 - o Preparation of easement maps and descriptions, at the number required will not be known until after preliminary design is completed.
 - o Geotechnical investigations, which is typically completed by a sub-consultant direct to the Town. The detailed scope will not be known until preliminary design has been completed. Anticipated to be \$100,000.
 - o Archeological review to satisfy the New York State Historical Preservation Office.

An estimate of the cost of any additional work will be provided when the scope of work is determined.

WHEREAS, the Town Board feels it is in the best interest of the Town of Bethany to enter into an Engineering Services Agreement with CPL, the retained engineering firm for the Town of Bethany.

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

RESOLVED, by the Town Board of the Town of Bethany to authorize and empower Carl Hyde, Jr., Supervisor of the Town of Bethany, to execute the Engineering Services Agreement.

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

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

RESOLUTION #21-2021 RESOLUTION AUTHORIZING THE EXECUTION OF THE LEGAL SERVICES AGREEMENT FOR TOWN OF BETHANY WATER DISTRICT NO. 5

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 in place in consideration of the COVID-19 pandemic and the 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 Members and public attendees: and

WHEREAS, the Town of Bethany is working toward the establishment of Water District No. 5 in the Town of Bethany; and

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

WHEREAS, the Town Board feels it is in the best interest of the Town of Bethany to enter into an Legal Services Agreement with David M. DiMatteo, Attorney for the Town of Bethany.

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

RESOLVED, by the Town Board of the Town of Bethany to authorize and empower Carl Hyde, Jr., Supervisor of the Town of Bethany, to execute RUS Bulletin 1780-7; Legal Services Agreement.

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

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

Potential Water District #6

- Surveys were sent out to residents to gauge interest in a potential water district.
- 200 were sent out and 87 were returned. 56 said yes; 29 said no; 1 was unsure, 1 could go either way.
- With such a low percentage of return, the Town will not pursue the matter any further. If residents are interested in the future, they will need to petition for the district.

RESOLUTION #22-2020 AUTHORIZING SUPERVISOR TO SIGN 2021-2022 CONTRACT FOR FIRE PROTECTION BETWEEN THE TOWN OF BETHANY AND THE BETHANY VOLUNTEER FIRE COMPANY – APPROVAL OF

Contract For Fire Protection

THIS AGREEMENT, made the ___ day of ____ 2021 between the Town of Bethany, Genesee County, State of New York, hereinafter called The Town, and the Bethany Volunteer Fire Company, Inc. of the Town of Bethany, Genesee County, and State of New York, hereinafter called The Fire Company.

WHEREAS, there has been duly established in the Town of Bethany, a fire prevention district known as The Bethany Fire Protection District, and such territory is more fully described in the resolution establishing such District, adopted by the Town Board of the Town of Bethany on April 13th, 1943; and

WHEREAS, following a Public Hearing duly called, the Town duly authorized this contract with The Fire Company for fire protection and emergency service to said District upon the terms and conditions hereinafter set forth; and

WHEREAS, this contract has also been duly authorized by The Fire Company; and

NOW THEREFORE, The Town does engage The Fire Company to furnish fire protection and emergency service to The Bethany Fire Protection District and The Fire Company agrees to furnish fire protection and emergency service as follows:

1. The Fire Company shall at all times during the period of this agreement be subject to call for attendance on any fire occurring in the District, and when notified by alarm or by telephone call, or other means, such Fire Company shall respond and attend upon the fire with suitable equipment and diligently proceed in every reasonable way to extinguish the fire and save lives and property in connection therewith.
2. The Fire Company shall furnish to the property and inhabitants of the Fire Protection District emergency service in the case of accidents, calamities or other emergencies in connection with which the services of firemen would be required.
3. The Fire Company shall at all times keep in full force and effect adequate public liability insurance coverage to protect itself and The Town, and furnish The Town an affidavit of such insurance coverage.
4. In consideration of furnishing fire protection and emergency service in accordance with this contract, The Town covenants and agrees, on behalf of The Bethany Fire Protection District, to pay to The Fire Company, the sum of One Hundred Thousand Six Hundred Fifty Dollars (\$100,650.00) for fire service to be paid upon the collection of taxes by the Town for said purpose on or before April 1st of each year.
5. This agreement shall run for a period of one year commencing on April 1, 2021 and terminating on April 1, 2022.

IN WITNESS WHEREOF, the parties have duly executed and delivered this agreement the day and year above mentioned.

TOWN OF BETHANY, GENESEE COUNTY, NEW YORK

BY: _____
Carl Hyde, Jr, Town Supervisor

BETHANY VOLUNTEER FIRE COMPANY, INC.

BY: _____
Daniel Adams, President

STATE OF NEW YORK)
COUNTY OF GENESEE) SS:

On this ____ day of _____ 20__, before me, the subscriber, personally appeared **Carl Hyde, Jr.**, who hereby certified to me that (s)he is the Town Supervisor for the Town of Bethany and known to me to be the same person described in and who executed the within instrument, and (s)he duly acknowledged to me that (s)he executed the same.

On this ____ day of _____ 20__, before me, the subscriber, personally appeared **Daniel Adams**, to me personally known, and being by me duly sworn did dispose and say that (s)he resides in The Town of Bethany, Genesee County, New York; that (s)he is the President of The Bethany Volunteer Fire Company, Inc., the corporation described in and which executed the above instrument; and that his/her signature is affixed by Order of the Board of Directors of said corporation, The Bethany Volunteer Fire Company, Inc.

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

RESOLVED that the Bethany Town Board hereby authorizes Supervisor Hyde to enter into the Contract for Fire Protection with the Bethany Volunteer Fire Company. The Fire Company has submitted their Budget for 2021 and a current list of Officers has been received and approved by the Town Board. A current certificate of insurance is on file with the Town Clerk.

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

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

94c for Solar Projects

- 94c has been passed. This allows solar companies to refer their projects to the state siting board if they think that the local laws are too stringent. This basically overrides home rule.

RESOLUTION #23-2021 RELATING TO THE PROPOSED LOCAL LAW ENTITLED "SOLAR PANEL ENERGY CONVERSION INSTALLATIONS"

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 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 is considering a proposed local law, entitled “Solar Panel Energy Conversion Installations”, to regulate large and small scale solar projects within the Town of Bethany; and

WHEREAS, the Town of Bethany recognizes that solar energy is a clean, readily available, and renewable energy source and that development of solar energy systems offers an energy resource that can act to attract and promote green business development, with the proper permitting; and

WHEREAS, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Bethany declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed

law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Genesee County Agricultural Land Protection Board
 2. Genesee County Planning Board
 3. Town of Bethany Planning Board
 4. Commissioner, Department of Environmental Conservation, Albany
 5. Commissioner, Department of Environmental Conservation, Buffalo
 6. Town Board of the Town of Alexander
 7. Town Board of the Town of Pavilion
 8. Town Board of the Town of Stafford
 9. Town Board of the Town of Batavia
 10. Town Board of the Town of Attica
 11. Town Board of the Town of Middlebury
 12. Village Board of the Village of Wyoming
 - 13.
 - 14.
- and;

WHEREAS, pursuant to §§239-1 and 239-m of the General Municipal Law, said local law and all supporting documentation, including Part 1 of the FEAF, shall be submitted to the Genesee County Planning Board for their review and recommendations; and

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

NOW ON MOTION OF Supervisor Hyde which has been duly seconded by Councilman Fluker, now therefore, be it

RESOLVED, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Bethany declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Genesee County Agricultural Land Protection Board
 2. Genesee County Planning Board
 3. Town of Bethany Planning Board
 4. Commissioner, Department of Environmental Conservation, Albany
 5. Commissioner, Department of Environmental Conservation, Buffalo
 6. Town Board of the Town of Alexander
 7. Town Board of the Town of Pavilion
 8. Town Board of the Town of Stafford
 9. Town Board of the Town of Batavia
 10. Town Board of the Town of Attica
 11. Town Board of the Town of Middlebury
 12. Village Board of the Village of Wyoming
 - 13.
 - 14.
- and;

RESOLVED, that pursuant to §§239-1 and 239-m of the General Municipal Law, said local law shall be submitted to the Genesee County Planning Board for their review and recommendations at their meeting on the 8th day of April, 2021; and be it further

RESOLVED, that Town Board of the Town of Bethany will hold a public hearing on the

proposed adoption of the local law entitled “Regulation Solar Energy Systems” on the 10th day of May, 2021 at 7:00 p.m., at which time all interested parties and citizens for or against the proposed local law will be heard; and be it further

RESOLVED, that the Town Board will ensure that proper safety protocols are followed based upon the Phase of reopening that New York State attains and any additional Executive Orders issued by the Governor by said date of public hearing.

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

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

RESOLUTION #28-2021 RELATING TO THE PROPOSED LOCAL LAW ENTITLED "AMENDING THE TOWN OF BETHANY ZONING LAW RELATIVE TO SOLAR ENERGY SYSTEMS TO INCLUDE ACCESSORY USE"

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 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 is considering a proposed local law, entitled “Amending the Town of Bethany Zoning Law Relative to Solar Energy Systems to Include Accessory Use”; and

WHEREAS, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Bethany declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Genesee County Agricultural Land Protection Board
2. Genesee County Planning Board
3. Town of Bethany Planning Board
4. Commissioner, Department of Environmental Conservation, Albany
5. Commissioner, Department of Environmental Conservation, Buffalo
6. Town Board of the Town of Alexander
7. Town Board of the Town of Pavilion
8. Town Board of the Town of Stafford
9. Town Board of the Town of Batavia
10. Town Board of the Town of Attica
11. Town Board of the Town of Middlebury
12. Village Board of the Village of Wyoming
- 13.
- 14.

;and be it further

WHEREAS, pursuant to §§239-l and 239-m of the General Municipal Law, said local law and all supporting documentation, including Part 1 of the FEAF, shall be submitted to the Genesee County Planning Board for their review and recommendations; and

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

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

RESOLVED, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Bethany declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Genesee County Agricultural Land Protection Board
 2. Genesee County Planning Board
 3. Town of Bethany Planning Board
 4. Commissioner, Department of Environmental Conservation, Albany
 5. Commissioner, Department of Environmental Conservation, Buffalo
 6. Town Board of the Town of Alexander
 7. Town Board of the Town of Pavilion
 8. Town Board of the Town of Stafford
 9. Town Board of the Town of Batavia
 10. Town Board of the Town of Attica
 11. Town Board of the Town of Middlebury
 12. Village Board of the Village of Wyoming
 - 13.
 - 14.
- ;and be it further

RESOLVED, that pursuant to §§239-l and 239-m of the General Municipal Law, said local law shall be submitted to the Genesee County Planning Board for their review and recommendations at their next meeting on the 8th day of April, 2021; and be it further

RESOLVED, that Town Board of the Town of Bethany will hold a public hearing on the proposed adoption of the local law entitled “Amending the Town of Bethany Zoning Law Relative to Solar Energy Systems to Include Accessory Use” on the 10th day of May, 2021 at 7:00 p.m., at which time all interested parties and citizens for or against the proposed local law will be heard; and be it further

RESOLVED, that the Town Board will ensure that proper safety protocols are followed based upon the Phase of reopening that New York State attains and any additional Executive Orders issued by the Governor by said date of public hearing.

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

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

NEW BUSINESS

RESOLUTION #24-2021 BRIDGE-NY APPLICATION

WHEREAS, The New York State Department of Transportation is soliciting applications for the BRIDGE-NY program which provides 100% state funding for up to 1 bridge replacement and 3 culverts replacement per municipality per year, and

WHEREAS, Genesee County maintains all bridges and culverts over 5 feet in diameter for each municipality in the county, and

WHEREAS, The New York State Department of Transportation allows municipalities to sponsor applications to the BRIDGE-NY program for all bridges and culverts within their community regardless of ownership, and

WHEREAS, Genesee County is looking to maximize the use of state aid to help alleviate its backlog of bridge and culvert replacements, and

WHEREAS, Genesee County will prepare BRIDGE-NY applications, provide interim funding and administer the program at no cost to the town, and

WHEREAS, Towns are required to authorize BRIDGE-NY applications as the sponsor of project. Now

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

RESOLVED, The Town Board does hereby authorize the Town Supervisor to submit the application for the BRIDGE-NY program as recommended by Genesee County.

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

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

RESOLUTION #25-2021 2020 YEAR END BUDGET TRANSFERS

Supervisor Hyde presented the following resolution.

WHEREAS, the appropriated accounts in the 2020 Town of Bethany Budget listed below are insufficiently funded due to unanticipated events; and

WHEREAS, to enable these accounts to function in an effective manner, additional funding is required, now

On **MOTION** of Councilwoman Fowler, duly seconded by Councilman Fluker, therefore, be it

RESOLVED, that the following transfers be made:

GENERAL FUND

Transfer \$930.00 (Nine hundred thirty dollars)
 From A1990.4 Contingency
 To A1220.1 Supervisor Personal Services

Transfer \$327.00 (Three hundred twenty-seven dollars)
 From A1990.4 Contingency
 To A1220.12 Financial Clerk/Typist – Bookkeeper PS

Transfer \$130.00 (One hundred thirty dollars)
 From A1990.4 Contingency
 To A1330.1 Tax Collector – Personal Services

Transfer \$188.00 (One hundred eight-eight dollars)
 From A1990.4 Contingency
 To A1330.4 Tax Collector Contractual

Transfer \$740.00 (Seven hundred forty dollars)
 From A1990.4 Contingency
 To A1355.1 Assessor – Personal Services

Transfer \$380.00 (Three hundred eighty dollars)
 From A1990.4 Contingency
 To A1355.4 Assessors-Contractual

Transfer \$1,090.00 (One thousand ninety dollars)

From A1990.4 Contingency

To A1410.1 Town Clerk-Personal Services

Transfer \$675.00 (Six hundred seventy-five dollars)

From A1990.4 Contingency

To A1410.10 Town Clerk-Personal Services (Post Office)

Transfer \$277.00 (Two hundred seventy-seven dollars)

From A1990.4 Contingency

To A1410.11 Town Clerk-Personal Services (Deputy)

Transfer \$10,023.00 (Ten thousand twenty-three dollars)

From A1990.4 Contingency

To A1420.4 Attorney-Contractual

Transfer \$7,681.00 (Seven Thousand six hundred eighty-one dollars)

From A1990.4 Contingency

To A1620.4 Building (Town Hall)-Contractual

Transfer \$800.00 (Eight hundred dollars)

From A1990.4 Contingency

To A1680.4 Central Data Processing-Contractual

Transfer \$39.00 (Thirty-nine dollars)

From A1990.4 Contingency

To A3510.1 Control of Dogs-Personal Services

Transfer \$77.00 (Seventy-seven dollars)

From A1990.4 Contingency

To A3620.1 Safety Inspection-Personal Services

Transfer \$16.00 (Sixteen dollars)

From A1990.4 Contingency

To A4020.1 Registrar of Vital Statistics-Personal Services

Transfer \$2,000.00 (Two thousand dollars)

From A1990.4 Contingency

To A5010.1 Supervisor of Highways-Personal Services

Transfer \$1,700.00 (One thousand seven hundred dollars)

From A1990.4 Contingency

To A5182.4 Street Lighting-Contractual

Transfer \$303.00 (Three hundred-three dollars)

From A1990.4 Contingency

To A8010.1 Zoning Enforcement Officer-Personal Services

Transfer \$6,800.00 (Six thousand eight hundred dollars)

From A8160.1 Refuse & Garbage-Personal Services

To A9050.8 NYS Unemployment Insurance-Employee Benefits

Transfer \$3,635.00 (Three thousand six hundred thirty-five dollars)

From A9010.8 State Retirement System

To A9050.8 NYS Unemployment Insurance-Employee Benefits

Transfer \$2,000.00 (Two thousand dollars)
 From A9010.8 State Retirement System
 To A9089.8 Other Employee (Back Benefits)

HIGHWAY/DA FUND

Transfer \$250.00 (Two hundred fifty dollars)
 From DA5110.4 General Repairs-Contractual
 To DA1710.4 Administrative-Contractual (Grievances)

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

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

RESOLUTION #26-2021 MODIFY 2020 BUDGET -WATER DISTRICT #2

WHEREAS, the Town of Bethany spent \$ 9,562.00 more than Budgeted Expenditures (Planned); now

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

RESOLVED, the Supervisor is hereby authorized to modify the 2020 Budget in the following manner:

SW2-599 Appropriated Fund Balance	\$ 9,562.00
SW2-960 Appropriations	
Sub Account SW2 8389.4 Other Water, Contr.	\$2,562.00
Sub Account SW2 9901.9 Transfer, Other Funds	\$7,000.00

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

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

RESOLUTION #27-2021 - MODIFY 2020 BUDGET - CHIPS - DA

WHEREAS, the Town of Bethany received \$ 26,459.00 more in CHIPS (Consolidated Highway) than budgeted from New York State; now

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

RESOLVED, the Supervisor is hereby authorized to modify the 2020 Budget in the following manner:

DA-510 Estimated Revenues	
Sub Account DA3501 State Aid, Consolidated Highway	\$26,459.00
DA-960 Appropriations	
Sub Account DA5112.2 Improvement -CHIPS	\$26,459.00

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

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

Councilman Fluker – Yes
 Councilman Street – Yes

Warrant

– The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,102.79	\$ 12,555.69
Highway Fund	\$ 1,592.84	\$ 7,620.43
Capital Project	\$ 0.00	\$197,369.68
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 8:33 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
 BETHANY TOWN BOARD
 DATED: March 15, 2021

Respectfully Submitted,

 Debbie L. Douglas, RMC
 Bethany Town Clerk