

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

10 JULY 2006

Supervisor Gayton opened the July 10, 2006 Regular Town Board Meeting at 6:30 p.m. with a moment of silence followed by Councilman Gick leading in the Pledge of Allegiance.

Executive Session

A motion was made at 6:30 p.m. by Councilman Gick and seconded by Councilwoman Fleming to go into executive session to discuss a personnel issue. The motion passed with All In Favor.

Persons present at the Executive Session were:

Louis Gayton, Supervisor	Joyce Fleming, Councilwoman
Walter Wenhold, Councilman (6:40)	Bill Gick, Councilman
Roy Hersee, Highway Superintendent	Ken Morgan
Scott Chismar, Teamsters Local 264	Barb Czworka
Dave DiMatteo, Town Attorney	

The Regular meeting was reopened at 7:40 p.m. by Supervisor Gayton.

Present at the Regular Meeting were:

Louis Gayton, Supervisor	Joyce Fleming, Councilwoman
Walter Wenhold, Councilman	Bill Gick, Councilman
Roy Hersee, Highway Superintendent	Dave DiMatteo, Town Attorney
Tom Douglas, CEO/ZEO	Ray Ladd

Finances

Supervisor Gayton presented the finances for June 2006.

Town Clerk Report – Debbie Douglas

Presented the minutes of the June 12, 2006 Regular Board Meeting.

A motion was made by Councilman Wenhold and seconded by Supervisor Gayton to approve the Minutes of the June 12, 2006 Regular Board Meeting as presented. The motion passed with All In Favor.

Informed the Board that there are five copies of the handbook from the Siting Wind in New York Conference that Ray Cipriano attended. These may be signed out from the office of the Town Clerk for review.

The Minutes of the Town Board and the Planning Board have been on the Town website for 6 months and it is time to renew. The cost for the remainder of the year will be \$25.

A motion was made by Councilman Gick and seconded by Councilwoman Fleming to continue posting the minutes of the Town Board and Planning Board for the remainder of the year. The motion passed with All In Favor.

CEO/ZEO Report – Tom Douglas

The following have been issued

Permits for 6 accessory structures, 1 pool, 2 porches and 1 new house

1 area variance application submitted for an accessory structure

Has received a complaint concerning a fence being constructed on Francis Road.

Since the Town does not have any fencing regulations, the owner is within his rights to construct the fence.

After discussion the Board does not feel that this one instance warrants imposing regulations especially considering that Bethany is an agricultural community.

Adoption of New York State Codes Part 1203 is necessary by January 1, 2007.

Town Attorney Dave DiMatteo noted that the Town will also have to adopt another law in that time frame and in the interest of efficiency will have both ready at the same time.

Zoning Map

Planning Board suggested that the flood plains be added to the map. This has been done by the County.

Also suggested that the Wetland be added. ZEO/CEO Douglas will see what the County has the capability of doing in this respect – perhaps an overlay.

Zoning Bulletin

ZEO Douglas receives this publication bi-monthly. Would the Town Board like copies of it? Yes.

Highway Superintendent Report – Roy Hersee

Road patching continues

Grader patching is complete on Cacner, Jerico, Batavia-Bethany Townline, Cone, and most of Silver Roads.

Road shoulder mowing is on going.

Shoulders that were mowed by Ken Morgan had to be mowed again because of the poor job that was done.

Newer mower 1209 has been down for three weeks while waiting for a bearing housing.

Helped Town of Batavia with paving.

Cleaned some of the ditches on Silver Road.

Board Committee Reports

Joyce Fleming

Planning Board

Met on July 6, 2006 with 6 members present and 1 absent.

Recommended approval of Area Variance application AV0603, Edward Spence to the ZBA.

Walter Wenhold

Senior Meals

Still looking for a site director.

Bill Gick

Will be attending the Multi-Jurisdictional All Hazard Mitigation Planning Meeting on August 1, 2006 along with Kennedy Wilson from the Planning Board. Supervisor Gayton and Planning Board Chair Bill Williams will be out of town and unable to attend. Mentioned that there will be a meeting concerning wind turbines at the City Centre in Batavia on July 18, 2006.

Noted that the Assembly Bills supported by the Town Board by Resolutions 6, 7 & 8 of 2006 are moving through the system.

OLD BUSINESS

Wind Turbines – Update

Supervisor Gayton visited the Tug Hill project and also spoke to the Town Supervisor of Lowville.

Had photos to share. Also made a video tape but has not transferred it from his camera yet.

Noted that the Lowville receives \$46,000/year for 5 machines while the figure for Bethany was approximately \$300,000/year for approximately 50 machines.

Spoke with several residents. Noted that business in town is very good. However, machines cannot be seen from town.

Siting of towers was aided by balloon siting.

Lowville Supervisor noted that the setback of 250 feet was not great enough and will probably be changed.

A property reassessment will be completed soon and the Supervisor will be sending Supervisor Gayton a copy of the changes.

Noted that the noise from the machines is somewhat like running water.

Public Water – Update

Batavia residents on Putnam and Shepard Roads have expressed concern about paying \$700 per year in addition to the cost of water that is used.

The project is at a stand still at the moment.

NEW BUSINESS

Assessor Travel Request

Assessor requesting permission to travel to the Assessor's Annual Conference on September 17-20, 2006 in Lake Placid, NY.

Cost will be split between the three towns.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve the travel request submitted by the Assessor to attend the Annual Assessor's Conference in Lake Placid on September 17-20 2006. The motion passed with All In Favor.

Moratorium Extension

Town Attorney DiMatteo presented a draft local law to extend the Moratorium on Wind Turbines for nine months.

Noted that he would need to present proof that the Town is diligently working to move forward with this issue.

Supervisor Gayton is getting this information together for Attorney DiMatteo.

Attorney DiMatteo will return in September with the final draft of the law.

Proposed Land Donation

Richard Nagel who is the administrator of his father's estate has contacted the Town concerning donating a parcel owned by his father to the Town to be used as a park.

After discussion the Board decided to decline the offer due to the liability factor and the added cost of maintaining the property.

A motion was made by Councilman Wenhold and seconded by Councilman Gick to respectfully decline the offer to donate the parcel of land formerly owned by Robert Nagel which is located at the corner of Creek Road and Old Creek Road to the Town of Bethany for use as a park. The motion passed with All In Favor.

Air Conditioning Estimates

Estimates were solicited from Turnbull Heating & Air Conditioning and Arctic Refrigeration Co. of Batavia, Inc.

The estimates were as follows:

Turnbull	\$5128.00
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Arctic	\$6895.00
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Arctic's estimate includes prevailing wage which is not required.

This could be worked into the 2007 budget.

Union Contract Negotiations

Supervisor Gayton has designated Councilpersons Wenhold, Gick and Neer to negotiate the Union Contract for the Highway Department.

Councilwoman Fleming and Supervisor Gayton both have children who work in the highway department and wish to avoid a conflict of interest.

Resolution #9-2006 – Directing the Planning Board to Draft Amendment to the Comprehensive Plan

A motion was made by Councilman Gick and seconded by Councilwoman Fleming to adopt Resolution #9-2006 Directing the Planning Board to Draft Amendments to the Comprehensive Plan. The motion passed with the following Roll Call Vote:

Supervisor Gayton - Yes
Councilman Wenhold – Yes

Councilwoman Fleming – Yes
Councilman Gick – Yes

Warrant

The Board approved payment of the following bills:

	Prepaid	Total
General Fund	\$1,323.18	\$10,219.38
Highway Fund	\$2,601.90	\$26,812.77

Adjournment

A motion was made by Councilman Wenhold and seconded by Councilwoman Fleming to adjourn the meeting at 8:45 p.m. The motion passed with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: July 12, 2006

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk