

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

10 SEPTEMBER 2007

Supervisor Gayton opened the September 10, 2007 Regular Town Board Meeting at 7:30 with a Moment of Silence followed by Councilman Gick leading in the Pledge of Allegiance.

Town Officials in Attendance were:

Louis Gayton, Supervisor	Joyce Fleming, Councilwoman
Walter Wenhold, Councilman	Bill Gick, Councilman
Sue Neer, Councilwoman	Tom Douglas, ZEO/CEO
Dan Street, Planning Board Member	Lee Hendershott, Historian

Guests in Attendance were:

Helen Milroy, Historian (Retired)	Mark Nowak, Window Specialists	Tim Prowly, Erie Contracting
Geoffrey Briggs	Matthew Barnaby	Ed Pietrzykowski
Jayne Breschard, Planner, G/FLRPC		
Esther Leadley, Genesee County Legislature		

FINANCES

Supervisor Gayton presented the finances for the month of July as follows:

General Savings	\$559,393.16	
Five Star Savings	\$ 18,122.70	
Highway Savings	\$ 72,403.25	
Capital Project Highway	\$ 28,243.29	
AP/PR-T/A Account	\$ 12,448.11	
Petty Cash	\$ 250.00	
Highway Fund Misc. Savings	\$ 2,967.25	
Total		\$693,827.76
Revenue		
Town Clerk Revenue	\$ 3,059.47	
US Gypsum	\$ 27.11	
Total Revenues		\$ 3,086.58
Total Revenues & Interest	\$ 4,986.27	

Town Clerk Report – Debbie Douglas  
- Presented Minutes of August 13, 2007 Regular Town Board meeting.

A motion was made by Councilman Gick and seconded by Councilwoman Neer to approve the minutes of the August 13, 2007 Regular Town Board meeting as presented. The motion passed with All In Favor.

Requested the Board's permission to travel to Ellicottville, NY for the regional Town Clerk's meeting on September 24, 2007. Registration is \$25 and mileage will be approximately 131 miles at \$.35 per mile equaling approximately \$46.06.

A motion was made by Councilwoman Neer and seconded by Councilwoman Fleming to grant permission to the Town Clerk to travel to Ellicottville, NY for the September 24, 2007 Regional Town Clerks Meeting. The motion passed with All In Favor.

Requested permission from the Town Board to purchase a new desk for her office as the current one is falling apart.

Estimated the cost to be \$500.00 or less.

Since we no longer have an account with OfficeMax, a check would be needed to pay for the desk when one is located. The Town currently deals with Staples and they do not carry office furniture.

A motion was made by Councilman Wenhold and seconded by Councilman Gick to approve the purchase of a new desk for the Town Clerk's office with the cost not to exceed \$500.00. The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes

Councilwoman Fleming – Yes

Councilman Wenhold - Yes

Councilman Gick – Yes

Councilwoman Neer – Yes

Presentation to Retired Historian Helen Milroy

Town Clerk read a proclamation of appreciation and presented an engraved clock to Retired Town Historian Helen Milroy.

Mrs. Milroy stated that she had enjoyed her time as Historian and thanked everyone.

Highway Superintendent Report – Roy Hersee

Shoulder mowing continues after repairs were made to both mowers.

Paul Road was grader patched today and Buckman Road is scheduled to be patched. This will complete the grader patching for 2007.

Smith, Mill, Silver and West Bethany Roads have been chip-sealed to total 6.24 miles. Hope to chip-seal Transit Road and Bethany's portion of Bethany Center Road (County Home hill).

Have helped with paving in the Town of Batavia and paving and shoulder work in the Town of Alexander.

The Towns of Alexander, Batavia and Pembroke have helped with sealing roads in Bethany.

ZEO/CEO Report – Tom Douglas

Presented Special Use Permit for Baskin Farms for construction of an office building and a storage building.

Public Hearing will be held by the Town Board on Tuesday, October 9, 2007 at 8:00 p.m.

Board Committee Reports

Joyce Fleming - Councilwoman

Planning Board did not have a quorum for the August meeting so the meeting was canceled.

Sue Neer - Councilwoman

Summer recreation has ended and the children are back in school.

Bill Gick – Councilman

Bob Englert performed a walk-through of the Old Town Hall on August 23, 2007. He stated that the vinyl siding and vinyl windows maybe a hindrance in obtaining register status.

Walter Wenhold – Councilman

Senior Meals are going well. Numbers have fluctuated over the summer due to vacations. There is a new food vendor and the meals are delicious and more appealing to the eye.

Guest Speaker – Jayme Breschard, Planner, G/FLRPC

Spoke about grant funding for planning preservation through the Certified Local Government Program (CLG).

Provided the Board with literature concerning the CLG program.

Encourage the Board to look at the community as a whole even though the current concern is the preservation of the Old Town Hall.

Stated that there are also federal programs available for this purpose.

She would be available to assist with grant writing.

OLD BUSINESS

SUP0703 – Matthew Barnaby Pond – Public Hearing

Supervisor Gayton opened the public hearing for SUP0703 submitted by Matthew Barnaby for a pond, to be less than one (1) acre in size, on the property located at 4895 Cacner Road at 8:05 p.m. and closed the public hearing at 8:20 p.m. No one was present to speak concerning the application.

SEQR was completed by the Town Board with no negative effects found.

A motion was made by Councilman Wenhold and seconded by Councilwoman Neer to approve SUP0703 for a pond, to be less than one (1) acre in size, to be located on the property at 4895 Cacner Road (TMP#4-1-19). The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes	Councilwoman Fleming – Yes
Councilman Wenhold – Yes	Councilman Gick – Yes
Councilwoman Neer – Yes	

Proposed Zoning Law Amendments

Proposed Zoning Law amendments are still in the hands of the Planning Board.

Ambulance Service

Supervisor Gayton attended a meeting concerning the ambulance service and contract with the City of Batavia.

City will begin charging the towns for service; however no figures or formulas for these charges have been put together as yet.

Many of the contracts with the towns expire at the end of this year. The towns have suggested a one year extension to these contracts as they are preparing their budgets now and no money will be available to pay for the service.

Water – Batavia-Bethany Townline Road

Nothing new to report. Town of Batavia has not contact the Town of Bethany’s attorney concerning establishing a water district yet.

Window & Siding Bids

Mark Nowak of Window Specialists presented the window (Kas-Kel) he is proposing to use in place of the window specified in the bidding documents.

Tom Douglas presented the window (Acan) that was specified in the bidding documents and the reasons he felt that it was superior to the window that Window Specialists is proposing to use.

Differences pointed out by Tom Douglas were:

Acan has double strength glass which is 50% thicker and less likely to stress crack. Mr. Nowak stated that he could meet this requirement.

Acan window meets Canadian building specifications due to colder temperatures.

Acan U-value on glass is .35. Mr. Nowak stated that he could meet this requirement.

Differences in weather stripping on the movable sash/frame:

Acan	Kas-Kel		
	Top	3	1
	Outer Edge	2	2
	Bottom	3	2
	Interlock Side	2	2

The interlock on the Acan is continuous. Interlock on Kas-Kel is notched for the locking mechanism which could allow air infiltration.

Acan has button mechanism to allow for ease of removal of sash for cleaning whereas Kas-Kel sash must be lifted and tilted outward from the bottom for cleaning. Lifting and tilting a window sash of such a large size would be difficult.

The Town Board asked Tom Douglas to do more research on both windows concerning the testing methods and the associated figures. He is to report back to Supervisor Gayton with the results and together they will determine which window to use.

Putnam Road Cemetery – Driveway

A deed was obtained for the Kenneth Lowell property which states that there is a right-of-way through his property however it does not specify where the right-of-way is. There are no survey maps on file at the county for this property.

#### Surplus Equipment – Highway Computer

Computer was declared surplus equipment at the August regular Town Board meeting. Roy Hersee knows someone who is interested in purchasing the computer. Town Board agreed that the computer could be sold for \$4. Roy will let this person know.

#### NEW BUSINESS

##### Resolution #11-2007 – Appointment of Assessor

Assessor Deborah Conti's term expires on September 30, 2007. Reappointment would be for a six (6) year term.

A motion was made by Councilman Gick and seconded by Councilwoman Fleming to approve Resolution #11-2007 Appointment of Assessor Deborah Conti for a six (6) year term commencing October 1, 2007 and ending September 30, 2013. The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes	Councilwoman Fleming – Yes
Councilman Wenhold – Yes	Councilman Gick – Yes
Councilwoman Neer – Yes	

##### Resolution #12-2007 – Requesting Funds From The 2007 Justice Court Assistance Grant Program Application

This resolution would allow Supervisor Gayton to sign the grant application for funds to provide continued maintenance and upgrade of the Bethany Justice System and Court operations.

A motion was made by Councilwoman Neer and seconded by Councilwoman Fleming to approve Resolution #12-2007 Requesting Funds From the 2007 Justice Court Assistance Grant Program Application. The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes	Councilwoman Fleming – Yes
Councilman Wenhold – Yes	Councilman Gick – Yes
Councilwoman Neer – Yes	

##### Resolution #13-2007 – Justice Court Audit – 2006 Records

A motion was made by Councilman Wenhold and seconded by Councilwoman Neer to approve Resolution #13-2007 acknowledging an audit of the Justice Court records by the Bethany Town Board at their regular meeting on March 12, 2007. The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes	Councilwoman Fleming – Yes
Councilman Wenhold – Yes	Councilman Gick – Yes
Councilwoman Neer – Yes	

#### 2008 Budget

Supervisor Gayton stated that the Tentative Budget would be handed in to the Town Clerk by September 30, 2007.

The Town Board chose to forgo a work session and review the 2008 Tentative Budget at the regular meeting on October 9, 2007. The Town Clerk will have copies out to all members prior to the meeting for their review.

#### Training

Supervisor Gayton circulated information concerning upcoming Training opportunities.

#### Lettering on Community Center – Fire Department

A letter was sent to Fire Department President Jim Phillips concerning the lettering on the front of the Community Center “Bethany Volunteer Fire Co.”.

Removal of the lettering will be necessary to have the new siding installed.

Letter offered the Fire Department to option of removing the lettering themselves if they wanted to save it or to have the contractor remove the lettering with no responsibility to the Town or the contractor for any damage.

Fire Department stated that they do not want the lettering. Contractor is to remove and dispose of lettering.

#### Warrant

The Board approved payment of the following bills:

Prepaid	Total		
General Fund		\$ 1,843.86	\$ 4,739.41
Highway Fund		\$ 2,816.07	\$24,189.17

#### Adjournment

A motion was made by Councilwoman Neer and seconded by Councilwoman Fleming to adjourn the meeting at 8:50 p.m. The motion passed with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: September 12, 2007

Respectfully Submitted,

Debbie L. Douglas  
Bethany Town Clerk