

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

12 MAY 2008

Supervisor Gayton opened the May 12, 2008 Regular Town Board Meeting at 7:34 p.m. with a Moment of Silence followed by Councilman Gick leading in the Pledge of Allegiance.

Town Officials in Attendance were:

Louis Gayton, Supervisor	Walter Wenhold, Councilman
Edward Pietrzykowski, Councilman	William Gick, Councilman
Susan Neer, Councilwoman	Thomas Douglas, CEO/ZEO
Lee Hendershott, Town Historian	William Shea, Town Justice
Tom McBride, Town Justice	Debbie Douglas, Town Clerk

Attendees to the Meeting were:

Gail Smith, Fire Dept. Pres.

Finances

Supervisor Gayton presented the finances for the Month of March 2008 as follows:

General Savings	\$725,949.24	
WCB Savings	\$ 18,181.78	
Highway Savings	\$ 71,273.15	
Capital Project Highway	\$ 29,866.50	
AP/PR Account	\$ 1,112.59	
T/A Account	\$ 408.44	
Petty Cash	\$ 250.00	
Highway Fund Misc. Savings	\$ 2,971.28	
Total		\$850,012.98

Revenues Received

Town Clerk Fees	\$ 2,001.78	
US Gypsum	\$ 26.16	
US Gypsum	\$ 34.20	
Norma Bower, Tax Collector	\$ 1,810.74	
Norma Bower, Tax Collector	\$ 386.16	
Norma Bower, Tax Collector	\$ 15.00	
County of Genesee	\$107,038.09	
County of Genesee	\$ 51,740.36	
Total Revenue		\$163,385.69
Total Revenue and Interest		\$164,370.01

Town Clerk Report–Debbie Douglas

Presented Minutes of April 14, 2008 Regular Town Board Meeting.

Councilman Gick requested that the entry pertaining to the Old Town Hall Committee be amended to read as follows:

‘Members of the Old Town Hall Committee met with Cynthia Howck from the Western New York Landmark Society. She will help develop a write-up about the Town of Bethany. This should occur during or before this fall.

A motion was made by William Gick and seconded by Ed Pietrzykowski to approve a \$100 donation to the Western New York Landmark Society. The motion passed with the following Roll Call Vote:

Supervisor Gayton–Yes	Councilman Gick–Yes
Councilman Wenhold–Yes	Councilman Pietrzykowski–Yes’

A motion was made by Councilman Wenhold and seconded by Councilman Gick to approve the Minutes of the April 14, 2008 Regular Town Board Meeting with the above noted changes. The motion passed with All in Favor.

New Town of Bethany Zoning Law books are in. Town Clerk will distribute to all personnel who require one.

Received a thank you card from the Staba family for the flowers the Town sent to Stanley Staba's funeral.

CEO/ZEO Report–Tom Douglas

Has issued building permits for some small jobs.

Beginning review and spring clean-up.

Issued a Stop Order on Francis Road after an anonymous call. Site has numerous building and code violations. No permit was obtained.

Ken Diehl Area Variance will be before the Zoning Board of Appeals on May 28th.

Interpretation Variance application submitted for the Held property in Linden has been withdrawn.

Highway Superintendent Report–Paul Fleming

Shoulder work has been done on Brown Road which also involved replacing a driveway culvert near Norton Enterprises.

Several sections of ditch have also been cleaned on Brown Road.

Mayne Road has been graded and 400 feet of 4 inch drain tile has been installed along the south side of the road to remedy a drainage problem.

Repair has begun on Paul Road with digging out bad spots and re-graveling in preparation for patching and sealing.

Shoulders have been re-graded on Smith Road as well as a section of Transit Road. Both of these roads have been broomed.

Will start stock piling chip stone for future sealing.

Will begin preparing mowers for the upcoming roadside mowing season.

Town Justice Report–Bill Shea

Metal detector is in and operational. Several smaller items have also been obtained with the grant money such as flags, signage, and barriers.

Board Committee Reports

Bill Gick, Councilman

Planning Board

Planning Board met on May 1, 2008 with 5 members present and 2 absent.

Reviewed Area Variance Application for Ken Diehl at 9524 Clipnock Road.

Planning Board had a motion on the floor to recommend approval to the Zoning Board of Appeals.

The vote on the motion was 3 yeas and 2 nays. Planning Board Chair stated that the two absent seats counted as nays making the vote 3 yeas and 4 nays. Therefore, the motion to approve did not pass.

Since no motion was made to recommend disapproval, the Town Clerk was instructed to send a letter to the Zoning Board of Appeals stating that the Planning Board took no action on the application. After conferring with the Town Attorney, ZEO/CEO Douglas received a letter from him stating that a majority of the quorum, 3 out of 5 in the case of the Planning Board, votes in the affirmative would pass the motion. Therefore, the recommendation to the Zoning Board of Appeals should be to approve the area variance application. Councilman Gick questioned this interpretation and will contact the Town Attorney for further clarification.

Walter Wenhold, Councilman

Senior Meals

All going well

Office for the Aging is looking into the possible opening of 2 more meal sites.

Susan Neer, Councilwoman

Safe Homes

Provided literature for display at the Town Hall.

Ed Pietrzykowski, Councilman

Bethany Volunteer Fire Co.

Truck 31 is still out for repairs.

Is still working on the siren.

Fire Department will be holding an EMS Day and Chicken BBQ on May 18th . Event will include summer safety education, car seat checks, Mercy Flight helicopter, and raffles. Members of Wyoming, Alexander and possibly Stafford Fire Departments will also be on hand. Town Clerk will be present with various forms and information.

Fire Department was commended on job well done at recent barn fire.

OLD BUSINESS

Fire Department Contract

The Fire Department Budget has been received and contracts were signed. The check was released.

Putnam Road Cemetery Driveway

Papers granting temporary easement from Johan Bakker and Kenneth Lowell have been signed.

Papers granting permanent easement from Kenneth Lowell have been signed.

Construction of the driveway will begin soon.

The final survey will be completed when the work is complete to ensure accuracy.

Water District Contract With Town of Batavia

Town Attorney David DiMatteo has discussed the issue of a contract with the Town of Batavia for the Water District with the Genesee County attorney. The Genesee County attorney advises that it is unnecessary to sign a contract with the Town of Batavia and would be in the best interest of the Town of Bethany if they did not sign a contract.

Siding and Windows–Community Center

All work is complete and all warranty and prevailing wage paperwork has been received.

Check will be released.

Wind Energy Local Law

A file will be set up to document any changes and they can be made during any future update of the zoning law.

Old Town Hall Committee

Notification has been received from Senator Mary Lou Rathi's office stating that a \$25,000 grant will be awarded to the Town of Bethany for preservation of the Old Town Hall.

Donation to Western New York Landmark Society

As mentioned during the April Town Board meeting, Cindy Howck from the Western New York Landmark Society is putting together a historical presentation for the Town of Bethany.

The Town Board voted to make a \$100 donation to the Landmark Society.

Cindy Howck has requested that the donation be made after she has done the presentation.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to make a \$100 donation to the Western New York Landmark Society after Cindy Howck has made her presentation on the Town of Bethany. The motion passed with the following Roll Call Vote:

Supervisor Gayton–Yes

Councilman Gick–Yes

Councilman Wenhold–Yes

Councilwoman Neer–Yes

Councilman Pietrzykowski–Yes

NEW BUSINESS

Justice Audit–Resolution #5-2008

The Town Board reviewed the books for Justice William Shea and Justice Thomas McBride.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to approve Resolution #5-2008 Examination of the Justice Court Records For 2007 accepting the books for Justice William Shea and Justice Thomas McBride. The motion passed with the following Roll Call Vote:

Supervisor Gayton–Yes

Councilman Gick–Yes

Councilman Wenhold–Yes Councilwoman Neer–Yes
 Councilman Pietrzykowski–Yes

The Town Board will audit the books of the Supervisor, Town Clerk and Tax Collector at the June meeting.

Change of Budget Accounts–Building & Projects

A motion was made by Councilman Wenhold and seconded by Councilwoman Neer to move \$1,800 left in Budget Account A.1990.1 to General Fund and establish Budget Account A.200 as a Project Account where money received for the repair and preservation of the Old Town Hall will be placed. The move will not be made until grant money is received to be placed in the bank account allowing the bank account to remain open. The motion passed with the following Roll Call Vote:

Supervisor Gayton–Yes Councilman Gick–Yes
 Councilman Wenhold–Yes Councilwoman Neer–Yes
 Councilman Pietrzykowski - Yes

Zoning Board of Appeals

The ZBA still has 2 vacancies despite advertising.

ZEO Douglas and Councilman Gick have talked to some residents who may be interested. They will drop letters of interest to the Town Clerk. The clerk will also try advertising again.

Code of Ethics

Employee Handbooks (Code of Ethics) will be reprinted and redistributed to be sure everyone has a copy and has signed off.

Fire Works Permit Fees

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to establish Fire Works Permit Fees as follows:

Commercial Displays	\$50.00
Private Displays & Not-For-Profit Organizations out of Town	\$25.00
Not-For-Profit Organizations within Town	\$0

The motion passed with the following Roll Call Vote:

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

Sidewalk Repair

The sidewalks in front of the building have become damaged.

The installer will be contacted about repair.

A pipe also needs to be installed under the sidewalk to drain water from the downspouts away from the building.

Drainage at Rear of Community Center

Some sort of drainage needs to be considered at the rear side of the Community Center to help water flow away from the building.

Meeting with Governor Patterson

New York State Governor Patterson held a Town Hall meeting in Batavia on May 12th concerning agriculture. All of the Town Board members were in attendance.

Warrant–Approval of

The Town Board approved payment of bills as follows:

	Prepaid	Total
General Fund	\$2,072.71	\$34,437.04
Highway Fund	\$3,796.88	\$10,186.53

Adjournment

A motion was made by Councilwoman Neer and seconded by Councilman Gick to adjourn the meeting at 7:45 p.m. The motion passed with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: May 19, 2008

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk