

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

13 APRIL 2009

Supervisor Gayton opened the April 13, 2009 Regular Town Board Meeting at 7:30 p.m. with a Moment of Silence with special remembrance for Helen Milroy, former Town Historian followed by Councilman Gick leading in the Pledge of Allegiance.

Town Officials in Attendance were:

Louis Gayton, Supervisor	Walter Wenhold, Councilman
William Gick, Councilman	Edward Pietrzykowski, Councilman
Debbie Douglas, Town Clerk	Tom McBride, Town Justice
Lee Hendershott, Town Historian	Paul Fleming, Highway Superintendent
Tom Douglas, ZEO/CEO	

Town Officials Absent were:

Susan Neer, Councilwoman

Attendees to the Meeting were:

Barb Czwork	Ramon Cipriano
David DiMatteo, Town Attorney	David Roach, Attorney
Dave Carli	Jeff Price

Finances

Supervisor Gayton presented the finances for the Month of February 2009 as follows:

General Savings	\$ 992,579.35	
Five Star Savings	\$ 18,234.14	
Highway Savings	\$ 58,370.75	
Capital Project Highway	\$ 9,243.92	
AP/PR Account	\$ 2,037.27	
T/A Account	\$ 1,163.98	
Petty Cash	\$ 250.00	
Highway Fund Misc. Savings	\$ 2,974.86	
Total		\$1,084,854.27

Revenues Received

Town Clerk Fees	\$ 1,260.35
NYS Department of Taxation	\$ 4,040.00
Stanley Staba & Sons	\$ 1,230.80
Roy Hersee	\$ 70.03
NYS Department of Taxation	\$ 489.37
Petty Cash	\$ 98.23
National Grid	\$ 9.38
NYS Department of Taxation	\$ 4,743.20

Total Revenue \$ 12,550.58

Total Revenue and Interest \$12,554.60

- Noted that the CHIPS money has been reinstated with no decrease from last year.
- Bank of America is no longer paying interest on any of the Town accounts. Will not charge any service charges.
- Supervisor Gayton would like to look into changing accounts to other banks, preferably local institutions.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to authorize Supervisor Gayton to check into moving town accounts to other banks (preferably local institutions). The motion passed with the following Roll Call Vote:

Supervisor Gayton - Yes	Councilman Gick - Yes
Councilman Wenhold - Yes	Councilman Pietrzykowski - Yes

Town Clerk Report - Debbie Douglas

- Presented Minutes of the March 9, 2009 Regular Town Board Meeting.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve the Minutes of the March 9, 2009 Regular Town Board Meeting as presented (minor typos corrected). The motion passed with All In Favor.

- Presented Minutes of the March 16, 2009 Special Town Board Meeting.

A motion was made by Councilman Wenhold and seconded by Councilman Gick to approve the Minutes of the March 16, 2009 Special Town Board Meeting as presented. The motion passed with All In Favor.

- Dorothy (Hendershott) Dean, Mother of Town Historian Lee Hendershott, passed away on March 19, 2009. The family declined flowers but requested that memorials be made to Bethany Volunteer Fire Company. The Town usually spends \$50 for flowers.

A motion was made by Supervisor Gayton and seconded by Councilman Gick to send a \$50.00 memorial to Bethany Volunteer Fire Company in honor of Dorothy (Hendershott) Dean. The motion passed with the following Roll Call Vote:

Supervisor Gayton - Yes	Councilman Gick - Yes
Councilman Wenhold - Yes	Councilman Pietrzykowski - Yes

- Helen Milroy, former Town Historian passed away on April 7, 2009. Suggested memorials are to the family or the Pavilion Fire Department.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to make a \$50.00 memorial to Helen's family. The motion passed with the following Roll Call Vote:

Supervisor Gayton - Yes	Councilman Gick - Yes
Councilman Wenhold - Yes	Councilman Pietrzykowski - Yes

- A thank you note was received from Stevens Memorial Library for the donation made in memory of Denise Merle Courtwright.
- Anyone who has not signed up for the Local Government conferences in either Houghton or Burgundy Basin will need to do so on their own and be reimbursed after attendance to the conference.

#### ZEO/CEO Report - Tom Douglas

- Letters of violation notice were sent to two residents who are in violation of the NYS Property Maintenance Code along with other Town violations.
- Going on vacation for two weeks. May be contacted by cell phone and fax is available.
- Will be performing a road review for cars and operating permits after returning from vacation.
- A Site Plan Review is in progress for Holland High Lift for the addition of a cold storage pole barn.
- An area variance application is in the review process for a garage in front of a house.

#### Highway Superintendent Report - Paul Fleming

- Will begin checking into the possibility of constructing a driveway to the Transit Road Cemetery.
- All snow fence has been removed.
- Ditch and culvert cleaning has been started.
- Have started patching potholes.
- The New Holland mowing tractor is at Empire Tractor have the PTO clutch replaced.
- Have begun to remove the plowing equipment from the trucks.
- The annual diesel tank leak test has been satisfactorily performed.
- The new furnace in the Highway Superintendent's office has been installed.
- Will get quotes for having Paul, Silver and Transit Roads paved.

#### Town Justice Report - Tom McBride

- Tickets are low.
- New computers from grant should be arriving shortly.

#### Board Committee Reports

##### Bill Gick - Councilman

- Planning Board met on April 2, 2009 to consider a site plan review application submitted by Holland High Lift. Application is for the construction of a cold storage pole barn style building toward the back of the property. Planning Board will hold a special meeting on April 23, 2009 to make a decision on this application.

##### Ed Pietrzykowski - Councilman

- Fire Department held their last breakfast for the season on Easter Sunday. Attendance was very good.
- Siren is going off at odd times. Will look at timers.

## OLD BUSINESS

### Old Town Hall Preservation - Update

- An interview with Preservation Committee members Dave Carli and Dan Barber and Cynthia Howk from the Landmark Society of Western New York will be taped by GCC students and aired on the local cable channel.
- Cynthia Howk will present "Discover Bethany: 200 Years of Historic Architecture" on Sunday April 19 at 2:00 at the Bethany Community Center. This program will also be taped by students from GCC.
- Signs and posters have been placed around the community.
- Upon receipt of specifications from the architect for the replacement of the roof on the Old Town Hall, the work will be put out to bid. When the specs are received, a special meeting of the Town Board will be scheduled to review the specs and authorize advertising.
- Esther Leadley is checking to see whether the grant money from Mary Lou Rath is still available.
- If funding is still available, Supervisor Gayton will apply for the first 25% as is allowable in the contract without vouchers.

### Enviro Chemical

- A letter was sent in 2007 asking Enviro Chemical to pick up hand soap that was not ordered. To this date the soap has not been picked up. Attorney will advise as to what to do next.

### Recycling - Update

- The Town Board and the Town Clerk toured the Oatka Milk recycling center. (A thank you note will be sent by the Town Clerk.)
- Price of baler delivered and installed would be \$7,950. A down payment of 30% with balance due upon installation is required.
- Rewiring of the building to include a new panel and breakers would be \$1,010 plus the electrical inspection.
- Councilman Pietrzykowski will look into the pricing for leasing the baler for 3, 6, & 9 months with an option to buy.
- Wire to secure the bales is \$90 per bundle.
- JC Fibers will pick up when 10 bales of mixed material have accumulated.
- The metal pile is being stripped by a few residents. Larger signs prohibiting this action will be acquired and installed by the Highway Department.

### Fire Protection Contract - 2009

- The Fire Department Budget has been received.
- Supervisor Gayton has signed the Fire Protection Contract and it is in the hands of the Fire Department for approval.

## NEW BUSINESS

### Lighting in Highway Building - Replacement of

- A quote of \$5,706.67 for new lighting in the Highway Department building was received from Elite Electrical & Construction.
- Current lighting is inadequate and does not meet OSHA standards.

- Due to efficiency the new lights would pay for themselves in approximately 3 years.
- There are several grants and NYSERDA rebates available for this project.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to have the new lights installed in the Town Highway building at a cost of \$5,706.67. The motion passed with the following Roll Call Vote:

Supervisor Gayton - Yes	Councilman Gick - Yes
Councilman Wenhold - Yes	Councilman Pietrzykowski - Yes

#### Site Plan Review for Special Use Permits

- Ag & Markets says that there should not be site plan review for an ag building in a certified ag district.
- Any review of this kind should be simplified and expedient.
- CEO/ZEO will ask Bob Summers of Ag & markets for an opinion as to whether Basking Livestock falls under the description of an ag business.
- The Town's site plan review needs to be modified to conform with Ag & Markets law.

#### Resolution #5-2009 - Genesee County All-Hazard Mitigation Plan - Adoption of

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve Resolution #5-2009 adopting the Genesee County All-Hazard Mitigation Plan for the Town of Bethany. The motion passed with the following Roll Call Vote:

Supervisor Gayton - Yes	Councilman Gick - Yes
Councilman Wenhold - Yes	Councilman Pietrzykowski - Yes

#### Resolution #6-2009 - Opposition to Changing the Town Clerk, Receiver of Taxes, and Superintendent of Highways Positions from Elected to Appointed

A motion was made by Councilman Wenhold and seconded by Councilman Pietrzykowski to approve Resolution #6-2009 in Opposition to Changing the Town Clerk, Receiver of Taxes, and Superintendent of Highways Positions from Elected to Appointed. The motion passed with the following Roll Call Vote:

Supervisor Gayton - Yes	Councilman Gick - Yes
Councilman Wenhold - Yes	Councilman Pietrzykowski - Yes

#### Grants for Lighting, Heating and Roads

- Several grants are becoming available due to the economic stimulus package. Supervisor Gayton will be looking into the availability for the Town.

#### Resolution #7-2009 - Authorizing the Town Board to Abolish the Office of Tax Collector in the Town of Bethany and Transfer All Powers and Duties Thereof to the Office of the Town Clerk

- Norma Bower, Tax Collector for the Town, has informed the Supervisor that she will not be running for re-election in November.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve Resolution #7-2009 Authorizing the Town Board to Abolish the Office of Tax Collector in the Town of Bethany and Transfer All Powers and Duties Thereof to the Office of the Town Clerk. The motion passed with the following Roll Call Vote:

Supervisor Gayton - Yes	Councilman Gick - Yes
Councilman Wenhold - Yes	Councilman Pietrzykowski - No

Mined Land Reclamation Permit - Lor-Rob Dairy Farm - Murta Pit

- Lor Rob Dairy Farm has applied for a Mined Land Reclamation Permit through the DEC for a 1.5 acre gravel pit on property at the corner of Route 63 and Transit Road.
- The DEC has provided copies of the permit, maps, and letters from consultants and engineers in regard to operations, noise and hours of operation. There has been a determination of a negative declaration.
- Traffic safety was a concern of the Town Board due to trucks entering and exiting Route 63 near the intersection of Transit Road. This intersection is the site of numerous traffic accidents.
- Councilman Pietrzykowski will provide documentation to be sent to the DEC concerning accidents at the intersection.

Warrant

The Town Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$2,122.22	\$10,647.78
Highway Fund	\$4,296.92	\$11,531.98

Reading of the Minutes - Suspension of

A motion was made by Councilman Gick and seconded by Councilman Pietrzykowski to suspend the reading of the minutes. The motion passed with All In Favor.

Adjournment

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to adjourn the meeting at 10:00 p.m. The motion passed with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: April 14, 2009

Respectfully Submitted,  
  
Debbie L. Douglas, Clerk  
Town of Bethany