

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

09 NOVEMBER 2009

Supervisor Gayton opened the November 9, 2009 Regular Town Board Meeting at 7:28 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	Bill Gick, Councilman
Susan Neer, Councilwoman	Walter Wenhold, Councilman
Edward Pietrzykowski, Councilman	Debbie Douglas, Town Clerk
Bill Shea, Town Justice	Lee Hendershott, Town Historian
Paul Fleming, Highway Superintendent	

Attendees to the Meeting were:

Pat Pietrzykowski	Barb Czworka
Raymon Cipriano	Edward Gerould
Todd Crossett, Leader of Royal Rangers	

Finances

Supervisor Gayton presented the finances for the Month of October 2009.

General Savings	\$674,264.50	
Five Star Bank Savings	\$ 18,243.28	
Highway Savings	\$177,939.59	
Capital Project Highway	\$ 9,248.56	
AP/PR Account	\$ 9,311.63	
T/A Account	\$ 5,121.72	
Petty Cash	\$ 250.00	
Highway Fund Misc. Savings	\$ 2,976.84	
	Total	\$897,356.12
Revenues Received		
Town Clerk Fees	\$ 2,524.10	
Ester Leadley	\$ 10.50	
Mary Pat Hancock	\$ 10.50	
Roy Hersee	\$ 489.40	
NY Municipal Ins. Reciprocal	\$ 955.00	
Genesee County	\$ 8,176.70	
	Total Revenue	\$ 12,195.84
	Total Revenue and Interest	\$ 12,722.76

Town Clerk Report - Debbie Douglas

- Presented minutes of the October 13, 2009 Regular Town Board meeting.
- Two corrections

- Councilman Gick' s name was omitted from the list of officials in attendance. (Will be added.)
- Adam Miller as 2<sup>nd</sup> Assistant Chief in Fire Department was omitted in Councilman Pietrzykowski' s report of the Fire Department. (Will be added.)

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to approve the Minutes of the October 13, 2009 Regular Town Board meeting with the corrections. The motion passed with All In Favor.

- Copy of memo sent to the Planning Board and Zoning Board of Appeals members concerning hours of training accumulated for the year was distributed to the Town Board.

#### Highway Superintendent Report - Paul Fleming

- Have begun installing snow fence.
- Working on trucks and sanders in preparation for winter.
- Had OSHA Training last week.

#### Town Justice Report - Bill Shea

- Working on the pilot program for State Police plea bargaining.
- Computers have been networked with the State.

#### Board Committee Reports

##### Councilman Gick

- Attended the Water Quality Coordinating Committee meeting on October 21.
  - A hazardous waste collection will be scheduled in Genesee County on May 15, 2010. Will not be accepting any motor oil this time.
  - 40 wells were tested throughout Genesee County with 39 coming back ok.
- Planning Board
  - Met on November 5, 2009.
  - Reviewed Land Separation application submitted by East View Farms. Application was referred back to applicant due to a pond being too close to the proposed property line.
  - Reviewed Special Use Permit application submitted by Kennedy Wilson. Applicant was not in attendance and application was tabled until the Genesee County Planning Board recommendation is received.
  - Reviewed Site Plan Review and Temporary Use applications submitted by Town of Bethany for the Old Town Hall. Special meeting and public hearing was set for November 19, 2009.
    - Concerns discussed included
      - Source and quality of water
      - Septic
      - Handicapped accessibility
      - Fire code issues
- Sheriff' s Department has workers that are available for unskilled weekend labor.

Councilman Pietrzykowski

- Fire Department
  - o Fundraisers are going well.
    - Held Chinese auction and Breakfast this past weekend.
    - ATV was given away this weekend also. Ann Klinkbeil of Bethany was the winner.

Councilman Wenhold

- Senior Meals are going well.

## OLD BUSINESS

Old Town Hall - Wind Damage

- A small amount of siding has blown off the Old Town Hall. Will get estimates for repair.

Trash and Recycling Contract

- Waste Management contract expires in April.
- New figures show that the amount of the new contract would be over \$20,000 and therefore will have to be sent out for bid.
- Supervisor will work up bid documents. Will bid out trash and recyclables separately.
- J.C. Fibers has made two pickups of recyclables but no check has been received to date. Councilman Pietrzykowski will call to inquire about the check.
- Although the Town Board approve signing a contract with J.C. Fibers, it cannot be signed because the Town is already under contract with Waste Management.

Furnace Estimates - Highway Garage

- |   |             |
|---|-------------|
| - Donald Roblee Plumbing & Heating Contractor | \$ 8,446.26 |
| - Elite Electrical & Construction             | \$ 6,873.00 |
| - Turnbull Heating & Air Conditioning         | \$13,279.00 |

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to accept the estimate from Donald Roblee Plumbing and Heating Contractor for \$8,443.26 citing that accepting the estimate from Elite Electrical & Construction could be conflict of interest due to the fact that one of the owners are considering leasing the Old Town Hall. The motion passed with the following Roll Call Vote:

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

- Donald Roblee Plumbing & Heating requires a 50% deposit.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to approve payment of 50% (\$4223.13) to Donald Roblee Jr. Plumbing & Heating for installation of furnace in Town Highway Garage. The motion passed with the following Roll Call Vote:

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

Resolution #12-2009 - Cacner Road Land Exchange with Pietrzykowski

- Resolution was presented and discussed with Pat Pietrzykowski.
- The Town of Bethany will exchange one parcel for another parcel of equal acreage with Mr. Pietrzykowski.
- The exchange is subject to all terms and conditions contained in the Town of Bethany Zoning Law and Land Separation Law.
- Mr. Pietrzykowski will pay all costs associated with the exchange of both properties not to exceed \$1,500.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve Resolution #12-2009 Cacner Road Land Exchange with Pietrzykowski. 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

2010 Budget - Public Hearing and Adoption of

- Supervisor Gayton opened the public hearing for the 2010 Budget at 8:10 p.m.
- No one was present to speak on the budget.
- Supervisor Gayton noted that the tax rate has remained the same from last year.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to close the Public hearing at 8:47 p.m. The motion passed with All In Favor.

A motion was made by Councilman Wenhold and seconded by Councilman Gick to approve the 2010 Preliminary Budget making it the 2010 Final Budget. The motion passed with the following Roll Call Vote:

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

ALS Intercept Agreement with Mercy EMS

- Medicare regulations state that an agreement must be in place between the transporting agency and the ALS intercept agency in order for Mercy to bill for ALS intercept claims.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to authorize Supervisor Gayton to sign the ALS intercept agreement with Mercy EMS. The motion passed with the following Roll Call Vote:

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

Cemetery Cleanup - Volunteer

- Edward Gerould has offered to voluntarily perform periodic care and maintenance in the Putnam and Transit Road cemeteries for the period of one year.
- He has submitted a Waiver of Liability and Release of Claims which has been reviewed by the Town Attorney.
  - o Town Attorney has advised that the Town should consider adding Mr. Gerould to the Town's Workman's Compensation. Town Clerk is current checking with Genesee County Self-Insurance to see if this is possible.
- Will discuss this issue further at next meeting.

Planning Board Resignation - Jeff Fluker

- Jeff Fluker has moved to Florida and has submitted his resignation from the Planning Board with thanks to the Town.

A motion was made by Councilwoman Neer and seconded by councilman Gick to accept the resignation of Jeff Fluker from the Planning Board with regret. The motion passed with All In Favor.

Planning Board Appointment - Francis Brunner

- Fran Brunner, a former Planning Board member for 11 years, has submitted a letter of interest in the vacant seat on the Planning Board.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to appoint Francis Brunner to the seat vacated by Jeff Fluker on the Town Planning Board. The motion passed with All In Favor.

Public Hearing - Setting of - Kennedy Wilson SUP0901 (Pond)

- A public hearing will be held on December 14, 2009 at 8:00 p.m. for the Special Use Permit application (SUP0901) submitted by Kennedy Wilson for a pond on his property located at 5051 Broadway Road.

Abitibi Paper Bin

- Todd Crossett, Leader, Royal Rangers, has asked permission to place an Abitibi paper recycling bin at the town's Transfer Station.
- The Town has to pay to have paper hauled away.
- Cardboard is not collected in these bins therefore, the Town would still bale and sell it.
- Proceeds would benefit the Royal Ranger members who need help with tuition costs for leadership camp.

A motion was made by Councilwoman Neer and seconded by Councilman Gick to allow the Royal Rangers to place an Abitibi paper recycling bin at the Town Transfer Station with the proceeds to benefit the organization. The motion passed with the following Roll Call Vote:

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

Warrant

The Town Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$1,988.59	\$19,734.33
Highway Fund	\$4,296.92	\$40,897.59
Water Fund	\$ 0.00	\$ 3,773.00

Reading of the Minutes - Suspension of

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

Adjournment

A motion was made by Councilwoman Neer and seconded by Councilman Wenhold to adjourn the meeting at 9:00 p.m. The motion passed with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: November 12, 2009

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