

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

09 May2011

Supervisor Gayton opened the May 9, 2011 Regular Town Board Meeting at 7:30 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
Walter Wenhold, Councilman	Edward Pietrzykowski, Councilman
Susan Neer, Councilwoman	Debbie Douglas, Town Clerk
Bill Shea, Town Justice	Paul Fleming, Highway Superintendent
Lee Hendershott, Town Historian	Thomas McBride, Town Justice
Thomas Douglas, ZEO/CEO	

Others in Attendance were:

Jim Phillips	Peter Neer
Thomas Foss	Barb Czworka
Pat Pietrzykowski	

Finances

Supervisor Gayton presented the finances for April 2011.

General Savings	\$927,553.45	
Five Star Bank Savings	\$ 18,260.24	
Highway Savings	\$276,565.87	
Capital Project Highway	\$ 6,750.09	
AP/PR Account	\$ 18,216.17	
Trust & Agency Account	\$ 5,085.76	
Petty Cash	\$ 250.00	
Highway Fund Misc. Savings	\$ 858.51	
Total		\$1,253,540.09

Revenues Received		
Town Clerk Fees	\$ 2,477.96	
Debbie Douglas, Tax Collector	\$ 45.77	
Debbie Douglas, Tax Collector	\$ 15.00	
Debbie Douglas, Tax Collector	\$ 250.00	
Debbie Douglas, Tax Collector	\$ 1,243.06	
Stanley Stabba & Sons	\$ 594.00	
Time Warner	\$ 7,509.54	
County of Genesee	\$105,516.69	
JC Fibers	\$ 108.00	
County of Genesee	\$ 55,281.23	

Total Revenue	\$ 173,041.25
Total Revenue & Interest	\$ 173,403.29

Town Clerk Report - Debbie Douglas

- Presented the Minutes of the April 11, 2011 Regular Town Board meeting.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve the minutes as presented. The motion passed with All In Favor.

- Presented the Minutes of the April 27, 2011 Informational Meeting for the Old Town Hall.

A motion was made by Councilman Wenhold and seconded by Councilwoman Neer to approve the minutes as presented. The motion passed with All In Favor.

- Dog enumeration has been mailed to all residents. Approximately 1/2 have been returned thus far.
- David Gollis from New York Deferred Compensation Plan will be here on May 10, 2011 to speak with employees who are interested in joining the plan.
- A thank you note for the memorial donation for Marion Powers was received from Eastside Nursing Home. The donation will be used to help fund a music program for the residents.

ZEO/CEO Report - Tom Douglas

- Has spoken with the Town Attorney concerning two unauthorized land separations that have not been corrected by the parties involved.
 - o Moodie/Heywood - East Bethany-LeRoy Road
 - o East View Farms/Shively - East Road
- Attorney has recommended resolutions directing the ZEO to pursue the above mentioned matters in court.

TOWN OF BETHANY

RESOLUTION #11-2011

**DIRECTING THE ZONING ENFORCEMENT OFFICER TO INSTITUTE COURT ACTION
ON BEHALF OF THE TOWN OF BETHANY**

Adopted: May 9, 2011

The Town Board of the Town of Bethany met at a regular board meeting at the Town Offices of the Town of Bethany located at 10510 Bethany Center Road, in the Town of Bethany, New York on the 9th day of May 2011 commencing at 7:30 p.m. at which time and place the following members were:

Present: Supervisor Louis Gayton
 Councilman William Gick
 Councilman Walter Wenhold
 Councilman Susan Neer
 Councilman Edward Pietrzykowski

Absent: _____

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, due to a recent unauthorized land separation, it appears that John and Joan Moodie and Ronald & Mary Jane Heywood are in violation of the Town of Bethany Local Law No. 1 of 2003 entitled "Town of Bethany Land Separation" relative to property located on the East Bethany-Leroy Road in the Town of Bethany, also identified by SBL#6.-1-25.1; and

WHEREAS, it appears to be in the best interest of the Town of Bethany to prohibit John and Joan Moodie and Ronald & Mary Jane Heywood from continuing to be in violation of said Law; and

WHEREAS, the Town Board feels it is in the best interest of the Town of Bethany, in accordance with Article VII of Local Law No. 1 of 2003 of the Town of Bethany to authorize the Zoning Enforcement Officer to institute court action to pursue the enforcement of said Law against John and Joan Moodie and Ronald & Mary Jane Heywood to ensure that this property comes into compliance with Local Law 1 of 2003.

NOW ON MOTION OF Councilman Gick, which has been duly seconded by councilman Pietrzykowski, therefore, be it

RESOLVED, that the Zoning Enforcement Office of the Town of Bethany, assisted by Town Attorney DiMatteo, be and he hereby is authorized and directed to institute court action to enforce any violation of the provisions Local Law No. 1 of 2003 of the Town of Bethany by John and Joan Moodie and Ronald & Mary Jane Heywood.

Ayes: 5
Nays: 0
Absent/Abstain: 0
Quorum Present: x Yes No

**TOWN OF BETHANY
RESOLUTION #12-2011
DIRECTING THE ZONING ENFORCEMENT OFFICER TO INSTITUTE COURT ACTION
ON BEHALF OF THE TOWN OF BETHANY**

Adopted: May 9, 2011

The Town Board of the Town of Bethany met at a regular board meeting at the Town Offices of the Town of Bethany located at 10510 Bethany Center Road, in the Town of Bethany, New York on the 9th day of May 2011 commencing at 7:30 p.m. at which time and place the following members were:

Present:

	Supervisor	Louis Gayton
	Councilman	William Gick
	Councilman	Walter Wenhold
	Councilman	Susan Neer
	Councilman	Edward Pietrzykowski

Absent: _____

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, due to a recent unauthorized land separation, it appears that East View Farms, Inc. and Rebecca Shively are in violation of the Town of Bethany Local Law No. 1 of 2003 entitled "Town of Bethany Land Separation" relative to property located on the East Road in the Town of Bethany, also identified by SBL# 8.-1-44.21; and

WHEREAS, it appears to be in the best interest of the Town of Bethany to prohibit East View Farms, Inc. and Rebecca Shively from continuing to be in violation of said Law; and

WHEREAS, the Town Board feels it is in the best interest of the Town of Bethany, in accordance with Article VII of Local Law No. 1 of 2003 of the Town of Bethany to authorize the Zoning Enforcement Officer to institute court action to pursue the enforcement of said Law against East View Farms, Inc. and Rebecca Shively to ensure that this property comes into compliance with Local Law 1 of 2003.

NOW ON MOTION OF Councilwoman Neer, which has been duly seconded by Councilman Gick, therefore, be it

RESOLVED, that the Zoning Enforcement Office of the Town of Bethany, assisted by Town Attorney DiMatteo, be and he hereby is authorized and directed to institute court action to enforce any violation of the provisions Local Law No. 1 of 2003 of the Town of Bethany by East View Farms, Inc. and Rebecca Shively.

Ayes: 5
 Nays: 0
 Absent/Abstain: 0
 Quorum Present: x Yes No

- There is one additional unauthorized land separation that is being corrected by the parties involved. This matter will not be pursued in court at this time.
- Received a complaint of trash and household items being dumped in the creek off of Old Telephone Road. Complaint was investigated and the DEC was notified. The DEC has not returned the ZEO's phone call at this point however; it appears that the area is being cleaned up.

Highway Superintendent Report - Paul Fleming

- Working on road repairs.
- Replacing culvert pipes that have failed due to the recent heavy rain.
- Received notification that CHIPs funding is in place.
- Have 2 driveways to install.
- Asked permission to attend the Annual Highway School.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to authorize the Highway Superintendent's attendance to the Annual Highway School. The motion passed with the following Roll Call Vote:

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

Justice Report - Bill Shea & Tom McBride

- Still working on quotes for laptop computers.
- No court will be held on Tuesday, May 24th due to Special Elections being held in the hall.

Board Committee Reports

Councilman Gick

- Planning Board did not meet as there was no new business.

Councilman Pietrzykowski

- Has spoken with another corporation concerning the pursuit of grants for the transfer station.
- Councilman Pietrzykowski has the support of the Town Board in the pursuit of grants for recycling at the transfer station and has authorization to speak with neighboring towns for support.

Councilman Wenhold

- Attendance to Senior Meals has increased.

Councilwoman Neer

- Have received the report for Alexander Recreation for 2010.
- Will be attending the Attica Medical Center meeting at the end of May.

OLD BUSINESS

Old Town Hall Update

- There was discussion concerning the sale of the Old Town Hall, where the Historian would be located, if fundraisers were to be held could the Town accept the money for repair and maintenance of the building.

Deed restrictions were also discussed. Exterior appearance of building would have to remain intact whether the building remained at the current location or it was moved. Other restrictions were also discussed.

A motion was made by Councilman Gick and seconded by Councilman Pietrzykowski to list the building for sale. The motion passed with the following Roll Call Vote:

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

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to list the building for a period of 6 months. The motion passed with the following Roll Call Vote:

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

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to list the building with Ann Lavrincik of Nothnagle Realtors in Batavia. The motion passed with the following Roll Call Vote:

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

Back-up Generator - Bid Specs

- Tentative bid specifications written by ZEO Douglas for the back-up generator will be reviewed and discussed at the next meeting. ZEO Douglas is doing further research concerning pricing and installation options.

Grant for Energy Efficient Lighting

A motion was made by Councilman Gick and seconded by Councilwoman Neer to authorize Councilman Pietrzykowski to apply for a NYSERDA grant for replacement of the current lighting in the Community Center with energy efficient lighting. The motion passed with the following Roll Call Vote:

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

Parking Lot Lights

- A quote of \$1600 was obtained for the replacement of the light poles and lights with new wooden poles and energy efficient lights in the parking lot.

Justice Computer - Excess Equipment

- Justices asked to have old Gateway computer declared excess equipment. Computer is more than 10 years old.
- Hard drive will be removed and destroyed.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to declare the 10 year old Gateway computer from the Justice' s office excess equipment and authorized the removal and destruction of the hard drive. The motion passed with the following Roll Call Vote:

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

Executive Session - Union Contract Negotiations

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to move to Executive Session to discuss Union Contract negotiations at 9:00 p.m. The motion passed with the following Roll Call Vote:

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

Yes

- Supervisor Gayton did not attend executive session due to abstention from negotiations.

- The Board returned from Executive Session at 9:17 p.m.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to authorized Supervisor Gayton to sign the Union Contract. The motion passed with the following Roll Call Vote:

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

NEW BUSINESS

Assessment Complaints

- Tom Foss expressed his displeasure with the new assessment of his property.

Route 20 & CR 35 (East Road) Intersection

- Supervisor Gayton and Highway Superintendent Fleming along with other local officials have been invited by NYS Department of Transportation to attend an information meeting concerning plans to construct a roundabout at the intersection of Route 20 and East Road on May 25, 2011.

Warrant

The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$2,137.01	\$ 9,992.84
Highway Fund	\$4,482.52	\$21,932.28

Reading of the Minutes - Suspension of

A motion was made by Councilwoman Neer and seconded by Councilman Wenhold 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 Councilwoman Neer to adjourn the meeting at 9:19 p.m. The motion passed with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: May 10, 2011

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk