

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

12 September 2011

Supervisor Gayton opened the September 12, 2011 Regular Town Board Meeting at 7:35 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	Susan Neer, Councilwoman
Edward Pietrzykowski, Councilman	Debbie Douglas, Town Clerk
Bill Shea, Town Justice	Paul Fleming, Highway Superintendent
Lee Hendershott, Town Historian	

Others in Attendance were:

Barb Czworka	Ramon Cipriano
Wyatt VanBuren & Family	Tom Foss
Janet Ciociola	David Hebell
Gail Smith, Fire Dept. President	Pat Pietrzykowski

Finances

Supervisor Gayton presented the finances for August 2011.

General Savings	\$ 995,228.53	
Five Star Bank Savings	\$ 18,265.13	
Highway Savings	\$ 52,120.88	
Capital Project Highway	\$ 6,751.92	
AP/PR Account	\$ 7,723.99	
Trust & Agency Account	\$ 5,108.93	
Petty Cash	\$ 250.00	
Highway Fund Misc. Savings	\$ 858.66	
Total		\$1,086,308.04
Revenues Received		
Town Clerk Fees	\$ 2,271.49	
NYS Dept. of Taxation & Finance	\$ 7,200.00	
JC Fibers	\$ 249.60	
US Gypsum Co	\$ 24.09	
Total Revenue	\$ 9,745.18	
Total Revenue & Interest	\$ 10,039.35	

Town Clerk Report - Debbie Douglas

- Presented the Minutes of the August 8, 2011 Regular Town Board meeting.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to approve the minutes of the August 8, 2011 Regular Town Board meeting as presented. The motion passed with All In Favor.

- Fall Local Government Workshop will be held in Batavia on November 17, 2011 at the Clarion Hotel. Anyone interested in attending should submit their RSVP to the Town Clerk by October 5th for pre-pay. Anyone submitting their RSVP after that date will have to self-pay and submit a voucher for reimbursement.

Highway Superintendent Report - Paul Fleming

- Working on ditches on Mill & Conway Roads.
- Fixing some catch-basins and pipes.
- Installation of pipe by County on Transit Road should be complete soon.
- Have started to stock salt for the winter.

Town Justice Report - Bill Shea

- Grant has been submitted.

Board Committee Reports

Councilman Gick

- Planning Board met on September 1st.
 - o Reviewed AV1101 submitted by Scott Thomson for the construction of a porch 57' from the right-of-way where 75' is required on his property located at 10859 Bethany Center Road. A recommendation of approval was sent to the Town Zoning Board of Appeals.
 - o Reviewed SUP1102 submitted by Kevin Bronson for the construction of a pond on his property located at 4985 Paradise Road. A recommendation of approval was sent to the Town Board.
 - o Moodie land separation (LS1103) was given preliminary approval. Final approval will be granted upon receipt of the final survey (mylar) with signature block and proof of merger.
 - o Discussion concerning the possibility of making ponds a permitted use.
 - Only two towns in Genesee County who require a special use permit for a pond per Jim Duval, Genesee County Planning Director.
 - Also discussed requiring fire department accessibility.

A motion was made by Councilman Gick and seconded by Councilman Pietrzykowski to add ponds as permitted use and fire department accessibility to the list of possible changes to the zoning law when reviewed for amendments. The motion passed with All In Favor.

- Handed out a brochure concerning the marcellus shale.
- Lee Hendershott spoke to Sue Conklin, County Historian, concerning the museum grant that was discussed last month. She did not feel that it was a good idea for the Town. Requirements for a "museum" are too stringent and cost prohibitive (i.e. full time staff, open at least 120 hours per year, etc.).
- In researching the grant, it was discovered that the Town has to be registered on the Contractors Register. That has been taken care of so it can be used for future grant applications.

Councilman Wenhold

- Senior Meals did not meet this month as Mrs. Grasso has resigned. A new person is being trained for the position.
- Attendees can feel free to attend the program at other meal sites in the meantime.

Councilwoman Neer

- Attended the Attica Medical Building meeting. Parking lot has been finished.
- Councilwoman Neer will contact the recreation programs to obtain reports on the summer recreation program.
- Town Officials have been invited to a dinner sponsored by the Prevention Department of GCASA and the Genesee County Drug Free Communities (DFC) Coalition. The dinner will be a feature of Red Ribbon Week.

Councilman Pietrzykowski

- Have not heard from National Grid concerning the grant yet.
- Gail Smith reported that the first Fire Department fundraiser breakfast of the season went well.

OLD BUSINESS

Old Town Hall - Update

- Hall has been listed for sale for a period of 6 months.
- The realtor has been in touch with the Western New York Landmark Society who has offered to help in any way they can.

Workplace Violence Program

- Board will continue to review individually. Will work on final draft after budget is done.

Parking Lot Light Replacement

- Supervisor Gayton and Councilman Pietrzykowski met with Chuck Carroll of Able Electric concerning the parking lot lights. After further discussion with him it was decided that it would be better to install a more efficient light. The cost of the total project will increase by approximately \$300.

Public Hearing - VanBuren - SUP1101

- Supervisor Gayton opened the public hearing for SUP1101 submitted by Wyatt VanBuren for construction of a pond on his property located at 5932 East Bethany-LeRoy Road (TMP# 6.-1-24.1) at 8:02 p.m.
- Janet Ciociola who lives at 9864 Clipnock Road expressed concern about possible interruption to her water supply. She lives across the road and the possibility of any effect on her water supply is small.
- Water for the pond would come from a natural spring.
- ZEO Douglas stated in a memo to the Town Board that the setback as applied for is 110' from side property line. This line runs down the middle of the abandoned Stewart Road and should be measured from the centerline of that road.
- Both the Town Planning Board and the Genesee County Planning Board have recommended approval of this application.

- SEQR was reviewed and project was found to have no negative effects.
- Supervisor Gayton closed the public hearing at 8:12 p.m.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to approve SUP1101 submitted by Wyatt VanBuren for construction of a pond on his property located at 5932 East Bethany-LeRoy Road (TMP# 6.-1-24.1). The motion passed with the following Roll Call Vote:

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

Siren and Poles at Highway Property

- Councilman Pietrzykowski spoke with the Fire Department Board of Directors concerning their intentions for the fire siren.
- They are researching options and will make a decision at their next meeting and inform the town.
- They must take it down if they do not fix it. It also will require new poles if they decide to fix it.

Electronics & Florescent Lights Recycling

- Collection of electronics has started but still working on obtaining a collection company.
- Florescent lights also need to be collected. Getting prices for pickup.

Molasses Hill Railroad Crossing

- The road is getting worse. A letter will be sent to the Alexander Highway Superintendent asking for repairs to be made.

NEW BUSINESS

Resolution #14-2011 - Examination of Justice Court Records - 2010

WHEREAS, Section 2019-a of the Uniform Justice Court act requires that Town Justices annually provide their court records and dockets to their respective Town Auditing Board, and that such records be examined and that the fact be entered into the minutes of the Board's proceedings; and

WHEREAS, an examination was conducted of the Town Justices records and dockets by Freed, Maxick & Battaglia, PC; now, therefore, be it

RESOLVED, the Bethany Town Board acknowledges that the required annual examination of the Justice Court 2010 records was completed by Freed, Maxick & Battaglia, PC.

A motion was made by Councilman Wenhold and seconded by Councilwoman Neer to approve Resolution #14-2011, Examination of Justice Court Records – 2010. The motion passed with the following Roll Call Vote:

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

Pick-up Damage

- While one of the highway department employees was helping with paving in the Town of Batavia, the older pick-up was hit by a driver who refused to stop for the flagman. No one was injured. The truck is now at Select Collision for repair.

Public Hearing - Setting of - SUP1102 - Bronson

- A public hearing will be held by the Town Board on Tuesday, October 11, 2011 at 8:00 p.m. for SUP1102 submitted by Kevin Bronson of 4985 Paradise Road for the construction of a pond.

Roof - Storage shed

- The roof on the storage shed is bad and needs replacement.
- An estimate will be obtained for budgeting purposes.

Loose Blocks - Highway Garage

- Some blocks have loosened above the overhead door at the highway garage and has become dangerous.
- Should be fixed immediately.
- Will obtain 3 estimates.

Monuments in Front of Old Town Hall

- Monuments in front of the Old Town Hall will be moved to the new Town Hall if the building is sold.
- David Hebell offered assistance in moving the World War II monument.

Motor on Plastics Baler - Burnt Out

- The motor on the plastics baler has burned out.
- Motor will be replaced as soon as one can be found.

Warrant

The Board approve payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$14,606.81	\$21,631.19
Highway Fund	\$ 4,904.44	\$43,484.40

Reading of the Minutes - Suspension of

A motion was made by Councilwoman Neer and seconded by Councilman Gick 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 9:02 p.m. the motion passed with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: September 14, 2011

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk