

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

12 December 2011

Supervisor Gayton opened the December 12, 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
Debbie Douglas, Town Clerk	Bill Shea, Town Justice
Paul Fleming, Highway Superintendent	Lee Hendershott, Town Historian

Town Officials Absent were:

Susan Neer, Councilwoman

Others in Attendance were:

Jim Phillips

Diane Fowler

Finances

Supervisor Gayton presented the finances for November 2011.

General Savings	\$ 706,357.73	
Five Star Bank Savings	\$ 18,268.77	
Highway Savings	\$ 319,027.93	
Capital Project Highway	\$ 16,203.56	
AP/PR Account	\$ 16,486.86	
Trust & Agency Account	\$ 4,699.89	
Petty Cash	\$ 250.00	
Highway Fund Misc. Savings	\$ 858.77	
Total		\$1,082,153.51
Revenues Received		
Town Clerk Fees	\$ 1,641.05	
Stanley Staba	\$ 322.20	
NYS Dept. of Taxation & Finance	\$ 4,560.00	
County of Genesee	\$ 4,208.78	
Total Revenue		\$ 10,732.03
Total Revenue & Interest		\$ 11,011.52

Town Clerk Report - Debbie Douglas

- Presented the Minutes of the November 14, 2011 Regular Town Board meeting.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve the minutes of the November 14, 2011 Regular Town Board meeting as presented. The motion passed with All In Favor.

- Clerk has information regarding the March 24th Celebrating Ag dinner if anyone is interested in attending.

Highway Superintendent Report - Paul Fleming

- Working on repairs to storage building roof. Repair to the block on the garage is not started yet.
- Installing snow fence.
- Equipment is ready for winter.
- Received contract for Snow & Ice and Mowing for county roads.
 - o Control of snow and ice on 21.79 miles of county roads at the rate of \$5,405.00 per mile for a total of \$117,774.95 for the year 2012.
 - o Mowing of 21.79 miles of county roads at the rate of \$394.23 per mile for a total of \$8,590.27 for the year 2012.
 - o Snow & Ice control was increased by \$100 per mile over the 2011 rate while mowing stayed the same.
 - o Two year contract (January 1, 2012 thru December 31, 2013) with rate open to negotiation at the beginning of each year.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to authorize Highway Superintendent Fleming to sign the Snow & Ice and Mowing contract for with Genesee County. The motion passed with the following Roll Call Vote:

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

Justice Report - Bill Shea

- The number of tickets being issued is down.
- Justice Shea was re-elected to President of the Genesee County Magistrates Association.

Board Committee Reports

Councilman Gick

- The Planning Board met on December 1st.
 - o Attended the ZBA meeting where area variance applications were being reviewed.
 - o Members are reviewing the Comprehensive Plan for the January meeting.

Councilman Wenhold

- Senior Meals is going well.
- ZBA met on December 1st. Meeting was moved due to the Thanksgiving holiday.
 - o Town Attorney David DiMatteo was present to assist the Board with the unusual circumstances of the Barniak area variance.
 - o Reviewed and approved an area variance application submitted by Steven Bennett of East Road. Application was for construction of a garage, breezeway and storage building too close to the right-of-way.

- o Reviewed and approve an area variance application submitted by Kenneth Barniak for a nonconforming lot on East Road. Parcel, which will only be used for agriculture purposes, does not have road frontage. A right-of-way allows access to the property. Restrictions will be placed on the deed stating that the property may be used for agricultural purposes only.

Councilman Pietrzykowski

- Has been unable to meet with Jeff Smith concerning writing grants for the Transfer Station.
- Fire Department held elections. Officers are as follows:

Executive:

President	Gail Smith	1 year term expires 12/31/2012
Vice President	Jillian Welch	1 year term expires 12/31/2012
Treasurer	Sandy Fluker	1 year term expires 12/31/2012
Secretary	Shannon Klinkbeil	1 year term expires 12/31/2012.

Board of Directors: 2 year terms

William Shea	term expires 12/31/2013
George Larish	term expires 12/31/2013
Dennis Alwardt	term expires 12/31/2013
Jeff Wiater	term expires 12/31/2012
Pat Pietrzykowski	term expires 12/31/2012
Jim Phillips	term expires 12/31/2012

FireMatic:

Chief	Jeff Fluker	1 year term expires 12/31/2012.
1 st Assistant Chief	Jeff Pietrzykowski	1 year term expires 12/31/2012.
2 nd Assistant Chief	Adam Miller	1 year term expires 12/31/2012.

EMS:

EMS Captain	Mel Davis	1 year term expires 12/31/2012.
EMS Lieutenant	Terri Alwardt	1 year term expires 12/31/2012.

- New ambulance is scheduled to arrive on Saturday.

OLD BUSINESS

Fuel Bids for 2012 - Opening of

- Two Bids were received.

	<u>Supplier</u>	<u>Avg. Rack</u>	<u>Total Price</u>
	<u>Price/Gal</u>	<u>Price</u>	
- <u>Dave Reisdorf, Inc., Batavia, NY</u>			
#2 Diesel-Low Sulfur On Road Diesel	\$3.16	\$.15	\$3.31
Unleaded Gasoline Min. Octane 87	\$2.774	\$.22	\$2.994
Propane	Locked In Price		\$2.199
- <u>Townsend Energy, LeRoy, NY</u>			
#2 Diesel-Low Sulfur On Road Diesel	\$3.13	\$.089	\$3.219
Unleaded Gasoline	\$2.742	\$.089	\$2.831

Min. Octane 87		
Propane	Locked In Price	\$2.059

- Highway Superintendent will review bids and make a recommendation to the Board at the next meeting.

Establishing Assigned Fund Accounts

- It is necessary to establish assigned fund accounts for monies in reserve in order to be compliant with NYS Law.
- Supervisor Gayton is proposing A.1990.1 be established for this purpose.
- Assigned balances for 2012 will be as follows:

o Highway Storage Building	\$30,000.00
o Old Town Hall Foundation Repair	\$25,000.00
o Installation of Generator	\$20,000.00
o New Water System	\$10,000.00
o Air Conditioning	\$20,000.00
o Hall Lighting Upgrade	\$10,000.00
o Supplement 2012 Taxes	\$82,000.00
o Supplement 2013 Taxes	\$82,000.00
o Payment of Highway Benefits	\$ 6,027.00
- Town Board would have to give Supervisor authorization to move funds for another purpose.
- Resolution to establish this account will be presented at the next meeting.

ZBA - Open Seat - Appointment

- One letter of interest was received from Diane Fowler of Paul Road.
- Board was very happy with her experience.
- She would be completing the term to expire December 31, 2013 as the seat was vacated midterm.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to appoint Diane Fowler to the vacant seat on the Zoning Board of Appeals. The motion passed with the following Roll Call Vote:

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

Transfer Station & Recycling

- Transfer Station is close to breaking even. (approximately -\$4,000)

Old Town Hall - Update

- Realtor has not had anyone interested.
- Listing will expire February 11, 2012. Realtor will attend the January Board meeting where renewal of the listing will be discussed.

NEW BUSINESS

Highway General Repairs - Over Budget

- Highway General Repairs (DA.5110.4) is over budget due to repair on Transit Road.
- When final bills are in, Supervisor may need permission to transfer funds from the General Fund to Highway Fund to cover the overage.

Resolution #20-2011 - Memorialization - Mandate Reform

WHEREAS, The task force that Governor Andrew Cuomo has established to evaluate and recommend mandate relief in New York State provided no relief through the recently passed budget; and

WHEREAS, The Town of Bethany Town Board embraces the Governors call to reduce State mandates that impact many aspects of Town government; and

WHEREAS, As a result of being lobbied by our constituents to act on their behalf and urge continued efforts to implement meaningful mandate reform.

NOW, THEREFORE, BE IT

RESOLVED, the Bethany Town Board requests Governor Andrew Cuomo, the NYS Senate, and the NYS Assembly to take immediate action on suggested Mandate Relief items and work with NYSAC to reform them to bring the relief necessary; and be it further

RESOLVED, that the Bethany Town Board requests that the New York State Government implement mandate relief to local governments now; and be it further **RESOLVED**, That copies of this resolution be sent to Governor Andrew Cuomo, Senator Michael Ranzenhofer, Assemblyman Steve Hawley, Assemblyman Dan Burling, Senate Majority Leader Dean Skelos, Senate Minority Leader Malcolm Smith, NYS Assembly Speaker Sheldon Silver and Assembly Minority Leader Brian M. Kolb, New York State Association of Counties, InterCounty Association of Western New York, and Genesee Association of Municipalities.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve Resolution #20-2011 "Memorialization - Mandate Reform". The motion passed with the following Roll Call Vote:

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

Intercommunity Medical Building, Inc. Contract - Signing of

A motion was made by Councilman Wenhold and seconded by Councilman Gick to authorize Supervisor Gayton to renew the contract with the Intercommunity Medical Building, Inc. commencing January 1, 2012 and terminating December 31, 2012. The motion passed with the following Roll Call Vote:

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

Executive Session - Union Matter

- Supervisor Gayton requested an executive session to discuss a Union employee matter.

A motion was made by Councilman Wenhold and seconded by Councilman Gick to move to Executive Session to discuss a union employee matter at 8:15 p.m. The motion passed with the following Roll Call Vote:

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

- The Board returned from Executive Session at 8:30 p.m.

Warrant

The Board approved payment of the bill as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$25,522.47	\$31,955.12
Highway Fund	\$27,141.44	\$42,456.85

Reading of the Minutes - Suspension of

A motion was made by Councilman Wenhold 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 Gick to adjourn the meeting at 8:30 p.m. The motion passed with All In Favor.

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

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk