

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

12 November 2012

Supervisor Gayton opened the November 12, 2012 Regular Town Board Meeting at 7:00 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	Walter	Wenhold,
Councilman	Susan Neer, Councilwoman	William Gick,
Councilman		
Edward Pietrzykowski, Councilman (7:12)	Debbie Douglas, Town Clerk	
Paul Fleming, Highway Superintendent	Thomas Douglas, CEO/ZEO	
William Shea, Town Justice	Linda Schmidt, Town Historian	
David DiMatteo, Town Attorney		

Attendees to the Meeting were:

Barb Czworka	Carl Hyde, Jr.
Ramon Cipriano	Maelynn Hyde
Donald Schimdt	Merritt Holly
Bill Holly	Lisa Lyons, Tri-Town Athletics
Wade Smith, Tri-Town Athletics	Dan Adams
Jeremy Kramer	Marilynn Palotti
Gerry Fry	Joanne Beck, The Daily News
Rose Mary Christian	Becky Myers
Robert Barkley	Nick Serrata, The Daily News
Thomas Foss	Katie Houseknecht
Art Mase	Rachael Brown
Candice Wells	Carl L. Hyde
Carl B. Hyde	

Finances

Supervisor Gayton presented the finances for October 2012.

General Savings	\$	779,616.33
Five Star Bank Savings	\$	275,400.94
Highway Savings	\$	24,306.94
Capital Project Highway	\$	16,213.36
AP/PR Account	\$	35,634.66
Trust & Agency Account	\$	4,650.36
Petty Cash	\$	250.00
Highway Fund Misc. Savings	\$	859.16
Total		\$1,136,931.75
Revenues Received		
Town Clerk Fees	\$	2,166.00
Sandy Buxton	\$	45.51
Genesee Association of Municipalities	\$	350.00 (Returned -
Ins. Study)		

County of Genesee

\$ 139,926.18

Total Revenue	\$ 141,187.69
Total Revenue & Interest	\$ 141,346.85

Town Clerk Report - Debbie Douglas

- Presented the Minutes of the October 15, 2012 Regular Town Board meeting.
- One correction was made to page 4, travel request was for 2013 not 2012.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve the Minutes of the October 15, 2012 Regular Town Board meeting with the noted correction. The motion passed with All In Favor.

- Presented the Minutes of the October 22, 2012 Special Town Board meeting.

A motion was made by Councilwoman Neer and seconded by Councilman Gick to approve the Minutes of the October 22, 2012 Special Town Board meeting as presented. The motion passed with All In Favor.

- Clerk requested permission to attend the NYS Town Clerk's Association Regional Training Seminar to be held on Monday, December 3, 2012 in Rochester. The registration fee is \$35.

A motion was made by Councilman Wenhold and seconded by Councilman Gick to authorize the Town Clerk to attend the NYS Town Clerk's Association Regional Training Seminar on Monday, December 3, 2012 in Rochester. The motion passed with the following Roll Call Vote:

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

- Genesee County Town Clerk's Association collected office supplies and delivered them to the Town Clerk in Castile to help them out after the fire that occurred in their town offices.
- The copier has been malfunctioning. The last time that it was repaired the Clerk was informed that it would require a part that is no longer available. The copier is still functioning but requires replacing.
 - o NYSERDA is offering a 75% rebate for small municipal governments for the replacement of equipment with Energy Star rated equipment under \$1,000.00.
 - o Two quotes were obtained.
 1. Copier Fax Business Technologies, Inc. final cost after rebate is \$998.78 for a Konica Minolta BizHub C224 Full Color Multi-Function Copier, Printer & Scanner. Maintenance agreement is \$13.30 per month for 1,000 black and white copies and \$0.0133 per page of over

1,000. Color copies will be billed at \$0.114 per page monthly.

2. Toshiba Business Solutions, Inc. final cost after rebate is \$1,389.00 for a Toshiba e-STUDIO 2040C Color Copier, Printer and Scanner System after rebate is \$1,389.00. Maintenance agreement is \$13.35 per month for 1,500 black & white per month and \$14.75 per month for 250 color copies per month. Black and white overages are billed at \$.0089 per page and color at \$.059 per page.

A motion was made by Councilman Gick and seconded by Councilwoman Neer to purchase the Konica Minolta BizHub C224 Full Color Multi-Function Copier, Printer & Scanner from Copier Fax Business Technologies, Inc. for \$998.78 with the maintenance agreement. The motion passed with the following Roll Call Vote:

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

ZEO/CEO Report - Tom Douglas

- 2 permits were issued - one for a 30 x 40 accessory building/garage and one for a commercial addition.
- Owner of the Bethany Air Park is correcting the violation for the construction of a light tower with out the site plan review, area variance and permits.
- Violation concerning the construction of 2 additions on a home without permits has been referred to the town attorney.

Town Justice Report - Bill Shea

- Beginning January 1st the Office of Court Administration will no longer accept checks from the individual justices. Monies must be turned over to the Town and the Town will make payment to the state.

Board Committee Report

Councilman Gick

- Planning Board met on November 1, 2012.
 - o Review of a Site Plan Review and an Area Variance submitted by Bethany Air Park. Tabled Site Plan Review pending the decision of the ZBA concerning the Area Variance. The Planning Board recommended approval of the Area Variance to the ZBA.
 - o Granted approval of the Land Separation submitted by Gary DeVoe pending resolution of the recommendations submitted by the Town Attorney.
 - o Discussed the inclusion of language to change the Hamlet/Residential District section of the Comprehensive Plan to Hamlet District.

Councilman Wenhold

- Senior Meals going well. A combination Thanksgiving/Christmas party was held and everyone had a good time.

Councilman Pietrzykowski

- NYS Comptroller's office performed an audit that found that controls needed to be tightened. The bills must be approved by the Board of Directors prior to payment. This correction will be made.
- Received a letter stating that the Town has moved up on the list for grant funding for the Recycling Center.
- Has spoken to a contractor that will help to write the specifications for the electrical upgrade at the Highway Department.

Councilwoman Neer

- Presented Lisa Lyons and Wade Smith from Tri-Town Athletics, Inc. who informed the board of the functions of the organization.
 - o Tri-Town has been in operation since the 1970's and provides organized softball, baseball, football, soccer and cheerleading to Alexander school children between the ages of 3-14. The school does not offer organized sports to children of this age group.
 - o Children from other areas are also accepted into the program if their area does not offer these sports.
 - o The organization would also like to begin offering scholarships to children whose family may be unable to afford the program.
 - o The program runs on donations.
 - o They use the Tri-Town Athletic fields behind the Alexander Recreation Hall for outdoor sports (not Field of Dreams) and the school allows them to use the gym for basketball.
 - o Advertising is done through the Pennysaver and flyers which are handed out at school.

Resolution #7-2012 Youth Donation - Tri-Town Athletics

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, the Town Board believes that in order for youths to live successful lives as adults they need a variety of recreation and youth development opportunities that will help them develop to their full potential; and

WHEREAS, the Town Board feels it is in the best interests of the Town of Bethany to encourage and support youth activities that provide positive activities and promote sportsmanship, courtesy, dignity and respect among its participants; and

WHEREAS, sometimes in rural areas, youths that are not engaged in structured activities tend to hang out and congregate due to having nothing better to do with their time and energy leading to criminal mischief; teen pregnancy; reduction in property values and decay within the whole community; and

WHEREAS, Tri-Town Youth Athletics, Inc. has approached the Town of Bethany for a donation to its youth program; and

WHEREAS, the Town of Bethany has budgeted \$1,455.00 in 2012 for Joint Youth Projects under account A7320.4 with some of these funds earmarked for the two summer recreation programs; and

WHEREAS, the Town of Bethany feels it is in the best interests of the Town to support and encourage structured youth activities and feels that Tri-Town Youth Athletics, Inc. is an appropriate entity to give a donation to.

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

RESOLVED, that the Town Board of the Town of Bethany feels it is in the best interests of the Town of Bethany to give a donation in the amount of \$300.00 to Tri-Town Youth Athletics, Inc. as permitted by §95 of New York State General Municipal Law.

The motion passed with the following Roll Call Vote:

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

OLD BUSINESS

Generator Installation - Update

- Generator is operational.
- Barriers will be finished shortly.

Cemetery Easement - Update

- Notification has been received from the Town Attorney that the petition will be in front of the Supreme Court in Batavia on November 30, 2012 at 9:30 a.m.

Public Hearing - 2013 Budget

- Supervisor Gayton opened the public hearing for the 2013 Preliminary Budget at 8:00 p.m.
- No one was present to speak on the Budget.
- The tax rate is the same as 2012.

A motion was made by Councilman Gick and seconded by Councilman Pietrzykowski to close the Public Hearing at 8:13 p.m. with no one speaking on the 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	

A motion was made by Councilwoman Neer and seconded by Councilman Gick to approve the 2013 Preliminary 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	

Executive Session

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to enter into Executive Session to discuss the ongoing litigation (Cipriano vs Town Assessor Conti) and a possible pending litigation with the Town Attorney at 8:05 p.m. The motion passed with the following Roll Call Vote:

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

- The Board returned from Executive Session at 8:10 p.m.

NEW BUSINESS

Petition for Water District - Carl Hyde, Jr.

- Carl Hyde, Jr. presented a petition signed by approximately 100 Bethany residents for a proposed water district.
- The proposed district would include Clipnock Road, Torrey Road, Little Canada Road, Fargo Road, a portion of Ellicott Street Road, a portion of East Bethany-LeRoy Road and Transit Road.
- Residents spoke of their water concerns including little or no water, black water, sulfur water and iron.
- The Town Attorney received the petition at that time and encouraged residents to document their water problems with photos, saving clothing that is ruined by the water, etc. because it would help in pleading the case to the New York State Comptroller's office when asking for approval of a water district.
- Now that a petition has been received the Town Board can proceed to work on getting a water district approved with the help of the Town Attorney.
- The Board will await the direction of the Town Attorney.
- The contact person for the group is Carl Hyde, Jr.

Community Service - Justin Nevinger

- Justin Nevinger attends The Aquinas Institute of Rochester and is required to perform a minimum of eight hours of community service for each semester for his Theology class.
- He has asked to be allowed to assist residents with unloading and distributing of refuse and recyclables at the Town Transfer Station.
- Aquinas will be contacted to provide information concerning insurance.

A motion was made by Councilwoman Neer and seconded by Councilman Wenhold to allow Justin Nevinger to fulfil his community service requirement at the Town of Bethany Transfer Station provided a letter is received from the school stating that he is covered by their insurance during his service. The motion passed with the following Roll Call Vote:

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

Payment from 915 Account - Approval of

- Supervisor Gayton requested authorization to pay bills for the installation of the generator in the amount of \$220.94.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to authorize Supervisor Gayton to pay bills for the installation of the generator in the amount of \$220.94 from the 915 Account. 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 Board approved the payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,893.24	\$ 5,560.09
Highway Fund	\$ 5,352.52	\$ 20,627.71

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 Gick 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 15, 2012

Respectfully Submitted,

 Debbie L. Douglas
 Bethany Town Clerk