

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

13 MAY 2013

Supervisor Gayton opened the May 13, 2013 Regular Town Board Meeting at 7:04 p. m.

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	Tom Douglas, CEO/ZEO
Linda Schmidt, Historian	

Attendees to the Meeting were:

Carl Hyde	Maelynn Hyde
Tom Foss	Pat Pietrzykowski
Ray Cipriano	Jim Phillips

Finances

Supervisor Gayton presented the finances for April 2013.

General Savings	\$	900,855.07
915 Savings	\$	310,791.84
Highway Savings	\$	265,547.69
Highway Fund Misc. Savings	\$	859.37
Capital Project Highway	\$	16,217.40
AP/PR Account	\$	38,621.72
Trust & Agency Account	\$	4,759.55
Petty Cash	\$	250.00
Justice Savings	\$	8,275.52
Total		\$ 1,546,178.16

Revenues Received		
Debbie Douglas, Town Clerk	\$	2,055.53
Debbie Douglas, Tax Collector	\$	8.21
Debbie Douglas, Tax Collector	\$	92.00
Debbie Douglas, Tax Collector	\$	200.00
Debbie Douglas, Tax Collector	\$	2,227.46
Debbie Douglas, Tax Collector	\$	58.45
County of Genesee	\$.91
County of Genesee	\$	123,298.27
Bethany Justice Shea	\$	1,010.00
Bethany Justice McBride	\$	4,560.00
US Gypsum Co.	\$	34.21
Stanley Staba	\$	98.00
Time Warner	\$	7,216.11

- One building violation was issued for the renovation of a partially collapsed garage that was rebuilt as living area. This violation was found through road review. A permit application has been submitted.
- The ongoing investigation into a person living in uninhabitable building is nearing completion. Adult services was contacted and they verified that the person was moved to an apartment complex in Batavia some time last month. The property owner was contacted and responded to the violation letter. An inspection by CEO was to take place on May 11, however the property owner failed to contact CEO with time to meet. CEO will contact property owner again to reschedule the appointment.
- The Town Supervisor received a complaint of uninhabitable living conditions at a residence on Broadway Road. This complaint has been addressed in the past. Genesee County Health Department representative and CEO met at site and verified inaccuracies in the complaint and inspected the residence, septic, and surrounding yards. CEO and Health Department representative were in agreement that while the living conditions were not ideal, they met the minimal requirements. CEO again contacted the homeowner on May 8 after receiving the latest complaint and found a new violation pertaining to garbage. The homeowner was instructed to immediately remedy the violation and stated that it would be taken care of on May 11. The homeowner called stating that the violation had been taken care of. CEO verified on May 13.
- Road review for the entire Town was completed on May 8. 24 vehicles in 19 locations were found to be without plates. Letters concerning these violations will be sent out shortly. Violations are also being entered into the new BMSI program for tracking. The number of illegal vehicles has declined as well as the amount of scrap and junk. (Possibly due to the high metal recycling prices.) Home/residence upkeep appears to be better.
- Have divided the Town into sixths for road review and will cover the entire town about every 30 days.
- During the next road review will be looking for house number issues as previously discussed with Steve Sharp. Will contact Genesee County 9-1-1 and the Bethany Fire Department prior to this review about acquiring/creating a flyer about easily visible house number for residences, buildings and structures which appear to be inadequate.
- The total dollar value for new construction last year was \$358,500 for 13 permits. Thus far this year, 13 permits have been issued for an approximate value of \$486,000.

Highway Superintendent Report - Paul Fleming

- Has been working with the County Highway Department in planning paving. Are planning on finishing Transit Road and also repairing a bad part of the intersection of Brown and Francis Roads.
- Have been hauling material for summer projects.

Town Justice Report -

- The new surcharges have come down from State.
- DEC is issuing tickets for illegal burning.

Board Committee Reports

Councilman Gick

- Planning Board met on May 2 and finished revisions to the Comprehensive Plan. Zoning amendments are almost complete.

Councilman Wenhold

- Senior meals are going well. Have approximately 18 active members.

Councilwoman Neer

- Presented the minutes from the February 19 Intercommunity Medical Building meeting. They are still working on updates to the building. The next meeting will be held on May 21st.

Councilman Pietrzykowski

- Town Attorney is working on contract for recycling. Putting together information for the recycling grant.

OLD BUSINESS

Water District #2 - Household Income Survey Update

- Have 7 or 8 letters that must be delivered to residents who have not responded to the Household Income Survey. Councilwoman Neer will deliver them to each of the residents.

Old Town Hall - Update

- The people who looked at the Old Town Hall have decided that it was more of a project than they were looking for. Realtor suggests that an auction would be the best course of action to sell the building and offered her assistance.
- Old Town Hall Preservation Committee will meet on Tuesday, June 1, 2013 at 7:00 p.m. at the Old Town Hall.

Bid Award - Highway Department Electrical Upgrade

- After review the lowest bidder was determined to be Marcy Electric of Castile, NY.
- Option #1 will be exercised to prepare for the future installation of a generator.
- Marcy Electric is not required to use prevailing wage as they are an owner only business with no employees.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to award the bid for the Highway Department Electrical Upgrade to Marcy Electric of Castile, NY in the amount of \$10,932.00 which includes Option #1. No bond is required. The motion passed with the following Roll Call Vote:

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

Fire Protection Contract - Extension

- The Fire Protection Contract has not been signed as yet and the budget has not been received.
- Spoke with Board of Directors Chair, George Larish. He will facilitate both.

- In the meantime, the Town Board will extend last year's contract until the June 10, 2013 Town Board meeting so that insurance coverage is provided for the Fire Company.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to extend the Fire Protection Contract for 2012-2013 until June 10, 2013. The motion passed with the following Roll Call Vote:

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

Loader - Purchase or Lease Update

- Both leasing and purchasing of a new loader would need to be bid unless it is from state bid.

Resolution #8-2013 Support of Legislation Restricting False Liens Against Public Officers and Public Employees

WHEREAS, a 2012 study by the National Association of Secretaries of State indicates a "dramatic rise" in bogus filings under the Uniform Commercial Code (UCC) in recent years mainly filed by the "sovereign citizens movement" and,

WHEREAS, recent court rulings have noted that phony filings by people in separatist groups or who believe they are not subject to government rules or control have ensnared public officials in all branches and at all levels of government by filing property liens or tax forms that have triggered unwarranted credit reviews and IRS scrutiny and,

WHEREAS, opponents of such "paper terrorism" indicate that the Uniform Commercial Code provides a way for creditors to record an interest in a debtor's property through filing notice to debtor's future creditors and,

WHEREAS, the Uniform Commercial Code must accept each statement filed for recording and subsequently make it available for public viewing that later may be found to be fraudulent resulting in a negative result on a persons credit statement and could be used as a tool to unjustifiably characterize a person as target of a false filing as a credit risk and,

WHEREAS, no person whether elected, or appointed properly acting in their roles as public servants should be subject to the personal, financial and emotional stress caused by this conduct, therefore be it,

RESOLVED, that the Town of Bethany encourages local governments, county governments, law enforcement, the Association of Towns, New York Conference of Mayors and the Office of Court Administration to work together to provide the state legislature with legislation that will protect public servants from exposure to this conduct and be it further

RESOLVED, that the New York State Assembly and the New York State Senate expeditiously consider all legislation to solve this problem and be it further

RESOLVED, that the Town Clerk send copies of this resolution to all involved parties to accelerate enactment of any proposed legislation and be it further

RESOLVED, that the Town of Bethany does hereby certify and support the proposed legislation and was passed on the by the majority vote.

A motion was made by Councilman Wenhold and seconded by Councilman Gick to approve Resolution #8-2013 Support of Legislation Restricting False Liens Against Public Officers and Public Employees. 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

915 Account - Payment from

- Supervisor Gayton is requesting permission to pay a bill from Attorney David DiMatteo in the amount of \$673.75 from the 915 Account for Water District #2.

A motion was made by Councilman Gick and seconded by Councilman Wenhold authorizing Supervisor Gayton to pay Attorney David DiMatteo in the amount of \$673.75 from the 915 Account for Water District #2. The motion passed with the following Roll Call Vote:

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

Travel Request - Highway School - Highway Superintendent Fleming

- Highway Superintendent Fleming is requesting permission to attend Highway School at Ithaca College in Ithaca, NY from June 3-5, 2013.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to authorize Highway Superintendent Fleming to attend Highway School at Ithaca College from June 3-5, 2013. The motion passed with the following Roll Call Vote:

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

Salt Shed - Repairs

- The covering on the salt shed is weathered in the back. Coverall is not in business any more.
- Highway Superintendent Fleming is researching other options.

Hot Water Heater - Community Center

- When repairs to the water system were being completed in the Community Center it was discovered that the hot water heater was bad. Supervisor Gayton authorized replacement of the hot water heater with a larger one. This will alleviate over heating of the unit when large functions are held. The cost of the unit was \$1,000.00

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to approve the payment of \$1,000.00 for the water heater. The motion passed with the following Roll Call Vote:

