

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

10 June 2013

Supervisor Gayton opened the June 10, 2013 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	Bill Gick, Councilman
Walter Wenhold, Councilman	Susan Neer, Councilwoman
Edward Pietrzykowski, Councilman	Debbie Douglas, Town Clerk
Bill Shea, Town Justice	Tom Douglas, CEO/ZEO
Tom McBride, Town Justice	Linda Schmidt, Historian

Attendees to the Meeting were:

Carl Hyde	Maelynn Hyde
Tom Foss	Pat Pietrzykowski
Ray Cipriano	Jim Phillips
Esther Leadley, County Legislator	

Finances

Supervisor Gayton presented the finances for May 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	\$	1,987.37
Debbie Douglas, Tax Collector	\$	2.68
Pavilion Community Chest	\$	2,000.00
Genesee County Treasurer	\$	9,277.36
Debbie Douglas, Tax Collector	\$	2,227.46
Bethany Justice Shea	\$	2,100.00
Bethany Justice McBride	\$	2,045.00
NYS Comptroller	\$	20.00
Stanley Staba	\$	22.80
NYS Dept of Taxation	\$	1,160.00

Total Revenue	\$	20,842.67
Total Revenue & Interest	\$	21,040.06

Town Clerk Report - Debbie Douglas

- Presented the Minutes of the May 13, 2013 Regular Town Board meeting.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to approve the Minutes of the May 13, 2013 Regular Town Board meeting as presented. The motion passed with All In Favor.

- Norma Zehler, former Court Clerk, Enumerator and Veteran's Officer passed away on June 8th. The family is requesting memorials be made to the Mary Immaculate Parish (Immaculate Conception site) or Bethany Volunteer Fire Company.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to make a memorial donation of \$25 to each Mary Immaculate Parish (Immaculate Conception site) and Bethany Volunteer Fire Company. The motion passed with the following Roll Call Vote:

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

Highway Superintendent Report - Paul Fleming

- Will begin chipping when weather allows.
- Mowing has started but wet weather has been a hinderance.

Town Justice Report - Justice Shea

- Working on phone line.

Board Committee Reports

Councilman Gick

- Planning Board met on June 6. Reviewed an area variance application submitted by Robert & Patricia Puleo and recommended approval to the ZBA.

Councilman Wenhold

- Senior Meals are going well. A letter will be sent to the Office for the Aging stating the Town's wishes for the expenditure of funds designated for the meal site by the Town. These expenditures will include food, decorations, trips, on-site entertainment, educational speakers, paper products and holiday novelties at the Bethany site. Any unspent funds should be carried over to the next year for the Bethany site.

A motion was made by Councilwoman Neer and seconded by Councilman Wenhold to send a letter to the Office for the Aging stating that the Town requests that the funds designated for the Bethany meal site be used for food, decorations, trips, on-site entertainment, educational speakers, paper products and holiday novelties at the Bethany site. Any unspent funds should be carried over to the next year for the Bethany site. The motion passed with the following Roll Call Vote:

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

Councilwoman Neer - Yes

Councilman Pietrzykowski

- The Fire Department contract has been signed however the budget has not been received. When the budget has been received, the check will be released.
- The Town Board is having a workshop meeting on Monday, June 17, to discuss the Union Contract negotiations. At that time they will also discuss the recycling contract prepared by the Town Attorney's office.
- Will be meeting with the grant writers for the recycling grant this week.

OLD BUSINESS

Water District #2 - Household Income Survey Update

- There were not enough responses to the income survey. The income of the responding surveys was still too high to qualify for grants.
- Supervisor Gayton has asked the Town Attorney to arrange another meeting with the engineers to see if there is anything further that can be done.

Old Town Hall - Update

- The Old Town Hall Preservation Committee met on June 4.
- Repair of the basement and foundation was discussed. The standing water needs to be removed.
- The easement from the cemetery has another court date coming up.

Planning Board Secretary - Update

- No response to new advertisement. Will keep looking for someone to fill the position.

NEW BUSINESS

Resolution #9-2013 - Approving the Designation of the New York State Secretary of State as Agent for Notice of Claims

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, Governor Andrew M. Cuomo has signed the Uniform Notice of Claim Act which changes the way potential plaintiff can serve a Notice of Claim prior to commencing a personal injury or property damage lawsuit against a municipality; and

WHEREAS, the new Act sets forth a uniform procedure for claims against public entities in New York which includes the filing of a Certificate with the Secretary of State designating the Secretary as an agent who may be served with a notice of claim; and

WHEREAS, if a potential plaintiff files a notice of claim with the Secretary of State, he or she must pay a fee of up to \$250.00 which will be split between the Town and the State. If the Town fails to submit this Certificate, it will forfeit its right to receive a portion of this service fee.

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

RESOLVED, by the Town Board of the Town of Bethany finds it in the best interest of the Town to submit a Certificate with the Secretary of State designating the Secretary as an agent who may be served with a notice of claim, a copy of which is attached hereto.

The motion passed with the following Roll Call Vote:

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

<p>CERTIFICATE</p> <p>DESIGNATION OF THE</p> <p>NEW YORK STATE SECRETARY OF STATE</p> <p>AS AN AGENT</p> <p>FOR</p> <p>NOTICE OF CLAIM</p> <hr/>	
<p>The Town Board of the Town of Bethany hereby designates the New York State Secretary of State as an agent for service of a Notice of Claim, pursuant to New York General Municipal Law Section Fifty-Three, Subsection Two (§53(2)).</p>	
<p>In any case founded upon tort where a Notice of Claim is required by law as a condition precedent to the commencement of an action or special proceeding against the Town, or any officer, appointee or employee thereof, the Notice of Claim shall comply with and be served in accordance with the provisions of General Municipal Law Section fifty-e (§50-e) within ninety (90) days after the claim arises; except that in wrongful death actions, the ninety (90) days shall run from the appointment of a representative of the decedent's estate.</p>	
<p>All Notices of Claim received by the Secretary of State, as agent for service upon the Town of Bethany, shall be transmitted to the Town Clerk of the Town of Bethany as officer, person, designee, nominee, or other agent-in-fact for the Town, located at:</p>	
<p>Town of Bethany Town Clerk 10510 Bethany Center Road Bethany, New York 14054 585-343-1933 585-343-8805 tab-clerk@townofbethany.com</p>	
<p>By order of the Town Board of the Town of Bethany,</p>	
<p>Dated: <u>June 11</u>, 2013</p>	<p><u>Debbie L. Douglas</u> Debbie Douglas, Town Clerk Town of Bethany</p>
<p>Filed with the New York State Secretary of State on the _____ day of _____, 2013.</p>	

Water District 915 Account – Approval of Payment From

- Supervisor Gayton is requesting authorization to pay Town Attorney David DiMatteo \$78.75 from the Water District 915 account for work related to the water district.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold authorizing Supervisor Gayton to make the payment of \$78.75 to Town Attorney David DiMatteo. 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 - Request for Bids for Repairs

- The request for bids for replacement of the covering on the salt shed will be advertised.

Justices - Conflict of Interest with Fire Department

- Councilman Pietrzykowski had been approached and asked if it was a conflict of interest for Town Justices to serve as an officer or director with the Volunteer Fire Company. After contacting the Town Attorney, it was determined that it is not a conflict and Town Justices are free to serve with the fire company.

Pat Pietrzykowski - Spraying of Weeds Along Fence Line

- Pat Pietrzykowski presented a letter asking that the Town refrain from spraying weed killer along the fence line between his property and the town's property.
- Supervisor Gayton stated that there were no plans to spray for weeds. If Mr. Pietrzykowski wishes to maintain the weeds on the side of the fence facing his property, he is welcome to do so.
- Mr. Pietrzykowski's letter will be forwarded to the Town Attorney.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,476.43	\$ 4,922.65
Highway Fund	\$ 5,803.96	\$ 9,625.88
Water Fund	\$ 0.00	\$
78.75		
Justice Fund	\$ 2,835.00	\$ 2,835.00

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 Councilwoman Neer to adjourn the meeting at 7:45 p.m. The motion passed with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: June 11, 2013

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk