

## TOWN OF BETHANY

## REGULAR TOWN BOARD MEETING

08 July 2013

Supervisor Gayton opened the July 8, 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
Tom Douglas, CEO/ZEO	Linda Schmidt, Historian

## Attendees to the Meeting were:

Carl Hyde	Barb Czworka
Tom Foss	Pat Pietrzykowski
Jim Phillips	Don Schmidt
John Volpe	Mary Volpe
Jodi Laird	

Finances

Supervisor Gayton presented the finances for June 2013.

General Savings	\$	789,927.16
915 Savings	\$	310,091.16
Highway Savings	\$	207,101.74
Highway Fund Misc. Savings	\$	859.44
Capital Project Highway	\$	16,218.72
AP/PR Account	\$	37,245.22
Trust & Agency Account	\$	4,301.92
Petty Cash	\$	250.00
Justice Savings	\$	11,440.15
Total		\$ 1,377,435.51
Revenues Received		
Debbie Douglas, Town Clerk	\$	2,084.30
EASCO Brokerage	\$	282.43
EASCO Brokerage	\$	206.50
EASCO Brokerage	\$	413.60
Bethany Justice Shea	\$	3,342.00
Bethany Justice McBride	\$	2,025.00
Stanley Staba	\$	71.40
Stanley Staba	\$	309.45
Total Revenue	\$	8,757.48
Total Revenue & Interest	\$	8,915.20

Town Clerk Report - Debbie Douglas

- Presented the Minutes of the June 10, 2013 Regular Town Board meeting.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to approve the Minutes of the June 10, 2013 Regular Town Board meeting as presented. The motion passed with All In Favor.

- Presented the Minutes of the June 17, 2013 Town Board Workshop.

A motion was made by Councilwoman Neer and seconded by Councilman Pietrzykowski to approve the Minutes of the June 17, 2013 Town Board Workshop as presented. The motion passed with All In Favor.

Resolution # 10-2013 Approving the Town Clerk to Receive Notices of Claims Served Upon the New York State Secretary of State

**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**, General Municipal Law, § 53 requires Towns to file a certificate with the Secretary of State designating the Secretary of State as agent for service of a notice of claim; and

**WHEREAS**, General Municipal Law, § 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer or person for the transmittal of notices of claim served upon the Secretary as the Town's agent; and

**WHEREAS**, pursuant to General Municipal Law, § 50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is ninety (90) days after the claim arises, or in the case of a wrongful death action, ninety (90) days from the appointment of a representative of the decedent's estate.

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

**RESOLVED**, that the Town Board of the Town of Bethany, County of Genesee, designates the Debbie Douglas, in her capacity as Town Clerk to receive notices of claims served upon the Secretary of State by mail at 10510 Bethany Center Road, Bethany, New York 14054 and email at [tob-clerk@townofbethany.com](mailto:tob-clerk@townofbethany.com) .

The motion passed with the following Roll Call Vote:

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

Town Clerk Office Hours

- Due to a lack of business on Wednesday evenings, the Town Clerk's office will be open from 10 am - 5 pm on Wednesdays beginning July 24<sup>th</sup>.

ZEO/CEO Report - Tom Douglas

- Has been researching the use of mobile homes for farmworkers with the help of the Town Attorney
- Barn being illegally occupied on Francis Road has been vacated. File has been closed after meeting with the property owner.

- Trash situation at Broadway Road property is improving. Continuing to research programs that may be of help to the property owner.
- Permits issued for
  - o 30 x 40 pole barn on Creek Road
  - o Barn on Francis Road
  - o Generator installation
  - o House on Conway Road
  - o 24 x 40 pole barn on Transit Road
- House being constructed on Linden Road is requiring excessive re-inspection due to unacceptable work. 9 inspections have been performed with only the foundation complete.
  - o The Town's fee schedule states that if re-inspections are required due to unacceptable work or any other reasonable cause a fee of \$25 per hour shall be charged to the applicant.
  - o CEO will be billing the property owner for 4 inspections thus far.

#### Highway Superintendent Report - Paul Fleming

- Four miles of road have been chipped and broomed.
- Mowing continues
- Silver Road flooded recently and has been repaired.
- Has some more research to complete regarding the salt shed.

#### Board Committee Reports

##### Councilman Gick

- Two workshop meetings have been held to review the Union Contract in preparation for negotiations.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to meet with the Scott Chismar and the Union employees on Monday, July 29<sup>th</sup> at 7:00 pm to begin negotiations. The motion passed with the following Roll Call Vote:

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

##### Councilman Wenhold

- Seniors had an outing to Hidden Valley Animal Adventures.
- ZBA met and approved an Area Variance for Puleo on Bethany Center Road.

##### Councilwoman Neer

- The summer recreation schedule for Alexander has been received.
- GCASA will be sending informational materials for display at the Town Hall.

##### Councilman Pietrzykowski

- Board met with Brent Arnold from Ed Arnold Scrap Processors and went over the contract.
- Look at the used baler at Ed Arnold's and is waiting for a purchase price.
- No new information on the recycling grant.
- Highway Superintendent will be checking on roll-off for scrap metal at Transfer Station.

## OLD BUSINESS

### Water District #2 - Income Survey - Update

- Four more complete surveys are needed to meet the minimum requirement.
- Residents are being contacted to encourage them to return surveys.

### Old Town Hall - Update

- The easement from Maple Lawn Cemetery has been approved by the Supreme Court. Waiting for approval from the Cemetery Association.
- The Town has agreed to carry the insurance on the 20' easement.
- The Old Town Hall Preservation Committee will be meeting on July 10<sup>th</sup> at the Old Town Hall at 7:00 p.m. Members of the Landmark Society will be attending.

### Loader - Replacement of

- The Town is allowed to turn in the used loader owned by the Town toward the downpayment on the new loader from George & Swede Sales & Service.
- Price with the trade-in is \$119,000.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to purchase the loader from George & Swede Sales & Service and look into trading in 2 years. The purchase will include trading in the Town's current loader plus \$119,000. The motion passed with the following Roll Call Vote:

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

### Phone Line Installation - Justice Court

- The new phone line has been installed and is in use.

### Cipriano - Claim Against Assessor

- Mr. Cipriano has dropped his claim against the assessor. The Town Supervisor will give a full report at a later date.

## NEW BUSINESS

### H200 Projects Account - Transfer Funds

- Supervisor Gayton is requesting authorization to move \$120,000 to the H200 Projects Account to pay for the new loader.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer authorizing Supervisor Gayton to move \$120,000 to the H200 Projects Account for the purchase of the loader. The motion passed with the following Roll Call Vote:

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

### Water District 915 Account - Approval of Payment From

- Supervisor Gayton is requesting authorization to pay Town Attorney David DiMatteo \$61.25 from the Water District 915 account for work related to the water district.

A motion was made by Councilman Pietrzyskowski and seconded by Councilman Wenhold authorizing Supervisor Gayton to make the payment of \$61.25 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	

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,239.05	\$11,724.40
Highway Fund	\$ 0.00	\$84,695.12
Fire Protection Fund	\$80,644.00	\$80,644.00
Water Fund	\$ 0.00	\$
61.25		
Justice Fund	\$ 2,820.00	\$ 2,820.00

Reading of the Minutes - Suspension of

A motion was made by Councilman Gick 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 Councilwoman Neer and seconded by Councilman Wenhold to adjourn the meeting at 7:45 p.m. The motion passed with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: July 9, 2013

Respectfully Submitted,  
  
Debbie L. Douglas  
Bethany Town Clerk