

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

09 September 2013

Supervisor Gayton opened the September 9, 2013 Regular Town Board Meeting at 6:59 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
Linda Schmidt, Historian	Deborah Conti, Assessor

Attendees to the Meeting were:

Carl Hyde, Jr.	Maelynn Hyde
Tom Foss	Don Schmidt
Mary Volpe	Barb Czworka
Gretchen Pietrzykowski	Wayne Smith
Gail Smith	Bob Reyes
Elaine Shell	Dan Adams
Greg Torrey	

Finances

Supervisor Gayton presented the finances for August 2013.

General Savings	\$	769,281.89
915 Savings	\$	309,946.37
Highway Savings	\$	70,297.27
Highway Fund Misc. Savings	\$	859.51
Capital Project Highway	\$	136,225.09
AP/PR Account	\$	37,765.24
Trust & Agency Account	\$	4,302.30
Petty Cash	\$	250.00
Justice Savings	\$	12,669.23
Total		\$ 1,341,596.90
Revenues Received		
Bethany Justice Shea	\$	1,290.00
Bethany Justice McBride	\$	1,855.00
Total Revenue	\$	3,145.00
Total Revenue & Interest	\$	3,167.80

- Presented the Minutes of the August 12, 2013 Regular Town Board meeting.

A motion was made by Councilman Gick and seconded by Councilman Pietrzykowski to approve the Minutes of the August 12, 2013 Regular Town Board meeting as presented. The motion passed with All In Favor.

- Presented the Minutes of the August 26, 2013 Town Board Workshop meeting.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to approve the Minutes of the August 26, 2013 Town Board Workshop meeting as presented. The motion passed with All In Favor.

CEO/ZEO Report - Tom Douglas read by Debbie Douglas

- Has received two zoning permit applications.
 - o One for an addition to an existing accessory building that includes the removal of an old addition and dilapidated portion of the building.
 - o One to erect a porch to replace an existing porch that has been torn down.
- Variance for porch at 10257 Bethany Center Road was approved by the ZBA after a public hearing was held on August 28.
- Two complaints have been received.
 - o Mud racing/noise at 9832 Bethany Center Road. Working with Town Attorney and the Board will be updated when a determination has been made.
 - o Motor Vehicle Repair shop at 582 Little Canada Extension. Property is owned by David Turski of Attica. Ray Radley is currently occupying the property by living in a camper. Does not have a temporary permit to occupy the camper. Neighbors have made numerous complaints concerning a person living in a camper and operating a motor vehicle repair shop. After multiple drive-by reviews and a site visit with Mr. Radley present, the occupation of the camper was confirmed. Operation of a Motor Vehicle Repair shop was not substantiated. All vehicles on the premises were owned by Mr. Radley. Mr. Radley expressed interest in obtaining the necessary permits/variances to install a double-wide on the property.

Assessor Report - Deborah Conti

- Encouraged property owners to renew their Basic STAR. If a letter or postcard is not received from the state she is able to look up information for the property owners so that they can complete their application.

Highway Superintendent Report - Paul Fleming

- Silver Road had some flooding about 2 months ago. The culvert pipe was deteriorated. Replaced it with 2 new culvert pipes for extra drainage.
- Transit Road has been paved.
- Intersection of Brown and Francis Roads has been repaired.
- CHIPS reimbursement application will be sent out as soon as all of the bills have been received.

- Marcy Electric was contacted regarding the work to be done at the Highway Department. Stated they would start next week.

Board Committee Reports

Councilman Gick

- Town Attorney David DiMatteo attended the Planning Board meeting to review changes to the Comprehensive Plan.
- Planning Board will have to hold a public hearing and complete SEQR when the Plan has been finalized.

Councilman Wenhold

- Senior Meals going well with 15-20 participants
- As stated in ZEO/CEO Douglas's report the ZBA approved an area variance for a porch on Bethany Center Road.

Councilwoman Neer

- Attended the Inter-Community Medical Building meeting at the end of August.
- The building had some flooding during one of the recent heavy rains. Some of the flooring will need to be replaced.
- Some painting and sprucing up is continuing.
- Holes in the parking lot are being filled.
- Next meeting is in November.

OLD BUSINESS

Water District #2 - Update

- Three properties were mistakenly left off the contact list. Letters will be delivered to those properties by Carl Hyde, Jr.

Recycling Grant - Update

- There has been no progression of this grant in the system.
- Grant writer is suggesting that it be updated and resubmitted.
- Supervisor Gayton and Councilman Pietrzykowski will be working on that.

Old Town Hall - Update

- Old Town Hall Committee met on August 13.
- Disposition/storage of Town artifacts was discussed.
- Town Attorney reviewed Option #2 presented by the Western New York Landmark Society and approved. The Landmark Society's Board of Directors has to approve it prior to moving forward.
- Article written by Dave Carli has been submitted to the Western New York Heritage Press.
- A public informational meeting was tentatively scheduled for September 18th however, there is more information needed before it can be held. It is postponed at this time.

Planning Board Secretary/Alternate - Appointment of

- Gretchen Pietrzykowski submitted a letter of interest.
- She addressed the Board stating her qualifications.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to appoint Gretchen Pietrzykowski to the open position of Secretary/Alternate to the Planning Board. The motion passed with the following Roll Call Vote:

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

JCAP Grant - Update

- Work is progressing on a plan for the grant.

Union Contract Negotiations - Update

- A proposal has been sent to the Union. Waiting for a response.

Resolution #14-2013 Appointment of Assessor

WHEREAS, Assessor Deborah Conti' s term expires September 30, 2013; and

WHEREAS, Deborah Conti has submitted a letter requesting reappointment to the position of Assessor; and

WHEREAS, the Town of Bethany is a member of the Coordinated Assessment Program (C.A.P.) with the Town of Pembroke and the Town of Darien; and

WHEREAS, the term of the C.A.P. is a five (5) year agreement commencing December 1, 2009 and expiring December 31, 2014; and

WHEREAS, the C.A.P. requires an appointment of one (1) Assessor that will provide assessment services for all Towns within the C.A.P. and the Assessor will assess all property in the program at a uniform percentage of full value; and

WHEREAS, the appointed Assessor must satisfy the minimum qualifications standards for Real Property Assessors established by the State Board of Real Property Services; and

WHEREAS, the towns of Pembroke and Darien have reappointed Ms. Conti as assessor; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board of the Town of Bethany, as a member of C.A.P., reappoints Deborah Conti as Assessor with a six (6) year term commencing October 1, 2013, provided the Town of Pembroke and the Town of Darien re-appoint the current Assessor.

A motion was made by Councilman Gick and seconded by Councilwoman Neer to approve Resolution #14-2013 Appointment of Assessor Deborah Conti. 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 Repair - Bid Out

- The quote received for the repair by Highway Superintendent Fleming was over \$10,000 and will therefore need to go out to bid.

A motion was made by Councilwoman Neer and seconded by Councilman Pietrzykowski to send the Salt shed repair out to bid. The motion passed with the following Roll Call Vote:

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

Councilman Gick - Yes
 Councilwoman Neer - Yes

NEW BUSINESS

Executive Session - Court Case

- Supervisor Gayton asked for Executive Session to discuss Cipriano court case.

A motion was made by Councilwoman Neer and seconded by Councilman Pietrzykowski to go into Executive Session to discuss a current court case. The motion passed with the following Roll Call Vote:

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

Councilman Gick - Yes
 Councilwoman Neer - Yes

- The Board returned from Executive Session at 7:30 p.m.

Hall Rental - Cleaning

- The hall was not cleaned after a rental on August 31st. A bill for the man hours spent to clean will be sent to the renter.

1974 Back Hoe - Surplus Equipment

- The 1974 Case 580 backhoe has several mechanical problems.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to declare the 1974 Case 580 backhoe surplus equipment and send it to auction. The motion passed with the following Roll Call Vote:

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

Councilman Gick - Yes
 Councilwoman Neer - Yes

2014 Budget

- Department Heads are reminded to return their budget sheets to Supervisor Gayton at their earliest convenience.

Public Comment

Elaine Shell & Wayne Smith - Mud Racing - Bethany Center Road

- Property owner at 9832 Bethany Center Road is holding mud races on his property. Noise is disturbing to the two complainants. Ms. Shell provided a highlighted copy of the Town's Zoning Law that she thinks pertains to this issue. It will be forwarded to ZEO/CEO Douglas.
- As stated in the ZEO's report, he is working with the Town Attorney on this matter and will update the Board when a determination has been made.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,617.87	\$ 4,905.14
Highway Fund	\$ 0.00	\$12,182.93
Water Fund	\$ 0.00	\$
0.00		
Justice Fund	\$ 1,650.00	\$ 1,650.00

Reading of the Minutes - Suspension of

A motion was made by Councilman Wenhold and seconded by Councilman Gick 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 8:02 p.m. The motion passed with All In Favor.

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

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk