

**TOWN OF BETHANY**  
**REGULAR TOWN BOARD MEETING**  
**16 October 2013**

Supervisor Gayton opened the October 16, 2013 Regular Town Board Meeting at 7:01 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 |
| Paul Fleming, Highway Superintendent | Bill Shea, Town Justice    |
| Tom McBride, Town Justice            |                            |

Attendees to the Meeting were:

|               |              |
|---------------|--------------|
| Tom Foss      | Greg Torrey  |
| Terry Alwardt | Jim Phillips |
| Ray Cipriano  |              |

Finances

Supervisor Gayton presented the finances for September 2013.

|                            |    |            |                 |
|----------------------------|----|------------|-----------------|
| General Savings            | \$ | 757,535.75 |                 |
| 915 Savings                | \$ | 309,970.15 |                 |
| Highway Savings            | \$ | 43,118.72  |                 |
| Highway Fund Misc. Savings | \$ | 859.54     |                 |
| Capital Project Highway    | \$ | 136,234.35 |                 |
| AP/PR Account              | \$ | 46,904.70  |                 |
| Trust & Agency Account     | \$ | 8,642.05   |                 |
| Petty Cash                 | \$ | 250.00     |                 |
| Justice Savings            | \$ | 13,514.75  |                 |
| Total                      |    |            | \$ 1,317,030.01 |
| Revenues Received          |    |            |                 |
| Debbie Douglas, Town Clerk | \$ | 1,718.34   |                 |
| NYMIR                      | \$ | 530.50     |                 |
| US Gypsum Co.              | \$ | 20.29      |                 |
| Stanley Staba              | \$ | 109.20     |                 |
| Bethany Justice Shea       | \$ | 2,125.00   |                 |
| Bethany Justice McBride    | \$ | 2,620.00   |                 |
| Stanley Staba              | \$ | 452.80     |                 |
| EASCO Brokerage            | \$ | 107.80     |                 |
| NYS Dept of Taxation       | \$ | 18,128.00  |                 |
| County of Genesee          | \$ | 8,826.48   |                 |
| Total Revenues             | \$ |            | 34,661.21       |
| Total Revenues & Interest  | \$ |            | 34,772.98       |

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the September 9, 2013 Regular Town Board meeting.

A motion was made by Councilman Gick and seconded by Councilman Pietrzykowski to approve the Minutes of the September 9, 2013 Regular Town Board meeting as presented. The motion passed with All In Favor.

- Genesee County Treasure, Scott German, Deputy Treasurer Matt Landers and Kathy Fleming attended the Genesee County Clerks' Association meeting yesterday and filled us in on some of the changes that will be made to the tax collection program.
- Will be attending a seminar presented by the NYS Retirement System Education Unit tomorrow at the Genesee County Fire Training Center. This is an all day session so the Clerk's office will be closed.
- Will be attending mandatory DEC training for the new vendor on October 29<sup>th</sup> in Batavia.

ZEO Report – Tom Douglas read by Debbie Douglas

- Had a problem with the laptop and had it looked at. Hard drive may be bad but has worked fine since getting it back. Will see how it goes.
- Has an application for an ag WEC. Working with Town Attorney for processing it.
- Met with Bill Baskin. Will be submitting a Site Plan Review Application for 2 ag buildings.
- Requested permission to attend the 2014 Niagara Frontier Building Officials Conference from January 26- 29, 2014 in Buffalo.
- Cost will be \$646. Cost will be shared with the City of Batavia and Genesee County.
- Attendance will fulfill the mandatory training requirements for 2014.

A motion was made by Councilwoman Neer and seconded by Councilman Gick to authorize CEO Douglas to attend the 2014 Niagara Fronties Building Official Conference in Buffalo on January 26-29, 2014. 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

- Trucks have been carwelled.
- Have started to fill the salt shed with salt.
- Have installed all but one plow on the trucks for the winter.
- Have been trimming trees.
- Working on replacing the front entrance to the highway garage.
- The backhoe went to auction and sold for \$5400. Check has not arrived yet.

Town Justice Report – Bill Shea

- Justices have been attending annual training.
- If a relative of the Justice is serving as the court clerk to that Justice, an application has to be filed with the state for approval.
- Justice Shea has filed the application for his wife. Justice McBride will file for his daughter.

Board Committee Reports

Councilman Wenhold

- The dietician speaks to the group on a monthly basis.
- Noted that volunteers have saved the program a lot of money. Most of the budget funding for the program comes from grants.

Councilwoman Neer

- The last meeting for the year for the Intercommunity Medical Building will be in November.
- The group is working on the logistics of selling the building. It is going to be more complicated than first thought.

#### Councilman Pietrzykowski

- Things seem to be going well with the fire department. Breakfasts have been well attended.

### OLD BUSINESS

#### Water District #2 – Update

- No new news.

#### Recycling Grant – Update

- Supervisor Gayton requested that Councilman Pietrzykowski set up a meeting with the grant writers for the recycling grant.

#### Old Town Hall – Update

- The WNY Landmark Society and the town attorney are working on the permissive referendum and the logistics of selling the building.
- Landmark Society may be able to help with the zoning.

#### JCAP Grant – Update

- There is not enough information to submit the application for the JCAP grant this year. Will continue to work on the project and finalize decisions for next years grant application.

#### Union Contract Negotiations – Update

- Negotiating committee has not received a response from the Union yet.

#### Salt Shed Repairs – Bid

- Bid documents were supplied by Supervisor Gayton.

### Town of Bethany Highway Salt Storage Building TARP

Location: 10440 Bethany Center Road  
East Bethany NY 14054

#### **Scope of work -----Replace TARP 50x100 ft Salt Storage Dome Building**

#### **Material**

Cover to be high density woven 11.7 ounce or **greater** Polyethylene material with a 10 yr warranty.

Cover to be held securely in place by a series of 10,000 lb lashing winches with zero stretch belting to existing framework.

Work is to be completed within 60 days from award.

#### **Requirements:**

The Contractor shall provide proof of insurance as required by the Town of Bethany, this shall include but not limited to Workman's Comp and Liability. The Contractor shall also be bonded. The Contractor shall provide references of similar work completed. The Contractor shall provide the Town of Bethany with schedule for approval.

Please contact Highway Superintendent Paul Fleming at 585-343-2908 to schedule a site visit.

Sealed proposals for the project entitled, **Town of Bethany Highway Department Salt Storage Cover**, will be **received** by the office of Town of Bethany Town Clerk, 10510 Bethany Center Road,

East Bethany, NY until **3:00 pm**, local time, on, **November 13, 2013**. Bids will be **opened** at **7:30 p.m.**, local time, on **November 13, 2013** at the Bethany Town Hall.

No bidder may withdraw his bid within thirty (30) days after the date of the bid opening.

**The Town of Bethany, New York reserves the right to waive any informalities or to reject any or all bids.**

The General Municipal Law of the State of New York requires that bidders certify, under penalty of perjury, that bids have been prepared without collusion with other bidders, subcontractors, suppliers, etc., in accordance with Chapter 751 of the laws of the State of New York.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to bid out the replacement/repair to the TARP on the salt shed. 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

##### Resolution #15-2013 Bonding of the Tax Collector

**WHEREAS**, the Town is required by law to file a bond on the Tax Collector with the County Clerk prior to tax rolls and bills being picked up, and

**WHEREAS**, the Town is required by law to bond the Tax Collector for the money in the control of the Tax Collector,

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector shall have no more than \$500,000.00 in her control at any time, and

**BE IT FURTHER RESOLVED** that the Tax Collector shall be bonded by the Town in the amount of \$500,000.00.

A motion was made by Councilman Wenhold and seconded by Councilman Gick to approve Resolution #15-2013 Bonding of the Tax Collector. The motion passed with the following Roll Call Vote:

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

##### 915 Account – Payment from

- Supervisor Gayton is requesting authorization to make a payment to Town Attorney David DiMatteo in the amount of \$26.25 for work related to Water District #2.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold authorizing Supervisor Gayton to make the payment of \$26.25 to Town Attorney David DiMatteo from the 915 Account for work related to 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 |                         |

##### Electronics Recycling

- Notice was received from the eWaste recycler, RCR&R, that they can no longer take the CRT TV's and monitors free of charge.
- They are asking for a new contract that will include a \$.25 per pound charge for the CRT units beginning November 1<sup>st</sup>. All other eWaste will remain free of charge.
- Highway Superintendent Fleming will speak with Ed Arnold Scrap Processors to see if they will take the CRT units free of charge.

Resolution #16-2013 Examination of of Justice Court Records

**WHEREAS**, Section 2019-a of the Uniform Justice Court Act requires that Town Justices annually provide their court records and dockets to there respective Town Auditing Board, and that such records be examined and that fact be entered into the minutes of the Board's proceedings; and

**WHEREAS**, an examination was conducted of the Town Justices records and dockets by the Bethany Town Board; now, therefore, be it

**RESOLVED**, the Bethany Town Board acknowledges that the required annual examination of the Justice Court 2012 records was completed at the October 16, 2013 regular Town Board meeting.

A motion was made by Councilwoman Neer and seconded by Councilman Gick to approve Resolution #16-2013, Examination of Justice Court Records. The motion passed with the following Roll Call Vote:

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

Resolution #17-2013 NYSDEC License Issuing Agent Agreement

**WHEREAS**, the Town Clerk's Office is an agent authorized by New York State Department of Environmental Conservation (NYSDEC) to issue licenses for the privilege of hunting and fishing in New York State; and

**WHEREAS**, the NYSDEC is in the process of using a new electronic issuing system; and

**WHEREAS**, each authorized licensing agent is required to enter into a NYSDEC Licensing Issuing Agent Agreement with the NYSDEC.

**NOW, THEREFORE, BE IT**

**RESOLVED** the Bethany Town Board hereby authorizes the Town Clerk to execute the License Issuing Agent Agreement between the NYSDEC and the Town of Bethany, a copy of which is annexed hereto and made part of the Town Board Minutes.

A Motion was made by councilman Wenhold seconded by Councilwoman Neer authorizing the Town Clerk to execute the Licensing Issuing Agent Agreement between the NYSDEC and the Town of Bethany. The motion passed with the following Roll Call Vote:

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

2014 Budget – Review of Tentative

- The tentative budget was reviewed by the Board

Resolution #18-2013 Scheduling of Public Hearing for Local Law #1-2013 to Override Tax Cap

**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**, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” add a new section 3-c to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

**WHEREAS**, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

**WHEREAS**, the Town Board of the Town of Bethany finds it in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

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

**RESOLVED**, by the Town Board of the Town of Bethany will hold a public hearing on the proposed adoption of said local law on the 7<sup>th</sup> day of November 2013 at 6:00 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

**RESOLVED**, that the Town Clerk is hereby authorized and directed to publish such public notice of the subject Public Hearing as required by 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 |                         |

**TOWN OF BETHANY  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN**, that a public hearing regarding a proposed local law will be held on the 7<sup>th</sup> day of November 2013 at 6:00 p.m. at the Bethany Community Center, located at 10510 Bethany Center Road, Bethany, New York.

The intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Bethany pursuant to General Municipal Law §3-c. and to allow the Town to adopt a town budget for (a) town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by GML §3-c.

**THIS PUBLIC HEARING IS BEING HELD TO HEAR ALL INTERESTED PARTIES AND CITIZENS FOR OR AGAINST THE ADOPTION OF SAID LOCAL LAW.**

A copy of the proposed local law is also available for review at the Town Clerk’s Office during regular office hours.

Resolution #19-2013 Adoption of the 2014 Preliminary Budget

RESOLVED, the Bethany Town Board hereby adopts the Preliminary Town Budget for 2014; and be it further

RESOLVED, that the 2014 Preliminary Town budget hereby be filed in the Office of the Bethany Town Clerk.

A motion was made by Councilwoman Neer and seconded by Councilman Pietrzykowski to approve Resolution #19-2013 Adopting of the 2014 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 |                         |

Resolution #20-2013 Scheduling of the Public Hearing for the 2014 Town Budget.

**RESOLVED**, that the Bethany Town Board hereby authorizes and orders that a Public Hearing on the Preliminary Town Budget for 2014 be conducted at the Bethany Town Hall, 10510 Bethany Center Road, East Bethany, New York, beginning at 6:00 p.m. on Thursday, November 7, 2013 at which time and place all interested persons will be heard; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to publish such public notice of the subject Public Hearing as required by law.

A motion was made by Councilwoman Neer and seconded by Councilman Gick to approve Resolution #20-2013 Scheduling of the Public Hearing for the 2014 Town 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 |                         |

**NOTICE OF PUBLIC HEARING  
2014 PRELIMINARY BUDGET  
FOR THE  
TOWN OF BETHANY**

**NOTICE IS HEREBY GIVEN** that the Preliminary Budget of the Town of Bethany for the fiscal year starting January 1, 2014 has been completed and filed at the office of the Bethany Town Clerk. The 2014 Preliminary Budget is available for inspection by any interested person during the normal business hours of the Town Clerk located at the Bethany Town Offices, 10510 Bethany Center Road, East Bethany NY 14054.

**FURTHER NOTICE IS GIVEN** that the 2014 Preliminary Budget will be reviewed at a Public Hearing, conducted by the Bethany Town Board, at the Bethany Town Hall on Thursday, November 7, 2013 at 6:00 p.m. At this time all interested persons will be heard on all items pertaining to the 2014 Preliminary Budget.

**PURSUANT** to Section 108 of the Town Law, the proposed salaries of the following Town Officials are hereby specified:

|                  |             |
|------------------|-------------|
| Town Supervisor: | \$ 6,375.00 |
| Town Clerk:      | \$19,499.00 |

Tax Collector: \$ 2,829.00  
 Town Council members (4) \$ 1,651.75  
 Town Justice (2) \$ 9,070.00  
 Highway Superintendent \$53,072.00

Highway Building Electrical Upgrade

- Marcy Electric has not started the work that was awarded by bid for the electrical upgrade at the Highway department.
- Highway Superintendent Fleming has made several attempts to contact the contractor with no success.
- Supervisor Gayton will check into this.

SCOPE – Rifle Hunting in Genesee County

- SCOPE approached Councilman Pietrzykowski about the Town Board supporting rifle hunting in Genesee County.

Warrant

- The Board approved payment of the bills as follows:

|              | <u>Prepaid</u> | <u>Total</u> |
|--------------|----------------|--------------|
| General Fund | \$ 1,615.56    | \$ 7,081.73  |
| Highway Fund | \$ 5,803.96    | \$90,110.75  |
| Water Fund   | \$ 0.00        | \$ 0.00      |
| Justice Fund | \$ 2,250.00    | \$ 2,250.00  |

Reading of the Minutes – Suspension of

A motion was made by Councilman Wenhold and seconded by Supervisor Gayton 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 9:05 p.m. The motion passed with All In Favor.

BY ORDER OF THE  
 BETHANY TOWN BOARD  
 DATED: October 21, 2013

Respectfully Submitted,

Debbie L. Douglas  
 Bethany Town Clerk