

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

09 December 2013

Supervisor Gayton opened the December 9, 2013 Regular Town Board Meeting at 7:03 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 (7:23)	Debbie Douglas, Town Clerk
Paul Fleming, Highway Superintendent	Thomas Douglas, ZEO/CEO
Linda Schmidt, Historian	Bill Shea, Town Justice

Attendees to the Meeting were:

Carl Hyde, Jr.	Maelynn Hyde
Tom Foss	Ray Cipriano
Greg Torrey	Pat Pietrzykowski
Barb Czworka	

Finances

Supervisor Gayton presented the finances for November 2013.

General Savings	\$	644,776.79
915 Savings	\$	309,970.22
Highway Savings	\$	129,785.88
Highway Fund Misc. Savings	\$	859.57
Capital Project Highway	\$	136,243.64
AP/PR Account	\$	38,582.33
Trust & Agency Account	\$	5,040.01
Petty Cash	\$	250.00
Justice Savings	\$	18,088.42
Total		\$ 1,283,596.86

Revenues Received		
Debbie Douglas, Town Clerk	\$	2,198.99
Genesee County Treasurer	\$	3,317.40
EASCO Brokerage	\$	45.60
Bethany Justice Shea	\$	1,010.00
Bethany Justice McBride	\$	2,453.00

Total Revenues	\$	9,024.99
Total Revenues & Interest	\$	9,172.01

Town Clerk Report – Debbie Douglas

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

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

- The Clerk will be attending training pertaining to the new tax collection program at County Building #2 on December 12.
- The Celebrating Ag Dinner will be held on March 22, 2014. Tickets are now on sale at the Cooperative Extension Office.
- Reminded Board that the Year-End Meeting and Open House will be on Monday, December 30, 2013 at 7:00 p.m.

ZEO/CEO Report – Tom Douglas

- The Certificate of Occupancy has been issued for the new house in Linden.
- The Certificate of Occupancy has been issued for the new house on Transit Road. This required that a single-wide mobile home had to be removed from the Town of Bethany prior to the C of O being issued.
- Has met with three contractors concerning the construction of three new homes in town.
- Niagara Wind & Solar applied for a building permit to install a WEC for agricultural purposes. This is the first permit to be issued for an ag related WEC. NYSEDA requires a SEQR however because the Town's law allows for the simple issuance of a building permit, the Town does not complete the SEQR. The ZEO/CEO and the town attorney have spent several hours researching the issue with the permit fee coming to only \$2.00 according to the current fee schedule. The fee schedule should be adjusted to accurately compensate for the cost of the permit processing.
- CEO/ZEO attended a seminar pertaining to the permitting of solar panels (NYS Unified Solar Permit). If the town were to adopt this permitting process town would be eligible for a grant of \$2,500 – 5,000. This streamlined permit applies to 12 kW or less roof mounted systems only.
- Baskin Livestock, Inc. has submitted a site plan review application for the reconstruction of a fire damaged building with slight modifications to the original footprint. The Planning Board will hold a public hearing at their January meeting.
- Tom and Debbie Douglas have applied for an area variance for the construction of a pole barn for storage.
- Received a complaint of a solid fuel burning device being installed without a permit. Resident did not realize that a permit was required and is in the process of applying for a permit.
- Supplied a copy of LeRoy's noise ordinance to the Board at the request of Elaine Shell.

Highway Superintendent Report – Paul Fleming

- The new loader was delivered last Tuesday.

Town Justice Report – Bill Shea

- Received the new state surcharges - \$93.00 mandatory surcharge and a new surcharge on parking violations of \$25.00

Board Committee Reports

Councilman Gick

- Planning Board met on December 5. Recommended approval of Douglas area variance. Scheduled a public hearing for the Baskin Livestock, Inc. site plan review on January 2, 2014.
- Sheila Hess spoke at the Planning Board meeting concerning the Comprehensive Plan and her suggestions for working toward a plan that has "more teeth".
- Since Councilman Gick will be retiring from office at the end of the year, he is suggesting that Ray Cipriano take his place on the on the Oatka Creek Watershed Committee.

A motion was made by Councilman Gick and seconded by Councilwoman Neer to appoint Ramon Cipriano to represent the town on the Oatka Creek Watershed Committee. The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes
 Councilman Wenhold – Yes
 Councilman Pietrzykowski – Yes

Councilman Gick – Yes
 Councilwoman Neer – Yes

Councilman Wenhold

- Spoke of several services that the Office for the Aging provides and the positive impact that the volunteers provide.

Councilwoman Neer

- Attended the Intercommunity Medical Building meeting on November 16.
 - o An appraisal has been done on the building at the cost of \$1800.
 - o The building is now becoming costly to maintain. There is a party interested in purchasing the building.
 - o Committee had discussed using the money from the sale for a scholarship fund for students persuing a medical career. However, after much discussion, it was decided that the management of the fund and choosing recipients would be too difficult.
 - o The committee feels that dividing the procedes from the sale using the breakdown that was set up for the construction of the building would be the most feasible way to distribute the money. The committee would like input from the involved parties.

Councilman Pietrzykowski

- Fire Department has elected new officers for 2014.
- Breakfast was busy.

OLD BUSINESS

Water District #2 – Update

- The town is eligible for grant funding for the water district.
- Figures are being worked further to see if breaking up the district more would be better financially.
- An informational meeting will be held when the figures are available.

Recycling Grant Application – Update

- Will apply for grant to improve safety at Transfer Station. Would like to build an open-sided building to house the dumpsters to reduce the risk of injury from dumpster covers and refuse being blown around.

Old Town Hall – Update

- Caitlin Meives from the WNY Landmark Society came out with a photographer the take photos of the Old Town Hall for marketing purposes.
- The Town Attorney is preparing the purchase option to present to the WNY Landmark Society.

Fuel Bids – Opening

- Fuel bids were opened at 8:00 p.m. and are as follows:
 - o Propane

	Supplier Price/Gal	Average Rack Price	Total
Griffith Energy			\$2.199 Fixed
Reisdorf Oil & Propane	\$.45	\$1.28 *	\$1.73
Townsend Oil Corp.			\$1.999 Fixed

*Reisdorf Oil is based on Mt Belvieu price

- o Gas & Diesel

	<u>Supplier Price/Gal</u>	<u>Average Rack Price</u>	<u>Total</u>
Griffith Energy			
#2 Diesel-Low Sulfur On-Road Diesel	\$0.30	\$3.1523	\$3.4523
Unleaded Gasoline Min Octane 87	\$0.30	\$2.86	\$3.1600
Reisdorf Oil & Propane			
#2 Diesel-Low Sulfur On-Road Diesel	\$0.075	\$3.2231	\$3.2981
Unleaded Gasoline Min Octane 87	\$0.080	\$2.8165	\$2.8965
Townsend Oil Corp.			
#2 Diesel-Low Sulfur On-Road Diesel	\$3.0225	\$0.18	\$3.20225
Unleaded Gasoline Min Octane 87	\$2.6715	\$0.20	\$2.8715

- Highway Superintendent Fleming will review the bids and advise the Board.

Union Contract Negotiations – Update

- A response has been received from the Union. The negotiating committee will meet on Monday, December 16 at 7:00 p.m. to review the proposal.

Floor Scrubber – Purchase of

- After further research, the the Nobles Speed Scrub Cord-Electric Cylindrical Walk-Behind 15” Scrubber (MFR Item # 9004200) which is on the state contract from Staples would be the best choice. The cost of the scrubber is \$1,645.88.

A motion was made by Councilwoman Neer and seconded by Councilman Pietrzykowski to purchase the Nobles Speed Scrub Cord-Electric Cylindrical Walk-Behind 15” Scrubber (MFR Item # 9004200) off the state contract from Staples for \$1,645.88. The motion passed with the following Roll Call Vote:

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

Recycling Contract (Electronics)

- On the advice of the Town Attorney, will continue with electronic recycling for the remaining 6 months of the contract with Edward Arnold Scrap Processors.

Community Center Improvements – Update

- Improvements to the Community Center will be put on hold for the time being.
- Both furnaces in the Community Center need to be replaced.

Court Clerk – Justice McBride

- Town Clerk is instructed to contact Justice McBride concerning the progress of the application for permission from the state to have his daughter perform Court Clerk duties.

NEW BUSINESS

Community Center Furnaces –

- An estimate for replacement will be obtained.

Highway Department Pickup – Replacement of

- The 2003 Chevrolet Silverado Pickup needs to be replaced.
- The replacement will be a truck with a dump body and plow.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to request bids for a truck with a dump body and plow. Supervisor Gayton will write the specifications. Bids will be opened at the January 13, 2014 meeting. The motion passed with the following Roll Call Vote:

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

Transfer of Funds to H200

- Supervisor Gayton would like to move \$4,806.00 (proceeds from the sale of the backhoe) from A.2770 to the H200 account.

A motion was made by Councilman Wenhold and seconded by Councilwoman Neer to authorize Supervisor Gayton to move \$4,806.00 from A.2770 to H200. The motion passed with the following Roll Call Vote:

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

Budget Adjustment – Justice

- In order to be able to pay the bookkeeper for the extra time he spends on the Justice Court payments to the state the Supervisor is requesting permission to add line item A.1110.12 in the amount of \$550.00 by moving that amount from A.1110.4 and adjusting that line to \$2,450.00.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to authorize Supervisor Gayton to add A.1110.12 and move \$550.00 from A.1110.4. 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 # 26-2013 In Support of Alexander Youth Recreation for the Year 2014

WHEREAS, the Town of Bethany does not have its own recreation program, and

WHEREAS, Town of Bethany residents are able to participate in the Youth Recreation Program in the Town of Alexander, and,

WHEREAS, a motion was made by Councilwoman Neer which was duly seconded by Councilman Pietrzykowski, now, therefore, be it

RESOLVED that the Town of Bethany is in support of the Town of Alexander Youth Recreation Program for the Year 2014 by contributing to the program in the amount of \$310.00.

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 # 27-2013 In Support of Pavilion Youth Recreation for the Year 2014

WHEREAS, the Town of Bethany does not have its own recreation program, and

WHEREAS, Town of Bethany residents are able to participate in the Youth Recreation Program in the Town of Pavilion, and

WHEREAS, a motion was made by Councilman Wenhold which was duly seconded by Councilman Gick now, therefore, be it

RESOLVED that the Town of Bethany is in support of the Town of Pavilion Youth Recreation Program for the Year 2014 and will contribute to the program in the amount of \$310.00.

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 # 28-2013 In Support of Tri-Town Athletics, Inc. for the Year 2014

WHEREAS, the Town of Bethany does not have its own recreation program, and

WHEREAS, Town of Bethany residents are able to participate in the Tri-Town Athletics, Inc. Recreation program, and

WHEREAS, a motion was made by Councilman Pietrzykowski which was duly seconded by Councilwoman Neer now, therefore, be it

RESOLVED that the Town of Bethany is in support of the Tri-Town Athletics, Inc. recreation program for the Year 2014 and will contribute to the program in the amount of \$310.00.

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 Department Officers – Approval of

– The elected officers of the Bethany Volunteer Fire Company are as follows:

Chief	Ryan Morgan	
1 st Assistant Chief	Jeff Fluker	
2 nd Assistant Chief	Jeff Pietrzykowski	
President	George Larish	
Vice President	Jill Welch	
Treasure	Gail Smith	
Secretary	Laureli Jackett	
Board of Directors	Tom McBride	Terri Alwardt
	Bill Shea	Kim Pietrzykowski
	John Szymkowiak	

A motion was made by Councilwoman Neer and seconded by Councilman Wenhold to approve the 2014 officers of the 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	

New Loader – Approve Payment

- Total cost for the loader was \$149,182.00 less \$30,000.00 for the trade-in of the old loader for a total due of \$119,182.00

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to approve payment to George & Swede in the amount of \$119,182.00. The motion passed with the following Roll Call Vote:

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

Joint Agreement of Snow & Ice and Mowing on County Roads - Approval of

- For the control of snow and ice on 21.79 miles of county road at the rate of \$4,404.83 per mile for a total of \$95,981.25 for the year 2014 with one-half due on or before March 20 and the remainder on or before May 20.
- For mowing 21.79 miles of county roads at the rate of \$413.17 per mile for a total of \$9,002.97 for the year 2014 due on or before October 15.

A motion was made by Councilman Wenhold and seconded by Councilman Gick to authorize Highway Superintendent Fleming to sign the Joint Agreement of Snow & Ice and Mowing on County Roads for 2014. The motion passed with the following Roll Call Vote:

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

Highway Department Electrical Upgrade - Update

- Marcy Electric worked on the job for two days and hasn't been back.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to give Marcy Electric notice that the job must be completed by December 31, 2013 or legal action will be pursued. The motion passed with the following Roll Call Vote:

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

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$39,099.77	\$42,960.43
Highway Fund	\$34,149.96	\$57,404.07
Water Fund	\$ 0.00	\$ 0.00
Justice Fund	\$ 2,763.00	\$ 2,763.00

Reading of the Minutes - Suspension of

A motion was made by Councilwoman Neer 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 8:35 p.m. The motion passed with All In Favor.

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

Respectfully Submitted,
 Debbie L. Douglas
 Bethany Town Clerk