

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

10 FEBRUARY 2014

Supervisor Gayton opened the February 10, 2014 Regular Town Board Meeting at 7:05 p.m. with a Moment of Silence followed by Councilman Wenhold leading in the Pledge of Allegiance.

Town Officials in Attendance were:

Louis Gayton, Supervisor	Walter Wenhold, Councilman
Susan Neer, Councilwoman	Daniel Adams, Councilman
Edward Pietrzykowski, Councilman	Debbie Douglas, Town Clerk
Bill Shea, Town Justice	Thomas Douglas, ZEO/CEO
Paul Fleming, Highway Superintendent	Linda Schmidt, Town Historian

Attendees to the Meeting were:

Maelynn Hyde	Barb Czworka
Carl Hyde Jr.	Don Schmidt
Ramon Cipriano	Tom Foss
Pat Pietrzykowski	Brian Dickman, Teamsters Union
Ken Morgan	Gregg Torrey, County Legislator
Brad Polle, Ground Floor Entertainment	Sharon Coyle, Rolling Hills Asylum

Finances

Supervisor Gayton presented the finances for January 2014.

General Savings	\$ 785,364.93
915 Savings	\$ 313,185.74
Highway Savings	\$ 83,850.74
Highway Fund Misc. Savings	\$ 859.66
Capital Project Highway	\$ 21,935.38
AP/PR Account	\$ 29,203.76
Trust & Agency Account	\$ 4,303.16
Petty Cash	\$ 250.00
Justice Savings	\$ 16,661.61
Total	\$ 1,255,614.98

Revenues Received	
Debbie Douglas, Town Clerk	\$ 1,799.50
Bethany Justice – William Shea	\$ 590.00
Debbie Douglas, Tax Collector	\$ 228,908.10
Debbie Douglas, Tax Collector	\$ 167,927.82

Total Revenue	\$ 402,230.59
Total Revenue & Interest	\$ 402,354.23

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the January 13, 2014 Organizational Town Board meeting.

A motion was made by Councilman Wenhold and seconded by Councilwoman Neer to approve the Minutes of the January 13, 2014 Organizational Town Board meeting as presented. The motion passed with All In Favor.

- Presented the Minutes of the January 13, 2014 Regular Town Board Meeting.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to approve the Minutes of the January 13, 2014 Regular Town Board Meeting. The motion passed with All In Favor.

ZEO/CEO Report – Tom Douglas

- Issued one permit for a solid fuel burning device. Has spoken with some people concerning the construction of new housing.
- Attended the Niagara Frontier Building Officials Conference and completed the mandatory 24 hours of training needed for this year.
 - o New codes will make it more difficult to reuse old buildings.
 - o Unsure if sprinkler systems will be required in residential building in the upcoming code update or in the following update but it will happen at some point.
 - o When new code comes out it will be the International Building Code but New York State will have an addendum to that which must be followed also.

Highway Superintendent Report – Paul Fleming

- Salt is holding out pretty well but it is hard to acquire. 200 tons have been ordered but no idea when it will come.
- Hybrid Building Solutions touched base, just waiting for cover to come in so installation can begin.
- The 2010 Mack Truck had an oil pan leak that has been repaired and covered under warranty. It has some other leaks in the lines that need to be repaired which will also be covered under warranty.
- One of the overhead doors collapsed, thankfully no one was injured. It was repaired by Overhead Door of Batavia.
 - o Overhead Door of Batavia will be contacted to give pricing for replacing/repairing all of the overhead doors.
 - o The overhead door to the storage room at the Community Center is also working hard. Overhead Door will be asked to look at that at the same time.
 - o The Highway Department received a letter from Larry & Sally Falkowski thanking them for the great job they have been doing of keeping the roads cleared during this bad winter.

Justice Report – Bill Shea

- Court has been slow.

Board Committee Reports

Councilman Wenhold

- Due to the recent bad weather there were only 5 participants at Senior Meals this past week. There will be no meals at the Bethany site for the next two weeks. Participants are welcome to attend in Batavia if they wish.
- The ZBA and Planning Board did not meet as they had no new business.

Councilwoman Neer

- The Intercommunity Medical Building Committee will meet next Tuesday. Councilwoman Neer will be unable to attend as she will be away on vacation. She has a call in to the Chair to convey the Town Board's feelings concerning the sale of the building and will get the results of the meeting when she returns.

Councilman Pietrzykowski

- Received the annual report for recycling from Edward Arnold Scrap Processors so that the state report can now be filed.
- Plans from Ed Hulme for the a lean-to style building for the Transfer Station have been received.
- Working on getting a price for a bigger baler for the plastics.
- Fire Department had 2 accidents in 2 days at Fargo Road and Rt 63.
- Fire Department Installation Banquet was held on Saturday and was very nice. Food was good.
- Bill Shea was honored as a 50 year member of the Fire Department. He was congratulated by the Town Board and attendees.

OLD BUSINESS

Recycling Building Update

- Working on grant and obtaining pricing.
- Discussed insulating the building. CEO Douglas will check the codes concerning the insulation and what is required.

Highway Department Electrical Upgrade - Update

- Work is complete, waiting for inspections from electrical inspector and National Grid.

Resolution #3-2014 Town Board of the Town of Bethany Declaring Land No Longer Needed for Municipal Purposes and is Surplus Property Subject to Permissive Referendum

WHEREAS, the Town Board of the Town of Bethany met at a regular meeting at the Town Offices of the Town of Bethany at 10510 Bethany Center Road, Bethany, New York on the 10th day of February 2014 commencing at 7:00 p.m.

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, the Town Board of the Town Bethany, pursuant to New York State Town Law, Article 4, §64, is authorized to, upon the adoption of a resolution, convey or lease real property in the name of the Town, which resolution shall be subject to a permissive referendum; and

WHEREAS, the Town Board of the Town of Bethany has determined that the property owned by the Town of Bethany located at 10440 Bethany Center Road which formerly served as the Town Offices and is more fully described below is no longer needed for municipal purposes –

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Bethany, County of Genesee and State of New York, and being distinguished by being part of Lot No. 36 in said township and bounded as follows: Beginning at a post standing in the northwest corner of land deeded by Charles F. Ward and Ida I. Ward to the Town of Bethany; thence westerly along the south bounds of a public burial ground known as the Maple Lawn Cemetery 100 feet to a post; thence south parallel with the west bounds of a highway one chain wide 76 feet to a post; thence easterly parallel with the south bounds of said burial lot to the west bounds of said highway one chain wide 280 feet; thence north along the west bounds of said highway 10 feet; thence westerly along the south bounds of land deeded to the Town of Bethany by said Ward and wife 180 feet; thence north along the west bounds of Town land 66 feet to the place of beginning containing 9,400 feet of land more or less.

BEING THE SAME premises conveyed to the Town of Bethany by deed dated July 12, 2010 and recorded in the Genesee County Clerk's Office on July 27, 2010 in Liber 881 of Deeds at page 937; and

SUBJECT TO easements, restrictions, covenants and rights of way of record, if any, including but not limited to said Permanent Easement and Right-of-Way recorded in the Genesee County Clerk's Office in Liber 901 at page 260 and depicted on a survey map prepared by Kevin M. O'Donaghue being Job No. G98-1827S-E, a copy of which is attached hereto as Exhibit A.

WHEREAS, the Town Board feels it is in the best interests of the Town of Bethany to sell said surplus property for fair and adequate consideration.

NOW ON MOTION OF Councilman Wenhold which has been duly seconded by Councilman Pietrzykowski, now therefore

BE IT RESOLVED, that the Town Board of the Town of Bethany hereby determines that the property situate on Bethany Center Road, being Tax Map No. 8.-1-10.1/1 and more fully described above is surplus municipal property, is no longer needed for municipal purposes and shall be sold for fair and adequate consideration; and be it further

RESOLVED, that the Town Board of the Town of Bethany authorizes the Supervisor of the Town of Bethany to, contingent upon the passage of the permissive referendum period required under law without a petition for a permissive referendum to execute all documents necessary to sell said property; and be it further

RESOLVED, that the Clerk be and she hereby is directed to publish an abstract of this resolution concisely stating the purpose and effect thereof in the Town's official newspaper within ten (10) days after the date of the adoption; and be it further

RESOLVED, that said resolution shall not take effect until thirty (30) days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of the Town of Bethany.

The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes
Councilman Adams – Yes
Councilman Pietrzykowski – Yes

Councilman Wenhold – Yes
Councilwoman Neer – Yes

(Exhibit A on following page)

Resolution #4-2014 Dump Body Truck Bid Award

WHEREAS, the Bethany Town Board authorized receipt of sealed bids for 2013 or newer Dump Body Truck, and

WHEREAS, the bid opening date was scheduled for Monday, February 10, 2014 at 7:30 p.m. at the Town Hall (bid summary attached); and

WHEREAS, the lowest responsible bidder was West Herr Ford of Hamburg, NY **NOW, THEREFORE, BE IT**

RESOLVED that on motion made by Councilman Adams and seconded by Councilman Wenhold the bid be awarded to West Herr Ford, Hamburg, NY for the purchase of the 2015 Ford F450 with Air Flo Dump Body for the amount of 47,423.00. The motion passed with the following Roll Call Vote:

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

Bid Summary

- Upstate Chrysler Dodge Jeep Ram, Attica, NY
 - o 2013 Ram 4500 HD Chassis Tradesman/SLT 4x4 Regular Cab Truck - \$51,342.00 plus DMV
- West Herr Ford, Hamburg, NY
 - o 2015 Ford F450 with Air Flo Dump Body - \$47,423.00.

NEW BUSINESS

ZBA Liason

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to appoint Councilman Adams as Zoning Board of Appeals Liason. The motion passed with the following Roll Call Vote:

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

Resolution #5-2017 Transfer of Funds for Purchase of Dump Body Truck

WHEREAS, the purchase of a 2015 Ford F450 with Air Flo Dump Body has been approved the the Town Board; and

WHEREAS, funds need to be transferred from the General Fund to the Projects Fund to pay for the truck, **NOW, THEREFORE, BE IT**

RESOLVED that on motion of Councilman Pietrzykowski, which was duly seconded by Councilman Wenhold, the Town Board authorizes Supervisor Gayton to transfer \$47,500.00 (Forty-Seven Thousand Five Hundred Dollars) from the General Fund to the Projects Fund. The motion passed with the following Roll Call Vote:

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

Resolution #6-2014 Transfer of Funds from 915 Account – Water District #2

WHEREAS, bills have been received from the Town Attorney in the amount of \$231.25 for work related to Water District #2, and

WHEREAS, the Supervisor is required to have Town Board approval to transfer funds from the 915 Account, **NOW, THEREFORE, BE IT**

RESOLVED that on motion of Councilwoman Neer which was duly seconded by Councilman Pietrzykowski, Supervisor Gayton is authorized to transfer \$231.25 (Two Hundred Thirty-One Dollars and 25 Cents) from the 915 account for payment of Water District #2 attorney fees.

The motion passed with the following Roll Call Vote:

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

Rolling Hills Asylum – Sharon Coyle & Brad Polle

- Sharon Coyle, owner of Rolling Hills Asylum presented a plan to the Town Board in which she would like to have outside entertainment during the summer months which could include bands, food, and various vendors. It may also included camping.
- ZEO/CEO Douglas has met with Ms. Coyle concerning her plans and feels that since the the property is zoned as a PUD and that the Town's Zoning Law is unclear as to how and who permits and regulates changes in the PUD, it should be turned over to the town's attorney for guidance.
- The Town Board agreed and CEO/ZEO will provide information to the attorney.
- Ms. Coyle expressed that time is of the essence since she would like to hold the first event on Memorial Day weekend. The attorney will be advised of this and asked if things can be expedited.

Gregg Torrey, Genesee County Legislator

- Legislator Torrey will be holding office hours at the Town Hall on Saturday, February 15, 2014 from 9:00 a.m. until 12:00 p.m. for any residents that would like to speak with him.

Hunting Dogs & Leash Law

- Pat Pietrzykowski asked that the Town look into changing the leash law to include hunting dogs.
- This will be researched.

Brian Dickman, Teamsters Union Representative

- Brian Dickman introduced himself as the new representative of the Teamsters Union.
- He will be meeting with the negotiating committee and would like to set up a date to meet.

Transfer Station – Dates Closed

- The Transfer Station and Town Offices will be closed on the following dates for holidays: May 24, July 5 and August 30.
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Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 6,392.11	\$13,687.18
Highway Fund	\$ 6,062.64	\$35,179.00
Water Fund	\$ 0.00	\$ 231.25
Justice Fund	\$ 1,926.00	\$ 1,926.00

Reading of the Minutes - Suspension of

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer 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 Adams to adjourn the meeting at 8:35 p.m. The motion passed with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: February 11, 2014

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk