

TOWN OF BETHANY
REGULAR TOWN BOARD MEETING
14 APRIL 2014

Deputy Supervisor Wenhold opened the April 14, 2014 Regular Town Board Meeting at 7:00 p.m. with a Special Moment of Silence and a brief prayer in memory of Supervisor Louis Gayton who passed away suddenly today. The Pledge of Allegiance was then lead by Deputy Supervisor Wenhold.

Town Officials in Attendance were:

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

Town Officials Absent were:

Dan Adams, Councilman

Attendees to the Meeting were:

Don Schmidt	Tom Foss
Jim Phillips	Terry Alwardt
Ray Cipriano	John Szymkowiak
Pat Pietrzykowski	Howard Owens, The Batavian
Greg Torrey, Genesee County Legislature	

Finances

Deputy Supervisor Wenhold presented the finances for March 2014.

General Savings	\$	976,782.28
915 Savings	\$	302,069.34
Highway Savings	\$	29,507.17
Highway Fund Misc. Savings	\$	859.71
Capital Project Highway	\$	69,442.49
AP/PR Account	\$	13,141.92
Trust & Agency Account	\$	9,121.50
Petty Cash	\$	250.00
Justice Savings	\$	22,231.19
Total		\$ 1,423,405.60

Revenues Received		
Debbie Douglas, Town Clerk	\$	2,415.00
US Gypsum Co	\$	29.94
EASCO Brokerage	\$	357.89
County of Genesee	\$	1.92
Bethany Justice – William Shea	\$	193.00
Bethany Justice – Thomas McBride	\$	3,296.00

Total Revenue	\$	6,293.75
Total Revenue & Interest	\$	6,420.01

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the March 10, 2014 Regular Town Board Meeting.

A motion was made by Councilwoman Neer and seconded by Councilman Pietrzykowski to approve the Minutes of the March 10, 2014 Regular Town Board Meeting. The motion passed with All In Favor.

- The Southern Tier West Local Government Conference will be held on May 7, 2014. Since the notice was received on May 8th, it was suggested that preapproval should be given to anyone who wishes to attend the conference.

Resolution #12-2014 – Authorization to Attend Southern Tier West Local Government Conference

WHEREAS, notice for the Southern Tier West Local Government Conference was received by the Town Clerk on April 8, 2014 and the conference will be held on May 7, 2014, and

WHEREAS, there will not be another board meeting held prior to the conference allowing approval of payment, now, therefore, be it

RESOLVED that on motion of Councilwoman Neer which was seconded by Councilman Pietrzykowski any person on the Town Board, Planning Board, Zoning Board of Appeals and Justices, Court Clerks, Town Clerk and ZEO/CEO wishing to attend the conference are approve to do so with the Town paying for the registration and mileage.

Motion passed with the following Roll Call Vote:

Councilman Wenhold – Yes	Councilwoman Neer – Yes
Councilman Adams - Absent	Councilman Pietrzykowski – Yes

ZEO/CEO Report – Tom Douglas

- Working on 2 permits for new houses.
- Permit issued for a 40x50 pole barn.
- Meet with Bill Baskin concerning the construction of a 100' x 200' building for mechanics bays and fuel station.

Highway Superintendent Report – Paul Fleming

- Have been filling potholes.
- Taking down snow fence.
- New cover has been installed on salt shed.
- Have received word that CHIPs funding will increase by \$8,654.

Justice Report – Thomas McBride

- The state furnished 2 new laptops for digital recording at the bench and updated the desktop computers.

Board Committee Reports**Councilman Wenhold**

- Planning Board met on April 1, 2014 and performed a preliminary review of the site plan review application for new antenna on the existing cell tower.

Councilwoman Neer

- Waiting for schedule from the summer recreation programs.
- Received a thank you note from Tri-Town Athletics for the Town's contribution.

Councilman Pietrzykowski

- Fire Department held their last breakfast until September on Sunday.
- Transfer Station has been very busy.

OLD BUSINESS**Comprehensive Plan – Send to Town Attorney**

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to send the revised Comprehensive Plan to the Town Attorney for his review. Motion passed with the following Roll Call Vote:

Councilman Wenhold – Yes
Councilman Adams – Absent

Councilwoman Neer – Yes
Councilman Pietrzykowski – Yes

Transfer Station – Update

- The last estimate needed for the recycling building expansion has been received and will be forwarded to the grant writer.
- ZEO/CEO Douglas researched and prepared a rough estimate for insulating the transfer station building.

A motion was made Councilman Pietrzykowski and seconded by Councilwoman Neer to table discussion until next meeting. Motion passed with the following Roll Call Vote:

Councilman Wenhold – Yes
Councilman Adams - Absent

Councilwoman Neer – Yes
Councilman Pietrzykowski – Yes

Resolution #13-2014 Salt Shed – Recover – Final Payment

WHEREAS, the Town of Bethany contracted with Hybrid Building Solutions, LLC to recover the Town’s salt storage shed in the amount of \$16,518.00, and

WHEREAS, first payment of 25% (\$4,129.50) was made when the fabric was ordered, and

WHEREAS, the work has now been completed and is satisfactory, now be it

RESOLVED that on motion of Councilwoman Neer which was duly seconded by Councilman Wenhold that the final payment of \$12,388.50 be made to Hybrid Building Solutions, LLC.

Motion passed with the following Roll Call Vote:

Councilman Wenhold – Yes
Councilman Adams – Absent

Councilwoman Neer – Yes
Councilman Pietrzykowski – Yes

Salt Storage Shed – Additional Repairs

- It was noted during the recovering process that some of the supporting pieces of the frame would need to be replaced. An estimate will be forthcoming.

Water District #2 – Update

- Supervisor Gayton signed the letter authorizing a household income survey for the potential joint Town of Bethany-Town of Stafford water project.

Union Contract Negotiations – Update

- A response has been received from the Union. The Board will meet in Executive Session after the regular meeting to discuss the offer.

Resolution #14-2014 – Acknowledgement of No Petition Was Received/Filed Regarding Town Board of Town of Bethany Resolution Subject to Permissive Referendum Dated February 10, 2014

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 14th day of April 2014 commencing at 7:00 p.m., and

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 adopted a resolution, conveying real property in the name of the Town, which resolution was subject to 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.

WHEREAS, said Resolution would 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; and

WHEREAS, an abstract of said Resolution was duly advertised in the official newspaper of said Town, on or about the 14th day of February 2014; and

WHEREAS, it is acknowledge by the Clerk of the Town of Bethany that as of the date hereinabove noted, no such petition was received or filed with said office.

NOW ON MOTION OF Councilwoman Neer 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 parcel of property identified as SBL# 8.-1-10.1 and more fully described above, is surplus municipal property.

Motion passed with the following Roll Call Vote:

Councilman Wenhold – Yes
Councilman Adams – Absent

Councilwoman Neer – Yes
Councilman Pietrzykowski – Yes

NEW BUSINESS

Resolution #15-2014 Opposition to Expanding Native American Gaming in WNY

WHEREAS, the Town of Bethany, New York is a picturesque and diverse town in Genesee County with a population of approximately 1800, and

WHEREAS, Bethany is a vibrant community with outstanding quality of life, beautiful scenery, rich history and strong sense of community, and

WHEREAS, Bethany also enjoys a reputation for excellent services including a first rate educational system, and

WHEREAS, maintaining of the high quality of life expected by the residents of the Town of Bethany is of the utmost importance to this board, and

WHEREAS, Batavia Downs Gaming and Western Region Off Track Betting Corporation are located in the City of Batavia in Genesee County, and

WHEREAS, Genesee County is one of 15 counties in Western New York that own Western Region Off Track Betting Corporation, and

WHEREAS, as one of the municipal “stockholders” in WROTB, Genesee County has a *pro-rata* financial interest in the \$69 million of net equity re-invested in WROTB’s 29-plus corporately-owned branch facilities and the track and gaming at Batavia Downs, and

WHEREAS, since inception, WROTB has generated over \$215 million in operating and surcharge revenues to the taxpayers of those participating municipalities, including Genesee County, and

WHEREAS, the Seneca Nation has initiated a process to locate a full Las Vegas-style gaming casino in the region, and

WHEREAS, an additional casino in Western New York will place in great jeopardy the sustainability of Batavia Downs Gaming, thus negatively impacting Genesee county’s financial interest and investment in WROTB, and

WHEREAS, the Genesee County Legislature recently passed legislation opposed to the expansion of casino gaming as such and expansion would likely lead to the reduction or elimination of WROTB’s annual payment to Genesee County, and this board does support the county’s position on this issue, **NOW**

ON MOTION of Councilman Wenhold seconded by Councilman Pietrzykowski, **BE IT**

RESOLVED, that the Bethany Town Board does hereby join the Genesee County Legislature in opposing the location of an additional casino located in the region owned and operated by the Seneca Nation, and be it further

RESOLVED, that copies of this resolution be sent to Senator Ranzenhofer, Assemblyman Hawley, Congressman Collins, US Senator Schumer, US Senator Gillibrand, and US Department of Interior Secretary Jewell.

Motion passed with the following Roll Call Vote:

Councilman Wenhold – Yes	Councilwoman Neer – Yes
Councilman Adams – Absent	Councilman Pietrzykowski – Yes

Resolution #16-2014 Opposition to Free Collegiate Education for Incarcerated Individuals

WHEREAS, the financial situation of New York State is in such a condition as to cause cutbacks of public programs and services across the state; and

WHEREAS, tuition at educational institutions across the state is continuously increasing at the expense of our state's students; and

WHEREAS, as a result of those tuition increases, students and their families have been forced to take on debt that will likely burden them through most of their adult lives; and

WHEREAS, it already costs the state tens of thousands of dollars to fund the incarceration of the State's prison system enrollees; and

WHEREAS, it is the proposed plan by Governor Andrew Cuomo to offer free tuition to incarcerated individuals under the ward of the state; and

WHEREAS, similar programs are already offered in the prison system through private funding; and

WHEREAS, no conditions are set for inmates to repay the money given for their education nor are they expected to work in one of the prison work programs to be eligible for tuition;

NOW, ON MOTION of Councilwoman Neer which was duly seconded by Councilman Pietrzykowski, **BE IT**

RESOLVED, that the Town Board of the Town of Bethany strongly opposes use of public money to fund a free education for individuals incarcerated for violating the law; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Andrew Cuomo's office, the Western New York delegates to the State Senate and Assembly and all other parties deemed necessary and proper.

Motion passed with the following Roll Call Vote:

Councilman Wenhold – Yes	Councilwoman Neer – Yes
Councilman Adams – Absent	Councilman Pietrzykowski – Yes

Resolution #17-2014 Transfer of Funds 915 Account – Water District #2 Attorney Fees

WHEREAS, bills have been received from the Town Attorney in the amount of \$296.25, and

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

RESOLVED that on motion of Councilwoman Neer which was duly seconded by Councilman Wenhold, it is authorized that a transfer \$296.25 from the 915 account for payment of Water District #2 attorney fees.

The motion passed with the following Roll Call Vote:

Councilman Wenhold – Yes	Councilwoman Neer – Yes
Councilman Adams – Absent	Councilman Pietrzykowski – Yes

Memorial – Louis Gayton, Supervisor

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to make a donation in the amount of \$100.00 in memory of Supervisor Louis Gayton. The recipient will be determined when the information is available. The motion passed with the following Roll Call Vote:

Councilman Wenhold – Yes	Councilwoman Neer – Yes
Councilman Adams – Absent	Councilman Pietrzykowski – Yes

Special Meeting

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to hold a special meeting on Monday, May 5, 2014 at 6:30 p.m. to meet to review the finances with the bookkeeper and department heads. The motion passed with the following Roll Call Vote:

Councilman Wenhold – Yes	Councilwoman Neer – Yes
Councilman Adams – Absent	Councilman Pietrzykowski – Yes

Executive Session – Union Contract Negotiations

A motion was made by Councilman Wenhold and seconded by Councilwoman Neer to move to Executive Session after the meeting to discuss Union contract negotiations. The motion passed with the following Roll Call Vote:

Councilman Wenhold – Yes	Councilwoman Neer – Yes
Councilman Adams – Absent	Councilman Pietrzykowski – Yes

Warrant

– The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 38,192.89	\$59,625.14
Highway Fund	\$ 0.00	\$27,362.72
Water Fund	\$ 0.00	\$ 3,349.34
Justice Fund	\$ 2,623.00	\$ 2,623.00

Reading of the Minutes – Suspension of

A motion was made by Councilwoman Neer and seconded by Councilman Pietrzykowski 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 Councilman Wenhold to adjourn the meeting at 7:49 p.m. The motion passed with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: April 16, 2014

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk