

**TOWN OF BETHANY**  
**REGULAR TOWN BOARD MEETING**  
**09 JUNE 2014**

Supervisor Pietrzykowski opened the June 9, 2014 Regular Town Board Meeting at 7:00 p.m. with a moment of silence and prayer in memory of Ronald Maliszewski who was a long time member of the Board of Assessment Review followed by Councilman Fluker leading in the Pledge of Allegiance.

Town Officials in Attendance were:

Edward Pietrzykowski, Supervisor	Walter Wenhold, Councilman
Susan Neer, Councilwoman	Dan Adams, Councilman (7:16)
Jeffrey Fluker, Councilman	Debbie Douglas, Town Clerk
Bill Shea, Town Justice	Linda Schmidt, Town Historian
Paul Fleming, Highway Superintendent	

Attendees to the Meeting were:

Don Schmidt	Carl Hyde Jr.
Maelynn Hyde	Linda Jackett
Bradley Polle	Jeff Price
Pat Pietrzykowski	
Gregg Torrey, Genesee County Legislature	

**Finances**

Supervisor Pietrzykowski presented the finances for May 2014.

General Savings	\$ 960,136.35
915 Savings	\$ 302,110.38
Highway Savings	\$ 12,477.54
Highway Fund Misc. Savings	\$ 859.73
Capital Project Highway	\$ 69,448.20
AP/PR Account	\$ 7,539.48
Trust & Agency Account	\$ 5,297.51
Petty Cash	\$ 250.00
Justice Savings	\$ 29,733.95
Total	\$ 1,387,853.14

Revenues Received	
Debbie Douglas, Town Clerk	\$ 2,161.39
US Gypsum	\$ 33.05
Debbie Douglas, Tax Collector	\$ 6.20
EASCO Brokerage	\$ 144.88
Stanley Staba	\$ 244.00
Bethany Justice – William Shea	\$ 1,229.00
Bethany Justice – Thomas McBride	\$ 1,484.00

Total Revenue	\$ 5,302.52
Total Revenue & Interest	\$ 5,422.16

**Town Clerk Report – Debbie Douglas**

- Presented the Minutes of the April 30, 2014 Special Town Board Meeting.

A motion was made by Councilwoman Neer and seconded by Councilman Wenhold to approve the Minutes of the April 30, 2014 Special Town Board Meeting. The motion passed with All In Favor.

- Presented the Minutes of the May 5, 2014 Special Town Board Meeting.

A motion was made by Councilman Wenhold and seconded by Councilman Fluker to approve the Minutes of the May 5, 2014 Special Town Board Meeting. The motion passed with All In Favor.

- Presented the Minutes of the May 12, 2014 Regular Town Board Meeting. Page 6 contained an error in the date for the meeting with Union representative Brian Dickman. It should read June 9<sup>th</sup> instead of June 8<sup>th</sup>.

A motion was made by Councilwoman Neer and seconded by Councilman Wenhold to approve the Minutes of the May 12, 2014 Regular Town Board Meeting with the correction of the Union negotiations meeting. The motion passed with All In Favor.

- The Board of Assessment Review met on Thursday, May 29<sup>th</sup>, 2014. Eleven cases were heard. The changes determined by the BAR have been filed in the Clerk's office and are available for review.
- The GCEDC has announced that a free college degree is available for local students through the WNY Tech Academy for accounting, supply chain management and food processing technology. The link with further information has been placed on the Town's website.
- Registration forms for the Association of Towns Planning & Zoning Training have been distributed. Anyone wishing to have the registration fee pre-paid by the town should have their registration submitted to the Town Clerk no later than July 9<sup>th</sup>.
- A thank you note was received from the Louis Gayton family.

**Highway Superintendent Report – Paul Fleming**

- Will begin patching roads next week with the help from the Town of Stafford and other surrounding towns.
- Mowing has started. One mower is down, waiting for parts.
- New truck should be delivered on Monday or Tuesday of next week

**Justice Report –**

- Court has been really slow. Very few tickets are being issued.

**Board Committee Reports****Councilman Wenhold**

- Senior Meals has approximately 15 attendees. The State has lowered the discrepancy in meal allowance from 20% to 10%. This means that if there is a visitor attending with a member the cost of the meal needs to be justified.
- The Office of the Aging has been approved by the County to continue with meals next year.
- The Planning Board met on June 5 and approved a Site Plan Review application for Baskin Livestock to construct a truck repair shop.
- Attended the Tonawanda Creek Watershed meeting in Attica where the topic was the eradication of hydrilla which is an invasive water plant.

- Spoke with Bill Gick concerning the town's registration for System Award Management (SAM). The registration is necessary for application for federal grants. Bill is looking into re-registering the town.

#### **Councilwoman Neer**

- Reported that according to the minutes of the Attica Inter-Community Medical Building meeting that if Dr. Craddock is interested in purchasing the building it will be sold.
- Summer recreation scheduals have not been received.

### **OLD BUSINESS**

#### **Transfer Station – Update**

- The new baler has been ordered. As soon as the insulation and wiring is installed, the baler will be delivered and installed.

#### **Water District – Update**

- The Water District Committee is planning to meet on Wednesday, June 25<sup>th</sup> at 7:00 p.m. at the Town Hall.

#### **Union Contract Negotiations – Update**

- Union Representative Brian Dickman is not coming tonight.

#### **Resolution # 23-2014 Mercy EMS Contract – Renewal Of**

**WHEREAS**, Mercy Flight, Inc., d/b/a Mercy EMS has provided ambulance service to the Town of Bethany since 2009, and

**WHEREAS**, the contract between the Town of Bethany and Mercy EMS is due to expire, and

**WHEREAS**, Mercy EMS has presented the Town with a new five (5) year contract commencing at 12:00:01 A.M. on July 1, 2014 and terminating at 12:00:00 A.M. on June 30, 2019, and now on

**MOTION** of Councilman Wenhold duly seconded by Councilman Adams, be it **RESOLVED** that Supervisor Pietrzykowski is authorized to renew the contact with Mercy Flight, Inc., d/b/a Mercy EMS.

The motion passed with the following Roll Call Vote:

Supervisor Pietrzykowski – Yes	Councilman Wenhold – Yes
Councilwoman Neer – Yes	Councilman Adams – Yes
Councilman Fluker - Yes	

#### **Comprehensive Plan – Update**

- The Town's attorney is still reviewing the Comprehensive Plan.

#### **Open Planning Board Positions – Applicants and Appointments**

- Three letters of interest were received. Two for the open board position, one for the secretary/alternate position. The person interested in the secretary/alternate position withdrew her letter due to a change in her personal situation.
- Both applicants, Linda Jackett and Bradley Polle, were interviewed by the Town Board.

A **motion** was made by Councilman Wenhold duly seconded by Councilwoman Neer to enter into Executive Session at 7:36 p.m. to discuss the appointment to the Planning Board. The motion passed with the following Roll Call Vote:

Supervisor Pietrzykowski – Yes  
 Councilwoman Neer – Yes  
 Councilman Fluker – Yes

Councilman Wenhold – Yes  
 Councilman Adams – Yes

The Board returned from Executive Session at 7:50 p.m.

A **motion** was made by Councilwoman Neer duly seconded by Councilman Adams to appoint Linda Jackett to the open Planning Board seat vacated by Jeffrey Fluker with the term to expire on December 31, 2014. The motion passed with the following Roll Call Vote:

Supervisor Pietrzykowski – Yes  
 Councilwoman Neer – Yes  
 Councilman Fluker - Yes

Councilman Wenhold – Yes  
 Councilman Adams – Yes

A **motion** was made by Councilman Wenhold duly seconded by Councilman Adams to appoint Bradley Polle to the open Planning Board Secretary/Alternate seat vacated by Gretchen Pietrzykowski with the term to expire December 31, 2014. The motion passed with the following Roll Call Vote:

Supervisor Pietrzykowski – Yes  
 Councilwoman Neer – Yes  
 Councilman Fluker - Yes

Councilman Wenhold – Yes  
 Councilman Adams – Yes

## **NEW BUSINESS**

### **Resolution #24-2014 Generator Emergency Notification Mobile Link – Purchase of**

**WHEREAS**, the wireless link that came with the generator will not send a signal into the building to notify of a problem with the generator and is being discontinued, and

**WHEREAS**, Jeff Price has presented the Board with the option of installing a mobile link that will call assigned phone numbers to notify of a problem with the generator and will continue to call the numbers until the call is answered, and

**WHEREAS**, the cost of the unit is \$99.00 with the first year of service free and \$99.00 per year of service after that or \$249.00 for the unit and 3 years of service, now on

**MOTION** of Councilwoman Neer duly seconded by Councilman Fluker, be it **RESOLVED** the the Town contract for the unit and three years of service for \$249.00.

The motion passed with the following Roll Call Vote:

Supervisor Pietrzykowski – Yes  
 Councilwoman Neer – Yes  
 Councilman Fluker - Yes

Councilman Wenhold – Yes  
 Councilman Adams – Yes

### **Town Board Work Sessions – Setting of**

- The Town Board will meet on June 23, August 25 and October 27 for the purpose of discussing and working on Town business.

### **Meeting Rules – Review of**

- A copy of the meeting rules that were adopted in 2006 were distributed to the Board members for their information.

### **Supervisor's Committee Appointments**

- Supervisor Pietrzykowski made appointments to the following committees:
  - o Fire Department Liason – Councilman Fluker
  - o Tonawanda Creek Watershed Committee – Councilman Fluker
  - o Recycling Grant – Councilman Wenhold
  - o Fire Department Kitchen Use Agreement - Councilwoman Neer & Councilman Wenhold
  - o Highway Department Equipment – Highway Superintendent Fleming, Supervisor Pietrzykowski & Councilman Adams

### **Resolution #25-2014 In Support of the Genesee County Legislature Declaring “Mayday for Mandate Relief” And Urging the State to Adopt Laws that Do Not Impose Further Fiscal Stress on Local Governments and Taxpayers And Build Upon Recent Efforts to Reform Costly Unfunded Mandates**

**WHEREAS**, counties are mandated to administer and finance dozens of state and federal programs; and

**WHEREAS**, many counties in New York State face significant fiscal challenges made worse by the recent recession and slow economic recovery; and

**WHEREAS**, these county fiscal challenges are also directly tied to state-imposed mandates and in recent years reduced state reimbursement; and

**WHEREAS**, the New York State Association of Counties has identified 9 state mandates that consume 90 percent of all county property taxes levied across the state (outside of New York City), representing over \$4 billion in county property taxes levied. These mandates include: Medicaid, Public assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pension; and

**WHEREAS**, these mandated and fixed employee costs can consume more than 80 percent of a county's total budget, leaving fewer local dollars that can be devoted to local programs and services; and

**WHEREAS**, these State mandates are the root cause of high county property and sales taxes in New York and have led to a decline in the delivery of important local services; and

**WHEREAS**, the Genesee County Legislature adopted Resolution #165 Declaring “Mayday for Mandate Relief” and Urging the State to Adopt Laws That Do Not Impose Further Fiscal Stress on Local Governments and Taxpayers and Build Upon Recent Efforts to Reform Costly Unfunded Mandates to raise awareness that decisions made in Albany have a direct impact on the property tax levy and local community services in Genesee County, the Genesee County Legislature has declared . Now, on

**MOTION** of Councilman Adams duly seconded by Councilwoman Neer be it

**RESOLVED** that the Town Board and the residents of the Town of Bethany support the Genesee County Legislature in urging the Governor and State Legislature to continue working to enact meaningful mandate relief, and be it further

**RESOLVED** that the Town of Bethany calls on State Lawmakers to enact legislation preventing future unfunded mandates without corresponding state aid to pay for them, and be it further

**RESOLVED** that the Clerk of the Town of Bethany shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Michael Ranzenhofer, Assemblyman Steve Hawley, and the Genesee County Legislature.

The motion passed with the following Roll Call Vote:

Supervisor Pietrzykowski – Yes  
 Councilwoman Neer – Yes  
 Councilman Fluker – Yes

Councilman Wenhold – Yes  
 Councilman Adams – Yes

**Resolution #26-2014 Opposing Expansion of Federal Control Under the Clean Water Act**

**WHEREAS**, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371 proposed rulemaking defining the Waters of the United States under the Clean Water Act, and

**WHEREAS**, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of “navigable waters” in the Clean Water Act, and

**WHEREAS**, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act, and

**WHEREAS**, the proposed rule change, if adopted, will cause significant economic harm to local farmers, stall the development of business, take control of land use for sustainable food production out of our local providers’ hands, and negatively impact County and Town-owned and maintained infrastructure such as roadside ditches and flood-control channels, and

**WHEREAS**, the cost to our farms, municipalities, and taxpayers will be enormous, and

**WHEREAS**, the New York Farm Bureau opposes the proposed rule change, and

**WHEREAS**, it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection or “significant nexus”, miles away, to a body of water currently defined as “navigable” and now on

**MOTION** of Councilman Wenhold duly seconded by Councilman Fluker, be it

**RESOLVED**, that the Town Board of the Town of Bethany strongly opposes o the EPA and Corps proposed rulemaking that changes the Clean Water Act, as proposed, and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution the Senator Schumer, Senator Gillibrand, Congressman Collins, the Environmental Protection Agency, the U.S. Army Corps of Engineers, the National Association of Counties, the National Association of Towns & Townships, State Senator Ranzenhofer, State Assemblyman Hawley, the New York State Association of Counties, the New York Association of Towns, the Western New York Inter-County Association and the Genesee County Legislature.

The motion passed with the following Roll Call Vote:

Supervisor Pietrzykowski – Yes  
Councilwoman Neer – Yes  
Councilman Fluker – Yes

Councilman Wenhold – Yes  
Councilman Adams – Yes

**Bookkeeper Resignation**

- Bookkeeper William Hakes has submitted his resignation effective June 30, 2014
- The open position will be advertised.

**Town Hall Entrance – Area Rugs – Purchase of**

A motion was made by Councilwoman Neer duly seconded by Councilman Wenhold to purchase new area rugs for the Town Hall entrance. The motion passed with the following Roll Call Vote:

Supervisor Pietrzykowski – Yes  
Councilwoman Neer – Yes  
Councilman Fluker – Yes

Councilman Wenhold – Yes  
Councilman Adams – Yes

**Correspondence**

- Supervisor Pietrzykowski noted that he was forwarding correspondence to the Town Planning Board pertaining to RFP's for Farm Land Protection Implementation projects.
- Communication was received from Time Warner concerning their merger with Comcast.

**Pepsi Machine – Removal of**

- Barb Czworka asked if the Pepsi machine could be removed from the hall as the Fire Department does not use it any longer. Fire Department members attending the meeting noted that Pepsi had been asked to pick it up but they have not done so yet.

**Spraying of Weeds – Pat Pietrzykowski**

- Mr. Pietrzykowski presented a request from his wife Barbara asking that the Town refrain from spraying chemicals on or near her property line.
- Mr. Pietrzykowski was informed that the Town does not spray weeds and is not planning to hire anyone to do so.
- The request will be kept on file.

**Linda Jackett – Mailbox**

- Linda Jackett noted that her mailbox has been hit repeatedly when the roads are being plowed.
- Highway Superintendent Fleming will follow-up with the driver of that route and her mailbox will be replaced.

**Warrant**

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$10,068.35	\$12,366.05
Highway Fund	\$ 5,948.88	\$16,035.28
Fire Protection Fund	\$81,934.00	\$81,934.00
Water Fund	\$ 0.00	\$ 00.00
Justice Fund	\$ 1,927.00	\$ 1,927.00

**Reading of the Minutes – Suspension of**

A **motion** was made by Councilman Wenhold and seconded by Councilman Adams 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 Wenhold to adjourn the meeting at 8:25 p.m. The motion passed with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: June 10, 2014

Respectfully Submitted,

Debbie L. Douglas  
Bethany Town Clerk