

TOWN OF BETHANY
REGULAR TOWN BOARD MEETING
08 SEPTEMBER 2014

Supervisor Pietrzykowski opened the September 8, 2014 Regular Town Board Meeting at 7:00 p.m. with prayer lead by Councilman Wenhold followed by Councilman Adams leading in the Pledge of Allegiance.

Town Officials in Attendance were:

Edward Pietrzykowski, Supervisor	Walter Wenhold, Councilman
Susan Neer, Councilwoman	Jeffrey Fluker, Councilman
Daniel Adams, Councilman	Debbie Douglas, Town Clerk
Paul Fleming, Highway Superintendent	Bill Shea, Town Justice
David DiMatteo, Town Attorney	Tom Douglas, CEO/ZEO
Linda Schmidt, Town Historian	Tom McBride, Town Justice

Attendees to the Meeting were:

Don Schmidt	Carl Hyde Jr.
Maelynn Hyde	Tom Foss
Terry Alwardt	Ramon Cipriano
Pat Pietrzykowski	Barb Pietrzykowski
Jim Phillips	John Szymkowiak
Gregg Torrey, Genesee County Legislature	

Finances

Supervisor Pietrzykowski presented the finances for August 2014.

General Savings	\$	656,578.92
915 Savings	\$	302,171.31
Highway Savings	\$	131,605.86
Highway Fund Misc. Savings	\$	859.78
Capital Project Highway	\$	69,456.86
AP/PR Account	\$	16,571.70
Trust & Agency Account	\$	7,309.38
Petty Cash	\$	250.00
Justice Savings	\$	29,854.78
Total		\$ 1,214,658.59
Revenues Received		
Debbie Douglas, Town Clerk	\$	2,004.10
Stanley Staba & Sons	\$	33.60
Stanley Staba & Sons	\$	399.00
US Treasurer	\$	1.42
Bethany Justice – William Shea	\$	506.00
Bethany Justice – Thomas McBride	\$	1,807.00
Total Revenue	\$	4,751.12
Total Revenue & Interest	\$	4,840.22

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the August 11, 2014 Regular Town Board Meeting.

A **MOTION** was made by Councilwoman Neer and seconded by Councilman Adams to approve the Minutes of the August 11, 2014 Regular Town Board Meeting as presented. The motion **PASSED** with All In Favor.

- Presented the Minutes of the August 25, 2014 Board Workshop Meeting.

A **MOTION** was made by Councilman Adams and seconded by Councilwoman Neer to approve the Minutes of the August 25, 2014 Town Board Workshop Meeting. The motion **PASSED** with All In Favor.

- Reported that a thank you note was received from B&E Equipment for the purchase of the new baler.
- Informed the Board that an invitation was received to attend the Partner Agencies Breakfast presented by the YWCA of Genesee County.
- The Town Clerk's monthly report and bank statements for August 2014 were presented for the Board's review.

ZEO/CEO Report – Town Douglas

- Noted that after the ceobethany email account was hacked last month his computer was not working correctly. A new hard drive had to be installed.
- Issued seven building permits
 - o Porch repair
 - o 3 for accessory buildings
 - o one for an addition
 - o one for a breezeway
 - o one for a modular home
 - o in process of permitting a doublewide
- Special use Permits
 - o One ongoing permit for an outdoor recreationa facility for Frank & Jamie Stanton on Bethany Center Road for mudding events. The application has been given preliminary review by the Town Planning Board and will be seen by the Genesee County Planning Board this week.
 - o One new Special Use Permit application for a 171 foot WEC for agricultural use is in the process of being completed. There are several issues with the application and Ag & Markets guidelines that need to be resolved.
- Working on finding quotes for cleaning and waxing the floors.

Highway Superintendent Report – Paul Fleming

- Have been grader patching Old Creek and West Bethany Roads.
- The 2003 Chevy pick-up that was declared excess equipment was sold at Tietsworth Auctions for \$2888.00. The check should be in shortly.
- Barb Czworka is off on Workers Compensation at least until September 26th due to the ongoing medical issue she has.
- Will be ordering approximately 42 tons of salt. Last years price will not be honored because the town has already purchased it's allotment for this year. The current price is approximately \$3 more per ton than last year.

Town Justice Report – Bill Shea

- Ticket volume is still low.

Town Historian Report – Linda Schmidt

- Has been working on a lot of geneology requests.
- Attended reception of retiring County Historian Sue Conklin.

Board Committee Reports**Councilman Wenhold**

- Senior Meals going well
- Planning Board met on September 4, 2014.

Councilwoman Neer

- Attended meeting of the Intercommunity Medical Building. It seems that the committee is only in the talking stage of selling the building.
- Committee is checking with the attorney to see if they have the ability to sell the building and if the original contribution from each municipality can be returned to the municipalities that donated.
- Attorney DiMatteo noted that the Attorney General would need to be involved also as the organization is a Not For Profit for Medical Services.

Councilman Fluker

- Pump testing on the fire trucks went well.
- Hoses were also tested and are good.
- Have one new member but need a lot more.
- The monthly breakfasts begin on Sunday and will be held the second Sunday of each month through April.

OLD BUSINESS**Transfer Station – Update**

- Baler was installed and working well.

Union Contact Negotiations – Update

- Will be meeting with the Union on Monday, September 15 at 7:00 p.m.

Comprehensive Plan – Update

- Incorrect version was forwarded to the Attorney. Correct version has been sent for his review.

Proposed Bethany/Stafford Water District – Update

- Still in need of one income survey from Stafford.

County Emergency Radio System – Update

- Councilman Fluker attended meeting this past Thursday concerning the progress of the radio system.
 - o Clarity and range are improving
 - o Technicians are currently troubleshooting problems in each department's area. They are willing to come out to each department and test using that departments equipment.
 - o May possibly add a seventh tower in LeRoy.
 - o Service must be 95% compliant before the county can sign the contract. 95% is an industry standard and coverage most likely will never go above that.
 - o Pagers are scheduled to be activated on September 15th.

JCAP Grant Application – Update

- Supervisor Pietrzykowski will meet with both Justices on Monday, September 15th to discuss the grant application.

Kitchen Use Contract with Fire Department

- Bill Shea is meeting with the Fire Department Board of Directors to present the current version.

Old Town Hall – Update

- Revised contract has been signed and sent back to the Landmark Society. Marketing should begin soon.

SUP1401 Frank & Jamie Stanton

- o Preliminary review was performed for the Special Use application submitted by Frank & Jamie Stanton for an outdoor recreational use.
- o The Town Board discussed the application and received some recommendations from Attorney DiMatteo in regard to points to consider and outside agencies that should be contacted for input.
 1. Agencies
 1. Army Corps of Engineers
 2. DEC
 3. EPA
 4. Fire Department
 5. Department of Health
 2. Points to consider
 1. Emergency access
 2. Start time – will noise interfere with the enjoyment of church services, etc.
 3. No roadside parking
 4. Alcohol
 5. No removal of dirt from the property
 6. Buffer zone and/or creation of sound buffer
- o Zoning Officer will be the go-between with Mr. Stanton.

Resolution #31-2014 Stanton Injunction – Pig Pen’s Waller -

WHEREAS, Mr. & Mrs Stanton have filed a Special Use Permit application, and

WHEREAS, the event known as Mudapaloosa which was scheduled for Labor Day weekend was cancelled by the Stanton’s; and

WHEREAS, the Town Board is in agreement that the Stanton’s are making a concerted effort to become compliant with the Town’s Zoning Law; and

WHEREAS, the Stantons have agreed that they will not hold any further mudding events until such time that they have received approval of their special use permit, now on

MOTION of Councilman Adams seconded by Councilman Fluker, be it

RESOLVED that the Town Attorney is hereby directed to draft an agreement between the Town of Bethany and the Stantons stating that they shall not hold any further mudding events until such time that they have received approval of their special use permit and the Town will cease court action. If this agreement is violated, court action will be reinstated by the Town.

The motion **PASSED** with the following Roll Call Vote:

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

Councilman Wenhold – Yes
 Councilman Adams

Resolution #32-2014 – Sand Blasting and Painting of 2002 International Truck – Approval of

WHEREAS, the 2002 International Truck is in need of painting in order to preserve the frame and box, and

WHEREAS, a quote has been received from Hillcrest, Inc. in the amount of \$5,700.00 to perform the necessary sand blasting and painting, now

On **MOTION** of Councilman Adams duly seconded by Councilman Wenhold, be it

RESOLVED that Highway Superintendent Fleming is authorized to have the 2002 International Truck sand blasted and painted (box and frame) per the quote provided by Hillcrest, Inc. in the amount of \$5,700.00

The motion **PASSED** with the following Roll Call Vote:

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

Councilman Wenhold – Yes
Councilman Adams – Yes

Annual Audit

- The annual audit began today.

NEW BUSINESS

Drainage Problem – Gerald Shea Property

- Mr. Shea spoke to the Board concerning the culvert that crosses Paradise Road and drains onto his property.
- Last winter, the culvert froze under the road.
- The water flooding his property is causing damage to his home.
- The Highway Superintendent and Town Supervisor will look into the situation.

Payment at the Transfer Station No Longer Accepted

- Payment for disposal of trash will no longer be accepted at the Transfer Station as of October 1, 2014.
- Signs have been posted to alert residents.
- Transfer Satation punch cards may be purchased from the Town Clerk either in person or by mail.

Resolution #33-2014 Assessor Travel Request – Approval of

WHEREAS the Assessor is required to obtain 12 continuing education credits for Assessors each year, and

WHEREAS the Assessor is requesting permission to attend the the 2014 Annual Assessment Administration Conference to be held in Lake Placid, NY from October 5-8, 2014 in order to fulfill this requirement, and

WHEREAS the the cost of attending the conference will be divided between the four towns that the Assessor serves in, and

WHEREAS the are funds in the Assessor’s budget to cover the cost of attending the conference, now on

MOTION of Councilwoman Neer seconded by Councilman Wenhold, be it

RESOLVED that the Town Board approves the travel request of the Assessor to the 2014 Annual assessment Administration Conference in Lake Placid, NY from October 5-8, 2014 with the cost to be divided equally between the towns of Darien, Pembroke, Attica and Bethany.

The motion **PASSED** with the following Roll Call Vote:

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

Councilman Wenhold – Yes
Councilman Adams – Yes

Court Officer

- The Justices noted that Court Officer Christopher Hausfelder has not been able to work in several weeks due to his schedule.
- Justice McBride will get in contact with Mr. Hausfelder to ascertain whether he is able to continue in the position or if the Town should find someone else to fill the position.
- It was also noted that some towns have attained grant funding for their Court Officer salary allowing them to pay a higher hourly wage therefore attracting more qualified personnel.

RESOLUTION #34-2014 SCHEDULE INFORMATIONAL MEETING FOR PROPOSED CREEK & PUTNAM ROADS WATER DISTRICT

WHEREAS, the Town Board of the Town of Bethany has been approached about the formation of a water district to include Putnam Road and a portion of Creek Road, and

WHEREAS, the Town Board feels that it is in the best interest of the Town and the residents of this area to determine the level of interest in this proposed water district prior to expending taxpayer funds, now on

MOTION of Councilman Wenhold duly seconded by Councilman Adams, now therefore be it

RESOLVED, that Town Board of the Town of Bethany will hold an informational meeting for the property owners of the proposed Creek and Putnam Roads water district to be held on Monday, October 5, 2014 at 7:00 p.m. And be it

FURTHER RESOLVED that the Town Clerk will send a letter to each property owner in the proposed district notifying them of the informational meeting date and time.

The motion **PASSED** with the following Roll Call Vote:

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

Councilman Wenhold – Yes
Councilman Adams – Yes

Employee Handbook and Workplace Violence Policy – Review of

- The Board will begin review of the Employee Handbook and Workplace Violence Policy for any necessary changes.

2015 Budget

- Department Heads should have their 2015 Budget requests to the Supervisor by September 20, 2014.

RESOLUTION #35-2014 SCHEDULE PUBLIC HEARING FOR SPECIAL USE PERMIT (SUP1401)

WHEREAS, the Town Board of the Town of Bethany has received an application for a Special Use Permit (SUP140) from Frank & Jamie Stanton requesting permission to hold outdoor mudding events at their property located at 9832 Bethany Center Road (TMP# 2.-1-82.112); and

WHEREAS, Town of Bethany Zoning Law (II, 210, C) requires that the Town Board hold a public hearing as part of the special use permit process and that such public hearing shall be held within sixty-two (62) days from the date of the application is received by the Town; now on

MOTION of Councilwoman Neer duly seconded by Councilman Wenhold, now therefore be it

RESOLVED, that Town Board of the Town of Bethany will hold a public hearing on the special use permit application submitted by Frank & Jamie Stanton (SUP1401) on the 13th day of October 2014 at 8:00 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

The motion **PASSED** with the following Roll Call Vote:

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

RESOLUTION #36-2014 SCHEDULE OF PUBLIC HEARING FOR PROPOSED LOCAL LAW TO OVERRIDE 2% TAX CAP

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 Adams which has been duly seconded by Councilman Fluker, 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 13th day of October 2014 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

The motion **PASSED** with the following Roll Call Vote:

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

RESOLUTION #37-2014 AUTHORIZING THE TOWN CLERK TO ACCEPT CREDIT/DEBIT CARDS

WHEREAS, the Town Clerk has had many requests for credit card acceptance services; and

WHEREAS, Business Automation Services, Incorporated (BAS), Clifton Park, New York, the provider of the Town Clerk's program, has contracted with Value Payment Systems for credit card services; and

WHEREAS, there are convenience fees for payments made by credit/debit cards that will be paid by the consumer with no cost to the Town. Now on

MOTION of Councilwoman Neer duly seconded by Councilman Wenhold, be it

RESOLVED that the Bethany Town Board hereby authorizes the Value Payment Systems to provide credit card services, as proposed (agreement attached), and be it

FURTHER RESOLVED, the Supervisor and the Town Clerk are hereby authorized to execute the necessary documents.

Motion **PASSED** with the following Roll Call Vote:

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

Town Clerk Computer Upgrade

- The Town Clerk's computer has an unsupported version of Windows.
- A quote was obtained to upgrade the computer with Windows 7 and installation of Office 2013 Pro
 - o \$399.00 - Office Professional 2013 (Word, Excel, OneNote, Outlook, Access, Publisher)
 - o \$150.00 In shop labor to backup system and reload with Windows 7 Professional
 - o \$190.00 Onsite setup of system and reinstalling BAS software.
 - o \$739.00 Total
- The Clerk does not have the funds in her budget to pay for the upgrade.
- The Board questioned whether it would be better to replace the computer. The Clerk's computer could be set up as a workstation for the Town Board.
- The Clerk will obtain a price for a new computer and the necessary update for the old computer to make it usable for the Board members.

A **MOTION** was made by Councilman Adams seconded by Councilwoman Neer to table the upgrade of the Clerk's computer until the September 15, 2014 Special Meeting at which time the Board will review the additional quotes and make the necessary budget transfers if a purchase is approved.

Motion **PASSED** with the following Roll Call Vote:

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

GAM

- GAM will be hosted by the Town of Bethany on Thursday, September 18 at the Community Center.

Barb Pietrzykowski – Water on her Property

- Ms. Pietrzykowski asked if something could be done about the water that flows onto her property. She wonders if cleaning the ditch on the Transfer Station property will help.
- Highway Superintendent Fleming will investigate.

Potholes

- Councilman Adams informed Highway Superintendent Fleming that there are a couple of large potholes at the intersection of Dublin and Transit Roads.

Executive Session

- Attorney DiMatteo asked the Board to go into Executive Session to discuss a personnel issue pertaining to someone is specific.

A **MOTION** was made by Councilwoman Neer and seconded by Councilman Adams to enter into Executive Session at 8:46 p.m. to discuss specific personnel. Motion **PASSED** with the following Roll Call Vote:

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

The Board returned from Executive Session at 8:55 p.m.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,512.83	\$ 3,511.10
Highway Fund	\$ 0.00	\$ 6,504.09
Fire Protection Fund	\$ 0.00	\$ 0.00
Water Fund	\$ 0.00	\$ 26.25
Justice Fund	\$ 0.00	\$ 0.00

Reading of the Minutes – Suspension of

A **MOTION** was made by Councilwoman Neer 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 Councilman Wenhold and seconded by Councilman Fluker to adjourn the meeting at 8:56 p.m. The motion **PASSED** with All In Favor.

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

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk