

TOWN OF BETHANY
REGULAR TOWN BOARD MEETING
08 DECEMBER 2014

Supervisor Pietrzykowski opened the December 8, 2014 Regular Town Board Meeting at 7:00 p.m. with prayer led by Councilman Wenhold followed by Supervisor Pietrzykowski 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
Thomas Douglas, CEO/ZEO	

Attendees to the Meeting were:

Frank Stanton	Carl Hyde, Jr.
Mark Yasses	Cheryl Yasses
Bob Reyes	Elaine Shell
Barb Czworka	Jim Phillips
Josh Wells	Deb Donnelly
Joseph Nowakowski	Gary Donnelly
Brian Dickman, Teamster Union	Jerimiah Neyman

Finances

Supervisor Pietrzykowski presented the finances for November 2014.

General Savings	\$	719,246.99
915 Savings	\$	302,220.73
Highway Savings	\$	28,446.21
Highway Fund Misc. Savings	\$	859.82
Capital Project Highway	\$	69,464.79
AP/PR Account	\$	11,995.06
Trust & Agency Account	\$	4,780.37
Petty Cash	\$	250.00
Justice Savings	\$	29,828.68
Total		\$ 1,167,092.65
Revenues Received		
Debbie Douglas, Town Clerk	\$	3,864.45
Stanley Staba & Sons	\$	253.00
Bethany Justice – William Shea	\$	747.00
Bethany Justice – Thomas McBride	\$	1,279.00
Total Revenue	\$	6,143.45
Total Revenue & Interest	\$	6,188.83

RESOLUTON #58-2014 FUEL BIDS – AWARD

WHEREAS, two Fuel Bids were received and opened as follows:

- o Propane

	<u>Supplier Price/Gal</u>	<u>Average Rack Price</u>	<u>Total</u>
Reisdorf Oil & Propane (Locked in thru April 2015)			\$1.499

Hometowne Energy Co. Inc.	\$1.29	\$0.60	\$1.89
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- o Gas & Diesel

	<u>Supplier Price/Gal</u>	<u>Average Rack Price</u>	<u>Total</u>
Reisdorf Oil & Propane #2 Diesel-Low Sulfur On-Road Diesel	\$0.085	\$2.3285	\$2.4135
Unleaded Gasoline Min Octane 87	\$0.090	\$2.0382	\$2.1282

Hometowne Energy Co. Inc. #2 Diesel-Low Sulfur On-Road Diesel	\$0.200	\$2.310	\$2.5100
Unleaded Gasoline	\$0.220	\$2.170	\$2.3900

WHEREAS, Reisdorf Oil and Propane are the lowest bidder for propane, diesel and gas, now

ON MOTION made by Councilman Wenhold seconded by Councilman Fluker, be it

RESOLVED that the 2015 Fuel and Propane bids are awarded to Reisdorf Oil & Propane.

The 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 Report – Debbie Douglas

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

A **MOTION** was made by Councilman Wenhold and seconded Councilwoman Neer to approve the Minutes of the November 10, 2014 Regular Town Board Meeting as presented. The motion **PASSED** with All In Favor.

- Presented the Minutes of the November 19, 2014 Special Town Board Meeting.

A **MOTION** was made by Councilman Adams and seconded Councilman Fluker to approve the Minutes of the November 19, 2014 Special Town Board Meeting as presented. The motion **PASSED** with All In Favor.

- Credit card system is operational.
- Memorial for Priscilla Norton was made to the Bethany Center Baptist Church.
- Memorial for Assessor Deb Conti's mother who passed away on November 16th was made to Crossroads House.
- Annual Celebrate Agriculture Dinner tickets are on sale at the Chamber of Commerce. Dinner is on March 21st at the Alexander Fire Hall.

- Received a telephone call from Tremendous! Entertainment, Inc. from North Hollywood, CA. They were filming for a show at Rolling Hills and were looking for other historic places in town. They were given permission to film at the Old Town Hall by Supervisor Pietrzykowski. The show is tentatively titled Ghost Asylum.
- The Town Clerk's monthly report and bank statements for November 2014 were presented for the Board's review.

ZEO/CEO Report – Tom Douglas

- Has received an Area Variance Application. Reviewed the application with the Town Board.
- Issued a permit for a new house on Fargo Road
- Issued one Solid Fuel Burning Device permit.

Highway Superintendent Report – Paul Fleming

- Will be attending a meeting with FEMA tomorrow to discuss reimbursement from the recent snow storm. May pay for overtime, supplies, damages to town property, mailboxes, etc.
- RCR&R has started picking up recyclables.
- Introduced Jerimiah Neyman to the Board. He has submitted an application for part-time work. Is qualified to drive truck. Works for Suit-Kote and is laid off for the winter.

Town Justice Report – Bill Shea

- No news concerning the JCAP grant.

Board Committee Reports

Councilman Wenhold

- Senior Meals are going well. Numbers are down as many snowbirds have gone to warmer climates. No meals will be held on Christmas Eve or New Year's Eve.
- Planning Board did not meet in December.

Councilwoman Neer

- Will be attending a meeting at the Intercommunity Medical Building tomorrow.
- An offer has been received from Dr. Craddock of \$300,000. The property is assessed at \$430,000. They will discuss what they feel they should do next.

Councilman Fluker

- The Fire Department was very busy during the November snow storm.
- As always, more volunteers are needed.
- Breakfast will be held this coming Sunday.

OLD BUSINESS

Transfer Station Expansion – Update

- A letter was received from NYS Department of Environmental Conservation pertaining to the pre-application for the grant. There is more information required in order for the town's application remain on the waiting list.
- Our application has moved from 1240 to 1028 on the list. A five year wait is expected.

Union Contract Negotiations – Update

- The meeting scheduled for December 3, 2014 was cancelled by the Union as Brian Dickman was not available to attend.

- Mr. Dickman is present tonight and the Board offered to go into executive session at the end of tonight's meeting to discuss negotiations.

Proposed Water District – Putnam/Creek Roads – Update

- At last month's meeting, it was not understood that the two proposals for the income survey were competing quotes instead of two companies working together to complete the income survey.
- The quotes are as follows:

o Stuart I. Brown Associates, Inc.	\$ 800.00
o Municipal Solutions, Inc.	\$1,500.00

Resolution #59-2014 Repeal of Resolution #44-2014 AUTHORIZING THE SIGNING OF AN AGREEMENT WITH STUART I. BROWN ASSOCIATES AND MUNICIPAL SOLUTIONS FOR INCOME SURVEY SERVICES FOR THE PROPOSED CREEK/PUTNAM ROAD WATER DISTRICT

WHEREAS, the Bethany Town Board mistakenly approved contracting with two different companies for the Putnam/Creek Roads income survey; and

WHEREAS, in order to correct the mistake, Resolution #44-2014 must be repealed in order to correct this mistake: now

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

RESOLVED that **RESOLUTION #44-2014 AUTHORIZING THE SIGNING OF AN AGREEMENT WITH STUART I. BROWN ASSOCIATES AND MUNICIPAL SOLUTIONS FOR INCOME SURVEY SERVICES FOR THE PROPOSED CREEK/PUTNAM ROAD WATER DISTRICT** dated November 10, 2014 is hereby repealed.

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 #60-2014 AUTHORIZING THE SIGNING OF AN AGREEMENT WITH STUART I. BROWN ASSOCIATES FOR INCOME SURVEY SERVICES FOR THE PROPOSED CREEK/PUTNAM ROAD WATER DISTRICT

WHEREAS, the Median Household Income (MHI) from the Census Bureau has been determined to be unreliable for the proposed service area because of the margin of error in the 2010 census, and

WHEREAS, it is necessary to have an accurate MHI in order to obtain funding for the proposed water project, and

WHEREAS, it is necessary to conduct an independent income survey for the proposed Creek/Putnam Road water district, now on

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

RESOLVED that Supervisor Pietrzykowski is hereby authorized to sign the necessary agreements with Stuart I. Brown Associates to perform the necessary income survey.

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

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

Councilman Wenhold – Yes
 Councilman Adams – Yes

Proposed Water District – Clipnock/Torrey/Little Canada/East Bethany-LeRoy – Update

- A letter was received from USDA stating that they have accepted the income survey results. The median household income for the area is \$50,000.
- A public meeting will need to be held then it can go to a vote.
- Supervisor Pietrzykowski will need to contact Monroe Water Authority to make sure that they can supply water to Bethany in the proposed Clipnock/Torrey/Little Canada/East Bethany-LeRoy Roads water district.

Genesee County Radio System – Update

- Councilman Fluker reported that the radio system is getting better. A change to the operating procedure is in the works.
- The County will be divided into 2 battalions instead of 3 as it is now which will free up a channel for dispatchers to use as a working channel.
- Also working on a resolution for MAYDAY situations.

Kitchen/Hall Use Contract with Fire Department – Update

- The following was proposed by the Bethany Volunteer Fire Company Board of Directors.

**Bethany Community Center
 Fire Department - Town
 Hall Use Agreement**

The Fire Department shall make prior arrangements with the Town Clerk for availability of the Community Center (except in case of emergency).

The Town must make prior arrangements with the Fire Department Kitchen Steward for use of the kitchen (except in case of emergency).

As use of the kitchen involves the use of Town utilities, any food prepared in the kitchen shall be consumed on premises or at a Fire Department function off premises (i.e. fire or accident scene). All caterers shall follow caterer's rules.

The Fire Department has the option of cleaning the hall after their use or paying the Town cleaning fee. (Prior arrangements must be made if the Town will provide cleaning.) The Town has the same option with the Fire Department for the kitchen. If the Fire Department chooses to clean the hall, it shall be returned to the condition that it was found in. This may include- sweeping the floor, mopping the floor, removing trash and cleaning restrooms. These arrangements are the same for the Town's use of the kitchen.

Cleanup shall occur on the day of the event unless prior arrangements have been made.

Tables may be left up in areas designated by the Town. Please consider the area used for the Town Court. Tables and chairs must be lifted to be moved (not dragged) when moved.

The tables and chairs in the hall at the time of the hall sale belong to the Fire Department. Replacements will be supplied by the Town, and will be the property of the Town. No tables belonging to the Town are to be rented out by the Fire Department.

The Town will be responsible for any unauthorized use of the kitchen including cleaning and replacement of missing or damaged property.

--All storage areas are to be locked during events.
 --No smoking is allowed in the building at any time.
 --Lights must be turned off when not in use.
 --Town procedure to be used to dispose of trash if dumpster is full. (Leaving garbage in kitchen and contacting Barb to let her know.)

--This document is good for 1 year and each year it is to be reviewed by participating parties and resigned.

 George Larish, President
 Bethany Volunteer Fire Department

 Date

 Edward Pietrzykowski, Supervisor
 Town of Bethany

 Date

A **MOTION** was made by Councilman Adams duly seconded by Councilman Wenhold to authorize Supervisor Pietrzykowski to sign the Hall Use Agreement between the Town and the Bethany Volunteer Fire Company as presented.

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 #61-2014 IN SUPPORT OF THE TOWN OF ALEXANDER YOUTH RECREATION PROGRAM FOR THE YEAR 2015

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, now,

On **MOTION** made by Councilwoman Neer duly seconded by Councilman Adams, now, therefore, be it

RESOLVED that the Town of Bethany is in support of the Town of Alexander Youth Recreation Program for the Year 2015 by contributing to the program in the amount of \$425.00.

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

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

Councilman Wenhold – Yes
 Councilman Adams – Yes

RESOLUTION #62-2014 IN SUPPORT OF THE TOWN OF PAVILION YOUTH RECREATION PROGRAM FOR THE YEAR 2015

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, now

On **MOTION** made by Councilman Adams duly seconded by Councilman Fluker now, therefore, be it

RESOLVED that the Town of Bethany is in support of the Town of Pavilion Youth Recreation Program for the Year 2015 and will contribute to the program in the amount of \$425.00.

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 #63-2014 IN SUPPORT OF THE TRI-TOWN ATHLETICS, INC. RECREATION PROGRAM FOR THE YEAR 2015

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, now

On **MOTION** by Councilwoman Neer duly seconded by Councilman Fluker now, therefore, be it

RESOLVED that the Town of Bethany is in support of the Tri-Town Athletics, Inc. recreation program for the Year 2015 and will contribute to the program in the amount of \$425.00.

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

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

SUP1401 Pig Pen's Waller (Frank & Jamie Stanton) – Update/Decision

- CEO/ZEO Douglas recapped the information requested and gathered for the Special Use Permit Application (SUP1401) as set forth by Town of Bethany Zoning Law.
 - o The Town of Bethany Planning Board requested that Mr. Stanton provide a better site plan to depict parking spaces, traffic circulation including entrances and exits and volume of traffic generated. These drawings have been provided by Mr. Stanton. CEO/ZEO Douglas provided a PowerPoint presentation of Mr. Stanton's submissions for the Board's review.
 - o Required permitting from outside agencies –
 1. Wetlands – per the Army Corps of Engineers, the only wetland depicted on the Stanton property is Mr. Stanton's own pond.
 2. DEC – No permitting is required from the DEC. New York State Pollutant Discharge Elimination System Permit (SPDES) does not apply.
 3. Department of Health –
 1. Camping - Per Part 7, Subpart 7-3.2, Application, (a) The requirements of the Subpart shall apply to a campground where five or more campsites are occupied or maintained for occupancy except: (2) a campground occupied for less than sixty (60) hours in any calendar year. Mr. Stanton states that there will only be one overnight event per year.
 2. Food Service – Per Part 7, Subpart 7-3.11, Food Service. Any food service operated by the campground operator or other food vendor shall meet the requirements of Part 14 of this chapter. If the food service is operated by a food vendor other than the operator of the campground,

a permit to operate in accordance with the appropriate Subpart of part 14 of this Chapter must be obtained. Mr. Stanton states that any food at the events will be provided by a licensed food service provider.

3. New York State Department of Health Operating Permit
 - Mr. Stanton is required to obtain a New York State Operating Permit for an Outdoor Recreational Use.
- Emergency Access & Safety
 - o Mr. Stanton's site plan depicts access roads along the north and south boundaries of his property with a designated entrance for emergency vehicles that will be available for emergency access.
 - o Area where mud pits are located is walkable.
 - o Per the Department of Health there is no requirement for ambulance standby during events because the number of attendees to the events do not reach the threshold. The Fire Department does not guarantee that ambulance and personnel will be available for standby at any events.
 - o Spectator viewing area is located across from a deep ditch with a deep mud pit parallel to the ditch. Mr. Stanton states that vehicles would not be able to cross those obstacles into the viewing area.
 - o Past litigation was discussed in which the Town was sued due to mud from farm machinery being on the road causing an accident.
- Music
 - o Music will not be amplified/broadcast. Mr. Stanton stated that any music will be recorded only and most likely from vehicle radios. The Town does not have a noise ordinance.
- Alcohol Consumption
 - o Town of Bethany Zoning Law does not regulate sales or consumption of alcohol. This is regulated by the ABC Board.
- Parking
 - o Mr. Stanton has provided drawings depicting designated parking areas. There will be no roadside parking.
- Sanitation
 - o Mr. Stanton will provide 2 port-a-johns for each event.
- Insurance
 - o Mr. Stanton will have a \$1,000,000 Umbrella Insurance Policy.
- Hours of Operation and Number of Events
 - o Mr. Stanton would like to hold events from 12:00 p.m. – 8:00 p.m. light permitting.
 - o Mr. Stanton would like to hold 2 events per month from April through October.
- Noise
 - o Mr. Stanton feels that because his property is located in a low area that a buffer (berm, trees, etc.) would not help with the noise.
- Letter from neighbors
 - o A letter received from four neighbors who have expressed their opposition to the project offered the following in compromise –
 1. Stated that Mr. Stanton should have insurance for his events.
 2. Noted the above mentioned lawsuit because of mud on the road causing an accident and offered that washing stations for the vehicles would help with that problem.
 3. Did not want multi-day events.
 4. Suggested that berms be constructed to alleviate noise and to provide a safety buffer for spectators.
 5. Suggested that events occur three (3) times per year from noon until 5 p.m. with all activity ending no later than 10 p.m., no events on holidays and no camping.

- Per Town of Bethany Zoning Law Article II, Section 210, Subsection D, Conditions, “The Town Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed special use permit plan. Upon its approval of said special use permit, any such conditions must be met in connection with the issuance of the special use permit by the Zoning Enforcement Officer.”
- Per Town of Bethany Zoning Law Article II, Section 210, Subsection G, Abandonment of Special Use Permit, “A special use permit shall expire when there occurs a cessation of such use or activity, for which said special use was originally issued, for a period of one (1) year. Upon evidence that a special use permit has been abandoned, the Zoning Enforcement Officer shall issue a notice of abandonment to the owner of record for the property by registered mail. If after sixty (60) days the owner has not provided satisfactory proof that the special use did not cease, the Town Board shall revoke the special use permit.”
- Genesee County Planning Board’s recommendation was disapproval as follows – “The site plan as submitted is not adequate to perform a thorough review of the project; as such the proposed outdoor mudding events venue may pose significant county-wide or inter-community impacts. The applicant is encouraged to submit all relevant documentation per Town of Bethany Zoning Law Section 208 (C)(2) and that addresses all Site Plan Review Criteria, Section 208 (C)(3), and Special Use Permit Standards, Section 210 (H). The applicant should provide more detailed information regarding the number and size of all parking spaces, anticipated volume of traffic generated, proof of insurance, storm water control and drainage including any NYS DEC required permit.”
- The Town of Bethany Planning Board recommendation was disapproval as follows: “Due to the lack of information requested by the Planning Board. Insufficient data has been received to adequately perform a thorough review of the project.”
- In order to override the disapproval recommendation, the Town Board voted to approve the Special Use Application they would need a super-majority (majority plus one).
- The Town Board completed the SEQR process and determined, based on the information and analysis above, and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts.

Resolution #64-2014 SUP1401 – Frank & Jamie Stanton – Mud Bogging Events – Negative Declaration

WHEREAS, the Bethany Town Board, as lead agency, is required to perform SEQR for any Special Use Permit, and

WHEREAS, the Bethany Town Board did perform SEQR and found no negative impacts were present, now

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

RESOLVED that the Town Board issues a Negative Declaration for SEQR for the Special Use Application (SUP1401) submitted by Frank & Jamie Stanton for the operation of outdoor mud bogging events on the property located at 9832 Bethany Center Road, East Bethany, NY (TMP#2.-1-82.112).

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

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

Councilman Wenhold – Yes
 Councilman Adams – Yes

Resolution #65-2014 SUP1401 – Frank & Jamie Stanton – Outdoor Mud Boggging Events – Approval of

WHEREAS, Frank & Jamie Stanton have submitted a Special Use Application to the Town of Bethany for the operation of outdoor mud bogging events, and

WHEREAS, such application was submitted to the Genesee County Planning Board and the Town of Bethany Planning Board, and

WHEREAS, both the Genesee County Planning Board and the Town of Bethany Planning Board have recommended disapproval of the special use application, and

WHEREAS, per General Municipal Law Section 239m, a majority plus one vote of the entire Town Board is necessary to override a County Planning Board recommendation of disapproval or approval with modification, and

WHEREAS, in accordance with Town of Bethany Zoning Law Article 210, Section C the Bethany Town Board did hold a public hearing where any interested parties for or against were heard, and

WHEREAS, the Bethany Town Board did perform SEQR review issuing a Negative Declaration (Resolution #64-2014), and now

On **MOTION** of Councilman Wenhold duly seconded by Councilwoman Neer the Special Use Permit Application (SUP1401) submitted by Frank & Jamie Stanton for the operation of outdoor mud bogging events on the property located at 9832 Bethany Center Road (TMP# 2.-1-82.112) be approved with the following modifications:

1. A maximum of five (5) scheduled events be held between April and September with the Zoning Enforcement Officer to be notified at least fifteen (15) days prior to each event to allow for compliance inspection.
2. Actual mudding in the bogs and/or pulling contests will be held between the hours of 12:00 p.m. and 6:30 p.m. This does not including loading and unloading of vehicles.
3. One (1) two (2) -day camping event may be held per year.
4. A New York State Operating Permit for Outdoor Events must be maintained (copy to be filed with the Town Clerk).
5. The Special Use Permit will be reviewed annually. Further modification may be considered at that time.
6. An insurance umbrella of a minimum of \$1,000,000 will be maintained (Proof of Insurance to be filed with the Town Clerk).
7. Children's activities will be planned.
8. A designated safety person will be on duty for each event.
9. A noise buffer will be actively pursued (i.e. berm, planning of trees, etc.)
10. A barrier will be established between the spectator area and the mud bogs. This may be accomplished by modifying the existing ditch in that area to diminish the possibility of vehicles entering the spectator area if the Stanton's wish.
11. Signs shall be placed roadside warning of the possibility of vehicles entering the highway on event days because of the increased traffic created by the events. These should be placed several hundred feet away from the location of the events on each side of the property.
12. Failure to comply with any or all of these modifications will result in revocation of the Special Use Permit.

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

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

Councilman Wenhold – Yes
 Councilman Adams – Yes

RESOLUTON #66-2014 COHEN LAW GROUP – TIME WARNER FRANCHISE NEGOTIATIONS SERVICE

WHEREAS, Attorney David DiMatteo has been working with Dan Cohen of Cohen Law Group regarding the pending changes in Franchise Agreements between your municipality and Time Warner Cable as they change over to ComCast, and

WHEREAS, Cohen Law Group has specialized in representing municipalities in cable and telecommunications matters for the past 16 years, and

WHEREAS, by joining the consortium of municipalities, the Town would receive a discounted flat fee for their services. The discount would depend on the number of municipalities in the consortium, now

On **MOTION** made by Councilman Wenhold duly seconded by Councilman Fluker, be it

RESOLVED that the Bethany Town Board accepts the proposal for Time Warner Franchise Negotiations Service from Cohen Law Group.

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

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

Councilman Wenhold – Yes
 Councilman Adams – Yes

Camera Installation – Update

- Highway Superintendent is ordering cameras.

NEW BUSINESS

Time Clock Installation & ID Badges

- A time clock will be installed at the Highway Department with ID badges issued for clocking in and out.
- The Time Clock Policy will be approved at the year-end meeting.

Closing Out of Accrued Vacation Time

- Supervisor Pietrzykowski would like to close out all earned vacation benefits before the end of the year.
- The continuous accrual of vacation time is causing trouble with bookkeeping and scheduling of work.
- From this point forward vacation time not used in the calendar year that it is earned will be paid out at the end of the year.
- Below is the resolution passed by the Board in 2011 authorizing the Supervisor to payout earned benefits.

RESOLUTION #22-2011 RESOLUTION GIVING SUPERVISOR AUTHORITY TO DISTRIBUTE PREVIOUSLY EARNED BENEFITS FROM A.1990.1

WHEREAS, Highway Department employees are owed previously earned benefits, and

WHEREAS, A portion of A.1990.1 is designated to pay these owed benefits when requested by the employees, and

WHEREAS, A.1990.1 requires Board approval prior to the distribution of funds, now, therefore, be it

RESOLVED, that the Bethany Town Board does hereby grant the Supervisor authority to distribute funds from A.1990.1 for the purpose of paying previously owed benefits to Highway Department employees without prior approval until such time as the designated benefit amount is depleted.

A motion was made by Councilwoman Neer and seconded by Councilman Wenhold to approve Resolution #22-2011 "Resolution Giving Supervisor Authority to Distribute Previously Earned Benefits from A.1990.1". The motion passed with the following Roll Call Vote:

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

Dated: December 29, 2011

RESOLUTION #67-2014 PAYMENT OF ALL EARNED VACATION BENEFITS WITH NO FURTHER CARRY-OVER OF EARNED VACATION TIME

WHEREAS, there are employees who have accrued vacation time that has not been used (some for several years), and

WHEREAS, vacation time continues to accrue through a snowball effect, and

WHEREAS, tracking time owed to employees, rates of pay, budgeting and scheduling of work has become very difficult, now

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

RESOLVED that effective Friday, December 19, 2014 all unused vacation time will be paid in full to each employee who has accrued that time. Be it

FUTHER RESOLVED that employees will no longer be allowed to bank or carry over vacation time each year. Vacation time must be used in the calendar year that it is earned.

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

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

Locks & Keys for Town Hall - Changing of

- Because an accurate accounting of key inventory and key holders is impossible due to keys being copied without permission and distributed to unauthorized personnel, locks on doors in the Town Hall are being changed and new keys will be distributed.

Municipal Solutions, Inc. – John Savash – Training Bookkeeper

- The Supervisor and the Town Clerk in conjunction with the Town Attorney worked with John Savash from Municipal Solutions when working on the 2015 Budget. Mr. Savash will be training with the Bookkeeper so that she will be able to help with the budget in the future and have a better understanding of municipal accounting.

RESOLUTION #68-2014 SCHEDULING PUBLIC HEARING LL#2-2014 REPEAL OF LL#1-2014 2% TAX CAP OVERRIDE

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, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” adds 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, 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 adopted Local Law No. 1 of 2014 entitled “Override the Tax Levy Limit as established in General Municipal Law §3-c”, on October 13, 2014, said Local Law was filed with the New York State Department of State on October 28, 2014; and

WHEREAS, the Town Board did not use their authority to enact the Tax Cap Override that they had previously adopted for the year 2015, therefore the Town Board wishes to repeal said law, in accordance with General Municipal Law §3-c; 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 Councilwoman Neer, 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 29th day of December 2014 at 7:00 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

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

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

Councilman Wenhold – Yes
Councilman Adams – Yes

Resolution #69-2014 Waste Management – Contract Renewal (Roll Off Dumpster)

WHEREAS, the Town of Bethany has a 30 yard container for the collection of glass at the Transfer Station, and

WHEREAS, the Service Agreement with Waste Management is due for renewal, now on

MOTION by Councilwoman Neer duly seconded by Councilman Fluker, be it

RESOLVED that Supervisor Pietrzykowski is hereby authorized to sign the Service Agreement with Waste Management for the 20 yard container with a Haul Rate of \$437.58 and a Disposal Rate of \$65.76 Tons.

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

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

Procurement Policy – Review of

- During the audit performed by Bonadio Group it was brought to the town's attention that the amounts designated on the Procurement Policy were outdated. Amounts designated by General Municipal Law Section 103 have been increased
- The amounts can remain lower than those designated by GML Section 103 but that section of the law cannot be referenced in the procurement policy.
- The Clerk provided a copy of the proposed procurement policy with Section 103 removed for their review as the Supervisor felt it would be a good idea that the amounts remain as they are in the current policy.
- The policy will be addressed at the 2015 Organizational Meeting.

Executive Session

MOTION made by Councilman Wenhold duly seconded by Councilwoman Neer that the Board enter into Executive Session to discuss Union Contract negotiations with Union Representative Brian Dickman and Union Steward Barb Czworka at 9:33 p.m.

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

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

***Councilman Adams excused himself from the meeting at this time due to his work schedule and did not attend executive session. This was not a scheduled meeting with the Union.

The Board returned from Executive Session at 9:50 p.m.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,449.96	\$ 39,444.50
Highway Fund	\$ 0.00	\$ 41,987.52
Fire Protection Fund	\$ 0.00	\$ 0.00
Water Fund	\$ 0.00	\$ 0.00
Justice Fund	\$ 0.00	\$ 3,641.00

Reading of the Minutes – Suspension of

A **MOTION** was made by Councilman Wenhold duly 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 duly seconded by Councilman Fluker to adjourn the meeting at 9:55 p.m. The motion **PASSED** with All In Favor.

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

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk