

**REGULAR TOWN BOARD MEETING**

**08 JUNE 2015**

Supervisor Hyde opened the June 8, 2015 Regular Town Board Meeting at 7:01 p.m.

Town Officials in Attendance were:

Carl Hyde, Jr., Supervisor	Daniel Adams, Councilman
Walter Wenhold, Councilman	Susan Neer, Councilwoman
Debbie Douglas, Town Clerk	William Shea, Town Justice
Paul Fleming, Highway Superintendent	

Town Officials Absent were:

Jeffrey Fluker, Councilman

Attendees to the Meeting were:

Jim Phillips, BVFD President	Maelynn Hyde
Linda Jackett	Pat Pietrzykowski
Sandy Fluker	Bill Gick
Tim Embt	Tom Douglas
Deb Donnelly	Gary Donnelly
Greg Miller	Fran Brunner
Patty Brunner	Ramon Cipriano

**Finances**

Supervisor Hyde presented the finances for May 2015.

General Savings	\$	776,367.55
Contingent Account	\$	302,264.87
Highway Savings	\$	234,011.31
Highway Fund Misc. Savings	\$	859.87
Capital Project Highway	\$	69,472.83
AP/PR Account	\$	46,484.23
Trust & Agency Account	\$	12,259.72
Petty Cash	\$	200.00
Justice Savings	\$	40,743.34
Total		\$ 1,482,663.72

Revenues Received		
Debbie Douglas, Town Clerk	\$	2,163.54
Debbie Douglas, Tax Collector	\$	.29
FEMA Winter Recovery	\$	28,521.57
Bethany Justice – William Shea	\$	2,053.50
Bethany Justice – Thomas McBride	\$	2,255.00
Total Revenue	\$	34,993.90
Total Interest	\$	35.57
Total Revenue		\$ 35,029.47

**Town Clerk Report – Debbie Douglas**

- Presented the Minutes of the May 11, 2015 Regular Town Board Meeting.

A **MOTION** was made by Councilman Wenhold and seconded by Councilman Adams to approve the Minutes of the May 11, 2015 Regular Town Board meeting as presented. The motion **PASSED** with All In Favor.

- Received notification from the Post Office that in addition to the Bethany carriers being moved to Batavia (PO Boxes will still be available in the Bethany office), retail

hours will be changed. Monday – Friday the window will be open from 9:45 - 12:45 and 1:45 – 4:45. Saturday hours will remain the same.

- There is an opening for a Secretary/Alternate on the Planning Board and an open seat on the Board of Assessment Review. These positions have been advertised.
- The Electronic Death Registry System (EDRS) is starting to be implemented in small areas beginning with the Albany area first. Rochester may be another pilot area at a later date. Once the pilot areas are all set the State is hoping to implement the program one county at a time across the state. Training may begin sometime in June or July.
- DECALS, which is the licensing program used to sell hunting and fishing licenses, has been revamped to try to fix some of the problems that we were having.
- The Clerk read two thank you notes that were received complimenting the services provided by the Town.
- The Assessor, Deb Conti, suffered a broken ankle about 3 weeks ago. She had to have surgery and is expected to return to work tomorrow.
- The Clerk's Monthly Report and Bank Statements for May were reviewed by the Town Board.

### **ZEO/CEO Report**

- CEO Douglas expects to be able to return to work next week. To this point the Town of Batavia has not been called for inspections.
- There have been a lot of applications for Variances (4), Special Use Permits (2), Land Separations (2), Site Plan Review (2).
- There have been a couple Building/Zoning permits issued by the Town Clerk.
- CEO received a notice from Rural Opportunities concerning approximately \$3 million in grant funding that may be available for low income/elderly people that may need help with property repairs and maintenance. There will be more information to follow and it will be posted when it is received.
- Received a call from the engineer that is working on the repairs for the house on Fargo Road. The paperwork has been received in the office and will be reviewed.

### **Highway Superintendent Report – Paul Fleming**

- Have started mowing but is going slow.
- Received \$28,521.57 from FEMA for the November storm.
- Has received notice that salt prices will be up this year. Price for salt last year was \$42.96/ton; price for this year is \$48.62/ton. The town uses approximately 12,000-15,000 ton per year.

### **Town Justice Report – William Shea**

- The chairs that were ordered with the grant money should arrive this week.

### **Board Committee Reports**

#### **Councilman Wenhold**

- Senior Meals are going well. Attendance is a little low.
  - o Supervisor Hyde attended a meal and spoke with the attendees about any concerns or questions they had.
  - o A nutritionist also spoke to the group.
  - o The Town Board decided that the Seniors Meals group could deposit their trash in the Town Hall dumpster (approximately ½ bag per week) for free. This is a Town funded program and it doesn't make sense to charge them to get rid of their trash.
- The Planning Board met on June 4<sup>th</sup> with several applications to review.
  - o A Special Use Permit submitted by CEC Energy for David Wood for a small WEC was tabled pending the ruling on the Area Variance Application and the Genesee County Planning Board recommendations.
  - o An Area Variance was submitted by CEC Energy for David Wood for a height and setback variance for a small WEC. The Planning Board made a recommendation to the Zoning Board of Appeals for approval of the height variance and disapproval for the setback variance.

- A Site Plan Review application submitted by Verizon for co-location on the existing cell tower was tabled pending the recommendation from the Genesee County Planning Board.
- A Special Use Permit submitted by Thomas Stringham for the construction of a recreational pond was tabled pending the ruling on the Area Variance Application and the Genesee County Planning Board recommendations.
- An Area Variance was submitted by Thomas Stringham for setback of a pond. The Planning Board made a recommendation to the Zoning Board of Appeals for approval for the setback variance.
- A Land Separation application submitted by East View Farms received preliminary approval with final approval pending proof of merge.
- A Site Plan Review submitted by Baskin Livestock was tabled pending the recommendation from the Genesee County Planning Board.
- No action was taken on an Area Variance Application submitted by Baskin Livestock for an over-sized sign.
- An Area Variance Application was submitted by Baskin Livestock for the construction of an accessory building too close to the right-of-way. The Planning Board recommended approval to the Zoning Board of Appeals.
- A Land Separation Application submitted by Joseph and Suzanne Barniak received final approval.

### **Councilwoman Neer**

- The Intercommunity Medical Building committee met to discuss the disposal of the building.
  - Dr. Craddock is not interested in increasing his purchase offer.
  - The other doctor in the building will be contact to see if he has any interest in purchasing the building. The WNY Physicians Association will also be contacted.
  - The building will be listed for sale to the general public if there is no interest from the doctors.

## **OLD BUSINESS**

### **Proposed Water District – Little Canada, Torrey, East Bethany-LeRoy & Clipnock Roads – Update**

- Monroe County Water Authority has notified Bethany and Stafford that the hydrolic testing was passed for the proposed water district.
- The attorneys for both towns are working on the paperwork.
- A joint meeting will be held in Stafford for the residents of the proposed water district. At that time, the final figures will be presented. A vote will be taken. A majority in the affirmative (51%) will be necessary for the district to move forward.
- The resolution setting the meeting will be presented when the full information is available.

### **Proposed Water District – Creek & Putnam Roads – Update**

- The third round of income surveys is being sent out.
- Supervisor Hyde has asked several people who reside in the proposed district to act as the liaison between the proposed district and the Town. So far, no one has shown any interest.

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

- The previous contract expired in 2013.
- When signed and received, the complete contract will be placed on the website.
- There have been several grievances filed lately. Four of these grievances consist of complaints against the Highway Superintendent for operating equipment (i.e. moving stone with the loader, driving a truck, moving a truck and testing the safety of the dump box, moving a tree out of the way with the loader at the pit).
- The Highway Superintendent position, as stated by the Town Supervisor, after talking with previous Supervisors and the previous Highway Superintendent, was, is, and shall be a working position.
- There are also 3 PERB cases coming up.

- Supervisor read Article 1, Recognition, Section 1.1 of the Union contract:
  - o The Employer recognizes the Union as the sole and exclusive bargaining Agent for the purpose of establishing salaries, wages, hours, and other conditions of employment and the administration of grievances arising thereunder for the term of this agreement for all full-time and regular part-time Highway Department employees employed by the Town of Bethany. Excluded are the elected officials, confidential and seasonal employees.
- And Article 3, Management Rights:
  - o The Union and the employees covered by this Agreement agree that, except as expressly limited by specific provisions of this Agreement, all of the authority, rights, functions and responsibilities possessed by the Employer are retained by it, including but not limited to: the right to change existing or introduced new equipment, operations, methods or facilities as determined to be in the best interest of the Employer: to direct, deploy and utilize the work force; to determine the nature and extent of work; to schedule operations, to layoff and recall employees; to discharge or suspend employees for just cause; to determine and enforce reasonable work rules, and occupational health and safety standards; provided that these rights shall not be contrary to the specific provisions of this Agreement.
- Nowhere does it state the Union tells the Town what to do.

**RESOLUTION #27-2015 AUTHORIZING THE SUPERVISOR TO SIGN THE TENTATIVE AGREEMENT WITH THE NEW YORK STATE TEAMSTERS LOCAL NO. 264 FOR THE 2014-2017 CONTRACT**

**WHEREAS**, a Tentative Agreement has been negotiated between the Town of Bethany and the New York State Teamsters Local No. 264, now

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

**RESOLVED** that the Supervisor is hereby authorized to execute the Tentative Agreement between the Town of Bethany and the New York State Teamsters Local 264 for the 2014-2017 contract.

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

Supervisor Hyde - Yes  
 Councilman Wenhold - Yes  
 Councilman Fluker – Absent

Councilman Adams – Yes  
 Councilwoman Neer – Yes



# TEAMSTERS LOCAL UNION NO. 264

Affiliated with the International Brotherhood of Teamsters

## Main Office

35 Tyrol Drive

Cheektowaga, NY  
14227

Phone: (716) 668-  
8007

Toll Free: (800) 773-  
9115

Fax: (716) 668-8122

## Town of Bethany

### Tentative Agreement May 19, 2015

#### Terms Covered:

- 4 Year Agreement (2014, 2015, 2016, 2017)
- 2 % increase in wages over term of the agreement

Year	% Increase for Both	\$ Increase for MEO from date of signing	\$ Increase for Laborer from date of signing	MEO Rate/Hr	Laborer Rate/Hr.
2013				\$20.56	\$12.54
2014		+\$200.00 for Retro Pay		\$20.56	\$12.54
2015	2%	+.41	+.25	\$20.97	\$12.79
2016	2%	+.42	+.26	\$21.38	\$13.05
2017	2%	+.43	+.26	\$21.81	\$13.31

- Flat \$200 amount will reflect retroactive pay from 1/1/14 to signing of the contract and will be paid to each employee upon signing of contract

#### DISCIPLINE & DISCHARGE

- Changes to Discipline & Discharge Language including:

Changing the language for grievance procedures: amount of time for employer to submit disciplinary notices to the Union to be changed from "three (3) days" to "three (3) business days"

Changing the amount of time disciplinary notes may be held in an employee's file from twelve (12) months to eighteen (18) months

#### SICK LEAVE

- Increases to sick leave including:  
Changing the maximum number of sick days to be accrued from sixty (60) days to sixty-fix (65) days





**TRANSFER STATION FEES & RULES**

**Cacner Road**

**Saturday 8 a.m. – 2 p.m.**

**(Closed if a holiday falls on a Friday, Saturday, Sunday or Monday)**

Users will be required to bring their garbage in 30-gallon trash bags or 30-gallon trashcans.

**NO LOOSE TRASH! FOUR BAGS PER HOUSEHOLD PER DAY.**

Transfer Station cards will be required for use of the Transfer Station which may be purchased at the Bethany Town Clerk’s office during normal business hours or by mail.

**PRICES EFFECTIVE JULY 1, 2015**

Transfer Station Punch Cards

- 10 Punches \$40.00
- 20 Punches \$80.00

- 1. Trash bags and/or cans (30 gallon capacity) \$ 4.00
- 2. Appliances (washer, dryer, stove) \$ 8.00
- 3. Furniture - must be broken into small pieces that will completely fit into compactor. \$ 8.00
- 4. Non-stuffed chairs (Wood or Plastic) \$ 4.00
- 5. Stuffed couches, chairs, sofas, box springs \$ 8.00
- 6. Carpets (68” length or less) and mattresses \$ 8.00
- 7. Refrigerator, air conditioner, freezer - \$ 20.00  
Must have refrigerant drained professionally - **Certificate Required**
- 8. Toilets, sinks, plumbing accessories \$ 4.00
- 9. Florescent Lamps **(Must be recycled!!!!)** 8’ tubes \$ 4.00(3 tubes)  
All others \$ 4.00(6 bulbs)
- 10. Electronics (TVs, Computers, etc.) **Not Accepted—May be taken to ARC in Batavia**

**Tires will be accepted for disposal all year long at the following prices:**

- 1. Car tire w/o rim \$ 4.00
- 2. Car tire with rim \$ 4.00

Tires of any other size will not be accepted

**All plastic, glass, tin and aluminum items must be rinsed of all food particles, exterior wrapping removed. Individuals will be charged for failure to properly rinse recyclables.**

- PLASTIC #1 - #5** Food, juice and laundry. Flatten plastic containers and remove all caps.
- GLASS (CLEAR, GREEN, BROWN)** All tops must be removed.
- TIN/ALUMINUM CANS** Tin & Aluminum are separated. Clean aluminum foil is accepted.
- PAPER/MAGAZINES/JUNK MAIL** Shredded paper must be bagged. Telephone books are not recycled.
- CARDBOARD** Must be flattened
- SCRAP METAL** Check with transfer station attendant regarding scrap metal that you would like dispose of.
- CONSTRUCTION MATERIAL** Not Accepted

**FOR USE BY TOWN OF BETHANY RESIDENTS ONLY**

**Decisions by the Transfer Station Operator regarding solid waste disposal are final.**

**Old Town Hall – Update**

- The contract with the Landmark Society of Western New York for the sale of the Old Town Hall expires on July 21, 2015.
- The Supervisor will be scheduling an informational meeting prior to that date to gather input and suggestions from the taxpayers.

- In order to extend the contract, a feasibility study, an existing conditions study and an architectural engineers study would need to be done. It is expected that the cost of renewing the contract for one year would be approximately \$15,000.
- The Supervisor has had crane companies and a rigging company look at the bell for removal from the building. The crane companies do not want to be involved with removing the bell from the building. The rigging company is going to supply pricing for two options for removing the bell.

**Joint Mutual Code Enforcement Agreement Between the Town of Bethany and the Town of Batavia**

- Agreement has been executed by both the Town of Bethany and the Town of Batavia and is now in force.

**NEW BUSINESS**

**Tax Freeze Filing with the State**

- The 2015 Tax Cap Filing has been completed with the NYS Comptroller’s office. It should have been done in November but was never completed.

**Proclamation and Reception for Francis Brunner**

- A proclamation in honor of Francis Brunner’s service to the Town of Bethany as a Planning Board and Assessment Review Board member was read by the Town Clerk. Francis was presented with an inscribed clock. A small reception followed the Town Board meeting.

**Executive Session – Pending Litigation**

A **MOTION** was made by Councilman Adams duly seconded by Councilman Wenhold to go to Executive Session to discuss pending litigation at 8:05 p.m.

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

Supervisor Hyde - Yes	Councilman Adams – Yes
Councilman Wenhold - Yes	Councilwoman Neer – Yes
Councilman Fluker – Absent	

- The Board returned from Executive Session at 8:37 p.m.

**Warrant**

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 4,891.38	\$ 19,175.99
Highway Fund	\$ 0.00	\$ 15,286.77
Fire Protection Fund	\$ 0.00	\$ 0.00
Water Fund	\$ 0.00	\$ 0.00
Justice Fund	\$ 0.00	\$ 0.00

**Adjournment**

A **MOTION** was made by Councilman Adams duly seconded by Councilman Wenhold to adjourn the meeting at 8:37 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE  
 BETHANY TOWN BOARD  
 DATED: June 10, 2015

Respectfully Submitted,  
 Debbie L. Douglas, RMC  
 Bethany Town Clerk