

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

11 SEPTEMBER 2006

Supervisor Gayton opened the September 11, 2006 Regular Town Board Meeting with a moment of silence followed by Councilman Gick leading in the Pledge of Allegiance.

Town Board Officials in Attendance were:

|                                    |                               |
|------------------------------------|-------------------------------|
| Louis Gayton, Supervisor           | Joyce Fleming, Councilwoman   |
| Walter Wenhold, Councilman         | William Gick, Councilman      |
| Sue Neer, Councilwoman             | David DiMatteo, Town Attorney |
| Roy Hersee, Highway Superintendent |                               |

Attendees to the meeting were:

|                |          |
|----------------|----------|
| Francis Ashley | Ray Ladd |
| Ramon Cipriano |          |

Finances

Supervisor Gayton presented the finances for August 2006.

Town Clerk Report – Debbie Douglas

Presented the Minutes of the August 14, 2006 Regular Board Meeting.

A motion was made by Councilman Gick and Seconded by Councilman Wenhold to approve the Minutes of the August 14, 2006 Regular Town Board Meeting as presented. The motion passed with All In Favor.

Noted that everything was set up for the Primary Elections to be held on Tuesday, September 12, 2006.

Highway Superintendent Report – Roy Hersee

Shoulder mowing continues.

Grader patching on Paul and McLernon Roads is complete

Bethany's end of Bethany Center Road, Buckman Road and Dublin Road still need to be grader patched.

Paradise, Cacner, and Molasses Hill Roads along with the east half of McLernon Road have been chip sealed.

Tree and brush trimming has been started on West Bethany Road.

Helped the Towns of Alexander and Batavia with chip sealing and shoulder work and they helped us with chip sealing.

Helped the County Highway Department with shoulder work.

Board Committee Reports

Walter Wenhold, Councilman

Senior Meals is still in need of a director.

Questioned as to whether the Town has received a report on spending at the Senior Meal site. Town Clerk will check.

Bill Gick – Councilman

Attended the Pre-disaster Mitigation Planning Meeting on August 30, 2006.

Noted that there will be a meeting for the public on September 26, 2006 and meeting for officials on September 27, 2006.

OLD BUSINESS

Comprehensive Plan Update

The final draft is ready and the Planning Board will be scheduling a public hearing to be held at their October meeting.

They will then pass a resolution referring it to the Town Board.

#### Moratorium Update – Extension

Town Attorney David DiMatteo has presented a proposed law to extend the Moratorium for a period of nine months.

The proposed law is the same as the original with the exception of the 9-month extension.

#### Resolution #14-2006 – Moratorium Extension Public Hearing

A motion was made by Supervisor Gayton and seconded by Councilman Gick to pass Town of Bethany Resolution #14-2006 entitled THE DETERMINATION THE PROPOSED LOCAL LAW IMPOSING A NINE-MONTH MOTATORIUM ON THE PLACEMENT OF WIND ENERGY CONVERSION SYSTEMS/DEVICES AND/OR METEOROLOGICAL TESING TOWERS IN THE TOWN OF BETHANY IS AN UNLISTED ACTION IN ACCORDANCE WITH 6 NYCRR §617.5 AND SCHEDULING A PUBLIC HEARING with the public hearing to be held on October 10, 2006 at 8:00 p.m. at the Bethany Community Center. The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes  
Councilman Wenhold – Yes  
Councilwoman Neer – Yes

Councilwoman Fleming – Yes  
Councilman Gick – Yes

#### Fire & Building Codes Part 1203

Town Attorney David DiMatteo presented a proposed local law to update the Uniform Code and Energy Code as required by the State.

The update needs to be in place by January 1, 2007.

#### Resolution #15-2006 – Uniform Fire & Building Codes Public Hearing

A motion was made by Councilwoman Fleming and seconded by Councilwoman Neer to pass Town of Bethany Resolution #15-2006 entitled AUTHORIZING THE TOWN BOARD OF THE TOWN OF BETHANY TO HOLD A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, “PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE” with the public hearing to be held on Tuesday, October 10, 2006 at 8:30 p.m. at the Bethany Community Center. The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes  
Councilman Wenhold – Yes  
Councilwoman Neer – Yes

Councilwoman Fleming – Yes  
Councilman Gick – Yes

#### Town Board Workshop Meeting – Budget & Teamster Union Contract

A motion was made by Supervisor Gayton and seconded by Councilman Wenhold to hold a workshop meeting for the purpose of budget review and discussion of the Teamsters Union Contract offer to be held on September 19, 2006 at 7:30 p.m. at the Bethany Town Hall. The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes  
Councilman Wenhold – Yes  
Councilwoman Neer – Yes

Councilwoman Fleming – Yes  
Councilman Gick – Yes

#### Wind Turbine Study Committee Update – Ray Cipriano

Has been in contact with Joe Cushner, Supervisor, Town of Eagle.

Has received a copy of the DEIS for the Town of Eagle.

The Study Committee will have a report by the next Town Board meeting.

Supervisor Gayton showed a video he took when he visited the wind farm at Tug Hill.

## NEW BUSINESS

## Resolution #10-2006 – In Support of the Town of Alexander Summer Recreation Program for the Year 2007

A motion was made by Councilwoman Neer and seconded by Councilman Gick to pass Town of Bethany Resolution #10-2006 entitled IN SUPPORT OF THE TOWN OF ALEXANDER SUMMER RECREATION PROGRAM FOR THE YEAR 2007 which allows the Town of Alexander to apply for state aid on behalf of the Town of Bethany. The motion passed with the following Roll Call Vote:

|                          |                            |
|--------------------------|----------------------------|
| Supervisor Gayton – Yes  | Councilwoman Fleming – Yes |
| Councilman Wenhold – Yes | Councilman Gick – Yes      |
| Councilwoman Neer – Yes  |                            |

## Resolution #11-2006 – In Support of the Town of Pavilion Summer Recreation Program for the Year 2007

A motion was made by Councilwoman Neer and seconded by Councilman Wenhold to pass Town of Bethany Resolution #11-2006 entitled IN SUPPORT OF THE TOWN OF PAVILION SUMMER RECREATION PROGRAM FOR THE YEAR 2007 which allows the Town of Pavilion to apply for state aid on behalf of the Town of Bethany. The motion passed with the following Roll Call Vote:

|                          |                            |
|--------------------------|----------------------------|
| Supervisor Gayton – Yes  | Councilwoman Fleming – Yes |
| Councilman Wenhold – Yes | Councilman Gick – Yes      |
| Councilwoman Neer – Yes  |                            |

## Resolution #12-2006 – Addition of Line Item A.2440 Rental, Hall

A motion was made by Councilwoman Neer and seconded by Councilman Gick to pass Town of Bethany Resolution #12-2006 entitled ADDITION OF LINE ITEM A.2440 RENTAL, HALL TO REPORT REVENUES RECEIVED FROM THE RENTAL OF THE BETHANY COMMUNITY CENTER. The motion passed with the following Roll Call Vote:

|                          |                            |
|--------------------------|----------------------------|
| Supervisor Gayton – Yes  | Councilwoman Fleming – Yes |
| Councilman Wenhold – Yes | Councilman Gick – Yes      |
| Councilwoman Neer - Yes  |                            |

Resolution #13-2006 – Installation of Security Light in Town Office Parking Lot  
The light that is currently on the pole was installed by the fire department on a Niagara Mohawk pole.

This is not a legal fixture.

A motion was made by Councilwoman Fleming and seconded by Councilman Wenhold to pass Resolution #13-2006 entitled AUTHORIZATION OF INSTALLATION OF SECURITY LIGHT BY NATIONAL GRID ON POLE IN TOWN OFFICE PARKING LOT. The motion passed with the following Roll Call Vote:

|                          |                            |
|--------------------------|----------------------------|
| Supervisor Gayton – Yes  | Councilwoman Fleming – Yes |
| Councilman Wenhold – Yes | Councilman Gick – Yes      |
| Councilwoman Neer – Yes  |                            |

## County Sales Tax Contract

The contract for the distribution of county-wide sales tax ran out one year ago. Negotiations are on-going.

## Fencing at Town Offices

Supervisor Gayton is requesting that some sort of fencing be installed around the pole and guy wires in the parking lot and along the edge of the lawn to prevent injury and property damage.

A motion was made by Councilman Wenhold and seconded by Councilman Gick to install fencing around the light pole and its guy wires and along the edge of the lawn at the Town Office complex. The motion passed with All In Favor.

#### Fuel Bid Solicitation

Highway Superintendent Hersee requested permission to solicit bids for the upcoming year's fuel products requirements.

A motion was made by Councilwoman Fleming and seconded by Councilman Wenhold to grant permission to Highway Superintendent Hersee to solicit bids for the upcoming year's fuel products requirements. The motion passed with All In Favor.

#### Declaration of Surplus Equipment

Highway Superintendent Hersee is requesting that the 1989 Mack Truck and the Gallion Roller be declared surplus equipment to be sold by sealed bid or auction. Neither of these pieces are currently in use.

A motion was made by Councilman Wenhold and seconded by Councilwoman Fleming to declare the 1989 Mack Truck and the Gallion Roller surplus equipment. These pieces of equipment will be appraised for auction value after which they will be sold either by sealed bid or at auction. The motion passed with the following Roll Call Vote:

|                          |                            |
|--------------------------|----------------------------|
| Supervisor Gayton – Yes  | Councilwoman Fleming – Yes |
| Councilman Wenhold – Yes | Councilman Gick – Yes      |
| Councilwoman Neer – Yes  |                            |

#### Warrant

The Bethany Town Board approved payment of the following bills

|              | Prepaid    | Total       |
|--------------|------------|-------------|
| General Fund | \$1,726.38 | \$ 4,843.70 |
| Highway Fund | \$2,601.90 | \$65,398.39 |

#### Adjournment

A motion was made by Councilman Wenhold and seconded by Councilman Gick to adjourn the meeting at 8:55 p.m. The motion passed with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: September 13, 2006

Respectfully Submitted,  
Debbie L. Douglas  
Bethany Town Clerk