

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

13 AUGUST 2007

Deputy Supervisor Joyce Fleming opened the meeting at 7:35 p.m. with a moment of silence followed by Councilman Gick leading in the Pledge of Allegiance.

Town Officials in Attendance were:

Joyce Fleming, Councilwoman	Bill Gick, Councilman
Sue Neer – Councilwoman	

Attendees to the meeting were:

Matt Barnaby	Liz Barnaby
Don Bouchard	Gretchen Bouchard
Geoffrey Briggs	Chris Kritanik
Ray Ladd	Lee Hendershott
David DiMatteo, Town Attorney	Michelle Hendershott
Han Bakker	

FINANCES

Deputy Supervisor Fleming presented the finances for the month of July as follows:

General Savings	\$559,393.16	
Five Star Savings	\$ 18,122.70	
Highway Savings	\$ 72,403.25	
Capital Project Highway	\$ 28,243.29	
AP/PR-T/A Account	\$ 12,448.11	
Petty Cash	\$ 250.00	
Highway Fund Misc. Savings	\$ 2,967.25	
Total		\$693,827.76
Revenue		
Town Clerk Revenue	\$ 3,059.47	
US Gypsum	\$ 27.11	
Total Revenues		\$ 3,086.58
Total Revenues & Interest	\$ 4,986.27	

Town Clerk Report – Debbie Douglas  
Presented Minutes of the June 11, 2007 Regular Town Board Meeting which were not previously presented due to the Clerk being on vacation.

A motion was made by Councilman Gick and seconded by Councilwoman Neer to approve the June 11, 2007 Regular Town Board Meeting as presented. The motion passed with All In Favor.

Presented the Minutes of the July 9, 2007 Regular Town Board Meeting.

A motion was made by Councilwoman Neer and seconded by Councilman Gick to approve the July 9, 2007 Regular Town Board Meeting as presented. The motion passed with All In Favor.

Received notification that Governor Spitzer has vetoed Assembly Bill 10710-A and Senate Bill S7354 allowing State Police Troopers to act as prosecutors (plea bargaining) for certain traffic violations.

The Town Clerk sent letters along with copies of Resolution #6-2006 which was passed by the Bethany Town Board at their regular meeting on June 12, 2006 to the Town's representatives asking that they override the Governor's veto on August 6, 2007.

Justice Shea left information on the Clerk's desk asking that the Town Board pass a second resolution asking our representatives to override Governor Spitzer's veto.

A motion was made by Councilwoman Neer and seconded by Councilman Gick to approve Resolution #10-2007 Asking State Representatives to Override Governor Spitzer's Veto of A10710-A and S7354 Allowing State Police Troopers to Plea Bargain Certain Traffic Violations. The motion passed with the following Roll Call Vote:

Deputy Supervisor Fleming – Yes    Councilwoman Neer – Yes  
Councilman Gick – Yes

Helen Milroy has served the Town for seven years as the Town Historian on a voluntary basis and has now retired. Clerk would like permission from the Town Board to honor her at our next Town Board meeting. Town Board felt that it was appropriate to do so.

ZEO/CEO Report – Debbie Douglas

Tom Douglas has been working with the siding and window companies who were awarded the bids for the Community Center.

Erie Contracting who was awarded the bid for the siding has come out and obtained a siding sample and was able to match it quite closely. The same siding is still manufactured but with a finish that prevents fading therefore the color will not match perfectly. This was to be expected as the current siding has been up for two years.

Window Specialists who was awarded the bid for replacing the windows is proposing to use a different window than the one that was specified in the bid sheet (Cass & Keller as opposed to Acan). Acan windows were specified due to the amount of wind and cold the site receives in the winter. In Tom's experience, Cass & Keller has been a lower grade of window. Tom asked for the specifications for the Cass & Keller window approximately three weeks ago and has received no response from Window Specialists. He would like to give them two more weeks to respond. If no response is received or if the specifications received do not meet those required in the bid documents and Window Specialists is unwilling to provide windows that meet those specifications, he would like to contact the next lowest bidder with the approval of the Town Board and the Town Attorney.

A motion was made by Councilwoman Neer and seconded by Councilman Gick giving permission to move to the next lowest bidder for the replacement windows in the Community Center with the permission of the Town Attorney if no response is received from Window Specialists with the specifications for the window they are proposing to use or the specifications do not meet those required in the bid documents and Window Specialists is not willing to provide windows to meet those specifications. The motion passed with the following Roll Call Vote:

Deputy Supervisor Fleming – Yes    Councilwoman Neer – Yes  
Councilman Gick – Yes

Erie Contracting has asked that they be allowed to paint the overhangs prior to window installation to avoid inclement weather. They would not be asking for any payment during this phase.

A motion was made by Councilman Gick and seconded by Councilwoman Fleming to allow the painting of the overhangs prior to window installation with no payment required during this phase of the contract. The motion passed with All In Favor.

Assessor Report – Debbie Douglas

Assessor's Office will be closed on August 23, 28 and 30, 2007 for vacation.

#### Highway Superintendent Report – Debbie Douglas

Superintendent Hersee will be out of the office from August 14 – 16, 2007 due to the death of his son.

Superintendent Hersee is asking that the old computer that was replaced in his office be declared surplus equipment as it is approximately 8 – 10 years old.

A motion was made by Councilwoman Neer and seconded by Councilman Gick to declare the old computer from Highway Superintendents office surplus equipment and that it be offered for sale. The motion passed with the following roll call vote:

Deputy Supervisor Fleming – Yes    Councilwoman Neer – Yes  
Councilman Gick – Yes

Road shoulder mowing continues.

Two pipes were replaced on Mill Road, one 30 inch and one 15 inch along with some ditch cleaning.

Grader patching on the west side of town and most of the east side of town has been completed.

Helped the Town of Batavia pave and the Town of Alexander with paving and shoulder work.

Hauled millings from the Route 98 project to be used on road shoulders here in Bethany.

#### Board Committee Reports

Councilman Gick – Old Town Hall

Has spoken to Sue Conklin from Genesee County History Department who said that Bob Englert from the State would like to do a walk-thru the old Town Hall in August. Bill is working on setting this up.

Jayme Breschard from Genesee/Finger Lakes Regional Planning Council would like to address the Town Board concerning setting up a historical preservation group in Bethany which would make the Town eligible for more grants. Bill also working on setting this up for the September meeting.

#### OLD BUSINESS

##### Zoning Law Amendments

Town Attorney David DiMatteo presented the Town Board with the draft zoning law amendments with the proposed changes submitted by the Town Board during their work session that was held on July 23, 2007.

A motion was made by Councilman Gick and seconded by Councilwoman Fleming to refer the draft of proposed changes to the Town of Bethany Zoning Law pertaining to wind energy and site plan review for agricultural uses in the Ag District to the Town of Bethany Planning Board. The motion passed with the following Roll Call vote:

Deputy Supervisor Fleming – Yes    Councilwoman Neer – Yes  
Councilman Gick – Yes

##### Planning Board and Zoning Board of Appeals Training

The Town Clerk has sent a memo to all Planning Board and Zoning Board of Appeals members reminding them that they are required to have at least 4 hours of approved training annually.

List also included how many hours of training are on file for each individual in the Clerk's office. Members were instructed to provide verification of training attended but not included on the list.

##### Ambulance Service

Genesee Association of Municipalities held a special meeting in July which was hosted by Jason Molino to discuss the ambulance service and payment for that service by the towns.

It is believed that the Towns will be asked to pay for any uncollectible fees but a formula for that payment has not been presented.

#### Water District

Supervisor Gayton received a call from Town of Batavia Engineer Steve Mountain telling him that they will be running a water line down Batavia-Bethany Townline Road to Bethany Center Road.

Both sides of that road will be hooked up to the water line at that time.

The Town of Bethany will need to create a water district. Steve Mountain will be contacting Town Attorney David DiMatteo to start that process.

Don Bouchard, a Batavia-Bethany Townline Road resident asked the Town Board to move as quickly as possible so that residents could be hooked up by winter.

#### Matthew Barnaby – SUP0703

A public hearing will be held by the Bethany Town Board on September 10, 2007 at 8:00 p.m. concerning the Special Use Permit Application submitted by Matthew Barnaby for the excavation of a pond on his property located at 4895 Cacner Road.

#### Sales Tax Change

Supervisor Gayton receive a letter from the Genesee County Treasurer's Office stating that the wrong distribution formula had been used.

The Town will receive \$933.24 less to correct the error.

#### Putnam Road Cemetery

Johan Bakker of 9526 Putnam Road would like to use gravel that he has to make a driveway to the Putnam Road Cemetery.

The Cemetery is located on the property adjacent to his which is owned by Kenneth Lowell of 9506 Putnam Road.

Mr. Lowell has agreed to allow the driveway to run between his property and Mr. Bakker's property.

Mr. Bakker is asking that the Town Highway Department help with hauling the gravel in. He has access to equipment to move the gravel around.

The Town Board agreed that this was a good plan and that the Highway Department could help as it is the Town's responsibility to maintain the cemetery and this would provide easier access as there is no driveway at this time.

Town Attorney David DiMatteo will be contacted concerning any paperwork that would be needed from the property owners.

A motion was made by Deputy Supervisor Fleming and seconded by Councilwoman Neer to allow the Town Highway Department to assist with the installation of a driveway to the Putnam Road Cemetery provided all necessary permission was received in writing from the property owners involved. The motion passed with the following Roll Call Vote:

Deputy Supervisor Fleming – Yes      Councilwoman Neer – Yes  
Councilman Gick – Yes

#### Warrant

The Town Board approved payment of bills as follows:

	Prepaid	Total
General Fund	\$ 1,890.08	\$ 6,181.42
Highway Fund	\$ 2,877.45	\$25,528.90

#### Adjournment

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

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: August 15, 2007

Respectfully Submitted,

Debbie L. Douglas  
Bethany Town Clerk