

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

09 JUNE 2008

Supervisor Gayton opened the June 9, 2008 Regular Town Board Meeting at 7:30 p.m. with a Moment of Silence followed by Councilman Gick leading in the Pledge of Allegiance.

Town Officials in Attendance were:

Louis Gayton, Supervisor	Walter Wenhold, Councilman			
Edward Pietrzykowski, Councilman	William Gick, Councilman			
Susan Neer, Councilwoman	Thomas Douglas, CEO/ZEO	Paul Fleming, Highway Superintendent	Debbie Douglas, Town Clerk	Lee Hendershott, Town Historian

Attendees to the Meeting were:

Gail Smith, Fire Dept. Pres.

Finances

Supervisor Gayton presented the finances for the Month of May 2008 as follows:

General Savings	\$701,306.76	
WCB Savings	\$ 18,188.06	
Highway Savings	\$102,036.68	
Capital Project Highway	\$ 29,880.74	
AP/PR Account	\$ 2,459.74	
T/A Account	\$ 409.20	
Petty Cash	\$ 250.00	
Highway Fund Misc. Savings	\$ 2,971.65	
Total		\$857,502.83

Revenues Received

Town Clerk Fees	\$ 1,678.83	
NYS Dept. of Taxation	\$ 750.00	
NYS Dept. of Taxation	\$ 2,106.50	
Time Warner	\$ 5,796.34	
Genesee County Treasurer	\$ 9,449.16	
County of Genesee	\$ 51,740.36	
Total Revenue		\$ 72,521.19
Total Revenue and Interest		\$ 73,005.41

Town Clerk Report - Debbie Douglas

Presented Minutes of the May 12, 2008 Regular Town Board Meeting.

Councilman Gick requested a change to Page 2 under Planning Board as follows – Delete sentence on the bottom line “Planning Board Chair stated that the two absent seats counted as nays making the vote 3 yeas and 4 nays. Therefore, the motion to approve did not pass.”

He would like the following inserted in that space “However, due to the lack of at least 4 yeas votes (a majority as constituted); the motion to approve did not pass.”

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve the Minutes of the May 12, 2008 Regular Town Board meeting with the above noted change. The motion passed with All In Favor.

Checked into the issuance of Employee Handbooks and decided to reprint the employee handbooks and have each employee sign for a new copy.

ZEO/CEO Report – Tom Douglas

Presented report for permits issued for the first half of the year. Approximately \$450,000 in construction has been permitted thus far.

Asked for the approval of the Board to issue a court summons to Dmitri Nikitine and place a Stop Work Order on his property at 9913 Francis Road. ZEO reported at the May Town Board meeting that he had placed a stop order on the property for an addition with several zoning and code violations. During the past weekend, Mr. Nikitine performed more work without a permit that also has several zoning and code violations. ZEO/CEO Douglas feels that Mr. Nikitine is not and will not cooperate and issuing a court summons is his only option at this point.

A motion was made by Supervisor Gayton and seconded by Councilman Pietrzykowski to approve the request of ZEO/CEO Douglas to issue a court summons to Dmitri Nikitine of 9913 Francis Road for performing work on that same property without a permit. The motion passed with the following Roll Call Vote:

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

Highway Superintendent – Paul Fleming

Recently attended Highway School and found it to be very informative.

Grader patching is complete on Paul and Cacner Roads and Jericho Road is almost finished.

Roof coated the compactor building

Cleaned the parking lot of the Town Hall.

Installed new wooden fence at the Community Center.

Have started mowing shoulders of County roads.

Made repairs to shoulders on Conway and Chaddock Roads.

Spraying of rust prevention on trucks and sanders has been scheduled.

Board Committee Reports

Councilman Gick

Planning Board

Met on June 5, 2008.

Reviewed Area Variance application for Randal Bow (AV0802) to construct a lean-to on an existing barn too close to the right-of-way. Four board members were present. One of those members abstained from voting. Without four voting members, the board was unable to act on the application and it will proceed to the Zoning Board of Appeals without a recommendation from the Town Planning Board. The County Planning Board will see the application on June 12, 2008 and will forward a recommendation to the ZBA.

Old Town Hall Historic Preservation Committee

Held a meeting on June 4, 2008.

Organization that was interested in leasing the hall decided that they were unable to afford it.

The amount that they were able to pay would barely cover the heating cost.

Moving the Justice Court back to that building seems to be the most viable use at this time.

Suggested that perhaps it could be shared with Alexander and/or Pavilion. Those towns will be approached.

Are continuing to look for more grant funding.

Paperwork for the Senate grant arrived today.

Contractors are being contacted regarding the roof repairs.

Legislator Esther Leadley is checking to see if the roof can be repaired and paid for prior to receiving the grant money without the risk of losing the funding so that further damage does not occur while waiting for the grant money.

Councilman Pietrzykowski

Bethany Volunteer Fire Company

Truck 31 has returned from being repaired.

The siren is being fixed.

Councilman Wenhold

Senior Meals

Everything is going well

Pavilion Library

Business has increased drastically since the computer has been installed for ordering books. The library is in need of more room and is trying to figure out how to get it since it leases the building from the Town.

Zoning Board of Appeals

Met on May 28, 2008 with 5 members present and 2 vacancies.

Held public hearing for an Area Variance Application submitted by Ken Diehl for construction of a garage too close to the right-of-way, side and rear lot lines. Variance was denied.

Councilwoman Neer

Youth Summer Recreation

No schedules have been received yet but should be here shortly.

OLD BUSINESS

Door Estimates – Community Center

ZEO/CEO Douglas reported that he has received two estimates and may receive others from contractors who were contacted.

Sidewalks

ZEO/CEO Douglas contacted Bruce Smith who is the contractor who installed the sidewalks. He was out within a day or two to look at them.

Mr. Smith then contacted Western New York Concrete, the supplier of the concrete and asked them to come out to look at the sidewalks as he felt the problem was due to bad concrete mix. They told him they would come out.

Mr. Smith called twice more and Western New York failed to look at the sidewalks.

Mr. Smith told ZEO/CEO Douglas that he was having trouble getting Western NY to respond to his request. ZEO/CEO Douglas then went to Western NY and spoke with them. They told him they would be out to which he responded that they would need to be out and have a response by the Town Board meeting on June 9th.

When ZEO Douglas had not heard from Western NY on June 9th he called them again. They said that they had not been able to get out and maybe they would be able to get out next week. The Town Board decided that if Western NY has not responded within one week of the board meeting, ZEO/CEO Douglas is to contact the Town Attorney and have him write a letter to Western NY Concrete.

Putnam Road Cemetery Driveway

All paperwork is complete and signed. Construction can begin as soon as the Highway Department and the property owners are ready.

NEW BUSINESS

Annual Audit

The Town Board performed an audit of the 2007 records of the Supervisor, Town Clerk and Tax Collector.

A motion was made by Councilwoman Neer and seconded by Councilman Pietrzykowski to accept the 2007 books for the Supervisor, Town Clerk, and Tax Collector. The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes

Councilman Gick – Yes

Councilman Wenhold – Yes

Councilwoman Neer – Yes

Councilman Pietrzykowski – Yes

Appointment of Zoning Board of Appeals Applicant

Michael Adams of Little Canada Road has submitted a letter stating his interest in serving on the Zoning Board of Appeals which currently has two vacancies.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to appoint Michael Adams of Little Canada Road to the Town of Bethany Zoning Board of Appeals. The motion passed with the following Roll Call Vote:

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

Purchase of New Flail Mower – Approval of

Highway Superintendent Paul Fleming has received prices for the purchase of a new flail mower from the following:

Goodrich Farm Supply	\$4,128.54
Empire Tractor	\$4,695.00 plus freight & setup
Linwood Turf	\$7,999.00 plus freight (\$100.00)

Highway Superintendent recommended that the Town purchase the John Deere from Goodrich Farm Supply. It is the lowest price and Goodrich is located in Alexander so it is close-by when parts are needed.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to purchase the John Deere Flail Mower from Goodrich Farm Supply for \$4,128.54. The motion passed with the following Roll Call Vote:

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

Drainage at Community Center

There is a need to put in some type of drainage on the back (west) side of the Community Center. Highway Department will take care of this problem.

Genesee County Youth Court Community Service Site

The Town Clerk received Correspondence from the Genesee County Youth Bureau asking the Town if it would be interested in serving as a Community Service Site for the Youth Court. They are asking for a one year commitment.

A motion was made by Councilwoman Neer and seconded by Councilman Gick granting Supervisor Gayton permission to sign a one year agreement making the Town a Community Service Site for the Genesee County Youth Court. The motion passed with the following Roll Call Vote:

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

Accessory Apartments

ZEO/CEO Douglas spoke to the Board concerning the possible need for a law pertaining to accessory apartments.

Board was provided with a sample law to review.

ZEO/CEO stated that he is approached 2-3 times per year by residents who have a need for some type of accessory apartment for an elderly parent, etc.

Warrant

The Board agreed to pay the following bills:

Prepaid	Total		
	General Fund	\$1,898.47	\$23,789.87
	Highway Fund	\$3,796.88	\$14,955.45

Adjournment

A motion was made by Councilwoman Neer and seconded by Councilman Gick to adjourn the meeting at 9:00 p.m. The motion passed with All In Favor.

BY ORDER OF THE
 BETHANY TOWN BOARD
 DATED: June 11, 2008

Respectfully Submitted,
 Debbie L. Douglas, Clerk

Town of Bethany