

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

14 DECEMBER 2009

Supervisor Gayton opened the December 14, 2009 Regular Town Board Meeting at 7:25 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	Bill Gick, Councilman
Susan Neer, Councilwoman (7:30)	Walter Wenhold, Councilman
Edward Pietrzykowski, Councilman	Debbie Douglas, Town Clerk
Bill Shea, Town Justice	Tom McBride, Town Justice
Tom Douglas, CEO/ZEO	
Paul Fleming, Highway Superintendent	

Attendees to the Meeting were:

Gail Smith	Barb Czworka
Raymon Cipriano	Tyler Czworka
Kennedy Wilson	

Finances

Supervisor Gayton presented the finances for the Month of November 2009.

General Savings	\$773,625.64	
Five Star Bank Savings	\$ 18,244.52	
Highway Savings	\$120,270.91	
Capital Project Highway	\$ 9,249.18	
AP/PR Account	\$ 12,294.24	
T/A Account	\$ 5,467.50	
Petty Cash	\$ 250.00	
Highway Fund Misc. Savings	\$ 2,977.03	
	Total	\$942,379.02
Revenues Received		
Town Clerk Fees	\$ 2,898.44	
Genesee County	\$ 10,013.98	
Genesee County	\$124,748.59	
Roy Hersee	\$ 489.40	
	Total Revenue	\$ 138,150.41
	Total Revenue and Interest	\$ 138,425.18

Town Clerk Report - Debbie Douglas

- Presented minutes of the November 9, 2009 Regular Town Board meeting.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to approve the Minutes of the November 9, 2009 Regular Town Board Meeting. The motion passed with All In Favor.

- Celebrating Ag Dinner will be held on March 13, 2010.
- Collateral Source Bill was signed into law.
- Went to County Treasurer's Office to be trained for inputting tax bills on the county system.
- Year-End Meeting is scheduled for Wednesday, December 30, 2009 at 7:00 p.m.

Highway Superintendent Report - Paul Fleming

- Furnaces have been installed.

Town Justice Court Report - Bill Shea & Tom McBride

- Have a computer and fax machine that can be declared surplus equipment. Will get information for the next Town Board meeting.
- Pilot program with the NYS Police will begin in Genesee County on January 1, 2010.
- Bill Shea has been voted President of the Genesee County Magistrate's Association.

ZEO/CEO Report - Tom Douglas

- Has been working on codes and what is necessary to change the use to retail in the Old Town Hall and has found several issues that will need to be addressed prior to moving ahead with the project.
- Will have a checklist of changes that need to be made in order to comply with NYS Building Codes for the Year-End meeting.

Board Committee ReportsCouncilman GickPlanning Board

- The Planning Board held a Special Meeting on November 19, 2009 where they reviewed the following:
 - o Land Separation application from East View Farms - no action taken
 - o Approved both a Temporary Use Permit and Site Plan Review for the Old Town Hall
 - o Gave a recommendation of approval for a Special Use Permit for Kennedy Wilson pond.
- Did not meet in December.

Old Town Hall Committee

- Rochester Area Community Foundation acknowledged receipt of the grant application.
- Dan Barber has received a special achievement award for work in the historical field. The Town is lucky to have him sitting on the committee.

Councilman Pietrzykowski

Fire Department

- Fire Department held elections of officers.
- Breakfast with Santa was successful.
- Have a house that they are using for training.

Recycling

- J.C. Fibers has picked up another truckload of recyclables. No check has been received as yet. Councilman Pietrzykowski is to check into the matter.
- Barb Czworka mentioned that there have been mechanical issues with the baler. She will call B.E. Equipment to see what they suggest.
- The Abitibi paper bins will be dumped on Thursday.
- Storage trailers were discussed. More information will be provided at next meeting.

OLD BUSINESS

Edward Gerould - Cemeteries

- Although Mr. Gerould has offered to sign a “Waiver of Liability and Release of Claim” the town has been advised by the Town Attorney, Workers Compensation, and Tompkins Insurance Company that liability cannot be signed away and doing so would leave the town open to claim. Therefore, Mr. Gerould’s offer of voluntarily working in the cemeteries will have to be declined.

Cacner Road Land Trade with Pietrzykowski

- Will be discussed at the Year-End meeting. Town Attorney and Pietrzykowski will be present.

Bank of America - Closing Accounts

- Steps have been taken to close all accounts at Bank of America. Town should be receiving checks for the ending balance shortly.
- Town will be paid back for interest and penalties due to bank error in untimely closing of two of the accounts.

NEW BUSINESS

Resolution #13-2009 - Bonding of the Tax Collector

A motion was made by councilman Wenhold and seconded by Councilman Gick to approve Resolution #13-2009 Bonding of the 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 | |

Public Hearing - SUP0901 - Kennedy Wilson - Pond

- Supervisor Gayton opened the public hearing at 8:00 p.m.
- No one was present to speak.

- ZEO/CEO Douglas noted that there was already a pond on the adjacent property also owned by the applicant. Set backs have been met. Mr. Wilson will be using the fill from the pond to fill the foundation of an old barn that was torn down.
- SEQR was read and completed with a determination of no negative effects.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to close the public hearing at 8:25 p.m. The motion passed with All In Favor.

A motion was made by Councilman Gick and seconded by Councilman Pietrzykowski to approve the Special Use Application (SUP0901) submitted by Kennedy Wilson to construct a pond on the property located at 5051 Broadway Road (TMP # 7.-1-30.21). The motion passed with the following Roll Call Vote:

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

Tonawanda Creek Watershed Committee

- Supervisor Gayton attended the first Tonawanda Creek Watershed Committee meeting where approximately 80 people were present.
- The goal is to start cleaning up the creek starting in Niagara County.

Control of Dogs

- The Town is required to turn over a portion of all dog licensing fees to the County for the control of dogs. These monies are used to support the shelter and county animal control. Thus, by paying for a Dog Control Officer and being mandated to pay a portion of fees collected to the County, a duplication of services is created.
- Genesee County Animal Control and the Genesee County Sheriff's Department have been working together to draft and Accusatory Instrument/Appearance Ticket to be used to enforce the dog control laws in court.
- Town Clerk would send 1st, 2nd and final notice to delinquent dog owners. When a dog owner is delinquent for more than 3 months, the County Animal Control will serve an appearance ticket at the direction of the Town Clerk.
- A complete enumeration must be performed tri-annually per Town Law in order to give a complete count. These services could be contracted out.
- By appointing Genesee County Animal Control as Dog Control and contracting out of enumeration services on a tri-annual basis, the duplication of services would be eliminated.
- Town Clerk to come up with description for enumerator.

Resolution #14-2009 - Supporting Legislation to Rescind New Open Burning Regulations

A motion was made by Councilman Gick and seconded by Councilwoman Neer to approve Resolution #14-2009 Supporting Legislation to Rescind New Open Burning Regulations. The motion passed with the following Roll Call Vote:

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

Bethany Volunteer Fire Company Officers for 2010 - Approval of
 Elected Officers for 2010 are as follows:

Executive

President	Gail Smith	1 year term to expire 12/31/2010
Vice President	Jillian Welch	1 year term to expire 12/31/2010
Treasurer	Sandy Fluker	1 year term to expire 12/31/2010
Secretary	Terri Alwardt	1 year term to expire 12/31/2010

Board of Directors

William Shea	2 year term to expire 12/31/2011
Edward Tiede	2 year term to expire 12/31/2011
Dennis Alwardt	2 year term to expire 12/31/2011
Jeff Wiater	2 year term to expire 12/31/2010
Pat Pietrzykowski	2 year term to expire 12/31/2010
Vicki Wolak	2 year term to expire 12/31/2010

FireMatic

Chief	Jeff Wolak	1 year term to expire 12/31/2010
1 st Asst. Chief	John Szymkowiak	1 year term to expire 12/31/2010
2 nd Asst. Chief	Jeff Pietrzykowski	1 year term to expire 12/31/2010

EMS

EMS Captain	Mel Davis	1 year term to expire 12/31/2010
EMS Lieutenant	Terri Alwardt	1 year term to expire 12/31/2010

A motion was made by Councilwoman Neer and seconded by Councilman Wenhold to approve the officers for the Bethany Volunteer Fire Company for the year 2010. The motion passed with the following Roll Call Vote:

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

New York Municipal Insurance Reciprocal - 2010 Cost

- A letter was received from NYMIR stating that the 2010 insurance cost would decrease by 10%.

Five Star Bank

- Five Star Bank has requested that they be named the Town's first depository.

Planning Board Secretary

- No response has been received for the position of Planning Board Secretary. Will be advertise again.

Solid Waste and Recycling Contracts - Send Out To Bid

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to advertise for bids for solid waste and recyclable materials pick-up with bids to be submitted by 3:00 p.m. December 29, 2009 and to be opened at Year-End meeting on December 30, 2009 at 7:30 p.m. The motion passed with All In Favor.

Fuel Bids - 2010

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to advertise for fuel bids for 2010 to include diesel, unleaded gasoline and propane to be submitted by 3:00 p.m. December 29, 2009 and to be opened at the Year-End meeting on December 30, 2009 at 7:30 p.m. The motion passed with All In Favor.

Budget Amendment - Transfer of Funds

- Highway Department received authorization from the Town Board to purchase a 10-wheel truck chassis at the July 27, 2009 Special Town Board meeting.
- \$125,000.00 must be transferred from A201 General Funds to H200 Projects for the purchase of the truck.

A motion was made by Councilman Gick and seconded by Councilwoman Neer to transfer \$125,000.00 from A201 General Funds to H200 Projects for the purchase of a 10-wheel Mack truck chassis. The motion passed with the following Roll Call Vote:

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

Historian - Training Reimbursement

- Town Historian Lee Hendershott has asked for reimbursement in the amount of \$74 for the tuition cost of a genealogy class he has enrolled in at GCC.
- Funds are available in the Historian's contractual.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to approve reimbursement in the amount of \$74.00 for tuition to GCC for genealogy class taken by Town Historian Lee Hendershott. The motion passed with the following Roll Call Vote:

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

Warrant

The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$6,486.10	\$10,806.36
Highway Fund	\$4,296.92	\$15,397.87

2009 Budget

Supervisor Gayton review 2009 budget figures to date.

Reading of the Minutes - Suspension of

A motion was made by Councilman Wenhold and seconded by Councilman Gick to suspend the reading of the minutes. The motion passed with All In Favor.

Adjournment

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to adjourn the meeting at 9:15 p.m. The motion passed with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: December 16, 2009

Respectfully Submitted,

Debbie L. Douglas, Clerk
Town of Bethany