

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

13 June 2011

Supervisor Gayton opened the July 7, 2011 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	Bill Gick, Councilman
Walter Wenhold, Councilman	Debbie Douglas, Town Clerk
Bill Shea, Town Justice	Paul Fleming, Highway Superintendent
Lee Hendershott, Town Historian	Thomas McBride, Town Justice
Tom Douglas, ZEO/CEO	

Town Officials Absent were:

Susan Neer, Councilwoman	Edward Pietrzykowski, Councilman
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Others in Attendance were:

Ian Lawson	Michelle Lawson
Pat Pietrzykowski	

Finances

Supervisor Gayton presented the finances for June 2011.

General Savings	\$894,629.80	
Five Star Bank Savings	\$ 18,262.64	
Highway Savings	\$200,858.14	
Capital Project Highway	\$ 6,751.00	
AP/PR Account	\$ 19,467.23	
Trust & Agency Account	\$ 4,292.29	
Petty Cash	\$ 250.00	
Highway Fund Misc. Savings	\$ 858.58	
Total		\$1,145,369.68

Revenues Received		
Town Clerk Fees	\$ 1,641.87	
Genesee County Treasurer	\$ 9,427.54	
Debbie Douglas, Tax Collector	\$ 3.55	
Stanley Stabba & Sons	\$ 440.00	
NY Municipal Insurance	\$ 1,026.09	

Total Revenue	\$ 12,539.05
Total Revenue & Interest	\$ 12,832.44

Town Clerk Report - Debbie Douglas

- Presented the Minutes of the June 13, 2011 Regular Town Board meeting.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve the minutes as presented. The motion passed with All In Favor.

ZEO/CEO Report - Tom Douglas

- Presented report of applications submitted to date.
- Building is very slow and most jobs are smaller: pools, accessory buildings, etc.
- Russell & Zora Cox are in the process of applying for a variance to correct the land separation violation on East Road.
- Proper response has not been received from either party in the East View Farms separation on East Road. The matter has been turned over to Town Attorney David DiMatteo.

Highway Superintendent Report - Paul Fleming

- Paving Brown Road.
- Will be patching Mill, Silver and Conway Roads.
- Will begin chipping next Tuesday.
- Roadside mowing continues.

Justice Court Report - Bill Shea & Tom McBride

- The new laptops have been received. The quoted laptops were not in stock when ordered so the order was upgraded free of charge.
- Justice Shea has received notification that there will be JCAP grants available this year.

Board Committee Reports

Councilman Gick

- Planning Board met on July 7, 2011.
 - o Site Plan Review for Baskin Livestock was given preliminary approval without a public hearing. Board will make final decision after receiving the recommendation from Genesee County Planning Board.
 - ZEO will check with DEC concerning the effects of the open burning law as it pertains to this project.
 - o Site Plan Review for Lor-Rob Associates LLC III was tabled pending a public hearing scheduled for August 4th because of the proximity to Black Creek.
 - o Land Separation Application submitted by John & Joan Moodie was tabled pending receipt of a survey showing only the parcel to be separated instead of several other proposed separations that are not involved in this application.
- Oatka Fest will be held in LeRoy on July 16 & 17.

Councilman Wenhold

- Senior Meals are averaging about 15 attendees per week.
 - o Next week all of the participants in Genesee County will meet at Darien Lake State park for a picnic.
- Pavilion Library's Summer program has 130 attendees with 40 of those attendees being senior high students.

Councilman Pietrzykowski as read by Supervisor Gayton

- The Fire Department has put Truck 35 up for sale.
 - o A truck committee has been formed.
- No word yet on the NYSERDA grant.
- Poles and lights in the parking lot can be replaced for \$800 per pole.
 - o Are lights mercury vapor or quartz iodine?
 - o Are the poles new or used?
- Perhaps the Town should write letters to legislators concerning the proposed roundabout at Rt. 20 & East Road.
 - o A lot of information needs to be gathered first.
 - o A letter will be sent to Assemblyman Burling's office asking for his assistance with a copy to County Highway Superintendent Tim Hens. Assemblyman Burling's office is already working on this and he will be asked to keep the Town apprised of any information they gather.

OLD BUSINESS

Old Town Hall Update - Bill Gick

- Deed Restrictions
 - o Were reviewed and revised at the Old Town Hall Preservation Committee meeting held on July 5, 2011.
 - o Ann Lavrincik of Nothnagle Realtors along with Lynn Sepor also of Nothnagle were in attendance.
 - o Deed restrictions suggested by the committee are as follows:

PROPOSED DEED RESTRICTIONS FOR THE OLD TOWN HALL
TOWN OF BETHANY

We covenant that the property conveyed by this deed is and shall be subject to the following covenants, agreements, conditions, easements, reservations, restrictions and charges (herein called restrictions) which it is hereby agreed shall be covenants running with the land and shall be binding upon the parties of the second part, their heirs, distributees and assigns (herein called "We"):

The existing vinyl siding may remain as it is, unless it is removed to expose the original siding which shall be painted white or replaced with siding that matches the original.

The stone or masonry foundation shall remain in its natural state following any needed repairs.

Windows shall remain with the same opening and same design.

The front façade shall be maintained in current architectural style, if porch is removed or altered should be replaced with similar style.

The roof line shall not be altered, but remain the same in terms of size and style.

- Placement of generator was discussed. Final position will be decided after talking to National Grid.

Highway Department Employee Time

- Supervisor Gayton has spoken to Highway employees concerning vacation and holiday time that has been rolled over at the end of the year. Since money cannot be carried from one budget year to the next they will need to either use their time or they will be paid for it.
- Supervisor Gayton is proposing that they use their time up by the end of 2012 or be paid for it.
- He stated that one employee has been saving his time as a backup in case he is injured at home and is unable to work. He asked if the Town would be able to deposit the money in an account for him so that he would not be able to access it except in an emergency. Supervisor Gayton will look into this.
- Supervisor Gayton will also contact the Union representative concerning this matter.

Poles Supporting Siren - Inspection of

- Supervisor Gayton has made contact with someone who will come out to inspect the poles that support the siren.

NEW BUSINESS

Claim Against Town - Karl Kennedy

- The Town has been named in a claim along with Genesee County by Karl Kennedy.
- Mr. Kennedy was injured in an accident at the intersection of Bethany Center Road and Cacner Road.
- The claim has been forwarded to the Town Attorney's office.
- A FOIL request has also been received from Mr. Kennedy's attorney requesting any complaints concerning the intersection. This will also be forwarded to the Town Attorney.

Letter from Marilyn Palotti concerning water

- A letter was received from Marilyn Palotti who lives on East Bethany-LeRoy Road asking for public water.
- A reply will be sent to Ms. Palotti and also forwarded to the county.

SUP1101 - Wyatt Van Buren - Setting of Public Hearing

- A public hearing for SUP1101 for an application submitted by Wyatt Van Buren for the construction of a pond on his property located at 5932 East Bethany-LeRoy Road will be held on September 12 at 8:00 p. m.

Ian Lawson - Merit Badge

- Ian Lawson is working on his communication badge and one of the requirements is attending a public meeting. This is his last badge before he goes on to work on Eagle Scout.

Ed Tiede - Gas Card

