

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

08 APRIL 2013

Supervisor Gayton opened the April 8, 2013 Regular Town Board Meeting at 7:01 p. m.

Town Officials in Attendance were:

Louis Gayton, Supervisor	Bill Gick, Councilman
Walter Wenhold, Councilman	Susan Neer, Councilwoman
Edward Pietrzykowski, Councilman	Debbie Douglas, Town Clerk
Bill Shea, Town Justice	Tom Douglas, CEO/ZEO

Attendees to the Meeting were:

Carl Hyde	Maelynn Hyde
Tom Foss	Jean O'Connell, J. O'Connell
Assoc.	
Ann Lavrinak, Nothnagel Realtors	Brant Arnold, Ed Arnold Scrap
Process	
Rebecca Meyers	

Finances

Supervisor Gayton presented the finances for March 2013.

General Savings	\$1,028,488.44	
915 Savings	\$ 310,815.30	
Highway Savings	\$ 44,103.93	
Highway Fund Misc. Savings	\$ 859.34	
Capital Project Highway	\$ 16,216.69	
AP/PR Account	\$ 24,779.41	
Trust & Agency Account	\$ 4,556.47	
Petty Cash	\$ 250.00	
Justice Savings	\$ 5,355.29	
Total		\$ 1,435,424.87
Revenues Received		
Debbie Douglas, Town Clerk	\$ 1,633.00	
Zurich	\$ 180.02	
Debbie Douglas, Tax Collector	\$ 483.40	
Bethany Justice Shea	\$ 865.00	
Bethany Justice McBride	\$ 3,080.00	
Total Revenue	\$	6,241.42
Total Revenue & Interest	\$	6,421.01

Town Clerk Report - Debbie Douglas

- Presented the Minutes of the March 11, 2013 Regular Town Board meeting.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve the Minutes of the March 11, 2013 Regular Town Board meeting as presented. The motion passed with All In Favor.

- Thank you note from Joel Merle for fruit basket delivered after his surgery.
- Information concerning Sovereign Citizens Movement was discussed.
  - o A resolution is being prepared supporting legislation that will penalize persons filing false claims against elected and/or appointed officials.

#### Second Deputy Appointment - Rebecca Myers

- Clerk interviewed Rebecca Myers to fill the new position created in the Clerk's office.
- Her application was approved by Genesee County Human Resources.

A motion was made by Councilwoman Neer and seconded by Councilman Pietrzykowski to approve the appointment of Rebecca Myers to the part-time clerk/typist position in the Town Clerk's office. The motion passed with the following Roll Call Vote:

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

#### History Open House at GCC

- Linda Schmidt is under the weather but reported to the Clerk that the History Open House went very well.

#### ZEO/CEO Report - Tom Douglas

- Issued permits for a porch enclosure and the extension of a milking parlor.
- Has started road review for junk cars.
- ZBA turned down and interpretation variance. The owner asked that the addition of a carport/porch to a single-wide trailer be considered to meet the minimum width requirement. The ZBA determined that the minimum width requirement is year-round habitable space.
- Waiting on a response from the attorney concerning the complaint of an individual inhabiting a barn on Francis Road. He is also working with several agencies to remedy the situation.

#### Highway Superintendent Report - Paul Fleming

- Received word that CHIPS funding will increase by approximately \$17,000 this year.
- Looking at road projects for this year.
- Met with Steve Sharpe from the Genesee County Sheriff's Department to discuss the new radio system that will be implemented. Low band radios will become obsolete.
- Attended the G200 meeting.

#### Town Justice Report - Bill Shea

- There will now be a \$35 surcharge on parking tickets per Governor Cuomo.
- There will be no plea bargaining for speeding tickets over 70 mph.

#### Board Committee Reports

##### Councilman Gick

- Planning Board is still working on the Comprehensive Plan and may have it completed next month.
- Kennedy Wilson has submitted his resignation which was read by the Clerk.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to accept the resignation of Kennedy Wilson. The motion passed with the following Roll Call Vote:

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

##### Councilman Wenhold

- Senior Meals going well.
- ZBA met and as CEO/ZEO Douglas reported turned down an application for an Interpretation Variance submitted by Ronald Edson.

##### Councilman Pietrzykowski

- Fire Department is working on their budget.
- Buffalo News had an article concerning legislation that would require municipalities to provide health insurance for volunteer firefighters. This could have a profound effect on municipal budgets.
- There were several fires in the area over the weekend. Remember that there is a Burn Ban in effect from March 16<sup>th</sup> until May 14<sup>th</sup> every year.
- Brant Arnold from Edward Arnold Scrap Processors was present. His company has been purchasing the recyclables since December. Handles plastic, metals, ewaste and cardboard.
  - o The Town Attorney will be contacted to draw up a contract for the purchasing of recyclables at market price.
- Jean O'Connell of J. O'Connell & Associates, Inc., grant consultants was present to explain the recycling grant program.
  - o A preliminary application must be filled out and submitted. The application then waits to move forward as applications are reviewed (possibly 2-3 years)
  - o When the application is at the top of the list a full application must then be filled out.
  - o The Town must spend 100% of the money and then will be reimbursed for 50%. Reimbursement for funds spent within the last 10 years may be possible.
  - o The whole process may take 5 years more or less.

##### Councilwoman Neer

- No news on Summer Recreation programs as yet. There is concern about how state and federal budgets will effect the funding for these programs.
- Tri-Town Athletics has had baseball signups and cheerleading will begin soon.

**OLD BUSINESS**

Water District #2

- Household Income Surveys have been mailed.

Resolution #5-2013 Opposition to NY SAFE Act

**RESOLUTION OF THE TOWN OF BETHANY TOWN BOARD  
OPPOSING THE PROCESS OF THE ENACTMENT AND CERTAIN PROVISIONS  
CONTAINED WITHIN THE NEW YORK SECURE AMMUNITION & FIREARMS  
ENFORCEMENT ACT (NY SAFE ACT)**

**WHEREAS**, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution; and

**WHEREAS**, the right of the people to keep and bear arms for defense of life, liberty and property is regarded as an inalienable right by the people of the Town of Bethany and the State of New York; and

**WHEREAS**, the lawful ownership of firearms is and has been, a valued tradition in the Town of Bethany and the State of New York and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and

**WHEREAS**, the people of the Town of Bethany and the State of New York derived economic and environmental benefits from all safe forms of recreation involving firearms, including but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and

**WHEREAS**, members of the Town of Bethany Town Board, being elected to represent the people of the Town of Bethany, are duly sworn by their oath of office to uphold the Constitution of the United States; and

**WHEREAS**, members of the New York State assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

**WHEREAS**, the enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

**WHEREAS**, it is our understanding that many State Legislators had less than an hour to read the legislation which contained approximately twenty-five thousand words, before being forced to vote on it; and

**WHEREAS**, having reviewed the legislation and time constraints, it is our conclusion that there is no possible way any individual could have read

the entire bill and understood its full implications prior to voting on it; and

**WHEREAS**, our State Legislators most certainly could not have had the time to request and receive input of their constituents regarding this matter; and

**WHEREAS**, seeking and considering such public input is a standard to which we hold ourselves to on the Town of Bethany Town Board; and

**WHEREAS**, this legislation has 60 sections of which only three take effect immediately; and

**WHEREAS**, in our opinion, there was no reason for the Governor to use a message of necessity to bring this bill to a vote immediately and bypass the three day maturing process for all legislation; and

**WHEREAS**, the mishandling of the process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation and are confusing even to the State Legislators who voted on them and the law enforcement officials who are required to enforce and explain them; and

**WHEREAS**, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every five years does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

**WHEREAS**, there will be significant financial impact due to the permits that will have to be renewed requiring manpower and computer systems; and

**WHEREAS**, this legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

**WHEREAS**, those firearm magazines with a capacity larger than seven rounds which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus constituting a seizure of legally owned personal property with no provision for compensation; and

**WHEREAS**, few or no low capacity (seven rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

**WHEREAS**, limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners and puts an undue burden on the gun manufacturers to retool their manufacturing plants; and

**WHEREAS**, the only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high capacity magazines in the hands of those who choose not to obey the law; and

**WHEREAS**, requiring documentation of all ammunition sales in New York State as provided for in this legislation, is a significant unfunded mandate in business; and

**WHEREAS**, the New York State Combined Ballistic Identification System which wasted \$44 million in taxpayer money and resulted in zero convictions, illustrates the propensity of government to waste taxpayer resources when legislation is not properly reviewed; and

**WHEREAS**, Governor Cuomo has proposed spending \$36 million dollars in his 2013–2014 Executive Budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and

**WHEREAS**, this legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including but not limited to, hunting and target shooting; and

**WHEREAS**, while there are some areas of the legislation that the Town of Bethany Town Board finds encouraging such as addressing glaring shortcomings in the mental health system, as well as privacy protections for certain pistol permit holders, by-and-large, we find the legislation does little more than negatively impact lawful gun ownership; and

**WHEREAS**, this legislation fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding citizens; and

**WHEREAS**, this legislation effectively turns countless New York State law-abiding gun owners into criminals; and

**WHEREAS**, the manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Town of Bethany Town Board.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Town Board of the Town of Bethany does hereby oppose and request the repeal of any legislation including the sections within the NY SAFE Act (Chapter 1 of the Laws of 2013) which infringe upon the right of the people to keep and bear arms; and be it

**FURTHER RESOLVED**, that the Town of Bethany Town Board considers such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives; and be it

**FURTHER RESOLVED**, that the Town of Bethany Town Board strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and be it

**FURTHER RESOLVED**, that the Town of Bethany Town Board requests the members of the New York State Senate and Assembly who represent all or part of Genesee county to reply in writing with their views on and actions taken in support of or in opposition to the NY SAFE Act; and be it

**FURTHER RESOLVED**, that the Town Clerk is hereby directed to send a certified copy of this Resolution to President Barack Obama, Vice President Joseph Biden, Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Chris Collins, New York State Senator Michael Ranzenhofer and New York State Assemblyman Steven Hawley.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to approve Resolution #5-2013 Opposing the Process or the Enactment and Certain Provision Contained Within the New York Secure Ammunition & Firearms Enforcement Act (NY SAFE ACT). The motion passed with the following Roll Call Vote:

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

Resolution #6-2013 Opposition to Early Voting

**OPPOSITION OF LEGISLATION A.689  
SPEAKER SHELDON SILVER, ET AL**

WHEREAS, the Genesee County Board of Elections has expressed concern relative to the proposed Legislation A.689 offered by Speaker Sheldon Silver, et al that would require 5 polling sites throughout our county to be open 14 straight days from 8 am until 7 pm before each general election and 7 days before any primary election, and

WHEREAS, providing election inspectors for 14 straight days, including Saturdays and Sundays, and 7 days before each primary would put an additional cost burden to the Town taxpayers; and

WHEREAS, existing polling sites, which are extremely hard to acquire, would eliminate all schools, fireman's recreation halls and church halls because they are not available on Saturday and Sundays, posing another added burden and expense; and

WHEREAS, the Genesee County Board of Elections has upgraded the polling sites to provide ample room for all voters to have adequate space to complete and cast their ballot within a reasonable period of time even during the recent Presidential Election with 70% voter turnout.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Bethany Town Board opposes this "Early Voting Proposal" which is completely unnecessary in the Town of Bethany, County of Genesee and adds one more unfunded mandate to our Town taxpayers.

A motion was made by Councilwoman Neer and seconded by Councilman Pietrzykowski to approve Resolution #6-2013 Opposition of Legislation A.689 Speaker Sheldon Silver, et al. The motion passed with the following Roll Call Vote:

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

Resolution #7-2013

**COLLECTION OF MISCELLANEOUS TRANSFER STATION FEES  
AT THE TRANSFER STATION**

**WHEREAS,** certain items collected at the Town of Bethany Transfer Station do not fit within the denominations on the Transfer Station punch cards, and

**WHEREAS,** some residents cannot afford to purchase a Transfer Station punch card and are better able to pay for the disposal of their trash on an as needed basis, and

**WHEREAS,** it has been the practice of the Town of Bethany to allow the payment for the above mentioned items at the Transfer Station for the convenience of the residents of the Town of Bethany, now, therefore

**BE IT RESOLVED,** that payment for the above mentioned items may be accepted at the Transfer Station, and

**BE IT FURTHER RESOLVED,** that written receipts must be made for all payments received, and

**BE IT FURTHER RESOLVED,** that upon the collection of \$250.00 all monies must be turned over to the Town Clerk within 2 days of reaching that amount accompanied by the corresponding receipts.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to approve Resolution #7-2013 Collection of Miscellaneous Transfer Station Fees at the Transfer Station. The motion passed with the following Roll Call Vote:

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

- Discussion concerning the installation of a drop box for cash collected at the Transfer Station. Cash would be dropped throughout the day and removed at the end of the day. The attendants will not then have large amounts of cash on their person.

ZBA - Open Seat

- One letter of interest was received for the open position on the Zoning Board of Appeals from Tom Foss.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to appoint Tom Foss to the position vacated by Mike Adams. The unexpired term ends in December 2018. The motion passed with the following Roll Call Vote:

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

Councilwoman Neer - Yes

Old Town Hall - Update

- Ann Lavrinak of Nothnagel Realtors was present and informed the Board that she has a showing scheduled for tomorrow.
- The listing expires on April 11, 2013. Board will see how the showing goes tomorrow and then discuss whether or not to renew the listing.
- Since the Supreme Court denied the request for an easement to the Old Town Hall from the cemetery, the Town will need to purchase the 20' that was requested in the easement. The cemetery is willing to sell the land, however this request now needs to go through the Supreme Court again and could take up to a year.

**NEW BUSINESS**

WD915 Account - Payment from

- Supervisor Gayton is requesting permission to pay Town Attorney David DiMatteo \$49.00 as billed for the water district.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to approve the payment of \$49.00 to Attorney David DiMatteo from WD915 account. The motion passed with the following Roll Call Vote:

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

Planning Board Appointment

- Tim Leary, Planning Board Secretary and Alternate Planning Board Member, has expressed interest in becoming a regular Planning Board member.

A motion was made by Councilman Pietrzykowski and seconded by Councilwoman Neer to appoint Tim Leary to the seat vacated by Kennedy Wilson. The term expires in December 2017. The motion passed with the following Roll Call Vote:

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

Bid Opening - Highway Department Building Electrical Service Upgrade

- 4 sealed bids were received, opened at the meeting by the Clerk and read as follows:

	Bid	Option 1
Northeast Electrical Company	\$21,246.00	\$6,160.00
Marcy Electric	\$ 8,943.00	\$1,989.00
RJN Electrical Services, Inc.	\$11,328.00	\$1,400.00
Suburban Electric of Albion, Inc.	\$16,400.00	\$3,800.00

- Bids will be reviewed for compliance with bid specifications. A special meeting will be scheduled to decide on an award when the review is complete.

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,652.85	\$30,866.84
Highway Fund	\$ 5,803.96	\$25,660.12
Water Fund	\$ 0.00	\$
49.00		
Justice Fund	\$ 5,283.00	\$ 5,283.00

Reading of the Minutes - Suspension of

A motion was made by Councilman Pietrzykowski 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 Councilwoman Neer and seconded by Councilman Wenhold to adjourn the meeting at 8:32 p.m. The motion passed with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: April 9, 2013

Respectfully Submitted,  
  
Debbie L. Douglas  
Bethany Town Clerk