

TOWN OF BETHANY

REGULAR TOWN BOARD MEETING

12 August 2013

Supervisor Gayton opened the August 12, 2013 Regular Town Board Meeting at 7:01 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	Edward Pietrzykowski, Councilman
Debbie Douglas, Town Clerk	Tom Douglas, CEO/ZEO
Linda Schmidt, Historian	Deborah Conti, Assessor

Town Officials Absent were:

Sue Neer, Councilwoman	Paul Fleming, Highway Superintendent
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Attendees to the Meeting were:

Carl Hyde	Maelynn Hyde
Tom Foss	Ray Cipriano
Jim Phillips	Don Schmidt
John Volpe	Mary Volpe
Michelle Krtanik	Chris Krtanik
Jodi Laird	

Finances

Supervisor Gayton presented the finances for June 2013.

General Savings	\$	649,285.20
915 Savings	\$	310,063.48
Highway Savings	\$	104,232.31
Highway Fund Misc. Savings	\$	859.48
Capital Project Highway	\$	136,219.45
AP/PR Account	\$	37,644.03
Trust & Agency Account	\$	4,466.68
Petty Cash	\$	250.00
Justice Savings	\$	9,523.59
Total		\$ 1,252,544.22
Revenues Received		
Debbie Douglas, Town Clerk	\$	2,642.00
Debbue Douglas, Town Clerk	\$	1,998.17
County of Genesee	\$	137,566.29
Bethany Justice Shea	\$	1,693.00
Bethany Justice McBride	\$	2,692.50

Stanley Staba	\$	45.00
Stanley Staba	\$	240.00

Total Revenue	\$	146,899.76
Total Revenue & Interest	\$	147,052.27

Town Clerk Report - Debbie Douglas

- Presented the Minutes of the July 8, 2013 Town Board Workshop meeting.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve the Minutes of the July 8, 2013 Town Board Workshop meeting as presented. The motion passed with All In Favor.

- Presented the Minutes of the July 8, 2013 Regular Town Board meeting.

A motion was made by Councilman Gick and seconded by Councilman Wenhold to approve the Minutes of the July 8, 2013 Regular Town Board meeting as presented. The motion passed with All In Favor.

- Presented the Minutes of the July 29, 2013 Town Board Workshop meeting.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to approve the Minutes of the July 29, 2013 Town Board Workshop meeting as presented. The motion passed with All In Favor.

- NYS Archives has requested that local governments send letters of support for lobbying for the release of grant funding and the protection of LGRMIF funds so they can only be used for funding LGRMIF grants

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to send a letter of support for lobbying for the release of grant funding and the protection of LGRMIF funds. The motion passed with the following Roll Call Vote:

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

- Phil Lafreniere looked at the chlorinator pump at the Community Center. It is badly corroded and needs to be replaced. He quoted a new pump at \$550 installed.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to replace the pump. The motion passed with the following Roll Call Vote:

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

- Court Clerk Marie Shea has been ill recently. A fruit basket was delivered to her home.
- NYSDOT has scheduled a public hearing concerning the construction of a roundabout at the intersection of Rt. 20 and East Road for September 12, 2013 from 6:30 p.m. - 9 p.m. at the Bethany Community Center.

ZEO/CEO Report - Tom Douglas

- Still working with BMSI on their new program. Seems to be an excellent upgrade. Some glitches have been discovered and remedied.
- Seven permit applications have been received.
 - o 1 addition
 - o 3 accessory buildings
 - o 1 accessory building less than 200 square feet
 - o 1 porch roof over a deck - existing Area Variance
 - o 1 porch denied due to front yard setback
- Two variance applications have been received.
 - o 10257 Bethany Center Road applied for an area variance to erect a front porch. Recommendations for approval have been received from the Town Planning Board and the Genesee County Planning Board. The ZBA will hold a public hearing on Wednesday, August 28.
 - o Single family dwelling on Bethany Center Road submitted an area variance application for the construction of an addition with a 15 foot side yard setback. This application received approval and is nearing the completion of construction.
- Investigating one complaint.
- The construction total for last year was approximately \$358,500 with 31 permits. This year's total to date is approximately \$848,706 with 25 permits issued.

Assessor Report - Deborah Conti

- In the next 2 weeks the State will be mailing postcards to anyone who currently has a Basic STAR. The postcards will give property owners instructions for renewing their STAR online or by calling the State. The renewal must be completed by December 31st.
- Property owners with Enhanced STAR will renew as usual.
- The 2014 Reassessment Project will be beginning.
- Assessor has submitted a request to be reappointed. Darien has reappointed and Pembroke will make the decision at their next board meeting.
- Supervisor Gayton will talk with the other two Supervisors in the CAP.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to table the appointment of the Assessor until the next regular Town Board meeting. The motion passed with the following Roll Call Vote:

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

Highway Superintendent Report - Paul Fleming Read by Town Clerk

- Culvert pipe on Little Canada Road has been replaced. Edges of road were paved and ditches were cleaned as needed.

- Ditches on Torrey and Transit Roads were cleaned as needed.
- The County's paver has broken down. Waiting for repair to be completed so that Transit Road can be paved. Predicting it should be repaired in approximately 1 ½ weeks.
- Roadside mowing continues.
- Highway Department had a visit from the DEC with concerns of spraying roadside guard rails with pesticides. They were referred to the County Highway Department. We do not have a registration number of qualified person to apply these chemicals.
- Planning on ordering salt in september. Salt price is down a little (\$1.00/ton) from last year. Town has the road sand to mix with the salt.

Board Committee Reports

Councilman Gick

- Planning Board met on July 11 and approved a land separation application submitted by Lor-Rob Associates, LLC III. Board was also updated on the activities of the Old Town Hall Preservation Committee.
- Planning Board met on August 1 and recommended approval to the ZBA for an area variance application submitted by Francis and Gretchen Pietrzykowski.
- Attended training for the new SEQR that will be coming in October. Councilwoman Neer and Planning Board Chair Fran Brunner also attended. Genesee County Planning will be holding training in the future.

Councilman Pietrzykowski

- Things have been quiet at the Fire Department.

OLD BUSINESS

Water District #2 - Income Survey Update

- Mistakes were made on the income survey. They are being fixed.

Recycling Building - Grant Application Update

- No news yet.

Recycling Pickup - Agreement - Edward Arnold Scrap Processors

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold authorizing Supervisor Gayton to sign the agreement between The Town of Bethany and Edward Arnold Scrap Processors, Inc. The motion passed with the following Roll Call Vote:

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

Old Town Hall Preservation Committee - Update

- Supervisor Gayton has spoken with Sue Conklin concerning the historical items at the Old Town Hall. She does not have room to store them. The possibility of moving them to the Community Center

and constructing walls to make an office for the Historian and a separate Court Room were discussed.

- The Landmark Society of Western New York offered 3 possible scenarios as follows:

Possible Scenario #1: First and foremost, we recommend that the Town approach the interested buyer who walked away from the property after seeing the foundation and basement issues. Determine if this buyer would be interested in purchasing the property for a nominal fee (to cover attorneys' fees, closing costs, etc.) and with protective covenants in place in the deed. Covenants, which could be held by The Landmark Society or the Town, could be written to ensure that architecturally significant features on the building's exterior and interior are preserved and treated appropriately. The sale price would have to be determined based on the costs to the Town and The Landmark Society (if we were to hire an attorney to draft covenants). The goal is to simply cover all expenses related to the sale of the property rather than to make a profit. If the potential buyer has the means to rehabilitate the building, he/she should be amenable to a nominal sale price of \$1000-3000.

Possible Scenario #2: Town provides The Landmark Society with a 3 or 6 month exclusive real estate option on the property. The Landmark Society would market the property and, if an appropriate buyer is found, a double closing could take place where the Town would convey the property to The Landmark Society and The Landmark Society would then immediately convey the property to the new buyer. In this scenario, the Town would be donating the property to The Landmark Society and then we would sell for a nominal price that would allow us to recoup the cost of attorney's fees. We would also convey the property subject to protective covenants. It is important to note that this scenario would be contingent on the approval of The Landmark Society's Board of Trustees and the ability of The Landmark Society to recoup our costs.

Possible Scenario #3: The Town continues to own the property with The Landmark Society assisting with marketing and promotion. Again, the property would be sold for a nominal fee. If an appropriate buyer is found, the Town would convey the property directly to that buyer. Again, we recommend that the property be conveyed subject to protective covenants, which could be held by either the Town or The Landmark Society.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Gick to pursue scenario #2 if after review by the Town Attorney his blessing is given. The motion passed with the following Roll Call Vote:

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

- A Public Information meeting will be held at the Bethany Community Center on Wednesday, September 18, 2013 at 7:00 p.m.

Planning Board Secretary/Alternate - Update

- No one has shown any interest. Councilman Pietrzykowski has spoken to someone who may be turning in a letter of interest.

Salt Shed Repairs - Update

- No new information. Highway Superintendent is having trouble getting people to call him back.

Union Contract Negotiations - Update

- Met with representative and members one time so far. Will be meeting again on August 26.

NEW BUSINESS

Resolution #11-2013 Requesting Funds from the 2013 Justice Court Assistance Program Grant Application

WHEREAS, the Bethany Town Board met in regular session on August 12, 2013 and the following resolution was submitted, and it was determined;

THEREFORE, to apply for funding under the 2013 New York State Justice Court Assistance Program Grant for the continued maintenance and upgrade of the Bethany Justice System and Court operations;

WHEREAS, such funding would benefit the court system and the taxpayers of the Town of Bethany; therefore, be it

RESOLVED, that the Town Supervisor, Louis J. Gayton, submit such application for the request of such funds as determined by the Town Supervisor and Town Justices, with the full support and at the request of the Bethany Town Board.

At the Regular Town Board Meeting held on August 12, 2013, a motion was made by Councilman Wenhold and seconded by Councilman Gick to approve Resolution #11-2013, Requesting Funds from the 2013 Justice Court Assistance Program Grant Application. The motion passed with the following Roll Call Vote:

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

Resolution #12-2013 Standard Work Day Resolution for Employees

- Attached to end of minutes (Attachment #1)

Resolution #13-2013 Standard Work Day and Reporting Resolution

- Attached to end of minutes (Attachment #2)

Water District 915 Account – Approval of Payment From

- Supervisor Gayton is requesting authorization to pay Town Attorney David DiMatteo \$148.75 from the Water District 915 account for work related to the water district.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold authorizing Supervisor Gayton to make the payment of \$148.75 to Town Attorney David DiMatteo. The motion passed with the following Roll Call Vote:

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

Warrant

- The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 1,731.07	\$ 5,646.74
Highway Fund	\$11,607.92	\$26,761.45
Water Fund	\$ 0.00	\$ 148.75
Justice Fund	\$ 2,960.50	\$ 2,960.50

Reading of the Minutes - Suspension of

A motion was made by Councilman Gick and seconded by Councilman Pietrzykowski 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 Wenhold to adjourn the meeting at 7:52 p.m. The motion passed with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: August 13, 2013

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk

Attachment #1

Resolution #12-2013 Standard Work Day Resolution for Employees



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day Resolution for Employees*

RS 2418

(Rev. 7/11)

BE IT RESOLVED, that the Town of Bethany, Location code 30695, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Title	Standard Work Day (Hrs/day)
CEO/ZEO	8
Bookkeeper	6
Court Officer	6

On this 13 day of August, 2013

Debbie L. Douglas Date enacted: August 12, 2013
(Signature of Clerk)

I, Debbie L. Douglas, clerk of the governing board of the Town of Bethany
(Name of Employer)

of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 12 day of August, 2013, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 4 of such members were present at such meeting and that 4 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal of the
Town of Bethany
(Name of Employer)



*To be used for all employees. Please list Elected and Appointed Officials on the form (RS2417-A) Standard Workday and Reporting Resolution for Elected and Appointed Officials.

See Instructions for Completing Form on Back

Standard Work Day and Reporting Resolution RS 2417-A

(12/10)



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0051

BE IT RESOLVED, that the Town of Beahm, Location code 30896 hereby establishes the following standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (Based on Record of Activities)	Tier-1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
Appointed Officials									
DEPUTY	Thomas Douglas	4128	3871778	6	11/13-12/31/13	Y	18.68		
Bookkeeper	William Harkon	7228	38105879	6	1/1/13-12/31/13	Y	3.42		
Court Officer	Christopher Hausfelder	5805	5033057D	6	1/1/13-12/31/13	Y	.88		

If additional rows are needed, please use form RS2417-B and attach.

On this 13 day of August, 2013, I, Debra L Douglas, clerk of the governing board of the Town of Beahm, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 12 day of August, 2013 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 6 members, and that 4 of such members were present at such meeting and that 4 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Beahm, (Name of Employer)



This document consists of 1 page(s) (see additional RS2417-B forms attached).