

TOWN OF BETHANY
REGULAR TOWN BOARD MEETING
10 MARCH 2014

Supervisor Gayton opened the March 10, 2014 Regular Town Board Meeting at 7:00 p.m. with a Moment of Silence followed by Councilman Wenhold leading in the Pledge of Allegiance.

Town Officials in Attendance were:

Louis Gayton, Supervisor	Walter Wenhold, Councilman
Susan Neer, Councilwoman	Edward Pietrzykowski, Councilman
Debbie Douglas, Town Clerk	Bill Shea, Town Justice
Paul Fleming, Highway Superintendent	Linda Schmidt, Town Historian

Town Officials Absent were:

Daniel Adams, Councilman

Attendees to the Meeting were:

Maelynn Hyde	Carl Hyde Jr.
Don Schmidt	Tom Foss
Jim Phillips	

Finances

Supervisor Gayton presented the finances for February 2014.

General Savings	\$1,014,169.27
915 Savings	\$ 312,978.42
Highway Savings	\$ 84,013.04
Highway Fund Misc. Savings	\$ 859.68
Capital Project Highway	\$ 69,438.17
AP/PR Account	\$ 34,905.72
Trust & Agency Account	\$ 4,303.32
Petty Cash	\$ 250.00
Justice Savings	\$ 19,420.32

Total	\$ 1,540,337.94
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Revenues Received	
Debbie Douglas, Town Clerk	\$ 2,136.50
NYSLRS Loan Refund	\$ 9.43
NYS Department of Taxation	\$ 320.00
County of Genesee	\$ 47,990.62
Debbie Douglas, Town Clerk	\$ 50.82
Bethany Justice – William Shea	\$ 599.00
Bethany Justice – Thomas McBride	\$ 2,159.00

Total Revenue	\$ 53,265.37
Total Revenue & Interest	\$ 53,397.28

Town Clerk Report – Debbie Douglas

- Presented the Minutes of the February 10, 2014 Regular Town Board Meeting.

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold to approve the Minutes of the February 10, 2014 Regular Town Board Meeting. The motion passed with All In Favor.

- Notice has been received from the NYS Unified Court System that the application for "Relative of Justice to Serve as Court Clerk" for Jillian McBride has been approved.
- Read the 2013 Historian Report.

ZEO/CEO Report – Tom Douglas presented by Town Clerk

- Meet with Town Attorney concerning the proposal to hold outdoor concerts at Rolling Hills Asylum which was presented by owner Sharon Coyle at the February Town Board meeting.
- The Attorney advised that the uses listed in the PUD do not include outdoor concerts and the only way to accomplish her goals would be that she either request that the PUD be amended or she applied for a Special Use Permit.
- CEO informed Ms. Coyle of these options verbally and drafted a letter concerning the same which has gone to the Town Attorney for approval and will be sent to Ms. Coyle. She picked up an application for a Special Use Permit.
- The Town Attorney's office also informed the CEO that Ms. Coyle had already advertised the proposed dates on her website.

Highway Superintendent Report – Paul Fleming

- Have been working on patching the deep potholes. The winter has been hard on the roads.
- The cover for the salt shed has been delivered. Installation will be scheduled in the next few weeks.
- Received an estimate of \$2,040.00 to repair the overhead door that collapsed. The price to replace the door would be \$3,275.00.
- Estimates for electrical improvements for Transfer Station are being done.
- The new truck has been ordered and will be delivered in approximately 90-100 days from date of order. Paul will get information about the box that will be installed.

Board Committee Reports

Councilman Wenhold

- The number of people attending Senior Meals is improving with the weather.
- The Planning Board met on March 6 and recommended approval to the ZBA for an Area Variance application submitted by Michael Yaskulski for an accessory building on his property at 4842 Batavia-Bethany Townline Road.
- There has been no contact from the Union representative since meeting on February 24th.

Councilman Pietrzykowski

- Fire Department held breakfast this past Sunday; April 13 will be the last breakfast until September.
- Received estimates for building and baler for the Transfer Station. These were forwarded to the grant writer. Any necessary labor that can be done inhouse is also reimbursable along with any other necessary improvements.
 - o The cost for a 24x56x14 building with all necessary doors, etc. would be \$26,000. This price includes architectural fees.
 - o The cost for a 6" pad with 4000# concrete would be \$9270.
 - o Wiring for the project would be \$15,100.
 - o Total cost would be 53,437.
 - o B&E Equipment has a reconditioned baler that they are recommending for baling of plastics at a cost of \$7,400. Delivery and installation would be an additional 1,660.

OLD BUSINESS

Electrical Upgrade – Highway Department

- Work has been completed and inspection certificates have been received.

Water District #2 – Update

- The new survey is being prepared.

- Genesee County Health Department will do well testing for \$5 per well instead of the original figure of \$25 per well.

NEW BUSINESS

Resolution #7-2014 2013 Budget Amendments

Supervisor Gayton presented the following resolution:

WHEREAS, the appropriated accounts in the 2013 Town of Bethany Budget listed below are insufficiently funded due to unanticipated events; and

WHEREAS, to enable these accounts to function in an effective manner additional funding is required, therefore, be it

RESOLVED, that the following amendments be made:

GENERAL FUND

Transfer \$349.69 (Three Hundred Forty-Nine Dollars and Sixty-Nine Cents)

From A.1110.2 Justices Equipment
To A.1110.4 Justices Contractual Expense

Transfer \$150.31 (One Hundred Fifty Dollars and Thirty-One Cents)

From A.1110.2 Justices Equipment
To A.1220.4 Supervisor Contractual Expense

Transfer \$50.00 (Fifty Dollars)

From A.1110.41 Justices Jury Maintenance
To A.1330.1 Tax Collection Personal Services

Transfer \$300.00 (Three Hundred Dollars)

From A.1110.42 Justices Steno Services
To A.1220.4 Supervisor Equipment

Transfer \$94.00 (Ninety-Four Dollars)

From A.1110.43 Justices Bailiff
To A.1010.4 Town Board Contractual Expense

Transfer \$7.19 (Seven Dollars and Nineteen Cents)

From A.1110.43 Justices Bailiff
To A.1220.4 Supervisor Contractual Expense

Transfer \$18.00 (Eighteen Dollars)

From A.1110.43 Justices Bailiff
To A.1220.41 Supervisor Financial Clerk/Typist P/T

Transfer \$400.00 (Four Hundred Dollars)

From A.1220.2 Supervisor Equipment
To A.1220.4 Supervisor Contractual Expense

Transfer \$210.50 (Two Hundred Ten Dollars and Fifty Cents)

From A.1220.2 Supervisor Equipment
To A.1220.4 Supervisor Contractual Expense

Transfer \$512.00 (Five Hundred Twelve Dollars)

From A.1320.4 Supervisor Auditor Services
To A.1330.4 Tax Collection Contractual Expense

Transfer \$855.08 (Eight Hundred Fifty-Five Dollars and Eight Cents)

From A.1320.4 Supervisor Auditor Services
To A.1410.4 Town Clerk Contractual Expense

Transfer \$3,632.57 (Three Thousand Six Hundred Thirty-Two Dollars and Fifty-Seven Cents)

From A.1320.4 Supervisor Auditor Services
To A.9010.8 Undistributed Employee Benefits State Retirement

Transfer \$12.40 (Twelve Dollars and Forty Cents)

From A.1330.11 Tax Collection Deputy Personal Services
To A.1330.1 Tax Collection Personal Services

Transfer \$20.08 (Twenty Dollars and Eight Cents)

From A.3010.2 Public Safety Administration Equipment
To A.3010.4 Public Safety Administration Contractual Expense CEO

Transfer \$709.00 (Seven Hundred Nine Dollars)

From A.3510.4 Control of Dogs Contractual Expense
To A.3010.4 Public Safety Administration Contractual Expense CEO

Transfer \$934.12 (Nine Hundred Thirty-Four Dollars and Twelve Cents)

From A.5132.4 Garage Contractual Expense
To A.5010.4 Superintendent of Highways Contractual Expense

Transfer \$902.77 (Nine Hundred Two Dollars and Seventy-Seven Cents)

From A.5132.4 Garage Contractual Expense
To A.5132.1 Garage Personal Services

Transfer \$8,620.73 (Eight Thousand Six Hundred Twenty Dollars and Seventy-Three Cents)

From A.5132.4 Garage Contractual Expense
To A.9010.8 Undistributed Employee Benefits State Retirement

Transfer \$87.14 (Eighty-Seven Dollars and Fourteen Cents)

From A.6510.1 Veterans Services Personal Services
To A.6510.4 Veterans Services Contractual Expense

Transfer \$1,980.00 (One Thousand Nine Hundred Eighty Dollars)

From A.8160.4 Refuse & Garbage Transfer Contractual Expense
To A.7320.4 Joint Youth Project Contractual State

Transfer \$1,644.99 (One Thousand Six Hundred Forty-Four Dollars and Ninety-Nine Cents)

From A.8160.4 Refuse & Garbage Transfer Contractual Expense
To A.8010.4 Zoning Contractual Expense

Transfer \$2,277.00 (Two Thousand Two Hundred Seventy-Seven Dollars)

From A.8160.4 Refuse & Garbage Transfer Contractual Expense
To A.8160.1 Refuse & Garbage Transfer Personal Expense

Transfer \$1,079.42 (One Thousand Seventy-Nine Dollars and Forty-Two Cents)

From A.8020.41 Planning Board Per Diem
To A.9010.8 Undistributed Employee Benefits State Retirement

Transfer \$65.66 (Sixty-Five Dollars and Sixty-Six Cents)

From A.8010.41 Zoning ZBA
To A.7550.4 Celebrations Contractual Expense

Transfer \$1,000.00 (One Thousand Dollars)

From A.9050.8 Undistributed Employee Benefits NYS Unemployment Insurance
To A.9010.8 Undistributed Employee Benefits State Retirement

Transfer \$1,000.00 (One Thousand Dollars)

From A.8160.2 Refuse & Garbage Transfer Equipment
To A.9010.8 Undistributed Employee Benefits State Retirement

Transfer \$7,504.50 (Seven Thousand Five Hundred Four Dollars and Fifty Cents)

From A.9901.9 Interfund Transfers to Other Funds
To A.9010.8 Undistributed Employee Benefits State Retirement

Transfer \$2,495.50 (Two Thousand Four Hundred Ninety-Five Dollars and Fifty Cents)

From A.9901.9 Interfund Transfers to Other Funds
To A.9030.8 Undistributed Employee Benefits Social Security

Transfer \$1,864.07 (One Thousand Eight Hundred Sixty-Four Dollars and Seven Cents)

From A.9040.81 Undistributed Employee Benefits Fire District Compensation
To A.9010.8 Undistributed Employee Benefits State Retirement

Transfer \$4,050.93 (Four Thousand Fifty Dollars and Ninety-Three Cents)

From A.9040.81 Undistributed Employee Benefits Fire District Compensation
To A.9089.8 Back Benefits

Transfer \$129.95 (One Hundred Twenty-Nine Dollars and Ninety-Five Cents)

From A.9055.8 Undistributed Employee Benefits Disability Insurance
To A.9010.8 Undistributed Employee Benefits State Retirement

Transfer \$415.00 (Four Hundred Fifteen Dollars)

From A.1420.4 Attorney Contractual Expense
To A.1450.41 Elections County Charges

Transfer \$311.00 (Three Hundred Eleven Dollars)

From A.1420.4 Attorney Contractual Expense
To A.1620.1 Buildings Old Town Hall Personal Services

Transfer \$178.89 (One Hundred Seventy-Eight Dollars and Eighty-Nine Cents)

From A.1420.4 Attorney Contractual Expense
To A.1621.4 Buildings Old Town Hall Contractual Expense

Transfer \$700.00 (Seven Hundred Dollars)

From A.1420.4 Attorney Contractual Expense
To A.1920 Special Items Municipal Dues

Transfer \$714.91 (Seven Hundred Fourteen Dollars and Ninety-One Cents)

From A.1420.4 Attorney Contractual Expense
To A.1910 Special Items Unallocated Insurance

Transfer \$1,743.76 (One Thousand Seven Hundred Forty-Three Dollars and Seventy-Six Cents)

From A.1620.2 Buildings Town Hall Equipment
To A.9010.8 Undistributed Employee Benefits State Retirement

Transfer \$2,416.00 (Two Thousand Four Hundred Sixteen Dollars)

From A.1621.1 Buildings Old Town Hall Personal Services
To A.1930.4 Justice Judgments & Claims

Transfer \$5,000.00 (Five Thousand Dollars)

From A.1990 Special Items Contingent
To A.1930.4 Justice Judgments & Claims

HIGHWAY FUND

Transfer \$4,860.19 (Four Thousand Eight Hundred Sixty Dollars and Nineteen Cents)

From DA.5110.1 General Repairs Personal Services
To DA.5110.4 General Repairs Contractual Expenses

Transfer \$14,427.44 (Fourteen Thousand Four Hundred Twenty-Seven Dollars and Forty-Four Cents)

From DA.5110.1 General Repairs Personal Services

To DA.9060.8 Employee Benefits Hospital/Medical Insurance

Transfer \$4,400.00 (Four Thousand Four Hundred Dollars)

From DA.5110.1 General Repairs Personal Services

To DA.9010.8 Employee Benefits State Retirement

Transfer \$2,773.33 (Two Thousand Seven Hundred Seventy-Three Dollars and Thirty-Three Cents)

From DA.5110.1 General Repairs Personal Services

To DA.5142.4 Snow Removal Town Highways Contractual Expense

Transfer \$1,546.25 (One Thousand Five Hundred Forty-Six Dollars and Twenty-Five Cents)

From DA.5110.1 General Repairs Personal Services

To DA.9030.8 Employee Benefits Unemployment Insurance

A motion was made by Councilwoman Neer and seconded by Councilman Wenhold to approve the budget amendments as presented by Supervisor Gayton. The motion passed with the following Roll Call Vote:

Supervisor Gayton - Yes

Councilman Wenhold - Yes

Councilwoman Neer - Yes

Councilman Adams - Absent

Councilman Pietrzykowski - Yes

Resolution #8-2014 - Transfer of Funds 915 Account - Payment of Highway Department Electrical Upgrade

WHEREAS, the work to upgrade the Highway Department's electrical components by Marcy Electric per the bid approved at the March 11, 2013 Town Board meeting have been completed and inspected, and

WHEREAS, the amount of the approved bid was \$10,932.00, and

WHEREAS, the Supervisor is required to have Town Board approval to transfer funds from the 915 Account, **NOW, THEREFORE, BE IT**

RESOLVED that on motion of Councilman Pietrzykowski which was duly seconded by Councilman Wenhold, Supervisor Gayton is authorized to transfer \$10,932.00 (Ten Thousand Nine Hundred Thirty-Two Dollars) from the 915 account for payment to Marcy Electric.

The motion passed with the following Roll Call Vote:

Supervisor Gayton - Yes

Councilman Wenhold - Yes

Councilman Adams - Absent

Councilwoman Neer - Yes

Councilman Pietrzykowski - Yes

Resolution #9-2014 Transfer of Funds 915 Account - Water District #2 Attorney Fees

WHEREAS, bills have been received from the Town Attorney in the amount of \$350.00, and

WHEREAS, the Supervisor is required to have Town Board approval to transfer funds from the 915 Account, **NOW, THEREFORE, BE IT**

RESOLVED that on motion of Councilman Wenhold which was duly seconded by Councilman Pietrzykowski, Supervisor Gayton is authorized to transfer \$350.00 (Three Hundred Fifty Dollars) from the 915 account for payment of Water District #2 attorney fees.

The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes	Councilman Wenhold – Yes
Councilman Adams – Absent	Councilwoman Neer – Yes
Councilman Pietrzykowski – Yes	

Resolution #10-2014 2013-2014 Contract for Fire Protection - Extension of

WHEREAS, the Contract for Fire Protection between the Town of Bethany and the Bethany Voluntary Fire Company expires on March 31, 2014, and

WHEREAS, the Town Board requires that the Fire Company submit their new budget prior to the Town signing the Contract for Fire Protection, and

WHEREAS, the Fire Company has not passed a budget to date, now,

ON MOTION of Councilman Pietrzykowski which was duly seconded by Councilwoman Neer, be it

RESOLVED that the 2013-2014 Contract for Fire Protection is extended until such time that the Fire Company submits a new budget and the new contract is signed.

The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes	Councilman Wenhold – Yes
Councilman Adams – Absent	Councilwoman Neer – Yes
Councilman Pietrzykowski – Yes	

Resolution #11-2014 Contract for Fire Protection 2014-2015 – Approval of

WHEREAS, Supervisor Gayton offered the 2014-2015 Contract for Fire Protection as follows:

THIS AGREEMENT, made between the Town of Bethany, Genesee County, State of New York, hereinafter called The Town, and the Bethany Volunteer Fire Company, Inc. of the Town of Bethany, Genesee County, and State of New York, hereinafter called The Fire Company.

WHEREAS, there has been duly established in the Town of Bethany, a fire prevention district known as The Bethany Fire Protection District, and such territory is more fully described in the resolution establishing such District, adopted by the Town Board of the Town of Bethany on April 13th, 1943; and

WHEREAS, following a Public Hearing duly called, the Town duly authorized this contract with The Fire Company for fire protection and emergency service to said District upon the terms and conditions hereinafter set forth; and

WHEREAS, this contract has also been duly authorized by The Fire Company; and

NOW THEREFORE, The Town does engage The Fire Company to furnish fire protection and emergency service to The Bethany Fire Protection District and The Fire Company agrees to furnish fire protection and emergency service as follows:

1. The Fire Company shall at all times during the period of this agreement be subject to call for attendance on any fire occurring in the District, and when notified by alarm or by telephone call, or other means, such Fire Company shall respond and attend upon the fire with suitable equipment and diligently proceed in every reasonable way to extinguish the fire and save lives and property in connection therewith.

2. The Fire Company shall furnish to the property and inhabitants of the Fire Protection District emergency service in the case of accidents, calamities or other emergencies in connection with which the services of firemen would be required.

3. The Fire Company shall at all times keep in full force and effect adequate public liability insurance coverage to protect itself and The Town, and furnish The Town an affidavit of such insurance coverage.

4. In consideration of furnishing fire protection and emergency service in accordance with this contract, The Town covenants and agrees, on behalf of The Bethany Fire Protection District, to pay to The Fire Company, the sum of Eighty-One Thousand Nine Hundred Thirty-Four Dollars (\$81,934.00) for fire service to be paid upon the collection of taxes by the Town for said purpose on or before April 1st of each year.

5. This agreement shall run for a period of one year commencing on April 1, 2014 and terminating on April 1, 2015.

NOW, ON MOTION of Councilwoman Neer which was duly seconded by Councilman Wenhold, Supervisor Gayton is authorized to sign the 2014-2015 Contract for Fire Protection between the Town of Bethany and the Bethany Volunteer Fire Company upon receipt of the Fire Company's 2014-2015 approved budget.

The motion passed with the following Roll Call Vote:

Supervisor Gayton – Yes	Councilman Wenhold – Yes
Councilman Adams – Absent	Councilwoman Neer – Yes
Councilman Pietrzykowski – Yes	

Warrant

– The Board approved payment of the bills as follows:

	<u>Prepaid</u>	<u>Total</u>
General Fund	\$ 2,197.84	\$20,140.50
Highway Fund	\$ 0.00	\$29,687.17
Water Fund	\$ 0.00	\$ 350.00
Justice Fund	\$ 1,991.00	\$ 1,991.00

Reading of the Minutes – Suspension of

A motion was made by Councilman Pietrzykowski and seconded by Councilman Wenhold 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 Councilwoman Neer to adjourn the meeting at 7:45 p.m. The motion passed with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: March 11, 2014

Respectfully Submitted,

Debbie L. Douglas
Bethany Town Clerk