

The July 28, 2009 special meeting was called to order by Supervisor Daniel Sturm at 2 p.m. at the Bethel Town Hall.

Council Members Present: Robert Blais
Denise Frangipane
Richard Crumley
Vicky Simpson

Others: Kimberlea Shaw-Rea, Town Attorney

The meeting was opened with the Pledge of Allegiance.

All Town Board members waived the 48-hour meeting notice requirement.

Motion by Mr. Blais to receive and file the meeting notice, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Consolidation of Voting Districts

Town Clerk Rita Sheehan informed the Town Board that the County Board of Elections is suggesting consolidating voting districts for the September Election Primary due to the use of the new machines to help defray costs. Ms. Sheehan explained the Primary is for the Democratic Highway Superintendent position. After a brief discussion the Town Board decided to consolidate.

Motion by Mr. Blais to consolidate voting districts for the September 15th Primary from four districts to one district to be at the Bethel Justice Court, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Executive Session

Motion by Mrs. Simpson to go into Executive Session to discuss a legal matter at 2:10 p.m. concerning the community building on Shultz road and to invite Town Attorney Kimberlea Rea-Shaw, seconded by Ms. Frangipane, put to a roll call vote and carried 5-0 as follows:

Ms. Frangipane aye
Mr. Crumley aye
Mrs. Simpson aye
Mr. Blais aye
Mr. Sturm aye

Mr. Sturm announced they may be a short while and may or may not take action when they come out.

Ms. Shaw arrived at 2:45 p.m. and immediately entered into executive session.

Resume Meeting

Motion by Mr. Blais to resume the regular meeting at 4:00 p.m., seconded by Mrs. Simpson, put to a vote and carried 5-0.

Mr. Sturm thanked everyone for being patient and staying while they were in executive session.

Mr. Sturm read the following statement:

“I called this “emergency” meeting of the Bethel Town Board because I and members of the Board believe the town is facing a series of important issues that it must confront “head on” in an open and transparent manner. We have encouraged the residents of Bethel to speak their minds and give us input into a situation that is important for not only the

residents of Schultz road (where the controversial community building/shul is), but important for all of Bethel's citizens. I have responded to press inquiries and will continue to do so with the advice of my board and our attorneys. Please feel free to reach out to me in the future when you need information.

First, as it relates to the Schultz Road community building and shul, we want to ensure that all development and construction in our town is properly reviewed by the appropriate town and state agencies, and that this review is done methodically following all local, state and federal laws. In short, I and the town Board believe that our laws and building codes are to be applied the same way for all people and all development projects. I believe the citizens of Bethel are entitled to a government that provides them with development projects that, regardless of size or political influence, are safe and legal, compliant with the law, and comport with community character. In this instance we believe strongly, and we made this clear in court last Friday – and will affirm this again the next time we are in court – the Schultz Road building should have had complete Planning Board review. In fact had this planning board review taken place we likely would not be experiencing the many problems we face today, or having this meeting. Planning Boards are by design, set up to analyze and mitigate many of the complex and difficult issues we now face after the fact – including life safety, health, environmental, traffic, and municipal infrastructure. This kind of problem is never going to happen in Bethel again.

Second, Judge LaBuda's Temporary Certificate of Occupancy was only temporary and for a period of for six weeks. He prohibited any use of the basement, and any use of the parking lot. Our professionals will continue to review the file and will also be conducting extensive on-site structural and safety reviews this week. We will be before the Judge again in the future and will present him with all of our findings. We believe these findings will go a long way to determining what needs to be done with the Schultz Road structure and how to mitigate the various problems surrounding this project.

There will be an in-depth site inspection review in conjunction with their new engineers of the UTA this week. Our engineer is going to work with their engineers. We will be evaluating the results and reporting those results. We are also doing a complete audit of various files in the Building Department.”

Mr. Sturm asked if any of the Board members had any comments. Ms. Frangipane thanked everyone for coming.

Public Comment

Steven Barshov, representing Bethel Community Council, asked what various files were being audited, any particular kinds of files? what is being numerated? What is the town looking for? Ms. Shaw advised the Town Supervisor not to answer as that is certain privileged information that stems from the review of files so at the appropriate time that information

Mr. Barshov remarked that the types of buildings are privileged? Ms. Shaw replied, no, but we are not disclosing right now, that really hampers town's ability to adequately review practices and procedures in the building department. Mr. Barshov commented that Mr. Sturm stated this is what he is doing to protect the citizens, but he can't indicate today on the advice of council the types of files or buildings. Mr. Barshov asked if the Town was looking at shuls? Ms. Shaw stated no we are not just looking at shuls. Mr. Sturm reiterated various projects. Mr. Barshov asked what is it the Town is looking at? Ms. Shaw stated not limited to religious institutions.

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Mr. Barshov asked what the Town's position is with the facility that was in court? Is it the town's position that this it can be utilized? Is an appeal going to be filed? Where are we going with this? Mr. Sturm stated the ultimate concern has been to get engineers into that site, our engineers to determine the safety of it and that will continue to be may our may concern.

Mr. Barshov stated that as far as the ability to use the building itself, as he understands, the Judge's decision allowed the building to be used for religious purposes. Mr. Sturm affirmed that his understanding of the proceeding on Friday.

Adjournment

There being no further business, Mrs. Simpson moved to adjourn the meeting, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk