

The Town of Bethel Town Board meeting of October 14, 2009 was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Bethel Senior Center.

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

Also Present: Marjory Driscoll Foster and husband Jack, Faith Anne Foster (daughter) and Faith's son, Chad Foster

The meeting was opened with the pledge of allegiance.

Presentation: In Memoriam to the Oldest Living Person in Bethel
 Awarded to Dorothy Bowers Driscoll

Town Clerk Rita Sheehan read a biography of Mrs. Dorothy Bowers Driscoll who was presented with a plaque as the Oldest Living Person in Bethel several weeks ago before she passed away. The Town Board presented Marjory Driscoll Foster (Dorothy's daughter), Jack Foster, Faith Anne Foster and Chad Foster with a plaque.

September Building Department Monthly Report

2009 September fees: \$8,457.00	2008 September fees:	\$5,870.00
2009 September Construction:	\$2,030,400	
2008 September Construction:	\$1,307,000	

Motion by Mr. Blais to receive and file, seconded by Mr. Crumley, put to a vote and carried 5 – 0.

County Response to Speed Limit Request

Response has been received from Sullivan County regarding the Town's request for a lower speed limit on County Road 26. The request was denied for not being warranted and in 2003 request was denied by NYS Dept. of Transportation. Motion by Mr. Crumley to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5 – 0. Town Clerk sent copy of response to petitioners from County Road 26.

#164 Bid Results for the Joint Fuel Bid with Town of Liberty

Joint Fuel Bids with the Town of Liberty have received as follows:

<u>Product</u>	<u>Price</u>	<u>Vendor</u>
87% Unleaded	1.8535/.0875/1.9410	Ultra Power Corp
89% Unleaded	1.9120/.145/2.0570	County Petroleum Products
93% Unleaded	2.0280/.145/2.1730	County Petroleum Products
#2 Fuel Oil	1.9180/.015/1.903	County Petroleum Products
Kerosene	2.2845/.015/2.2695	County Petroleum Products
Diesel	1.9670/0/1.9670	Ultra Power Corp.
Off Road Diesel	1.9870/0/1.9670	Ultra Power Corp.

Motion by Mr. Blais to receive, file and approve low bids, seconded by Ms. Frangipane, put to a vote and carried 5 – 0.

#165 Sludge Collector System Bid Results

Sealed bids were received and publicly opened on October 9, 2009 at 11:00 a.m. at the Office of the Town Clerk for a sludge collector system as follows:

Harkins Mechanical	\$97,750
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Eustance & Horowitz is recommending approval since Harkins was the only bidder and came in under the engineer's estimate. Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 5 – 0. Mr. Sturm noted that if the town approves there is enough in the Sewer Fund Balance to cover cost.

Motion by Mr. Blais to award bid to Harkins Mechanical in the amount of \$97,750, seconded by Mr. Crumley, put to a vote and carried 5 – 0.

Motion by Mr. Blais to approve paying out of Sewer Fund Balance, seconded by Mrs. Simpson, put to a vote and carried 5 – 0.

September Town Clerk's Monthly Report

Total Revenue for September 2009: \$12,099.09 Town Share: \$5,517.07

Motion by Mr. Blais to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5 – 0.

Change 11/11 Town Board Meeting to 11/4

Motion by Ms. Frangipane to change the November 11th Town Board Meeting to November 4th at 7:30 p.m. at the Bethel Senior Center, seconded by Mr. Blais, put to a vote and carried 5 – 0.

Change 11/25 Town Board Meeting to 11/18

Motion by Mr. Blais to change the November 25th Town Board Meeting to November 18th, seconded by Mrs. Simpson, put to a vote and carried 5 – 0.

#166 File Tentative Budget with Town Clerk and set Budget work session

Mr. Sturm reviewed the 2010 budget.

Reduced revenue expectations due to poor economy, lower interest rates, safety lower inspection fees, mortgage taxes still projected low.

Expenses:

Health Insurance rates going up 6% and Retirement up to 7.65%
 So we have a bare bones budget. Generally flat expenses with last year's. All labor agreements are honored. As of today, we are well within all budgeted expenses for 2009, including legal fees. We cover all expenses by fiscally prudent and responsible everyday. Maintenance of street raised a bit - 8%; machinery - 10%; snow removal contract - 9%. So, overall we are at 2.6% increase, 7.9 cents per thousand in 2009, to 8.1 cents per thousand in 2010.

Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5 – 0.

Set Work Session at Town Hall

Motion by Ms. Frangipane to approve the Work Session on October 21st at 1 p.m. at the Town Hall, seconded by Mr. Crumley, put to a vote and carried 5 – 0.

#167 Set Town 2010 Budget Public Hearing for 11/4 at 7:45 p.m.

Motion by Mr. Crumley to set 2010 Budget Public Hearing for November 4th at 7:45 pm, seconded by Mr. Blais, put to a vote and carried 5 – 0.

#168 Road Repair Agreement for Mitchell St., E. Pocahontas, and Douglas Terrace

<u>Road</u>	<u>Amount</u>	<u>Footage</u>
East Eldridge & Douglas Terrace	\$3,900.	400 l.f.
Pine Grove Rd. & East Pocahontas	\$5,850.	600 ft.

the Town Board to enact Local Law No. 1 of 2009 containing the proposed amendments to the Zoning Code; and

WHEREAS, Local Law No. 1 of 2009, adopting the amendments to the Zoning Code, was enacted on June 24, 2009; and

WHEREAS, the Town Board has continued to evaluate the Zoning Code to assess whether any further amendments to the Zoning Code are necessary to implement fully the aims, intents and plans embodied in the Comprehensive Plan, and to promote and protect the health, safety and welfare of the Town's residents; and

WHEREAS, as set forth in the Town of Bethel Comprehensive Plan, the H-17B Zoning District was established to create a higher density commercial and mixed-use neighborhood of high quality around White Lake, where sewer services are readily available, pedestrian linkages can be effectively created and it is possible to establish a destination shopping center within the Town; and

WHEREAS, the H-17B Zoning District was also established as a gateway Zoning District within the Town of Bethel, along the primary travel corridors which are utilized to access Bethel Woods and which should supply a quality image of the Town and County to travelers along such corridors; and

WHEREAS, land area within the current H-17B Zoning District, especially within the area of White Lake, is generally limited to a total depth from NYS Route 17B of 250 feet, and divides many lots which exist within the H-17B Zoning District; and

WHEREAS, the configuration of the H-17B Zoning District has the potential to constrain the establishment of mixed commercial uses and destination shopping centers within the Zoning District where such constraint is unnecessary given the availability of sewer service from the KLSB; and

WHEREAS, on August 26, 2009 the Town Board introduced Local Law No. 3 of 2009 which, if enacted, will amend Chapter 345 of the Town Code; and

WHEREAS, the Town Board forwarded introductory Local Law No. 3 of 2009 to the Sullivan County Department of Planning and Environmental Management, along with a full statement of the proposed action, for review and recommendation in accordance with New York State Town Law § 239-m; and

WHEREAS, the Town Board to receive comments the Sullivan County Department of Planning and Environmental Management suggesting that the Town amend the proposed revised Zoning Map to provide that the boundary of the new H-17B Zoning District follow affected property lot lines; and

WHEREAS, based upon the foregoing comments to receive from the Sullivan County Department of Planning and Environmental Management, the Town Board determines that the draft amendments to the Zoning Code, as set forth in Local Law No. 3 of 2009, should be amended prior to the public hearing scheduled for said local law.

NOW THEREFORE, BE IT RESOLVED, that the proposed Zoning Map contained in the draft Zoning Code as set forth in Local Law No. 3 of 2009 is hereby amended as set forth in attachment appended hereto; and be it

FURTHER RESOLVED, that a copy of the revised Zoning Map shall be forwarded to the Town of Bethel Planning Board; and be it

FURTHER RESOLVED, that a copy of the revised Zoning Map shall be forwarded to the Sullivan County Department of Planning and Environmental Management, along with the Town's final report in accordance with New York State Town Law § 239-m; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

Motion by Town Board member Victoria Simpson, seconded by Town Board member Denise Frangipane, and adopted upon a roll call vote as follows:

Robert Blais	aye
Richard Crumley	aye
Denise Frangipane	aye
Victoria Simpson	aye
Daniel Sturm	aye

Duly adopted by 5 ayes, 0 nays the 14th day of October, 2009.

Set Public Hearing for Proposed Local Law #3

Motion by Mr. Blais to set Public Hearing for November 4th at 8 p.m. for Proposed Local Law #3 seconded by Mr. Crumley, put to a vote and carried 5 – 0.

White Lake Milfoil GPS Map Unveiling

Mr. Sturm unveiled the Milfoil GPS survey map of White Lake. The cost was \$4,500 for the mapping which was paid for by the Save the Lake BLDC fundraiser. Need survey for any grant applications. Town Clerk announced she will upload map to the internet.

#171 Resolution to enter into an Out of District Sewer User with HSD, LLC

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
AUTHORIZING THE DEVELOPMENT AND EXECUTION OF
AN OUT-OF-DISTRICT SEWER RENT AGREEMENT**

WHEREAS, HSD, LLC has applied to the Town of Bethel Planning Board for site plan and subdivision approvals for a bank building to be located near the intersection of Route 17B and Route 55 in the hamlet of White Lake, Town of Bethel;

WHEREAS, the Town of Bethel Planning Board as SEQRA lead agency has issued a negative declaration of environmental significance;

WHEREAS, the Town of Bethel Planning Board issued a site plan and subdivision approval conditioned upon the building being connected to the Town of Bethel sanitary sewer;

WHEREAS, the property owned by HSD, LLC, denoted as SBL #34-2-13 as appearing on the tax map for the Town of Bethel is not within the Kauneonga Lake Sewer District (“KLSD”), however, the main sewer line is adjacent to the property;

WHEREAS, to allow for sufficient time for the property to be added to the KLSD and to enable HSD, LLC to move forward with the building and to connect into the KLSD sewer system, the Town Board has to receive a request from HSD, LLC’s engineer Glenn L. Smith, PE to consider a request to enter into an out-of-district user agreement with HSD, LLC, a draft copy of which is attached hereto and incorporated herein;

NOW THEREFORE BE IT RESOLVED that, the Town Board, as constituted as the KLSD board, hereby agrees to enter into an out-of-district user agreement with HSD, LLC and/or its permitted successor or assign to allow the bank building to be connected to the KLSD sewer system; and be it

FURTHER RESOLVED, that the Town Board acknowledges that the Attorney for the Town has reviewed and approved the attached out-of-district user agreement to allow such connection to the KLSD; and be it

FURTHER RESOLVED, that the agreement authorized by this Resolution shall be for a two year term with sewer district rents to be at the regular out-of-district user rate

during the initial term and shall be substantially in the form as the draft attached hereto; and be it

FURTHER RESOLVED, that the Town Supervisor is authorized to sign said out-of-district user agreement on behalf of the Town, as constituted as the KLSD board.

The adoption of the foregoing was duly put to a vote, on motion by Councilman Robert Blais and seconded by Councilman Victoria Simpson; and upon roll call, as follows:

	<u>AYES</u>	<u>NAYS</u>
Robert Blais, Councilman	X	
Richard Crumley, Councilman	X	
Denise Frangipane, Councilman	X	
Victoria Simpson, Councilman	X	
Daniel Sturm, Town Supervisor	X	

On a vote of 5 ayes and 0 nays, the Town Supervisor declared this Resolution was adopted.

#172 Resolution to Authorizing the Settlement of a Tax Appeal with Alliance Energy

Mr. Sturm explained the settlement agreements with the three towns' involved in the Alliance Energy tax appeal as follows:

Town of Lumberland	\$16M	Reduce to \$6M	62% Reduction
Town of Highland	\$13M	Reduce to \$6M	51% Reduction
Town of Bethel	\$2.68M	Reduce to \$2.5M	5% Reduction

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
AUTHORIZING THE SETTLEMENT OF A TAX APPEAL CASE**

WHEREAS, it appears that AER-NY-Gen LLC filed certain appeals of the real property tax assessments established for seven parcels owned by AER-NY-Gen LLC located in the Town of Bethel, which tax appeals cover the years 2007-2010 inclusive; and

WHEREAS, it appears that the Town and AER-NY-Gen LLC have reached an agreement to settle the pending litigation upon the general terms that the assessed values for the subject parcels owned by AER-NY-Gen LLC will be reduced by 5% beginning with the 2007 tax year and then held constant through tax year 2014; and

WHEREAS, attached to this Resolution is a draft of a consent judgment that memorializes the settlement agreement reached between the parties.

NOW THEREFORE, BE IT RESOLVED, that the proposed settlement with AER-NY-Gen LLC is hereby approved upon the terms and conditions set forth in the attached consent judgment; and be it

FURTHER RESOLVED, the Supervisor of the Town of Bethel is hereby authorized to sign and deliver the consent judgment attached hereto or any consent judgment that substantially conforms to the terms contained in the attached.

The adoption of the foregoing was duly put to a vote, on motion by Councilman Victoria Simpson and seconded by Councilman Robert Blais; and upon roll call, as follows:

	<u>AYES</u>	<u>NAYS</u>
Robert Blais, Councilman	X	
Richard Crumley, Councilman	X	
Denise Frangipane, Councilman	X	
Victoria Simpson, Councilman	X	
Daniel Sturm, Town Supervisor	X	

On a vote 5 ayes and 0 nays, the Town Supervisor declared this Resolution was adopted.

Update on Gas Drilling

Ms. Frangipane gave an update on the on the Draft Generic Environmental Impact Statement for Gas Drilling which was released on September 30, 2009. Ms. Frangipane prepared a memo with pertinent information regarding the impacts and also distributed information on the State’s comment period and encouraged the Town Board to be put on record. Motion by Mr. Blais to receive and file memo, seconded by Mrs. Simpson, put to a vote and carried 5 – 0. Motion by Mr. Crumley to support a response by November 30th to the State, seconded by Mr. Blais, put to a vote and carried 5 – 0.

Correspondence from Bob Rothermel

Correspondence has been received by Bob Rothermel supporting the need for increased police presence in our area. Motion by Mr. Blais to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5 – 0.

Correspondence from Jerry Weinstock – driveway damage by Town

Copy of correspondence dated May 21, 2009 was received by Jerry Weinstock, North Seminole Trail regarding the damage to his driveway in 2006. This is a follow-up to the June Town Board meeting. Motion by Mr. Crumley to table, seconded by Mrs. Simpson, put to a vote and carried 5 – 0. Mr. Blais suggested for the Highway Superintendent top check to see if County has a machine they can lend the Town.

Property Conversation Easement

Ms. Frangipane announced that Lou Barr, Segar Rosenberg Road, has entered his 119 acres into a conservation easement with the Delaware Highlands Conservancy. The property will be known as *Lemons Brook Farm*. This is the first conservation easement in the Town of Bethel.

Voters for Election Integrity Letter of Support

Ms. Frangipane asked the Town Board to write a letter to Voters for Election Integrity to support their work. Mrs. Simpson stated she feels this issue should not be determined by the Town Board and is the duty of the Board of Elections and the political parties.

Motion by Ms. Frangipane to write a letter to VEI in support of there efforts that any voters registering are legal under the NYS Election Law, seconded by Mr. Sturm and duly adopted with 4 ayes and 1 nay, with Mrs. Simpson voting nay.

Adjournment

Motion by Mr. Crumley to adjourn the meeting, seconded by Mr. Blais, put to a vote and carried 5 – 0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk