

The Town of Bethel Town Board meeting of April 23, 2009 was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Bethel Senior Center.

Council members present: Richard Crumley
 Robert Blais
 Vicky Simpson
 Denise Frangipane

The meeting was opened with the Pledge of Allegiance.

Agreement between Kauneonga Lake Fire Department and Bethel Woods

Copy of agreement between Bethel Woods and the Kauneonga Lake Fire Department has been received regarding their 2009 traffic plan. Also attached was the plan from Creighton, Manning Engineering dated February 15, 2009. Motion by Mr. Crumley to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Mr. Sturm asked for any comments from the Town Board. Mr. Blais commented that it is good they have an agreement. Mr. Sturm stated he is comfortable that the Fire Dept. has approved their plan. Mr. Sturm noted we received the plan a month ago for us to review and asked if there were any questions. The Town Board had no questions.

#76 - Approve 2009 Traffic Management Plan

RESOLUTION TO ADOPT THE 2009 TRAFFIC MANAGEMENT PLAN FOR BETHEL WOODS CENTER FOR THE ARTS

WHEREAS, Bethel Woods Center for the Arts is required as part of their Town Special Use Permit to submit a yearly traffic plan, and

WHEREAS, Creighton Manning Engineering, LLP has prepared the 2009 Traffic Management Plan dated February 15, 2009 recommending certain changes o the original Traffic Management Plan the Town Supervisor submitted the plan to the Bethel Town Boar on March 26, 2009 for review ad comments, and

WHEREAS, after careful review and consideration the Bethel Town Board approved the plan at their April 23, 2009 Town Board meeting on a motion by Councilwoman Vicky Simpson and seconded by Councilman Robert Blais, put to a vote and carried 4-0 with Councilwoman Denise Frangipane abstaining.

NOW THEREFORE BE IT RESOLVED, that the Town adopts the following order:

ORDERED, that the Traffic Management Plan with the recommended changes of February 15, 2009 together with the motor vehicle traffic restrictions submitted by the Bethel Woods Center for the Arts for the 2009 performance season are hereby approved by the Town Board of the Town of Bethel.

#77 - Bid results for Youth Center renovations

Bidder	General Const	Plumbing	Electrical	HVAC
International Cont.	\$161,390.			
Nastro, Inc.	\$247,000.			
Sullivan Builders	\$186,900.			
Werlau Enterprises	\$163,970.			
Eastern Electrical			\$25,500.	
John Schmidt Electric			\$27,426.	
Kerber Electric			\$15,470.	
Port Jervis Electric			\$15,822.	
Small's Plumbing		\$14,677.		\$26,150.

Motion by Mr. Blais to reject all bids, seconded by Mr. Crumley, put to a vote and carried 5-0.

Mr. Sturm informed the Board that State Law threshold for Public Works contracts to be broke out separately was increased from \$50 to \$500,000, therefore the town can be as one contract.

Motion by Ms. Frangipane to re-bid on advice of attorney and engineer, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Supervisor's Monthly Report for March

Supervisor's Monthly Report for March has been received and filed with Town Clerk. Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 5-0.

#78 - Response from NYS Dept. of Transportation – Hurd Rd. Speed Limit

Response from NYS Dept. of Transportation has been received for the Town Board's request on January 23, 2009 to lower the speed limit on Hurd Road. The correspondence indicates the current speed limit of 40 mph is the appropriate limit to keep motorists within the acceptable 85th percentile speed. Motion by Mr. Blais to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0.

#79 - Public Hearing 7:45 p.m. – Sewer Extension Naylor Road

Motion by Mrs. Simpson to open public hearing at 7:45 p.m. for the Naylor Sewer Extension for the Takourian Subdivision, seconded by Mr. Blais, put to a vote and carried 5-0.

Mr. Sturm explained that this extension was a recommendation of the Planning Board for the minor subdivision on Naylor Road.

Mr. Blais wants to make sure all costs, manholes, lines, etc. are designed and approved by our engineer.

Motion by Mr. Blais to close public hearing, seconded by Mr. Crumley, put to a vote and carried 5-0.

#80 - Resolution to declare negative declaration for Takourian Sewer Extension

NEGATIVE DECLARATION

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL
DETERMINING THAT THE EXTENSION OF THE KAUNEONGA LAKE
SEWER DISTRICT EXTENSION AREA WILL HAVE NO SIGNIFICANT
NEGATIVE ENVIRONMENTAL IMPACTS UNDER SEQRA**

WHEREAS, the Town Board of the Town of Bethel, Sullivan County, New York, convened as the Kauneonga Lake Sewer District board, (the "Town Board") is in receipt of a petition (the "Petition"), accompanied by part one of a short-form EAF, seeking an extension of the Kauneonga Lake Sewer District to accommodate two residential building lots contained in a four-lot subdivision known as the Takourian subdivision; and

WHEREAS, the Town Board has duly caused to be prepared a map, plan and report for the extension of the Kauneonga Lake Sewer District ("KLSD") and it appears that the Takourian subdivision consists of two lots currently located in the KLSD and two lots that are not located in the KLSD; and

WHEREAS, the petitioner has submitted to the Town Board, a Petition, a Map, Plan and Report and a short form Environmental Assessment Form (“EAF”) (collectively, the “Application”), which Application has been fully reviewed by the Town Board; and

WHEREAS, upon review of the Application, the Town Board, which declared itself to be lead agency under SEQRA by resolution dated February 12, 2009 determined that the project is subject to the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, “SEQRA”); and

WHEREAS, the Town Board compared the Application to the thresholds for classifying this action as set forth in 6 NYCRR §§ 617.4 and determined that the project constitutes a Unlisted Action pursuant to SEQRA; and

WHEREAS, upon due notice a public hearing with respect to the Project was held on April 23, 2009 and members of the public were permitted to appear and provide comment and thereafter said public hearing was then closed on the same date; and

WHEREAS, at the conclusion of the public hearing duly closed on this 23rd day of April, 2009, the Town Board determines that information contained in the Map, Plan and Report and the substantive comments received at the public hearing appropriately assembled relevant and material facts to allow the Town Board to make the determination contained in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to SEQRA, the Town Board of the Town of Bethel, convened as the Kauneonga Lake Sewer District board, based upon its review of the Application, all comments received during the public hearing, and the reports and documents referenced herein, makes the determinations set forth below; and be it

FURTHER RESOLVED, the Town Board determines that the proposed action to include two additional lots into the KLSD extension area will not cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems, subject to Town of Bethel Planning Board review; and be it

FURTHER RESOLVED, the Town Board determines that the proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources, subject to Town of Bethel Planning Board review; and be it

FURTHER RESOLVED, the Town Board determines that the proposed action will not impair or impact any Critical Environmental Area as designated pursuant to 6 NYCRR § 617.14(g) , subject to Town of Bethel Planning Board review; and be it

FURTHER RESOLVED, the Town Board determines that the proposed action is in conformance with the Town’s zoning laws; and be it

FURTHER RESOLVED, the Town Board determines that the proposed action will not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character, subject to Town of Bethel Planning Board review; and be it

FURTHER RESOLVED, the Town Board determines that the proposed action will not include the potential for at least one significant environmental impact, subject to Town of Bethel Planning Board review; and be it

FURTHER RESOLVED, that the Town Supervisor is authorized, on behalf of the Town Board, to sign Part II of the EAF as completed by the Lead Agency; and be it

FURTHER RESOLVED, that this Resolution is a Negative Declaration under SEQRA and the notice required by 6 NYCRR § 617.12(a) is attached hereto and incorporated herein; and be it

FURTHER RESOLVED, that nothing herein shall be binding upon or taken as required precedent by the Town Planning Board when conducting its environmental review as lead agency for the petitioner’s subdivision application; and be it,

FURTHER RESOLVED, the Town Board hereby directs the Town Clerk to file a copy of this resolution with (a) the Supervisor of the Town of Bethel, (b) the lead agency, (c) any involved agencies, (d) any person who has requested a copy and (e) the petitioner; and be it

FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to publish a copy of the Negative Declaration attached to the resolution in the Environmental Notice Bulletin as required by 6 NYCRR § 617.12(c).

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

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

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

Dated: April 23, 2009

NEGATIVE DECLARATION

The Lead Agency:

The Town of Bethel
3454 Route 55
Post Office Box 300
White Lake, NY 12786-0300

Contact Person:

Daniel Sturm, Supervisor
Town of Bethel
3454 Route 44 Post Office Box 300
White Lake, NY 12786-0300

Telephone Number: (845) 583-4350

A Description of the Action:

Upon the recommendation of the Town Planning Board, the action consists of extending the Kauneonga Lake Sewer District extension area to include two residential building lots included in a proposed four-lot subdivision.

SEQRA Classification: Unlisted.

The Potential Environmental Impacts:

No potential significant environmental impacts have been identified and an environmental impact statement will not be prepared.

The Location of the Action:

Naylor Road and State Route 17B, 1000 feet along State Route 17B from Route 55 Eldred Road.

#81 - Resolution to create sewer extension for Takourian Sewer Extension

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
CREATING AN EXTENSION TO THE KAUNEONGA LAKE
SEWER DISTRICT EXTENSION AREA**

WHEREAS, the Town Board of the Town of Bethel (“Town Board”), convened as the Kauneonga Lake Sewer District board, is creating a two-lot extension to the Kauneonga Lake Sewer District extension area (“KLSD extension area”); and

WHEREAS, the Map, Plan and Report, dated January 2, 2009, prepared in connection with the two-lot extension to the Kauneonga Lake Sewer District extension area has been duly filed in the office of the Town Clerk, which Map, Plan and Report identifies both parcels to be included in the extended KLSD extension area that will be benefited by the KLSD extension area improvements and provides a description of the improvements and the cost thereof; and

WHEREAS, the Town Board conducted a public hearing on April 23, 2009 at which the Town Board solicited and accepted oral and written comments from the public, including interested and involved agencies; and

WHEREAS, at the conclusion of the public hearing duly closed this 23rd day of April, 2009, the Town Board determines that information contained in the Map, Plan and Report and the substantive comments received at the public hearing appropriately assembled relevant and material facts to allow the Town Board to make the findings contained in this Resolution.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethel, convened as the Kauneonga Lake Sewer District board, finds and determines that (a) the notice of hearing was duly published and posted as required by law, and is otherwise sufficient; (b) all the property and property owners within the proposed extension to the KLSD extension area are benefited thereby; and (c) all the property and property owners benefited by the extension to the KLSD extension area improvements are included within the limits of the proposed extension to the KLSD extension area; and be it

FURTHER RESOLVED, that the establishment of the extension to the KLSD extension area is in the public interest because it will (a) provide opportunity for improved properties in the extension to the KLSD extension area to connect to the municipal sewer system, (b) further the protection of Town of Bethel’s natural environmental resources by protecting surface and groundwater resources and the Town Board finds and determines that the extension to the KLSD extension area is in the best interests of the Town and furthers the public health, safety and welfare of its residents; and be it

FURTHER RESOLVED, the Town Board finds and determines that the estimated costs to the typical one family home located in the proposed district extension area is \$573.00 annually in sewer rents consisting of operation and maintenance costs and debt service payments; and be it

FURTHER RESOLVED, the Town Board finds and determines that the estimated amount of costs to a property owner to hook up to the sewer main is \$40.00 per linear foot; and be it

FURTHER RESOLVED, the Town Board shall approve the extension to the KLSD extension area as the boundaries are finally determined in the Map, Plan and Report and the construction of the improvement and the providing of the services as set forth therein in accordance with the terms and conditions contained in an Order adopted by the Town Board on the 26th day of March, 2009; and be it

FURTHER RESOLVED, that pursuant to NY Town Law Article 7 and § 209-e that within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the Sullivan County Democrat, a newspaper published in Sullivan County having general circulation in the Town of Bethel, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Bethel, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

The adoption of the foregoing was duly put to a vote, on motion of Councilman Richard Crumley and seconded by Councilwoman Denise Frangipane; and upon roll call, as follows:

	<u>Ayes</u>	<u>Nays</u>
Robert Blais	x	
Richard Crumley	x	
Denise Frangipane	x	
Victoria Simpson	x	
Daniel Sturm	x	

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

Dated: April 23, 2009

#82 - Presentation: Insurance Renewal, David Bodenstein, Mike Preis

David Bodenstein, Mike Preis, explained this year NYMIR will be returning 75% of the capitalization fee the town has paid. The Town will be receiving \$5,883.

Motion by Mr. Blais to approve the insurance policy effective May 1, 2009 in the amount of \$93,986.24, seconded by Mr. Crumley, put to a vote and carried 5-0.

Monticello Central Budget Vote

Mr. Sturm introduced Jeanne Peabody who is running as a Monticello Central School Board Member. Mrs. Peabody announced there will be a candidates forum at 7:30 p.m. on May 4th at the Middle School. She asked for support of Sue Purcell, Bob Kunis, and herself.

#83 - Request from Gary Takourian to extend sewer district boundary line

Correspondence from Gary Takourian to extend the sewer district line to his property. Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 5-0.

#84 - Noise Permit Application for Benji & Jakes

Noise Permit application and fee have been received from Benji & Jakes located at 5 Horseshoe Lake Road for Thursday through Sunday 9 p.m. until 1 a.m. Motion by Mrs. Simpson to approve application days and times, seconded by Mr. Blais, put to a vote and carried 5-0.

#85 - Approve lease agreement with Janie Childrens' Properties for Town Museum

Town Clerk informed the Town Board that Bob Blais, Dan Sturm, Susan Runnels, Bill Burns and herself have chosen the old Sylvia's S & G Outlet as the location for the Town Bicentennial Museum. Ms. Sheehan explained that the owner is letting us in 2 weeks earlier and we are working on in-kind services for another month free. The monthly rental comes out to \$1,000 plus electric.

Motion by Mr. Crumley to approve lease, seconded by Mr. Blais, put to a vote and carried 5-0.

#86 - General Fund Budget Modification for Justice Court grant receipt

Correspondence has been received from Fran Foster Bookkeeper for a General Fund Budget Modification to record the receipt of the grant.

	<u>Debit</u>	<u>Credit</u>
A3089 State Aid Other	\$15,062.90	
A1110.4 Justice Court Contractual		\$15,062.90

Motion by Mr. Blais to approve budget modification, seconded by Mr. Sturm, put to a vote and carried 5-0.

Adopt-A-Road application for Hurd 'n Parks Road

Adopt-A-Road application has been received from The Cunningham Family to adopt the entire length of Hurd 'n Parks Road. Motion by Mr. Blais to approve, seconded by Mrs. Simpson, put to a vote and carried 5-0.

#87 - General Fund Budget Modification

Correspondence has been received from Fran Foster Bookkeeper for a General and Highway Funds Modification as follows:

Resolution for Budgetary transfers between fund account codes

	Acct Code	Title	Debit	Credit
1)	A1010.1	Town Board. Personnel		4,754.00
	A1220.1	Supervisor Contractual	406.00	
	A9060.8	Health Insurance/Med Credit	4,348.00	
2)	A3650.4	Demolition of Unsafe Building		16,975.00
	A1570	Charges for Demolition of Unsafe Building	16,975.00	
3)	A599	Un-appropriated Fund Balance	530.00	
	A1110.4	Justice Court - Contractual		530.00
			22,259.00	22,259.00

- 1) New Board Member took opt-out for health insurance; was a prior member through spouse, and was not budgeted.
- 2) Increase Revenues and Expenditures to record demolition of buildings, will show as an Account Receivable at end of year and be reimbursed through real property taxes.
- 3) Increase Revenue and Expenditures to record for Grant received in 2008 and not spent.

Motion by Mr. Crumley to approve, seconded by Mr. Blais, put to a vote and carried 5-0.

#88 - Highway Fund Budget Modification

Resolution for Budgetary transfers between fund account codes

	Acct Code	Title	Debit	Credit
	DA2701	Refund Prior Year Expenditures	1,300.00	
	DA5140.4	Misc Exp Drug & Alcohol screening		1,300.00
			1,300.00	1,300.00

- 1) Increase Revenues to record receipt of refunded expenditures prior year and increase expenditure for Drug & Alcohol screen due to incidents that were unanticipated

Motion by Mrs. Simpson to approve, seconded by Mr. Blais, put to a vote and carried 5-0.

Year-to-date General, Highway, and Sewer Fund expenditures

Year-to-date expenditures report for the General, Highway and Sewer funds has submitted by Fran Foster Bookkeeper. Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5-0.

#89 - Junkyard Renewal License Report from Building Dept.

Junkyard report for Lema on Gale road has been received from the Building Department. Report indicates 3 old mobile homes, 5 old construction vehicles and 25-30 truck tires on the property and no change from prior years. Motion by Mr. Blais to receive, file and approve, seconded by Mr. Crumley, put to a vote and carried 5-0.

Motion by Ms. Frangipane for the Building Department to submit photos with all reports, seconded by Mr. Blais, put to a vote and carried 5-0.

#90 - Review quotes for 40-yard container

Highway Clerk has received the following quotes:

NAME		30 YARD CONTAINER	40 YARD CONTAINER	SHIPPING
Wastequip Inc.	Std.	\$3,500.00	\$4,200.00	\$640.00
New Lebanon,				
NY				

April 23, 2009

Regular Meeting

J.C. Industries, Inc. West Babylon, NY	Std.	\$4,165.00	\$4,965.00	\$250.00
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Hacker's Packers Harpursville, NY	Std.	\$4,439.00	\$5,300.00	??
	Contr.	\$5,139.00	\$6,000.00	

Jeff Sanitation, Inc. Jeffersonville, NY	Std.	\$4,200.00	\$4,882.00	
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Bucks Fabricating Hadley, PA	Std.	\$3,381.00	\$3,769.00	\$500.00
	Contr.	\$3,769.00	\$4,550.00	\$500.00

Decker Sanitation Swan Lake, NY	Std.		\$3,769.00	\$500.00
	Contr.		\$4,550.00	\$500.00

Motion by Mrs. Simpson to approve the purchase of a standard 40-yard container from Decker for \$3,769 + \$500 shipping, seconded by Mr. Blais, put to a vote and carried 5-0.

Correspondence from Denise and Michael Connolly

Correspondence has been received from Denise and Michael Connolly about the comments made at the last Town Board meeting by Bob Barrett. Motion by Mr. Crumley to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

#91 - Review meeting schedule for May 27th

Motion by Mr. Crumley to cancel May 27th meeting and re-schedule for June 3rd at 7:30 p.m., seconded by Mr. Blais, put to a vote and carried 5-0.

#92 - Approve Planning and Zoning Boards Training credits

After a brief discussion, the Town Board educational training credits to the Planning and Zoning Board for the upcoming gas drilling seminar.

Motion by Ms. Frangipane to approve 2 credit hours for the April 30, 2009 gas drilling seminar at the Tusten Town Hall, seconded by Mr. Blais, put to a vote and carried 5-0.

#93 - Cemeteries

Motion by Mr. Crumley for the Town to mow all abandoned cemeteries, seconded by Mr. Blais, put to a vote and carried 5-0.

Mr. Crumley requested for Roger Ballard to clear the Old Bethel Cemetery on Route 17B where all the large tree limbs have fallen.

Farmland Protection Plan Meeting

Ms. Frangipane announced the next Farmland Protection Plan meeting is on April 28th at 7:00 p.m.

#94 - Approve repair of State Education Historical Markers

Town Clerk Rita Sheehan would like to revitalize the four State Education markers; Plank Road, Pintler Cemetery, Old Stone House, and Mansion House. Ms. Sheehan has received a quote from Ron Coldon for \$150 each marker. At this time Ms. Sheehan would like to do the Pintler Cemetery and the Mansion House. The other two markers; Plank Road (needs to be relocated) and the Old Stone House can maybe get done by Gary Rohrs Work Development crew in July.

Motion by Mrs. Simpson to approve Ron Coldon redoing two plaques on Rte. 17B, seconded by Mr. Blais, put to a vote and carried 5-0.

Public Comment

Gary Takorian did not bid on Youth Center due to too many inconsistencies and too many holes.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk