

The December 9, 2009 Town Board meeting was called to order by Supervisor Daniel Sturm at the Bethel Senior Center at 7:30 p.m.

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

The meeting was opened with the Pledge of Allegiance.

Approve Monthly Audit of Bills

<u>Fund</u>	<u>Amount</u>	<u>Voucher #'s</u>
General Fund	\$317,591.68	24783-24852
Highway Fund	\$205,246.12	4420-4467
Sewer Fund	\$ 14,468.49	1503-1517
Sewer Extension	\$243,012.19	1123-1128
Sewer Rehabilitation	\$ 15,339.25	1020
Planning & Zoning Escrow	\$ 4,267.50	1093-1094

Motion by Mr. Crumley to approve December bills, seconded by Mrs. Simpson, put to a vote and carried 4 – 0.

Highway Fund Budget Modifications

Highway Fund			
Resolution for Budgetary transfers between fund account codes			
Acct Code	Title	Debit	Credit
DA5110.1	Maintenance of Streets personnel		\$28,582.18
DA5130.4	Machinery contractual		\$9,371.13
DA5142.1	Snow removal personnel	\$37,953.31	
		\$37,953.31	\$37,953.31
Explanation Of Transfers			
1)	Transfer Of unused payroll snow removal to cover Maintenance of streets personnel and machinery contractual		

Motion by Mr. Crumley to approve the Highway Budget Modifications, seconded by Ms. Frangipane put to a vote and carried 4 – 0. Mr. Sturm announced Highway under budget, great job, and good cash flow.

General Fund Budget Modifications

General Fund			
Resolution for Budgetary transfers between fund account codes			
Acct Code	Title	Debit	Credit
A1010.4	Town Board contractual	3,814.43	
A1110.1	town justice personnel	5,500.00	
A1220.1	Supervisor personnel	4,793.05	
A1220.4	Supervisor contractual	1,850.00	
A1320.4	Independent Auditing	2,700.00	
A1355.1	assessor personnel	1,711.86	
A1410.1	Town Clerk personnel	2,500.00	
A1450.4	elections contractual	4,868.04	
A1940.4	Unallocated Insurance	3,411.80	
A1990.4	Contingency Account	17,000.00	
A3010.1	public safety personnel	2,000.00	
A3010.4	public safety admin contractual	1,500.00	
A3120.1	police personnel	4,000.00	
A3310.4	Traffic control	\$2,500.00	
A3510.4	animal control contractual	\$1,200.00	

A5132.4	Highway garage contractual	\$2,000.00	
A7620.4	adult recreation contractual	\$1,000.00	
A8160.4	refuse & garbage contractual	\$5,000.00	
A8510.4	Beautification Contractual	\$5,000.00	
A9055.8	Disability	\$860.00	
A9060.8	Health Insurance	\$15,000.00	
A1010.1	Town Board personnel		\$1,000.00
A1440.4	Town engineer		\$18,255.75
A1460.4	records management contractual		\$34.00
A3120.4	Police contractual		\$6,624.23
A1330.1	Tax collector personnel		\$1,115.02
A5132.1	Highway Garage personnel		\$1,479.00
A7550.4	celebrations		\$280.17
A8010.4	Zoning contractual		\$44,197.71
A8020.4	planning contractual		\$2,000.00
A8160.1	refuse & garbage personnel		\$4,263.00
A1420.4	Attorney Contractual		\$8,960.30
		\$88,209.18	\$88,209.18

Motion by Ms. Simpson to approve the General Fund Budget Modifications, seconded by Mr. Crumley, put to a vote and carried 4 – 0. The Town will hit projected revenues. Overall spending is 1% under budget.

#187 Request to increase Building Department fees

A351-1: Fees	Proposed Fee
Chapter 135-16	
Certificate of Occupancy	\$30
Duplicate permit or certificate	\$20
Application for no C of O	\$20
Chapter A350	
Street Specification Report	\$20
Road Maintenance Report	\$20
Create Chapter 345-19	
Seasonal Dwelling Occupancy Permit	\$30

Mr. Blais arrived at this point of the meeting

Motion by Mr. Crumley to approve fees, seconded by Ms. Simpson, put to a vote and carried 5 – 0.

#188 Seasonal Dwelling Occupancy Permit

Mr. Sturm explained that in the new Zoning code all seasonal dwelling units must have a seasonal occupancy permit; a one time permit. Motion by Ms. Frangipane to approve seasonal occupancy permit application if it is annually, seconded by Mr. Crumley, put to a vote and carried 5 – 0.

Set 2010 Re-organization Meeting for January 6, 2010

Motion by Mr. Crumley to set 2010 re-organizational meeting for January 6, 2010 at 7:30 p.m. at the Senior Center, seconded by Mr. Blais, put to a vote and carried 5 -0.

#189 Request from Gary Takourian to install Christmas wreaths in 2010 along 17B

Gary Takourian was present and requested permission to install about 15 wreaths on telephones between Route 55 East and Naylor Road. He would also like to do a fundraiser to help pay for the cost. He explained NYSEG is mailing him an application.

He also found a company in New York State that makes LED's. Out of season they range about \$500. each. The brackets stay on the poles. Keller Signs will install at a reduce cost. Motion by Ms. Frangipane to receive, file approve installation, seconded by Mr. Blais, put to a vote and carried 5 – 0.

#190 Renew independent auditors 3 year contract

Independent Auditors renewal contract with Cooper and Nieman has been received. The fees for services will be \$13,300 for December 31, 2010, \$14,000 for December 31, 2011, and \$14,700 for December 31, 2012 for the audit of the general purpose financial statements. Fee for the preparation of the annual financial report will be \$1,250 for each year. If a federal Single Audit is required, there will be an additional fee of \$2,500 for each year required. Motion by Mrs. Simpson to approve contract renewal, seconded by Mr. Crumley, put to a vote and carried 5 – 0.

#191 Approve Leave of Absence for Kathy Hector, Co-Director

Correspondence has been received from Kathy Hector, Co-Director, requesting an unpaid leave of absence until March 31, 2010. Motion by Mr. Blais to receive, file, and approve, seconded by Ms. Simpson, put to a vote and carried 5 – 0.

#192 Approve Agreement with UTA to settle litigation

Ms. Frangipane wants to see the performance guarantee such as for the landscaping. Mr. Sturm reviewed the nine conditions in the Temporary Certificate of Occupancy in order for the UTA to obtain a Final Certificate of Occupancy for the Shul/Community Building. Motion by Mr. Blais to approve UTA agreement to settle litigation, seconded by Ms. Frangipane, put to a vote and carried 5 – 0.

#193 Approve Change Order #2 for Sewer Extension

Change Order No. 2 Kauneonga Lake Sewer District Extension Project
Sullivan County Paving and Construction Co.

Nature of Changes:

1. Time extension of 300 days (weather and manufacturer delays)	
2. Stormwater improvements at Wood Drive	\$15,158.73
3. Culvert replacements at driveways located at Approx. Sta. 91+00-91+40	\$ 4,733.84
4. Propane changes	<u>\$11,475.00</u>
	\$31,367.57

Motion by Mr. Blais to approve change order #2, seconded by Mr. Crumley, put to a vote and carried 5 – 0.

Letter from Van Keuren Cemetery

Correspondence received from caretaker Comfort for the tree removal at Van Keuren Cemetery from the storm damage. Motion by Mr. Frangipane to receive and file, seconded by Mr. Blais, put to a vote and carried 5 – 0.

#194 Introduce Proposed Local Law #4-2009 and set Public Hearing for 2/10/10

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
TO INTRODUCE A LOCAL LAW TO AMEND CHAPTER 345 “ZONING”
OF THE TOWN CODE OF THE TOWN OF BETHEL**

WHEREAS, the Town Board of the Town of Bethel (“Town Board”) heretofore adopted a Zoning Code under the authority of the NY Town Law § 261, which Zoning Code appears as Chapter 345 of the Town Code of the Town of Bethel (the “Town Code”); and

WHEREAS, in December 2006 the Town of Bethel adopted a Comprehensive Plan and Local Law No. 5 of 2006, which although Local Law No. 5 of 2006 implemented certain revisions to the Zoning Code, the Town had not adopted appropriate and necessary Zoning Code revisions and amendments to implement fully the aims, intents and plans embodied in the Comprehensive Plan for certain zoning districts in the Town; and

WHEREAS, the Town subsequently conducted a lengthy review to determine all necessary and appropriate amendments and revisions to the Zoning Code for the AG (Agricultural), RS (Residential Settlement), R-17B (Rural Gateway) and the creation of the RD (Rural Development) and the F-C (Forest Conservation) districts; and

WHEREAS, the Town Board then introduced Local Law No. 1 of 2009 to amend the Town's Zoning Code, and on January 28, 2009 determined that the proposed action was a Type I action under the State Environmental Quality Review Act ("SEQRA"), and established itself as lead agency for SEQRA review purposes; and

WHEREAS, the Town Board, acting as lead agency under SEQRA, completed all of its obligations under SEQRA and adopted a positive findings statement permitting 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 then introduced Local Law No. 3 of 2009 to further amend the Town's Zoning Code to expand the boundaries of the H-17B Zoning District so as to better comply with the Town's Comprehensive Plan; and

WHEREAS, the Town Board, acting as lead agency under SEQRA, completed all of its obligations under SEQRA and enacted Local Law No. 3 of 2009 containing the proposed further amendments to the Zoning Code; 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, in conformance with the Comprehensive Plan the Town seeks to expand the opportunities for Conservation Subdivisions to three additional zoning districts in the Town; the G-17B, RD, R-17B zoning districts; and

WHEREAS, the G-17B, RD, R-17B zoning districts were established, in part, to provide for single family residences and, as noted in the Town's Comprehensive Plan at § 1.5.6, Conservation Subdivisions are a cost effective technique to provide for moderate income housing to address future housing needs; and

WHEREAS, this Resolution introduces Local Law No. 4 of 2009 which, if enacted, will amend Chapter 345 of the Town Code; and

WHEREAS, the action contemplated by this Resolution subject to the State Environmental Quality Review Act ("SEQRA") and the Town will seek to act as lead agency for environmental review purposes.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby finds that the proposed expansion of opportunities for Conservation Subdivisions to three additional zoning districts in the Town; the G-17B, RD, and R-17B zoning districts is consistent with the Town of Bethel Comprehensive Plan; and be it

FURTHER RESOLVED, that a public hearing on the Local Law shall be scheduled for February 10, 2010 at 7:45 p.m. which public hearing shall be conducted at

the Town of Bethel Senior Citizens Center and proper notice of the public hearing shall be duly given; and be it

FURTHER RESOLVED, that a copy of the introductory Local Law No. 4 of 2009 shall be forwarded to the Town of Bethel Planning Board for its review and recommendation in accordance with Town Code § 48-2.B; and be it

FURTHER RESOLVED, that a copy of the introductory Local Law No. 4 of 2009 shall be forwarded 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 be it

FURTHER RESOLVED, that the Town Board of the Town of Bethel intends to become lead agency under SEQRA and provide notice of its intent to all other involved agencies; and be it

FURTHER RESOLVED, that the SEQRA materials prepared in support of Local Law No. 1 of 2009 shall be evaluated for recommendation of whether this action may be evaluated by an Environmental Assessment Form or an Environmental Impact Statement and the appropriate document shall be prepared and delivered to the Town Board for review and consideration; and

FURTHER RESOLVED, this Resolution shall become effective when adopted.

Motion by Town Board member Vicky Simpson, seconded by Town Board member Richard Crumley 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 9th day of December, 2009.

#195 Approve Humane Society Contract Renewal

Rates: \$65.00 charge per dog surrendered
\$55.00 charge for dogs taken to the shelter strictly for euthanasia and the Society will assume responsibility for the disposal of the bodies.
\$20.00 fee per cat

Motion by Mr. Blais to approve contract for a period beginning January 1, 2010 through December 31, 2010, seconded by Mr. Crumley, put to a vote and carried 5 – 0.

#196 Appoint part-time Building Inspector

Mr. Sturm would like to appoint Gregg Sementz as part-time Building Inspector at a rate of ½ of former Code Enforcement Officers’ salary (with benefits included). No sick, no vacation \$24,500. after 6 months will re-visit.

Ms. Frangipane indicated she likes the part time and review in 6 months. Good step in right direction, since we will be getting busier.

Motion by Mr. Blais to appoint Gregg Semenetz as Building Inspector part-time for six months at a yearly salary of \$24,500. with no benefits, seconded by Ms. Frangipane, put to a vote and carried 5-0.

#197 Re-Appoint Susan Brown-Otto to the Planning Board

Mr. Sturm mentioned last night’s Planning Board meeting vote to re-appoint a Planning Board member. Motion by Mr. Blais to re-appoint Susan Brown Otto for a

seven year term to expire December 31, 2016, seconded by Mr. Crumley, put to a vote and carried 5 – 0.

#198 Seek bids for two cab and chasis to be used as sanders.

Motion by Mr. Blais to seek sealed bids for two used cab and chasis, seconded by Mrs. Simpson, put to a vote and carried 5 – 0.

Purchase of Mid-State Metal Building for Highway Barn

Mr. Crumley has met with Mr. Lybolt who owns Mid-State Metal on Route 55. Mr. Crumley feels building is suitable with some modifications for a good price. 12,000 square feet – 3,000 square feet office. Mr. Lilley feels it should be considered. Mr. Sturm suggested everyone look at building before next meeting. Mr. Blais asked if the floors were suitable for our trucks?

#198 Request from Hwy. Super. to Discontinue/Abandon Keller Avenue

Mr. Lilley is requesting that a portion of Keller Avenue be abandoned upon petition of the adjoining property owners; Claude Gregoire, Bernard Cohen and Deborah Lipman. Motion by Mr. Blais to approve all forms at Mr. Gregoire's expense, seconded by Mr. Crumley, put to a vote and carried 5 – 0.

#199 Re-appoint Anne Brucher to the County Aging Advisory Council

Motion by Ms. Simpson to re-appoint Anne Brucher to Aging Advisory Council, seconded by Mr. Blais, put to a vote and carried 5 – 0.

Town Clerk's November Report

Total Local Shares Remitted:	\$4,709.34
Total State, County & Local Revenues:	\$6,966.40

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

Building Department Monthly Report

November 2009 Fees	\$7,218.00	
Construction Totals November 2009		\$1,633,000
Construction Totals November 2008		\$913,000

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

Correspondence Civic Association regarding meeting cancellations

Correspondence has been received from the Civic Association of Smallwood regarding the Town Board meeting cancellations. They feel the new schedule does not meet the needs of the community to provide open government on issues concerning town residents and they would like to rethink this policy. Motion by Mr. Blais to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5 – 0.

Ms. Frangipane would like to re-think the meeting schedule. Mr. Crumley is not going to second guess decision by this board. Mr. Sturm we have always cancelled winter meetings, if we need a meeting we will schedule one.

Correspondence Gary and Joan Rohrs regarding Justice Salaries

Correspondence received from Gary and Joan Rohrs regarding the vote on the Justice Salaries. Mr. Sturm feels the letter is chastising Town Board decisions. Motion

by Mr. Crumley to dispense reading of the letter, seconded by Mrs. Simpson, put to a roll call vote with 5 ayes and 0 nays as follows:

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

#200 Correspondence from The Kittays, Wendy Robinson, Karen London

Correspondence received from Jeffrey and Eva Kittay, Wendy Robinson and Karen London regarding the potential impacts of Natural Gas Drilling. Mr. Sturm read the letters briefly. Motion by Ms. Frangipane to receive and file, seconded by Ms. Simpson, put to a vote and carried 5 – 0.

Motion by Ms. Frangipane to amend Town DEIS comment letter if needed, seconded by Mr. Blais, put to a vote and carried 5 – 0.

Correspondence from Margaret Kennedy

Correspondence from Margaret Kennedy regarding legislation to create a buffer zone between zoning districts (i.e. Smallwood RS and Forest Conservation FC zones) to restrict parking, building, trails, road, paths or passageways. Motion by Mr. Blais to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5 – 0. Mr. Sturm commented that the Town Board is trying to come up with legislation that is legally binding.

Public Comment

Mr. Barrett wanted clarification of the seasonal dwelling.

Mr. Hyman suggested to review the wording; is a seasonal residence temporary? And is a temporary residence a seasonal?

Time Warner Cable

Susan Brown thanked Town Board for their support in advocating for Time Warner Cable in our rural areas. She mentioned that she saw Time Warner Cable mapping Pucky Huddle Road and asked what the status was. Mr. Sturm was expecting a list from Time Warner Cable on what roads will be getting service. Town Clerk Rita Sheehan asked if he could also find out what criteria they use to increase service. He will follow up on the process whether it is a petition or not.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk