

The Bethel Town Board meeting of July 22, 2009 was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Bethel Senior Center.

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

The meeting was opened with the Pledge of Allegiance.

#129 - Bid results for Youth Center Demolition

<u>Contractor</u>	<u>Amount</u>
Decker Contractors, Inc.	\$ 9,300.00
Rockbusters, Ltd.	\$11,475.00
Thompson Sanitation	\$ 7,355.00
M&K Landscaping	\$ 5,931.00
Deckelman, LLC	\$ 6,000.00
D&R Lawn & Landscape	\$14,450.00
Diehl Construction	\$ 8,700.00

Motion by Mr. Blais to award low bid to M&K Landscaping for \$5,391; seconded by Mrs. Simpson, put to a vote and carried 5-0. Ms. Frangipane asked will M&K be responsible for disposing of the building? Mr. Sturm replied yes.

40th Anniversary of Woodstock Postal Cancellation

Bethel, New York Post Office has announced they will be having a special postal cancellation on August 15th and thirty days thereafter for the 40th anniversary of the Woodstock Festival. Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5-0.

#130 - Bid results for surplus 40-yard roll-off

<u>Contractor</u>	<u>Amount</u>
Thompson Sanitation	\$2,400.00
MKS Landscaping	\$1,766.00
Jeff Sanitation	\$1,550.00
Brian Doty Trucking	\$1,180.00
Carl Solomon	\$ 277.00

Motion by Mr. Blais to award bid to Thompson Sanitation for \$2,400; seconded by Mr. Crumley, put to a vote and carried 5-0.

Letter from Kauneonga Lake Fire Dept. - July 2010 Fireworks Display

Correspondence has been received from the Kauneonga Lake Fire Dept. requesting that the Town use another location for their 2010 July 4th fireworks display. The firemen and their families would like to use their beach on the holiday. Motion by Mr. Crumley to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Renewal Liquor License for The Front Porch Café

Renewal liquor license has been received from the Front Porch Café. Motion by Ms. Frangipane to receive, file and approve, seconded by Mr. Blais, put to a vote and carried 5-0.

Correspondence from International Aerobatic Club

Correspondence has been received from the International Aerobatic Club notifying the Town of their August 15, 16 and 17th event at the Flying W Airport in New Jersey. Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 5-0.

Motion by Mr. Blais to send a letter that we are not in favor of this event and that the "box" is over our Town Park and it is Woodstock weekend, seconded by Mr. Crumley, put to a vote and carried 5-0.

Authorize thank you letter to Rick Martinez at Bethel Woods

Town Clerk Rita Sheehan informed the Town Board that Bethel Woods lent the Town their two VMS sign board for the July 11th Parade and would like to send them a thank you letter. Motion by Mr. Blais to send thank you letter to Rick Martinez at Bethel Woods, seconded by Mrs. Simpson, put to a vote and carried 5-0.

August Town Board Meeting schedule

Mr. Sturm would like to cancel the August 12th Town Board meeting. Motion by Mr. Crumley to cancel the August 12th Town Board Meeting, seconded by Mrs. Simpson, put to a vote and carried 5-0.

NYMIR Capital Reimbursement

NYMIR has hand delivered the Town's reimbursement for their capitalization return payment of \$5,833.10. Motion by Mr. Blais to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5-0.

#131 - Road Repair Expenditure Agreement for 2009

- a) Best Road – from Prince Road southerly 2,300'
- b) Segar Rosenberg Road – 4,050'

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

Dancing Cat Distillery Funding Announcement

Press Release has been received announcing a \$295,000 federal grant to the Sullivan Industrial Development Agency which a portion of will be used for the proposed Distillery on Route 17B owned by Monti Sachs and Stacy Cohen. Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5-0.

#132 - Correspondence from U.S. Board of Geographic Names – Lillies Pond

Correspondence has been received from the U.S. Board on Geographic Names notifying the Town that Lillies Pond has been named and entered into the Geogrphic Names Information System. The Pond is being named after Teresa Braunworth's mother, Lillie. The pond is located at 2609 Route 17B. Motion by Ms. Frangipane to receive and file, seconded by Mr. Blais, put to a vote and carried 5-0.

#133 - Appoint Bookkeeper/Confidential Secretary

Motion by Mr. Crumley to appoint Erin Lynch as Confidential Secretary/Bookkeeper to the Supervisor for a six-month probation period at \$28,500; seconded by Mr. Blais, put to a vote and carried 5-0.

#134 - Increase salary for Assessor Clerk and Highway Clerk

Motion by Mrs. Simpson to increase highway clerk salary \$50 per week to train Erin Lynch, seconded by Mr. Blais, put to a vote and carried 5-0. Mr. Sturm will also be providing training.

Motion by Mr. Blais to increase Assessor Clerk salary \$50 per week to do the sewer billing, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Mr. Sturm thanked the Town Board for their input to move the Supervisor's office forward.

#135 - Set Salary for Deputy Court Clerk

Motion by Mr. Blais to set salary for Jessica Butler as Deputy Court Clerk at \$15/hr. (salary while at court only) for 17 hours/week, seconded by Ms. Frangipane, put to a vote and carried 5-0. Ms. Butler’s Building Department salary will remain the same.

Executive Session

Mr. Sturm announced that the Town was served 20 minutes before the meeting on the project for Schultz Road. Motion by Mrs. Simpson to go into executive session at 8:00 p.m. regarding a matter of litigation for S-B-L #37-1-72, seconded by Mr. Blais, put to a roll call vote and carried 5-0 as follows:

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

Motion by Ms. Frangipane to come out of executive session at 8:15 p.m., seconded by Mr. Blais, put to a vote and carried 5-0.

#136 - Resolution to Authorize Litigation against the project at SBL 37-1-72

Mr. Sturm read resolution.

**RESOLUTION OF TOWN BOARD OF THE
TOWN OF BETHEL TO AUTHORIZE LITIGATION**

WHEREAS, the Town of Bethel (the “Town”) has adopted a Town Code which includes, *inter alia*, a uniform construction code (Chapter 135) and a zoning code (Chapter 345); and

WHEREAS, it appears that certain construction has taken place on certain land and premises on Schultz Road in the Town of Bethel known as SBL 37-1-72 on the tax map for the Town (the “Project Site”); and

WHEREAS, based upon a preliminary report of the Town Engineer, it appears that the improvements to the Project Site may not have been done pursuant to applicable provisions of the uniform construction code and the zoning code; and

WHEREAS, a certificate of occupancy has not been issued for the improvements at the Project Site; and

WHEREAS, despite not having a certificate of occupancy, the improvements at the Project Site have been occupied since at least July 15, 2009; and

WHEREAS, a stop work order was issued on July 16, 2009 prohibiting any further work at the Project Site until such time as an inspection takes place and the Project Site improvements are vacated; and

WHEREAS, the stop work order has been ignored; and

WHEREAS, the Town Engineer has been refused permission to enter the Project Site to complete a final inspection on July 16, 2009 and July 20, 2009.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethel authorizes the Town Supervisor to retain Kimberlea Shaw Rea, Esq. and Robert S. McEwan, Jr., Esq. as counsel to initiate and prosecute appropriate legal proceedings in order to gain access to the Project Site to conduct inspections of any improvements to the Project Site, enjoin any activity in violation of the Town Code, prosecute Town Code violations, initiate defense against any pending litigation, and pursue any other legal relief that may be appropriate; and be it

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FURTHER RESOLVED, that the Town Supervisor is authorized to sign any documents on behalf of the Town in order to implement the terms of this Resolution; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately upon its adoption by the Town Board of the Town of Bethel.

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

	<u>AYE</u>	<u>NAY</u>
Robert Blais	x	
Richard Crumley	x	
Denise Frangipane	x	
Victoria Simpson	x	
Daniel Sturm	x	

Duly adopted by 5 ayes, 0 nays the 22nd day of July, 2009.

Mr. Sturm thanked the Town Board for their support in this matter.

Correspondence from Susan Bunce & SC Alzheimer's Association

Correspondence has been received from Susan Bunce and the SC Alzheimer's Association thanking the Town for bringing awareness to their organization during the parade and fair. Motion by Mr. Blais to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0.

Milfoil Meeting

Mrs. Simpson announced there is a milfoil meeting set on August 4th at 6 p.m. with Glen Sullivan to discuss GPS mapping of White Lake.

Youth Board

Mrs. Simpson announced that there is an adult representative needed on the Youth Board to represent Monticello and two youth vacancies for Monticello and Liberty.

Mrs. Simpson reported there are 70 campers (30 all-day) and camp is going really well.

Town Board Comments

Mr. Crumley thanked all his friends for all the caring during his illness over the last 3 weeks. Mr. Crumley gave special thanks to Dr. and Mrs. Teitelbaum. It was great to know all the churches are praying for him; you won't be forgotten; thank you so very much. Mr. Sturm stated Dick was sorely misses.

Mr. Crumley stated that the stimulus is not working, the people are up against it in this town, need to hold the line on taxes or even decrease budget.

Mr. Blais thanked Rita Sheehan for putting the parade together. Ms. Sheehan commenting on doing it again next year and that we should start a parade and fair committee.

Mr. Blais asked Lynden Lilley when he was sealing the roads. Mr. Lilley indicated probably in September.

Susan Runnels, BLDC Manager, commented on the architectural bus tour she was on this past Sunday and when the bus came through Kauneonga Lake John Conway stated that Kauneonga is the best example of revitalization in Sullivan County.

Schultz Road Project Discussion

The Town Supervisor turned the microphone off and on during public comment. Town Clerk set-up a second microphone for recording purposes since turning the table microphone off stops the recording.

Lillian Hendrickson, Schultz Road, thanked Town Board for their litigation. She stated she has lived on Schultz Road since 1979 and this is the worst it has been. She stated that Schultz Road is not big enough for trucks and buses.

Carole Abramson stated she was appalled on Sunday and that the Yiddish sign must be removed. Mrs. Abramson wants to go over the process on how that building was put up. It is not a place for commercialism. They pay no attention to any laws. They are walking in the dark in the road. This is going to drag on until the summer is over. How did this ever get built in the first place? Where is building inspector with some authority? Need personnel their every night

Mr. Sturm suggested that the Town Board not comment due to the pending litigation. Mr. Sturm a complete review of entire project is being undertaken. Carole Abramson, it is too late.

Lillian Hendrickson - Where was the building inspector in all this? Carole Abramson - Where is the building inspector tonight?

Timothy Crumley, Schultz Road, stated he been dealing with this since February. Upset with Building Inspector, too close to road, needs trees. Women are using pallets for walkways, men are walking in street.

Josh Teitelbaum - Where was building inspector during process? If it was inspected the entire way, I would question the integrity of those inspections. What about the electric inspections? What about other projects that he has inspected? They can't be to Town or State code.

David Biren - Planning Board needs oversight in lighting landscaping, parking lot and trees; should have input.

Mrs. Teitelbaum - this all comes back to enforcement. Since 2005, the examples she gave are still in violation and a menace. This is a place for a free-for-all.

Harold Russell, Jr. – Roy Howard's was a free-for-all and we stopped that.

David Biren - sign on store hanging down (Muttys), garbage outside store, parking lot is supposed to be striped and have handicapped parking.

Josh Teitelbaum – headlocks on doors? Do they have DOH residency occupancy? Mr. Sturm DOH has been contacted.

Lillian Hendrickson - Where was Town Board when this building was going up? What was the building inspector doing?

Carol Abramson what building department? Kauneonga Lake looks beautiful; the rest of the town could look like this.

Elaine Loewe let's deal with diplomacy. Are you meeting with the leaders to work out this matter?

Turn on CR 115

Harold Russell III suggested sending the County a letter for the bad turn on C.R.115 for Chevron's just before Matt Smith Rd. Motion by Mr. Blais to send letter to county DPW, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Schultz Road Project Discussion

Josh Teitelbaum – the Building Department needs to be accountable of their inspections and their time.

Mr. Blais stated the Town Board has been putting pressure on building department, the violations are up from last year.

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Mrs. Teitelbaum asked what is next step at corner store? Ms. Frangipane should be writing tickets for garbage at Mutty's.

Memo to Building Department Regarding Mutty's Store and Ultra Power

Motion by Denise Frangipane to send memo to building department for the owners to clean up Ultra Power and Mutty's, seconded by Mr. Blais, put to a vote and carried 5-0.

Carol Abramson what building department? Kauneonga Lake looks beautiful; the rest of the town could look like this.

Schultz Road Project Discussion

Mrs. Teitelbaum asked if we inspect the records of his daily inspections.

Josh Teitelbaum - all these problems in code enforcement, where is accountability? Maybe other people would disagree with his findings.

Lillian Hendrickson stated she does not believe that anyone on this Town Board did not know about this project.

Adjournment

Motion by Mrs. Simpson to adjourn the meeting, seconded by Mr. Crumley, put to a vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk