

The Town Board meeting of July 8, 2009 was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Bethel Senior Center.

Council members present: Robert Blais
Victoria Simpson
Denise Frangipane

Council members absent: Richard Crumley

The meeting was opened with the Pledge of Allegiance.

Mr. Sturm wished Councilman Dick Crumley a speedy recovery.

Mr. Sturm thanked Lynden Lilley for the July 4th pyrotechnics fireworks display.

Audit of Bills

Motion by Mr. Blais to approve upon review by Town Board, seconded by Mrs. Simpson, put to a vote and carried 4-0 as follows:

<u>Fund</u>	<u>Amount</u>	<u>Voucher #'s</u>
General	\$151,506.63	24416-24494
Highway	\$150,629.58	4259-4285
Sewer	\$ 22,221.99	1406-1429
Sewer Extension-17B West	\$497,557.76	1107-1110
KL Light	\$ 1,652.54	606-607
Planning & Zoning	\$ 2,699.40	1083-1084
Leachate System	\$ 7,065.99	1013-1015

Building Dept. Monthly Report – June

Mr. Sturm commented that the report is down 70% from last year’s comparison.

June 2009 fees:	\$ 3,302.
June 2008 fees:	\$ 11,590.
June 2009 Monthly Construction Cost	\$ 363,900.
Construction Cost from Jan-Present 2009	\$4,584,400.
June Monthly Comparison Construction Cost 2008:	\$ 933,000.
Construction Cost from Jan-Present 2008	\$7,172,350.

Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 4-0.

#114 - Unsafe Structure Engineer Report – SBL #8-1-4.1

Glen Smith, P.E. has submitted report for the structures located at 8-1-14.1 (254 Mt. Hope Road) owned by Simcha Leisure Estate. The report has been sent C/R/R to the property owner.

Building #1 - Single-wide mobile home 14’ x 70’. Structure is visually twisting and decaying. The roof is partially caved in. Interior is full of debris. This structure can not be salvaged.

Building #2 - 1 story wood frame 50’ x 40’. Large sections of exterior walls have been removed. Floor is rotted and partially collapsed. Over all structure is shifting off of foundation piers. Building is not considered salvageable.

Building #3 - 24 x 36 bungalow with rotted floor joists and sill beam. Ceiling is partially collapsed. Misc. debris in building. It should be removed.

- Building #4 - 15' x 30' one story wood-frame bungalow on 4 x 4 wood posts and block piers. The porch overhang is missing support posts and is beginning to twist and collapse. The building is severely shifting off the foundation posts. Structure is stressed and beginning to collapse, and is not considered salvageable.
- Building #5 - 30' x 30' one story bungalow set on 4 x 4 wood posts and concrete block piers. The roof is sagged and has collapsed. Large portion of an exterior wall has been removed and there are missing doors and windows. The building contains large amounts of garbage and debris. This structure is in poor condition and should be removed.
- Building #6 - 1 story wood-frame bungalow 24' x 42'. The structure is shifting off it's foundation piers and the exterior walls show signs of deterioration and sagging. Also the structure is missing windows, has broken doors, the ceiling is partially removed and rooms are full of debris. This structure is not considered salvageable and should be removed.
- Building #7 - 24' x 30' wood-frame structure, 1 story with no door. Missing porch roof supports and windows, debris is inside and the building is shifting off the foundation piers. This building is not considered salvageable.
- Building #8 - 1 story 24' x 28' wood-frame bungalow set on concrete block piers. Large rotted hole in roof. Front porch has missing floor boards and is beginning to collapse. Ceiling has been removed inside the unit and is much debris. Broken windows and front door is missing. This building is not considered salvageable.
- Building #9 - 42' x 50' one-story wood-frame building on concrete block piers. Entire rear portion of building has collapsed and the remaining front portion is heavily stressed. Ridge beam of the remaining front portion is sagging in the center and near collapse. This building should be removed and is not considered salvageable.
- Building #10 - 1 story wood-frame 24' x 30'. Roof is rotted with visible holes and leaking into the interior. Windows and doors are missing and the interior is littered with debris. The building is not considered salvageable. In conjunction with the future demolition the well casing should be capped and sealed to prevent aquifer contamination.
- Building #11 - Double-wide mobile home 22' x 48'. The structure is visibly "twisting", extremely stressed and shifting off the foundation piers. The roof is almost collapsed and the floor is rotted. There are missing walls, doors and windows. This structure is not considered salvageable.
- Building #12 - 24' x 30' single story wood framed building. Exterior siding panels are rotted. Missing windows and doors causing heavy interior water damage and rotting. The sill plate along with most of the floor system is rotted. This building should be removed, it is not considered salvageable.
- Building #13 - 15' x 30' addition on the rear of community building, surrounded by debris and garbage. The sill plate has a critical unsupported "splice" and is sagging, causing the building to shift off the piers. This building should be removed, it is not considered salvageable.

Building #14 - Single-wide mobile home that was previously demolished, which the frame and much debris was left. The remaining wood flooring is rotted and heavily decayed. The frame is not structurally sound and should be removed, along with the debris.

Swimming Pool and Filter Room - This is an inground swimming pool with a cinder block filter room at the center. The pool has been empty for some time. There are many trees growing through the cracks at the bottom of the pool. The filter room is heavily decayed and has holes in the cinderblock walls. The concrete roof supports are in a state of deterioration and structural failure. The filters have been disconnected and are surrounded by debris and garbage. Mr. Sturm suggested 30-day response to start work.

Mr. Sturm suggested waiting 30 days for a response from the property owner. Motion by Mr. Blais to wait 30-days for response from owner, seconded by Ms. Frangipane, put to a vote and carried 4-0.

#115 - Resolution authorizing Assessment Settlement for Barahone/Coronato

Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 4-0. Mr. Sturm explained this is an older issue; has been in court awhile; agreeing to reduce assessed value from \$917,000 to \$765,000; goes back to 2007 – owe owner \$1200 for 3 years.

**RESOLUTION AUTHORIZING SETTLEMENT OF A PROCEEDING
INSTITUTED UNDER ARTICLE 7 OF THE REAL PROPERTY TAX
LAW AGAINST THE TOWN OF BETHEL**

WHEREAS, SILVANA BARAHONA AND VICTORIA CORONATO, having instituted a proceeding under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcel Section 55E, Block 1, Lot 15 and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index Number 2242/07, and

WHEREAS, the Town of Bethel has appeared in said proceeding through Marvin Newberg, Esq., Attorney for the Town, and

WHEREAS, Petitioners having appeared in said proceeding through Michael McGuire, Esq., and

WHEREAS, following negotiations among the parties hereto and their counsel, a settlement of all matters in dispute has been reached, and

WHEREAS, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of the Petitioner's Complaint with respect to its 2007 and 2008 assessment, and

NOW, BE IT HEREBY RESOLVED, that Marvin Newberg, Esq., as attorney of record for the Town of Bethel, New York, in the pending real property assessment litigation initiated by Petitioners, be authorized, directed and allowed to enter into a formal written Stipulation of Settlement with the attorneys of record for Petitioner, which Stipulation of Settlement has been provided to the Town Board for complete reading and filing on this date, and be it further

RESOLVED, that Marvin Newberg, Esq. and Marguerite Brown, Assessor, be and they hereby are authorized, empowered and directed to execute the proposed written Stipulation of Settlement, and to thereby bind the Town of Bethel thereto, and it is further

RESOLVED, that Marvin Newberg, Esq. be, and he hereby is, authorized, empowered and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to the effectuation and finalization of said Stipulation of Settlement.

Motion to adopt resolution by Vicky Simpson, seconded by Robert Blais and adopted by a roll call vote thereon as follows:

Daniel Sturm.....	voting: aye	
Richard Crumley.....	voting:	absent
Vicky Simpson.....	voting: aye	
Denise Frangipane.....	voting: aye	
Robert Blais.....	voting: aye	

#116 - Resolution in Support of Sullivan County Resolutions 254-09 and 255-09

Mr. Sturm briefly reviewed the County Resolutions urging changes to the Environmental Conservation Law to allow governmental subdivisions to adopt local laws to regulate natural gas extraction projects and local laws to require permits and provision for financial security as to potential damage to local roads by vehicles involved in natural gas exploration.

Motion by Mr. Blais for letter of support for Res. No. 254-09 to County Legislature with copies to Senator Bonacic, Smith, Skelos and Assembly members Gunther, Silver and Kolb, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Motion by Ms. Frangipane for letter of support for Res. No. 255-09 to County Legislature with copies to Senator Bonacic, Smith, Skelos and Assembly members Gunther, Silver and Kolb, seconded by Mr. Blais, put to a vote and carried 4-0.

Recommend mural to paint on side of Justice Court

Bethel First would like to paint the side of the Justice Court. Four renderings were provided. The Town Board chose the rendering with just the sunflowers. Need to send to court for their final approval.

#117 - Resignation of Board of Assessment Review Secretary

Letter of resignation has been received from Board of Assessment Review Secretary Allison Pennell. Motion by Ms. Frangipane to receive and file, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Motion by Mr. Blais to send Mrs. Pennell a thank you letter, seconded by Ms. Frangipane, put to a vote and carried 4-0.

#118 - Building Department Violations Report

Report has been received from the Building Department on the amount of violations written in 2008 and 2009 to day.

January-June 2008:	70 complaints and violations reported and acted upon.
January-December 2008:	102 complaints and violations reported and acted upon
January-June 2009:	110 complaints and violations reported and acted upon

Motion by Ms. Frangipane to receive and file report, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Ms. Frangipane stated this is a helpful to get snapshot and it would be nice to see this report quarterly and what types of complaints. Mrs. Simpson indicated she does not want to add to workload; twice a year would be good. Ms. Frangipane added if only two times a year then would like to see more detail; not to create more work, but to maybe see what problems are out there. Mr. Sturm will get more detail on the next report.

Speedway Permit Modification

Bethel Motor Speedway has requested to cancel the July 5th race and reschedule for August 16th. Motion by Mrs. Simpson to approve, seconded by Mr. Blais, put to a vote and carried 4-0.

#119 - Amendments to Summer Employment Appointments

Correspondence has been received from Youth Co-Director Jannetta MacArthur to add and delete some summer employees as follows:

Add:

Richard Feeney	Reading & Dramatics	\$8.00/hr
Robert Feeney	Arts and Crafts	\$7.25/hr

Remove: Mark Bertram and Jessica Brey.

Motion by Mrs. Simpson to approve, seconded by Ms. Frangipane, put to a vote and carried 4-0.

#120 - Recommendation from Sewer Superintendent for part-time appointment

Recommendation from Sewer Superintendent has been received for a part-time laborer. Motion by Mr. Blais to receive and file, seconded by Mrs. Simpson, put to a vote and carried 4-0. Motion by Mr. Blais to approve appointment of Chris Graffeo, \$14.00/hr., not more than 24 hours a week, through September, seconded by Ms. Frangipane, put to a vote and carried 4-0.

County Notice of Paving CR 13 (Route 55) to CR 26 (Crystal Lake Road)

Notice of Paving has been received from the County DPW as follows:

From NYS Route 17B South to CR 12/CR 26 intersection 4.07 miles
 On CR13/Rte. 55 - 35 MPH in work zone. This notice shall become effective on the 13th day of July, 2009 for 10 days.

Motion by Mr. Blais to receive and file, seconded by Mrs. Simpson, put to a vote and carried 4-0.

#121 - Correspondence Bethel Senior Building Committee

Correspondence has been received from the Bethel Senior Building Committee on using the Senior Center. The Building Committee has established the following rental rules:

- 1) \$100 deposit for private rentals
- 3) \$50 refunded if rules are followed

Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 4-0.

#122 - Petition to lower speed limit on County Road 26

Petition has been received from residents on County Road 26 to lower the speed limit. Motion by Mr. Blais to receive and file petition, seconded by Ms. Frangipane, put to a vote and carried 4-0.

The Town Board of the **Town of Bethel**, by a resolution adopted July 8, 2009, and the County Superintendent of Highways of the **County of Sullivan**, hereby requests the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic

Law, to establish a **lower maximum speed of 40 m.p.h.** at which vehicles may proceed on:

Crystal Lake Road (CR26) between County Road 13 (State Route 55) to the Town of Tusten Town Line.

Upon receipt of the notice that the regulation herein requested has been established, the **Town of Bethel**, will provide, install and maintain signs in accordance with the Vehicle and Traffic Law and conforming to the Manual of Uniform Traffic Control Devices of the Department of Transportation.

Motion by Mr. Blais to send request to County DPW, seconded by Ms. Frangipane, put to a vote and carried 4-0.

#123 - Authorize technical assistance grant application for youth center plans

Mr. Sturm announced he is applying for a technical assistance grant through Sullivan Renaissance for the plans at the Youth Center.

Correspondence Judith Maidenbaum – Parking at Town Square

Correspondence has been received from Judith Maidenbaum regarding the parking and signage at the Town Square and the barriers the property owner put in place in the County Right-of Way. Motion by Ms. Frangipane to receive and file, seconded by Mr. Blais, put to a vote and carried 4-0.

Mr. Sturm does not want to act just because of this letter. Motion by Ms. Frangipane to erect two state approved parking signs on existing signage for traffic routes 55 and 17B. There was no second to the motion. There was a brief discussion on putting signs in the Town Square. Town Clerk Rita Sheehan stated as a traveler on that portion of road she has personally had problems over the past four years with the way and where people park in the area of the Town Square and she supported the signs.

#124 - Schultz Road Parking Signs

Lillian Hendrickson, Schultz Road resident, notified the Town about the traffic and buses using her street. Mr. Blais suggested calling Shortline; the buses should go up Mattison and out Pine Grove. Mr. Sturm stated he will call Shortline and that no parking signs were put up on Schultz Road. Mrs. Hendrickson would like more signs by her house.

Motion by Ms. Frangipane to approve additional no parking signs near the Hendrickson on Schultz Road, seconded by Mrs. Simpson, put to a vote and carried 4-0.

#125 - Parking Signs at Town Square Continued

Ms. Frangipane stated there should be Parking Directional signs at the Town Square and on the directional sign for Liberty. She has reviewed the area and the type of necessary signs. She is proposing green signs with white lettering that are state approved.

Motion by Ms. Frangipane to place state approved parking signs at Town Square, seconded by Mr. Blais, put to a roll call vote with 3 ayes and 1 nay as follows:

Dan Sturm	no
Denise Frangipane	yes
Robert Blais	yes
Victoria Simpson	yes

Ms. Simpson stated she is only approving on the condition that this is not on a reaction to Ms. Maidenbaum’s letter. Mrs. Simpson stated she needs to see where the signs are going in the future.

Executive Session

Motion by Mr. Blais to go into Executive Session to discussion Constable salaries, court personnel matter, and confidential/secretary bookkeeper position, seconded by Ms. Frangipane, put to a roll call vote and carried 4-0 as follows:

Roll call Dan Sturm	yes
Denise Frangipane	yes
Robert Blais	yes
Victoria Simpson	yes

Motion by Mr. Blais to resume the regular meeting, seconded by Ms. Frangipane, put to a vote and carried 4-0.

#126 - Confidential Secretary to Supervisor

Motion by Mr. Blais to appoint Jannetta McArthur as soon as available with a probationary period of 6 months and a salary of \$41,500; seconded by Mrs. Simpson, put to a roll call vote with 3 ayes and 1 nay as follows:

Daniel Sturm	yes
Denise Frangipane	no
Robert Blais	yes
Victoria Simpson	yes

Ms. Frangipane indicated she is only voting no because of the salary not because of the person.

#127 - Constable Salaries

Mr. Sturm pointed out that the constables should be making same salary as highway hourly wage for Heavy Equipment Operator.

Motion by Ms. Frangipane to increase constable salaries for Ray Neuenhoff, Douglas Ketcham and Christian McCarthy as per highway contract for heavy equipment operator, seconded by Mr. Blais, put to a vote and carried 4-0.

#128 - Justice Court Deputy Clerk Position

Motion by Mrs. Simpson to appoint Frances Foster as full-time deputy court clerk at \$26,000 with 6 months probation, seconded by Ms. Frangipane, put to a vote and carried 3-0 with Mr. Blais abstaining.

Adjournment

Motion by Mr. Blais to adjourn the meeting, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk