

The Town Board meeting of June 10, 2009 was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Bethel Senior Center.

Council members present: Robert Blais  
Richard Crumley  
Denise Frangipane

Council members absent: Victoria Simpson

The meeting was opened with the Pledge of Allegiance.

**Presentation: Cooper & Niemann**

Andrew Arias, Cooper & Niemann, reviewed the 2008 financials for the General, Highway, and Sewer Funds.

General Fund balance decreased \$17,000 (1% of budgeted expenditures)  
Highway Fund balance increased \$16,000 (1% of budgeted expenditures)  
Sewer Fund balance increased \$127,000 (32% of budgeted expenditures)  
Light District fund balance increased \$3,000 (12% of budgeted expenditures)

Unreserved Unappropriated Fund Balance:

General Fund - \$893,000 (44% of 2009 Budget)  
Highway Fund - \$13,000 (.6% of 2009 Budget)  
Sewer Fund - \$459,000 (121% of 2009 Budget)  
Light District - \$41,000 (166% of 2009 Budget)

Mr. Arias explained that the Bethel Local Development Corporation is a component unit and needs to be audited.

**Audit of Bills**

<u>Fund</u>	<u>Amount</u>	<u>Voucher #'s</u>
General	\$147,561.65	24321 – 24422
Highway	\$178,197.14	4184 – 4258
Sewer	13,817.48	1387 – 1405
17B Sewer	808.00	5003 – 5004
Sewer Ext.	9,382.29	1106 – 1105
Planning & Zoning	2,658.00	1080 – 1082
Cap. Projects Leachate Sys.	298.18	1012
KL Light District	1,732.89	603 and 605

Motion by Mr. Blais to approve monthly audit of bills, seconded by Mr. Crumley, put to a vote and carried 4-0.

**Letter of resignation from Bill Thelman, PB Member**

Letter of resignation has been received from Bill Thelman as an alternate member of the Bethel Planning Board. Motion by Mr. Crumley to receive and file, seconded by Mr. Blais, put to a vote and carried 4-0. Town Clerk to send letter thanking him for his service.

**Fireworks Application for Bethel Woods July 11<sup>th</sup>**

Fireworks application along with the diagram, and certificate of insurance has been received from July 4Ever for the Bethel Woods concert of July 11<sup>th</sup>. Motion by Mr. Crumley to approve, receive, and file, seconded by Mr. Blais, put to a vote and carried 4-0. Ms. Frangipane abstained.

**Youth Center Re-Bid Results**

Correspondence received from Glenn Smith, P.E. regarding the new youth center/literacy re-bids. The bids range from the low bid of \$208,875 to the high bid of \$223,629. Mr. Smith is recommending rejecting the bids since the bids still fall \$50,000 over the budget. Motion by Ms. Frangipane to table bids, discuss other options, and not reject bids yet, seconded by Mr. Blais, put to a vote and carried 4-0.

**#104 - Resolution accept the FEIS for Proposed Local Law #1**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL  
ACCEPTING THE FINAL GENERIC ENVIRONMENTAL IMPACT  
STATEMENT WITH RESPECT TO THE PROPOSED AMENDMENT OF  
CHAPTER 345 "ZONING"  
OF THE TOWN CODE OF THE TOWN OF BETHEL**

**WHEREAS**, the Town Board of the Town of Bethel ("Town Board") has introduced a local law to provide a comprehensive amendment to its duly enacted Zoning Code, which Zoning Code appears as Chapter 345 of the Town Code of the Town of Bethel (the "Zoning Code"); and

**WHEREAS**, the Town conducted public hearings with regard to appropriate amendments to the Zoning Code, sought advice and received recommendations from a duly appointed zoning review committee and a separate duly appointed planning board procedures committee with regard to necessary and appropriate amendments to the Zoning Code; and

**WHEREAS**, the Town requested comments from the Town of Bethel Planning Board, which comments have been duly reported to the Town Board; and

**WHEREAS**, the Town Board seeks to amend Chapter 345 "Zoning" of the Town Code to implement fully the intent of the Town's Comprehensive Plan; and

**WHEREAS**, the Town Board assumed lead agency status for the purposes of environmental review under the State Environmental Quality Review Act ("SEQRA") and determined that the proposed action was a type I action under SEQRA regulations with the potential for at least one significant adverse environmental impact and needs to analyze said potential significant adverse impacts and evaluate reasonable alternatives thereto as required by 6 NYCRR 617.7 and that a draft generic environmental impact statement be prepared; and

**WHEREAS**, the potential environmental impacts of the enactment of the proposed legislation underwent scoping and the Town Board accepted the final scope for the Project on February 12, 2009; and

**WHEREAS**, the Town Board caused a draft generic environmental impact statement ("DGEIS") to be prepared, which DGEIS was reviewed by the members of the Town Board and accepted on March 12, 2009; and

**WHEREAS**, upon due notice a public hearing with respect to (i) the amendment of the Zoning Code and (ii) potential significant impacts under SEQRA as identified in the DGEIS was held on April 15, 2009 and members of the public were invited to appear and provide comment and thereafter said public hearing was continued to May 1, 2009 and then closed on that date, subject to a 10 day period during which additional written comments would be accepted by the lead agency; and

**WHEREAS**, the draft Zoning Code and DGEIS were referred to the Sullivan County Division of Planning and Community Development ("County Planning Department") pursuant to Sections 239-m and 239-n of the General Municipal Law; and

**WHEREAS**, the Town Board caused a final generic environmental impact statement ("FGEIS") to be prepared consisting of the DGEIS, including any necessary

revisions and supplements, a summary of the substantive comments received and their sources and the lead agency’s response to these comments, which FGEIS has been reviewed by the members of the Town Board.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board, acting as lead agency for a coordinated environmental review pursuant to Article 8 of the Environmental Conservation Law, hereby determines that the FGEIS provides for a statement and evaluation of the potential significant adverse environmental impacts at a level of detail that adequately reflects the severity of the impacts and the reasonable likelihood of their occurrence and addresses all material comments received during the public hearing and post-hearing comment period; and be it

**FURTHER RESOLVED** that the Town Board hereby issues a Notice of Completion of a FGEIS (“Notice of Completion”), as set forth in the attachment to this Resolution; and be it

**FURTHER RESOLVED** that this Notice of Completion be filed in accordance with 6 NYCRR § 617.12 with copies to: (i) the Town Supervisor; (ii) the Town Board; (iii) all involved agencies; (iv) any person who has requested a copy; (v) the Sullivan County Department of Planning and Environmental Management; and (vi) the Department of Environmental Conservation, Division of Environmental Permits, 625 Broadway, Albany, NY 12233-1750; and be it

**FURTHER RESOLVED** that notice of this Notice of Completion be published in the Environmental Notice Bulletin (“ENB”) in a manner prescribed by the NY Department of Environmental Conservation and the Village Board hereby directs the Secretary of the Board to provide such notice to Environmental Notice Bulletin, Room 538, 625 Broadway, Albany, NY 12233-1750 for publication in the ENB; and be it

**FURTHER RESOLVED**, that a copy of the FGEIS will be posted on the following website: <http://www.town.bethel.ny.us/>, and be it

**FURTHER RESOLVED**, that the SEQRA findings statement of the lead agency will be prepared not less than 10 days from the date of the this Resolution; and be it

**FURTHER RESOLVED**, this Resolution shall become effective when adopted.

Motion by Town Board member Mr. Blais, seconded by Town Board member Mr. Crumley, 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	Absent	
Daniel Sturm	x	

Duly adopted by 4 ayes, 0 nays, the 10<sup>th</sup> day of June, 2009.

**NOTICE OF COMPLETION OF A FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT UNDER 6 NYCRR 617.9(a)(4)**

The Lead Agency:  
TOWN OF BETHEL  
3454 Route 55  
Post Office Box 300  
White Lake, New York 12786

Contact Person:  
Daniel Sturm, Supervisor  
Town Hall

3454 Route 55  
Post Office Box 300  
White Lake, New York 12786  
Telephone Number: (845) 583-4350

Description of the Action:

Town Board seeks to amend Chapter 345 "Zoning" of the Town Code to fully implement the intent of the Town's Comprehensive Plan.

SEQRA Classification: Type I

Public Comments:

The FGEIS will be posted on the following website: <http://www.town.bethel.ny.us/>. The lead agency conducted a public hearing on April 15, 2009 continued to May 1, 2009. The public comment period has closed.

The Location of the Action:

Town of Bethel.

**Correspondence from RRARD re: Citgo tent**

Correspondence has been received from Royce Road Alliance for Responsible Development. They are curious if an application was submitted and issued for the painted signs. They commented on the problems and violations the developer presented the town with during the original development of this property for the convenience store. They are asking for assurances that such violations be prevented by the practice of observing and respecting all of the Town of Bethel Laws and Ordinances. Motion by Mr. Crumley to receive and file, seconded by Ms. Frangipane, put to a vote and carried 4-0.

**#105 - Appoint two part-time seasonal constables for lake patrol**

Motion by Mr. Crumley to appoint Darryl Yates and Bob Heinz as part-time seasonal constables for lake patrol @ \$14.00/hr., seconded by Mr. Blais, put to a vote and carried 4-0.

**#106 – Request for Seasonal Laborer for Sewer Dept.**

Jim McBride, Sewer Superintendent, is requesting to appoint a part-time laborer to help at the sewer plant for the summer season. Mr. McBride is requesting to appoint Chris Graffeo at \$14.00, four days a week, with a maximum of 28 hours per week. Mr. Blais would like to advertise for the position.

Motion by Mr. Crumley to advertise for the part-time seasonal laborer for Sewer Department, seconded by Ms. Frangipane, put to a vote and carried 4-0.

**Correspondence Millennium Pipeline**

Notice has been received from the Millennium Pipeline Co. in Pearl River regarding the pipeline right of way and restoration of property that has been sent to landowners. Motion by Mr. Blais to receive and file, seconded by Mr. Crumley, put to a vote and carried 4-0.

**#107 - Resolution to Support S.C. Tobacco Free Coalition to Reduce Advertising**

**RESOLUTION REQUESTING TOBACCO RETAIL MERCHANTS IN THE TOWN OF BETHEL TO REDUCE, REARRANGE, OR ELIMINATE TOBACCO ADVERTISING IN RETAIL STORES**

**WHEREAS**, smoking is the number one cause of preventable death in the United States and the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates, and

**WHEREAS**, in New York State alone, the tobacco industry spends \$516 million annually to market its deadly products and tobacco advertising in retail stores has a powerful influence on teens, who are significantly more likely to smoke due to advertising than they are due to peer pressure, and

**WHEREAS**, tobacco retailers serve as the tobacco company's major communication channel to reach present and future customers and the store environment exerts a unique influence to promote tobacco use as a desirable social norm because tobacco is both advertised and sold in these stores, and

**WHEREAS**, the Sullivan County Tobacco Free Coalition 2007 Community Tobacco Issues survey showed that 74% of Sullivan County Residents have noticed cigarette or tobacco products being advertised or promoted on shop windows or inside shops where tobacco is sold.

**WHEREAS**, every day, another 4,000 American children start to smoke and another 2,000 become regular, daily smokers, now, therefore be it

**RESOLVED**, that the Town of Bethel hereby expresses its support of the efforts of the Sullivan County Tobacco Free Coalition and the Sullivan County Reality Check and encourages retailers to reduce overall tobacco advertising in their place of business and to eliminate tobacco advertising from areas likely to be seen by children, including wall space below five feet, near candy displays, and on counter tops, and, be it further

**RESOLVED**, that the Clerk of the Town of Bethel is directed to provide a copy of this resolution to every tobacco merchant in the Town of Bethel to forward certified copies to the appropriate Town Officials.

#### **#108 - NYSEG Authorization to add street lights along Route 55**

The Street Light authorization has been received from NYSEG to install a 250 watt metal halide area light on NYSEG pole 226 and remove 250 watt high pressure sodium area light from same pole. NYSEG Annual Charges: \$74.88. Motion by Mr. Crumley to approve, seconded by Mr. Blais, put to a vote and carried 4-0.

#### **Correspondence from Joann Peabody**

Correspondence has been received from Joann Peabody, Monticello Central School Board Member, thanking the Town Board for their support of Bethel United to Save our Schools. Motion by Mr. Blais to receive and file, seconded by Ms. Frangipane, put to a vote and carried 4-0.

#### **Town Board Comments**

Mr. Sturm stated Board of Health conducted their annual inspection of the Town Park and Pool, and camp. We passed with flying colors; good inspection, well-run facility.

Ms. Frangipane asked what Glenn Smith does for Town; she thought the Town had a new engineer. Mr. Sturm stated Michael Weeks is the Planning Board engineer.

Mr. Smith does the engineering plans for town buildings, leachate, landfill and landfill closure, and highway gravel mine.

#### **17B Tent Discussion**

Mr. Crumley asked if the Town Board can we send Code Enforcement Officer to the Citgo tent and have them remove signs or ticket them as soon as possible if they are not up to code? Mr. Crumley has asked them to make a nice sign.

Mr. Sturm: #1 – should have signed complaint to start process, it is helpful to the building department, #2 – there are limits to what the Town can do

Mr. McEwan indicated only certain signs are regulated in the zoning code. If it does not comply you can write a violation. There is nothing in code to have Code Enforcement Officer go out and make them take it down immediately. There are free speech issues. If it is an obvious violation, there should be no reason for a written complaint. Ms. Frangipane can't the Town issue a stop work order for the tent. Mr. McEwan explained the stop work order would be a citation for court.

Mr. Blais stated we don't have to have a written complaint if the code enforcement officer sees a violation. Ms. Frangipane thinks it is an unfair burden for private citizens to come to Town Hall and file a complaint. If they call the Town Board or Town Hall we should investigate. Mr. McEwan when you have a neighbor complaint that is different and should have a written complaint.

### Miscellaneous Discussion

Susan Brown commented on the signs on 17B that are in disrepair. Mr. McEwan new sign rules in zoning, if there are signs without a permit they should be cited.

Mr. Blais indicated the Jeff Bank proposal for Route 17B and Route 55 with an entrance across from Schultz Road was at last night's Planning Board meeting, great presentation. Mr. Crumley asked did you say it's going to be across from Schultz Road? An entrance? Mr. Blais stated right. Mr. Crumley stated let's make sure we don't have to have another light. Ms. Frangipane asked if they did a traffic study, did they do a master plan, or environmental study of that site, parking, layout of buildings, etc.

Dan Gettel, Planning Board Chairman, they have a concept, the property needs to be subdivided, the bank has to have a separate lot.

Jonathan Hyman - I have been coming to Town Board meetings for many, many years and quite regularly for the last three years and I can tell you without a doubt that the issue that comes up the most is code enforcement. And tonight again we're back at this issue of code enforcement and it's not necessarily only because of the code because the Building Department may or may not have the resources. Over and over on the Board and members of the public seem to question the will of the Building Department to get out there to do the enforcement. So I just want to leave it like this, as a citizen of the town, I encourage you to provide them with all of the resources they need to do the code enforcement that the new zoning allows them to do and move forward from here. But we should stop having it be an issue in the town. We need to move forward. This is the jewel of Sullivan County, there's a lot at stake, as Ms. Brown's talking about this gateway and it's not just the gateway, it's everywhere. So I would just strongly urge you to think hard about that.

Mr. Hyman - I would like to follow up on Councilman Crumley's comment that he balked at the notion of this curb cut or driveway on Schultz Road opposite the bank that's there now regarding this, new bank project. I think it looks beautiful. I know the developer does really good work but as you may know there is a **large, large** Synagogue going up less than a 1/8 of a mile down the road on Schultz Road. And I think the Councilman has a good point and I think now that maybe some of the members of the Planning Board are here...that the review that you do really has to reflect the notion that is the busiest corner in Bethel... but to the entire western part of the county. I would just ask the Town Board to maybe do whatever it is you do in your oversight of the Planning Board to encourage the Planning Board to take that part of it seriously.

### Adjournment

Motion by Mr. Blais to adjourn, seconded by Ms. Frangipane, put to a vote and carried 4-0.

Respectfully submitted,

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Rita J. Sheehan, Town Clerk