

The Town of Bethel Town Board meeting of March 26, 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

Absent: Denise Frangipane

The meeting was opened with the Pledge of Allegiance.

Correspondence from Kauneonga Lake Fire Dist. Re: Lake Access

Correspondence has been received from the Kauneonga Lake Fire District requesting that the right-of-way next to the Fat Lady Café that the gate are be open and the area marked better for no parking for access by the fire trucks. Motion by Mr. Crumley to receive and file, seconded by Mrs. Simpson, put to a vote and carried 4-0. Mr. Sturm noted that the County had previously said they would stripe this area. Mr. Sturm will contact the County.

Correspondence from Cornell Cooperative re: educational programs

Correspondence has been received from Cornell Cooperative Extension requesting that the Town provide an Internet link to their website to promote their education programs. 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, seconded by Mrs. Simpson, put to a vote and carried 4-0.

#58 Appointment Election Inspectors for Special Election held on 3/19

Town Clerk is requesting two additional appointments for the referendum held on March 19th due to Linda Blais and Jean Schubert not being able to serve. Motion by Mr. Blais to appoint Maxine Sheehan and Janet Murns as election inspectors, seconded by Mr. Crumley, put to a vote and carried 4-0. Town Clerk reported that the Bethel Volunteer Ambulance Corp. has agreed to pay for the Inspectors, Attorneys' fees and legal notice cost.

#59 Report on results of Proposition No. 1 for Bethel Vol Amb. Corp.

Election Inspectors have certified to the Town Clerk the election results for the March 19th referendum for the Bethel Volunteer Ambulance Corp. Length of Service Award Program (LOSAP). Motion by Mrs. Simpson to receive and file, seconded by Mr. Crumley, put to a vote and carried 4-0.

Total Votes Cast:	37
In Favor	23
Against	14
Voids	0

#60 Change in Town Board Meeting Schedule

Motion by Mrs. Simpson to change Town Board meetings to the 2nd and 4th Wednesdays of each month starting in May, seconded by Mr. Crumley, put to a vote and carried 4-0.

#61 Junkyard License Renewal – Hendrickson

Junkyard License report has been received from the Building Department. Report recommends reduction of the junk vehicles and the removal of the tire pile. Motion by Mr. Blais to approve renewal license, seconded by Mrs. Simpson, put to a vote and carried 4-0.

#62 Junkyard License Renewal – Yeomans

Junkyard License report has been received from the Building Department. Report indicates the property was found to be well-maintained and recommends renewal. Motion by Mr. Blais to approve renewal license, seconded by Mrs. Simpson, put to a vote and carried 4-0.

#63 Surplus bid results

Sealed bids were received and publicly opened read at the Town Clerk’s Office on March 26, 2009 at 11:00 a.m. with Jessica Butler and B.J. Gettel present as follows:

<u>Vehicle</u>	<u>Lilley</u>	<u>Solomon</u>	<u>Herbert</u>
1991 Chevy #44679			\$200
1991 Chevy #43281	\$322		\$200
1990 Chevy #55446			\$200
1998 Ford #66728		\$457	\$237
1993 Plymouth #97634			\$200

Motion by to award bid to Ron Herbert for the 1991 Chevy Caprice VIN 44679 in the amount of \$200.; seconded by put to a vote and carried 4-0.

Motion by Mrs. Simpson to accept bid from Lilley Trucking for the 1991 Chevy Caprice VIN 43281 in the amount of \$322., seconded by Mr. Crumley, put to a vote and carried 4-0.

Motion by Mr. Blais to accept bid from Ron Herbert for the 1990 Chevy Caprice VIN 55446 in the amount of \$200., seconded by Mr. Crumley, put to a vote and carried 4-0.

Motion by Mr. Blais to award bid to Solomon for the 1998 Ford Crown Victoria VIN 66728 in the amount of \$457., seconded by Mr. Crumley, put to a vote and carried 4-0.

Motion by Mrs. Simpson to award bid to Ron Herbert for the 1993 Plymouth Voyager VIN 97634 in the amount of \$200., seconded by Mr. Crumley, put to a vote and carried 4-0.

Approve use of Town’s voting machine for Monticello School District

Correspondence has been received from the Monticello Central School District requesting use of our voting machine on May 19th. Motion by Mrs. Simpson to approve, seconded by Mr. Crumley, put to a vote and carried 4-0.

#64 Youth Board appointments

Mrs. Simpson announced the Youth Board appointment recommendations. There were three applications’ one from each school district.

- Jessica Butler – Liberty School District
- Debra Gabriel – Sullivan West School District
- Babette Ross – Monticello School District

Motion by Mrs. Simpson to approve adult representative appointments, seconded by Mr. Blais, put to a vote and carried 4-0.

#65 Public Hearing 7:45 p.m. – Speedway License Renewal

Motion by Mr. Crumley to open public hearing, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Town Clerk read the Public Hearing Notice. Mr. Sturm explained this is a new law that now subjects the racetrack to a public hearing.

Joe Graff, property owner, indicated he and the Rockets have breathed this racetrack back to life; it is the 50th anniversary of racetrack; has delivered his promises; ran a clean, professional track (\$5.00 admissions); family oriented; trying to be a good neighbor; ranked 5th in nation for this type of track by a national magazine. Mr. Graff indicated he briefly read the new law; was not aware it until last week. Mr. Graff has a meter to make sure we are in compliance with the noise; and he conducted a level 3 study before he purchased.

Marietta VanFradenburgh expressed her concerns:

1. Noise – when track was here 50 years ago, there were 2 homes, now there are numerous homes - 21 per Mr. Graff. The noise is deafening. If you can come in at a certain time, like 4:00 pm to warm-up, 6:00 pm start racing, 10:00 pm stop, and 11:00 pm leave. What we are asking is to adhere to schedule; Saturdays only, no Sundays, no rain dates; keep noise down.

Joanne Rocket indicated the track always opened at 1:00 pm and has closed down at 11:00 pm. Mr. Blais stated the law says 11:00 pm, but there is still noise. No tailgating in parking lot, need to be loaded by 12. Joanne Rocket stated she does not allow tailgating and no alcohol.

Marietta Van Fradenburgh – you did a lot of work last year; need water tank.

David Rocket stated that all surfaces have been black-topped.

John Van Fradenburgh - never complained about track; major problems; dust, has to wash cars every Sunday; pressure washed house before he painted, always had a water truck. Now there is theft people jumping fence and stealing. It is the noise of the PA system in the pits for drivers—don't need to call drivers 3 times.

Marietta Van Fradenburgh - need to have Port-a-Potties.

Leon King - agrees with John about the noise. Mr. King gave the Rocket credit for neatness.

Mrs. Simpson asked the Rockets to address the dust and noise.

David Rocket:

1. PA system by Ed VanFradenburgh has been moved and facing the other direction.
2. Stoned entire pit area last season. Road is paved on and off track.

Marietta Van Fradenburgh: April 18th is too early, end September 26th.

Kathy LaPolt Neuenhoff said she has been involved with track for years, if you want to talk about noise, let me tell you about my neighbors; this is a business they are trying to make a living.

Leon King: Town Board should work with track on the rain dates.

Mr. Crumley: cars make noise, the Rockets run a tight ship; he did not observe any dust; these folks will do whatever we want.

Marietta Van Fradenburgh: Fence won't work, don't want to be fenced in.

Mr. Blais: More in pits & parking lot. Mr. Graff: a port-a-potty in parking lot will cause people to hang around in lot. No loitering in parking lot.

John Van Fradenburgh: Fireworks on July 4th? The Rockets indicated they were not sure yet.

Mr. Graff asked about the Bethel Volunteer Ambulance Corp. volunteering for a donation.

Motion by Mr. Crumley to close Public Hearing at 8:30 pm, seconded by Mr. Blais, put to a vote and carried 4-0.

#66 Speedway License Renewal

Motion by Mr. Crumley to approve if Building Department Report okay, seconded by Mr. Blais, put to a vote and carried 4-0.

Justice Court Grant Award Announcement

Mr. Sturm read the grant award notice from the Justice Court Administration. For a gavel \$60; Architectural Improvements: \$15,002, and a hand-held metal detector.

#67 Announce Museum location and appoint Museum Director

Correspondence has been received from Town Clerk regarding the Bethel Historical Museum. After review of all the proposals submitted the Committee recommends Sylvia's S & G Outlet for the location of the Museum. The lease will begin on May 1st through September 15th. We will have access to the building beginning April 25th. Town Clerk has also recommended appointing Bill Burns as the Museum Director. Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 4-0.

Motion by Mrs. Simpson to approve location and to move forward with a lease, seconded by Mr. Crumley, put to a vote and carried 4-0.

Motion by Mr. Blais to appoint Bill Burns as Museum Director, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Correspondence to DEC from Hook and Bullet

Copy of correspondence has been received from the Hook and Bullet that was sent to the DEC regarding the condition of the Toronto Reservoir. Motion by Mr. Blais to receive and file, seconded by Mr. Crumley, put to a vote and carried 4-0.

Jennifer Teitelbaum asked if the Town has made any progress with the Toronto water levels. Mr. Sturm indicated all of the parties are trying to get a meeting together. Mrs. Abramson asked if the water issue was going to be resolved before the tax bills go. We will have a tax bill based on being waterfront; have not had water front all year. Tow years ago Swinging Bridge had their assessments reduced. Mr. Sturm indicated this could be a matter of litigation and did not wish to comment.

#68 Correspondence from Cooper & Niemann regarding BLDC financials

Correspondence has been received from Cooper and Niemann regarding the BLDC financial and whether to file the Town's statement without the BLDC. Mr. Sturm indicated the BLDC financials are a new requirement and explained the options:

1. wait for state ruling or
2. file town financials without BLDC

Mr. Sturm indicated there is a \$5,000 expense due to BLDC financials.

Motion by Mrs. Simpson don't delay, file without BLDC, seconded by Mr. Blais, put to a vote and carried 4-0.

Bethel Woods 2009 Traffic Management Plan

The Bethel Woods 2009 Traffic Management Plan has been submitted for consideration. Motion by Mrs. Simpson to receive and file, seconded by, put to a vote and carried 4-0. Mr. Sturm asked the Town Board to review.

Happy 200th Birthday to the Town of Bethel

Town Clerk announced the historical re-enactment this weekend that has been written and directed by Oliver King and the second act written and presented by the 4th and 5th grade students of the Dr. Duggan School

#69 Revised Order to Accept Map, Plan and Report for Naylor Rd Sewer Extension

At a meeting of the Town Board of the Town of Bethel, Sullivan County, NY, on the 26th day of March, 2009, sitting as the Kauneonga Lake Sewer District Board.

In the Matter of the

Extension of the Kauneonga Lake Sewer District in the Town of Bethel, Sullivan County, New York, pursuant to Article 12-A of the Town Law

**REVISED ORDER
ACCEPTING MAP,
PLAN AND REPORT**

WHEREAS, a map, plan and report, dated January 2, 2009, has been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Bethel, relating to the extension of the Kauneonga Lake Sewer District (“KLSD”) in said Town; and

WHEREAS, by Order dated February 12, 2009, such map, plan and report was duly filed in the Bethel Town Clerk’s Office for public inspection; and

WHEREAS, said map, plan and report was prepared by Glenn L. Smith, PE, Consulting Engineer, P.C., a competent engineering firm duly licensed by the State of New York, which map, plan and report set forth the boundaries of the proposed extension and a general plan of the said system and a report of the proposed method of operation; and

WHEREAS, said map, plan and report describes all proposed facilities together with the location and general description of all public works required, including lands and easements to be acquired and improvements proposed, which improvements include the installation of infrastructure allowing all four lots in a four lot subdivision to connect with the existing sewer district; and

WHEREAS, the boundaries of the proposed district extension, as revised, are particularly described in attachment 6 of said map, plan and report, a copy of which is attached hereto as Exhibit A and incorporated herein; and

WHEREAS, the district extension area improvements will be paid entirely by the owners of the real property in question who shall be fully responsible for said costs with no cost and expense to the KLSD; and

WHEREAS, the owners of the real property in question shall convey to the KLSD all necessary easements, rights-of-way, and improvements to the KLSD upon completion of the improvements; and

WHEREAS, 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

WHEREAS, the estimated amount of costs to a property owner to hook up to the sewer main is \$40.00 per linear foot.

NOW, ON MOTION OF Councilwoman Vicky Simpson and seconded by Councilman Richard Crumley; it is hereby

ORDERED, that the Town Board of the said Town of Bethel reaffirms the acceptance of the map, plan and report as prepared by Glenn L. Smith, PE, Consulting Engineer, P.C. as provided in accordance with the terms and recitations contained in this ORDER and a copy of said map, plan and report shall be filed in the Office of the Town Clerk; and be it

FURTHER ORDERED, that a public hearing regarding this petition to extend the KLSD extension area shall be held on the 23rd day of April, 2009 in the Town of Bethel Senior Citizen’s Center beginning at 7:45 PM and a copy of this Order, giving due notice of such public hearing, shall be posted on the signboard of the Town and published in the official newspaper not less than ten nor more than twenty days before the hearing date; and be it

FURTHER ORDERED, that a certified copy of this ORDER shall be filed with the Office of the State Comptroller on or about the date of its publication.

The adoption of the foregoing was duly put to a vote and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NAYS</u>
Robert Blais, Councilman	X	
Richard Crumley, Councilman	X	
Denise Frangipane, Councilman		Absent
Victoria Simpson, Councilman	X	
Daniel Sturm, Town Supervisor	X	

The Order was thereupon declared duly adopted.

#70 Resolution to set a public hearing for Naylor Road Sewer Extension

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL
AUTHORIZING THE ISSUANCE OF AN ORDER SETTING A PUBLIC
HEARING FOR THE EXTENSION OF THE KAUNEONGA LAKE SEWER
DISTRICT**

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 certain lands and premises 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, upon review of the Petition and part one of the short form EAF, the Town Board has 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 has compared the Petition and the short form EAF to the thresholds for classifying this action as set forth in 6 NYCRR §§ 617.4 and determined that the extension of the KLSD constitutes an Unlisted action pursuant to SEQRA; and

WHEREAS, pursuant to SEQRA, the Town Board desires to act as the Lead Agency for the Project under SEQRA and to conduct a coordinated SEQRA review of the proposed action with all Involved Agencies; and

WHEREAS, the Town Board provided notice of its intent to assume lead agency status under SEQRA to all other involved agencies and received no objections thereto; and

WHEREAS, more than 30 calendar days has passed from the date of notice of the Town's intent to assume lead agency status and the distribution of relevant SEQRA documents;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, convened as the Kauneonga Lake Sewer District board, authorizes the adoption of the ORDER attached to this RESOLUTION and the Town Supervisor to execute the same in the name of the Town Board; and be it

FURTHER RESOLVED, that the Town Board confirms its intent to serve as lead agency under the New York State Environmental Quality Review Act; and be it

FURTHER RESOLVED, that a public hearing shall be conducted, as set forth in the attached Order, in connection with the Petition and said public hearing shall include all matters relating to the Petition, including potential impacts under SEQRA.

Motion by Councilwoman Vicky Simpson to approve resolution, seconded by Councilman Blais, put to a vote of 4 ayes and 0 nays, the Town Supervisor declared this Resolution adopted.

Public Comment

Mrs. Simpson announced the Youth Board Easter Egg Hunt on April 4th and the Pie Baking Contest on May 16th.

Mrs. Abramson mentioned that if we have to go to the legal route to abate the tax assessment it will be with a heavy heart. She also mentioned that people riding on the mud in the Toronto reservoir where water should be; end of road, unsafe, like a mud pit.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk