

The Bethel Town Board meeting of May 13, 2009 was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Bethel Senior Center.

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

Others Present: Robert McEwan

The meeting was opened with the Pledge of Allegiance.

Monthly Audit of Bills

<u>Fund</u>	<u>Amount</u>	<u>Voucher</u>
General	\$144,096.23	#24299 – 24320
Highway	\$188,018.88	# 4176 – 4208
Sewer	\$ 23,013.26	# 1271 – 1386
Sewer Rehab	\$ 8,540.00	# 1016 – 1017
Planning & Zoning	\$ 255.00	# 1078
KL Light District	\$ 1,798.15	# 601 – 602
Cap Projects/Leachate	\$ 1,355.95	#1005, 1010 & 1011
Cap Projects Rte 17B	\$305,515.95	#1100-1103
West Sewer Extension		

Motion by Mrs. Simpson to approve and include Planning Board Attorney bill, seconded by Mr. Crumley, put to a vote and carried 5-0.

Liquor License Renewal Benji & Jakes

Liquor License renewal received from Pele’s Works d/b/a Benji and Jakes. Motion by Mr. Blais to approve, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Liquor License Renewal Country Club Property Owners Assoc.

Liquor License renewal received from Country Club Property Owners Association (White Lake Homes). Motion by Mrs. Simpson to approve, seconded by Mr. Blais, put to a vote and carried 5-0.

Building Department Monthly Report for April

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

April, 2009 fees: \$4,112. April, 2008 fees: \$11,393.

April Construction Cost 2009: \$653,900
 April Construction Cost 2008: \$2,687,500

Construction Cost from January-Present 2009: \$3,714,900
 Construction Cost from January-Present 2008: \$4,999,300

Building Dept. report for Ross Junkyard License Renewal

Building Department report for Ross Junkyard has been received recommending the license be renewed. Motion by Mr. Blais to approve, seconded by Mr. Crumley, put to a vote and carried 5-0.

Correspondence from Dr. Allan and Carole Abramson

Correspondence has been received from Dr. Allan and Carole Abramson requesting and suggesting that the Town Board immediately review their 2009 expenditures and make significant reductions. Motion by Mr. Blais to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Mr. Sturm made several comments; have taken these steps:

1. Most municipalities over-estimate their revenues, Bethel reduced by 2-5%
2. froze spending in 2009 at 2008 levels, except 3% salary increases
3. monitoring expected revenue decreases
4. implemented NYSEDA improvements to reduce energy costs
5. continue to monitor expenses

Time Warner Cable Correspondence

Correspondence has been received from Time Warner Cable indicating that cable construction is complete for Mt. Hope Road, Eagle Drive, and Cohen & Cohen Road. Motion by Mrs. Simpson to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0.

Building Department Report – SBL #81-14.1 Property Maintenance

Building Department report has been received for the property located on Mt. Hope Road known as #8-1-14.1 requesting to Town Board to seek sealed bids and remove the structures. Motion by Mr. Blais to table for an engineer’s report, seconded by Ms. Frangipane, put to a vote and carried 5-0.

#95 Report from Eustace & Horowitz for Rehab and Replacement of Sewers

Engineer’s Report for the Rehabilitation and Replacement of Sewers has been prepared by Eustace & Horowitz and filed with the New York State Env. Facilities Corp. The plans and specifications for Phase I & II are being reviewed by the DEC. Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Bank of Jeff Announcement

Mr. Sturm announced that the Bank of Jeff has received regulatory approval to build a branch office at the Corner in White Lake. Motion by Mr. Blais to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Request for shed at Sr. Center by Bethel First

Gary Rohrs, Bethel First, is requesting to place a 12’ x 14’ shed behind the Senior Center for tools, supplies, etc. Motion by Mr. Blais to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Motion by Mr. Blais to approve shed, seconded by Mr. Crumley, put to a vote and carried 4-0. Mrs. Simpson abstained.

Aluminum Sulfate Bid Results

On May 7, 2009 at 2:00 p.m. in the Town of Bethel Town Clerk’s office bids were publicly open and read. Present: Eda LaPolt, Marge Brown, and Jim McBride. Sealed bids were received as follows:

<u>Vendor</u>	<u>Amount</u>
Holland Co, Inc.	\$1.08 per gal., minimum 4000 gallon tank truck delivery

Motion by Mr. Blais to approve bid, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Correspondence Civic Association of Smallwood regarding Fences

Correspondence has been received from the Civic Association of Smallwood regarding stockade fences. Motion by Mr. Blais to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Bob Barrett commented on his site line when exiting his driveway; the neighbor's fence is 3' from edge of road and 20' down the road. The 8' height is a barrier. Ms. Frangipane asked about safety or site distance issue.

#96 Resolution to Accept a Utility Easement and Discontinue a Separate Easement

Mr. Sturm explained a new sewer pipe is being installed by developer and will give us easement to pipe. The old pipe will be abandoned. Ms. Frangipane asked if this was holding this project up. Mr. Sturm explained that this was one issue.

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
ACCEPTING A CONVEYANCE OF A UTILITY EASEMENT
AND DISCONTINUING A UTILITY EASEMENT**

WHEREAS, Woodstock Estates, LLC is the owner of real property in the Town of Bethel known on the Town of Bethel tax map as Section 35, Block 6, Lots 5 and 6 and Section 35, Block 5, Lots 4, 5 and 6; and

WHEREAS, it appears that Woodstock Estates, LLC is improving said real property with residential units and said improvements are known as the Villas at White Lake project; and

WHEREAS, the owner and project developers need to relocate an existing sewer easement to complete the project improvements; and

WHEREAS, the Town is willing to accept dedication of a new utility easement for the sewer main and to discontinue any prior easement for said sewer main, provided said easement is no longer needed; and

WHEREAS, the actions undertaken by the Town under this Resolution are a type II action under the State Environmental Quality Review Act per the requirements of 6 NYCRR §§ 617(c)(1)(2) and (5) and no environmental review is necessary.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethel, accepts the dedication of a twenty foot utility easement as set forth in the attached easement under the power and authority granted to it by Town Law § 64; and be it

FURTHER RESOLVED that the Town Board authorizes the discontinuation of any existing sewer easement on the parcel in question at such time as (a) the easement attached to this Resolution is duly of record and (b) the sewer main has been relocated and in operation to the satisfaction of the Town's sewer treatment plant operator; and be it

FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to sign any documents on behalf of the Town and to permit the recording of the utility

easement referenced herein and any other documents necessary to discontinue any unneeded easement.

The adoption of the foregoing was duly put to a vote, on motion of Councilwoman Denise Frangipane and seconded by Councilman Robert Blais; and upon roll call, as follows:

	<u>AYES</u>	<u>NAYS</u>
Robert Blais	x	
Richard Crumley	x	
Denise Frangipane	x	
Victoria Simpson	x	
Daniel Sturm	x	

On a vote of 5 ayes and 0 nays, the Town Supervisor declared this Resolution was adopted.

Notice from Liberty Planning Dept. - Expansion to Dining Hall at Camp Yeshiva

Public Hearing Notice has been received from the Liberty Planning for a special use permit application filed by Camp Yeshiva for a 30' x 39' addition to existing dining room. Town Clerk explained this notification is required since it borders the Town line. Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 5-0.

Road assessment study proposal

Motion by Ms. Frangipane to invite Ben Johnson to Town Board meeting to review road assessment study proposal, seconded by Mr. Blais, put to a vote and carried 5-0.

#97 Amendments to Forestry section of Proposed Zoning Law

Ms. Frangipane reviewed the forestry section in the proposed zoning to amend the permit application to ask: "How much is being harvested and where the harvesting is taking place on the property". This will be the test to push the next level for the Planning Board.

There was a lengthy discussion by the Town Board.

Motion by Ms. Frangipane to amend proposed Zoning Law to include the additional language "How much is being harvested and where the harvesting is taking place on the property" to #3 345-29(c)(3) , seconded by Mr. Crumley, put to a vote and carried 3 ayes and 2 nays upon a roll call vote as follows:

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

Motion by Ms. Frangipane to make #4 #5; the percent of mature timber on any given parcel 345-29 (9)(c), seconded by Mr. Crumley put to a vote and carried 3 ayes and 2 nays upon a roll call vote as follows:

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

#98 Glenn Smith correspondence re: Jazz Jam Escrow

Mr. Sturm reviewed the letter from Glenn Smith dated February 15, 2005 regarding the Jazz-Jam Subdivision – Phase I on Pine Grove Road for the road completion bond. The Phase I subdivision has been filed in the County Clerk’s Office. Phase I included a short section of roadway to be built into the property to provide access to lots #2, 3, 8, 9 and 20 (map provided). The developer Jazz Jam paid \$52,000 to the Town to be deposited into escrow until Phase I of the roadway is completed and accepted by the town. Mr. Blais stated he is not in favor of bond process, this money was to make sure road is built; road was not built; road goes to nowhere.

Mr. McEwan asked if it was subdivided. Mr. Blais - Yes.

Motion by Mrs. Simpson to send a letter to new property owner, seconded by Mr. Blais, put to a vote and carried 5-0.

Highway Fund Budget Modification

Highway

Resolution for Budgetary transfers between fund account codes

Acct Code	Title	Debit	Credit
DA9060.8	Health Insurance	13,000.	
DA5120.4	Bridge Contractual		13,000.
		13,000.	13,000.

- 1) Transfer from line item Health Insurance to line item bridges contractual to cover the unexpected repair of the Mohawk Trail Bridge (Minnie Falls)

Motion by Mrs. Simpson to approve highway budget modification, seconded by Mr. Blais, put to a vote and carried 5-0.

Highway Department Discussion

Lynden Lilley is seeking quotes for beams to fix road – Mohawk Trail.

Mrs. Simpson left meeting at this point.

Mr. Blais suggested we review paid off bonds this year to order new truck. Mr. Crumley asked Mr. Lilley what the priorities are. Mr. Lilley indicated a chopper and sweeper. Mr. Blais suggested for the Highway Superintendent to come back to Board with list of needs. Mr. Sturm stated to give list sooner than later.

Old Bethel Cemetery

Ms. Frangipane asked about the status of the old Bethel cemetery clean-up. Mr. Crumley indicated Roger Ballard can do it for \$2,600.

Motion by Mr. Crumley to hire Roger Ballard to remove tree debris for \$2,600 at the old Bethel Cemetery, seconded by Ms. Frangipane, put to a vote and carried 4-0.

#99 David Allen Complaint

David Allen was in attendance at tonight’s meeting because he thought there would be some discussion regarding the civil and criminal allegations on a property

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Audit Meeting

owner in Bethel that he filed and asked where the Board was at with this? Mr. Sturm indicated the Town is concluding examination. Mr. McEwan stated it is being investigated by Code Enforcement Officer and will be notified when complete.

Bill Burns thanked Board for taking a leadership roll for a farmer's market grant.

Literacy Center

June Barrett asked if any news for Youth Center? Mr. Sturm indicated the engineer is working on one contract instead of different bids.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk