

The November 18, 2009 Town Board meeting was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Bethel Senior Center.

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

Others present: Robert McEwan, Town Attorney

The meeting was opened with the Pledge of Allegiance.

**Approve Monthly Audit of Bills**

<b><u>Fund</u></b>	<b><u>Amount</u></b>	<b><u>Voucher #'s</u></b>
Highway	\$426,903.49	1003 & 4390-4419
General	\$140,538.46	1004 & 24746-24782
KL Sewer District	\$ 21,626.72	1484-1502
KL Light District	\$ 1,860.85	613-614
Planning & Zoning Escrow	\$ 3,550.60	1091-1092
Leachate System	\$ 107.20	1017
1 7B West Sewer Extension	\$ 19,212.63	1122

Motion by Mr. Blais to approve monthly audit of bills, seconded by Mrs. Simpson, put to a vote and carried 5-0.

**October Town Clerk's Report**

Total Local Shares Remitted:	\$5,934.36
Total State and County Revenues:	\$3,199.71

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

**#177 Authorize Reliev for unpaid 2009 Kauneonga Lake Sewer District Fees**

**RESOLUTION TO AUTHORIZE RELEVY OF UNPAID SEWER RENTS  
FOR KAUNEONGA LAKE CONSOLIDATED SEWER DISTRICT  
ON THE 2010 TAX ROLL**

**WHEREAS**, that the Town Board of the Town of Bethel has adopted the following resolution for the relevy of unpaid sewer user charges in the Kauneonga Lake Consolidated Sewer District,

**RESOLVED**, that the Town Board of the Town of Bethel does hereby authorize the Supervisor to transmit to the Sullivan County Legislature for presentation the following list of properties against which there are past due sewer user charges owed to the Kauneonga Lake Consolidated Sewer District for 2009,

**FURTHER**, that the County Legislature relevy as unpaid sewer user charges the sum specified against the properties as identified by section, block and lot number preceding the amount of arrears on the 2010 Tax Roll of the Town of Bethel as attached.

<b>Kauneonga Lake Consolidated Sewer District</b>	<b>\$68,114.01</b>
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Motion by Councilman Robert Blais, seconded by Councilwoman Vicky Simpson and unanimously adopted this 18<sup>th</sup> day of November, 2009.

**#178 Authorize Reliev for unpaid 2009 Stevensville Water District Fees**

**RESOLUTION TO AUTHORIZE RELEVY OF UNPAID WATER RENTS  
FOR OUT OF DISTRICT USERS OF THE STEVENSVILLE CONSOLIDATED  
WATER DISTRICT ON THE 2010 TAX ROLL**

**WHEREAS**, that the Town Board of the Town of Bethel has adopted the following resolution for the relevy of unpaid water rents for out of district users in the Stevensville Consolidated Water District,

**RESOLVED**, that the Town Board of the Town of Bethel does hereby authorize the Supervisor to transmit to the Sullivan County Legislature for presentation the following list of properties against which there are past due water rents owed to the Stevensville Consolidated Water District for 2009,

**FURTHER**, that the County Legislature relevy as unpaid water rents the sum specified against the properties as identified by section, block and lot number preceding the amount of arrears on the 2010 Tax Roll of the Town of Bethel as attached.

**Stevensville Consolidated Water District                      \$1,562.07**

Motion by Councilman Richard Crumley, seconded by Councilwoman Vicky Simpson and adopted this 18<sup>th</sup> day of November, 2009.

**#179 Authorize Relevy for unpaid 2009 Swan Lake/Briscoe Sewer District Fees**

**RESOLUTION TO AUTHORIZE RELEVY OF UNPAID SEWER RENTS  
FOR OUTSIDE USERS SWAN LAKE/BRISCOE ROAD CONSOLIDATED  
SEWER DISTRICT ON THE 2010 TAX ROLL**

**WHEREAS**, that the Town Board of the Town of Bethel has adopted the following resolution for the relevy of unpaid sewer rents for outside users in the Swan Lake/Briscoe Road Consolidated Sewer District,

**RESOLVED**, that the Town Board of the Town of Bethel does hereby authorize the Supervisor to transmit to the Sullivan County Legislature for presentation the following list of properties against which there are past due sewer rents owed to the Swan Lake/Briscoe Road Consolidated Sewer District for 2009,

**FURTHER**, that the County Legislature relevy as unpaid sewer rents the sum specified against the properties as identified by section, block and lot number preceding the amount of arrears on the 2010 Tax Roll of the Town of Bethel as attached.

**Swan Lake/Briscoe Road Consolidated Sewer District    \$1,835.58**

Motion by Councilman Robert Blais, seconded by Councilman Richard Crumley and duly adopted this 18<sup>th</sup> day of November, 2009.

**Sewer Sludge Removal Bid Results**

Sealed bids were received and publicly open and read on November 17, 2009 at the Town Clerk's Office with Eda LaPolt and Michael Collins present. The following bids were received:

<b><u>Vendor</u></b>	<b><u>Amount</u></b>
Enviroventures Narrowsburg, NY	\$120/ton 1 <sup>st</sup> & 2 <sup>nd</sup> year

Spectraserv South Kearny, NJ	\$130/ton 1 <sup>st</sup> & 2 <sup>nd</sup> year
WeCare Transportation Jordan, NY	\$110/ton first year \$100/ton second year
Solid Waste Svcs Audubon, PA	\$858 per 20 cu yds.* plus \$65/ton composting Broke out by tonnage: 10 tons = \$150. 15 tons = \$122.

\*20 cu. yds. = approx. 10-15 tons

### **#180 Award Sewer Sludge Removal Bid**

Motion by Mr. Blais to award bid to We Care, seconded by Mrs. Simpson, put to vote and carried 5-0.

### **Correspondence Justice Block**

Correspondence has been received from Town Justice Howard Block. Motion by Mrs. Simpson to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0. Mr. Sturm asked for questions or comments from the Town Board. Mr. Sturm is available to hear his questions and to explain why he is not getting a cost of living increase. Ms. Frangipane asked if Mr. Sturm would reach out to Justice Block. Mr. Sturm indicated he will make himself available. Ms. Frangipane asked if Mr. Sturm would call Justice Block; Mr. Sturm indicated he would call.

### **Correspondence from Arlene Krasnoff regarding the state burn permits**

Correspondence has been received from Arlene Krasnoff regarding the new statewide burn permit law and the incorrect name posted for her road. Copy of her letter given to Highway Superintendent. Town Clerk will send Mrs. Krasnoff copy of the new burn regulations. Motion by Mr. Blais to receive and file, seconded by, put to a vote and carried 5-0.

### **#181 Re-appoint Donna Tyler to the Board of Assessment Review (5-year term)**

Motion by Mrs. Simpson to re-appoint Donna Tyler to the Board of Assessment Review for a 5 year term (10/1/2009-9/30/2014, seconded by Mr. Crumley, put to a vote and carried 5-0.

### **Correspondence from Luzon Station**

Mr. Sturm indicated sometimes correspondence is not read due to offending an employee. Motion by Mr. Blais to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

### **Correspondence Boy Scout Troop 86**

Correspondence has been received from White Lake Boy Scout Troop 86 indicating members are needed. Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 5-0.

### **#182 Resolution adopting a negative declaration for SEQR**

Mr. Sturm read resolution adopting a negative declaration.

## **NEGATIVE DECLARATION UNDER SEQRA**

## **RESOLUTION DETERMINING SIGNIFANCE UNDER SEQRA WITH RESPECT TO AN AMENDMENT OF THE ZONING CODE**

**WHEREAS**, the Town Board of the Town of Bethel (“Town Board”) heretofore adopted a Zoning Code under the authority of the NY Town Law § 261, which Zoning Code appears as Chapter 345 of the Town Code of the Town of Bethel (the “Town Code”); and

**WHEREAS**, the Town Board has determined that revisions to its Zoning Code are desirable and necessary; and

**WHEREAS**, the Town prepared a Full Environmental Assessment Form (“EAF”) for the proposed action, which EAF has been fully reviewed by the Town Board; and

**WHEREAS**, upon review of the Application, the Town Board, which declared itself to be lead agency under SEQRA by resolution dated August 26, 2009, 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 compared the EAF to the thresholds for classifying this action as set forth in 6 NYCRR §§ 617.4 and determined that the project constitutes a Type 1 action pursuant to SEQRA; and

**WHEREAS**, the Town Board declared itself to be lead agency under SEQRA on August 26, 2009; and

**WHEREAS**, the proposed action was referred to the Sullivan County Division of Planning and Environmental Management (“County Planning Department”) pursuant to Sections 239-m and 239-n of the General Municipal Law; and

**WHEREAS**, by correspondence dated September 24, 2009, the County Planning Department stated its opinion that the proposed action will have no adverse inter-community impacts and determines further that the proposed zoning amendment will have positive inter-community impacts; and

**WHEREAS**, the proposed action was referred to the Town of Bethel Planning Board for its review and recommendation in accordance with Town Code § 345-48; and

**WHEREAS**, by correspondence dated September 9, 2009, the Town of Bethel Planning Board reported that it recommended the proposed amendment to the Zoning Code.

**NOW, THEREFORE BE IT RESOLVED** that, pursuant to SEQRA, the Town Board of the Town of Bethel, based upon its review of the EAF makes the determinations set forth below; and be it

**FURTHER RESOLVED** the Town Board determines that according to its review of the EAF, including the expanded Part 3 thereof, there will be no significant adverse impacts on the environment as measured against the criteria for determining significance under 6 NYCRR § 617.7(c); and be it

**FURTHER RESOLVED**, that the findings made by the Town Board under its SEQRA review of the Zoning Code Amendments adopted under Local Law No. 1 of 2009 are not significantly altered by the action herein taken; and be it

**FURTHER RESOLVED**, this resolution is a Negative Declaration under SEQRA and the information required by 6 NYCRR § 617.12(a) is attached hereto and incorporated herein; and be it

**FURTHER RESOLVED**, the Town Board hereby directs the Secretary of the Board to file a copy of this resolution with (a) the Supervisor of the Town of Bethel, (b) the lead agency, (c) all involved agencies, and (d) any person who has requested a copy; and be it

**FURTHER RESOLVED**, that the Town Clerk publish a copy of the Negative Declaration attached to the resolution in the *Environmental Notice Bulletin* as required by 6 NYCRR § 617.12(c).

**FURTHER RESOLVED**, that this resolution shall take effect immediately.

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

	AYE	NAY
Robert Blais	X	
Richard Crumley	X	
Denise Frangipane	X	
Victoria Simpson	X	
Daniel Sturm	X	

Duly adopted by 5 ayes, 0 nays the 18<sup>th</sup> day of November, 2009.

### **NEGATIVE DECLARATION**

The Lead Agency:

**TOWN OF BETHEL TOWN BOARD**

3454 Route 55  
PO Box 300  
White Lake, New York 12786

Contact Person:

Daniel Sturm, Supervisor  
3454 Route 55  
PO Box 300  
White Lake, New York 12786

Telephone Number: (845) 583-4350

A Description of the Action:

The action consists of an amendment to the Town Zoning Code.

SEQRA Classification: Type I.

The Potential Environmental Impacts:

No potential significant environmental impacts are present and an environmental impact statement will not be prepared.

The Location of the Action:

The action consists of a zoning map amendment affecting the H-17 Hamlet Center, RD-R Rural Development Residential, RS Residential Settlement, CS Community Settlement, and C-17B Highway Commercial zoning districts.

**#183 Resolution adopting proposed local law #3-2009**

Mr. Sturm read resolution adopting proposed local law #3 2009

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
ADOPTING A LOCAL LAW TO AMEND CHAPTER 345 "ZONING"  
OF THE TOWN CODE OF THE TOWN OF BETHEL**

**WHEREAS**, the Town Board of the Town of Bethel (“Town Board”) heretofore adopted a Zoning Code under the authority of the NY Town Law § 261, which Zoning Code appears as Chapter 345 of the Town Code of the Town of Bethel (the “Town Code”); and

**WHEREAS**, in December 2006 the Town of Bethel adopted a Comprehensive Plan and Local Law No. 5 of 2006, which although Local Law No. 5 of 2006 implemented certain revisions to the Zoning Code, the Town had not adopted appropriate and necessary Zoning Code revisions and amendments to implement fully the aims, intents and plans embodied in the Comprehensive Plan for certain zoning districts in the Town; and

**WHEREAS**, the Town subsequently conducted a lengthy review to determine all necessary and appropriate amendments and revisions to the Zoning Code for the AG (Agricultural), RS (Residential Settlement), R-17B (Rural Gateway) and the creation of the RD (Rural Development) and the F-C (Forest Conservation) districts; and

**WHEREAS**, the Town Board then introduced Local Law No. 1 of 2009 to amend the Town’s Zoning Code, and on January 28, 2009 determined that the proposed action was a Type I action under the State Environmental Quality Review Act (“SEQRA”), and established itself as lead agency for SEQRA review purposes; and

**WHEREAS**, the Town Board, acting as lead agency under SEQRA, completed all of its obligations under SEQRA, which included the preparation of a comprehensive environmental impact statement, and adopted a positive findings statement permitting the Town Board to enact Local Law No. 1 of 2009 containing the proposed amendments to the Zoning Code; and

**WHEREAS**, Local Law No. 1 of 2009, adopting the amendments to the Zoning Code, was enacted on June 24, 2009; and

**WHEREAS**, the Town Board has continued to evaluate the Zoning Code to assess whether any further amendments to the Zoning Code are necessary to implement fully the aims, intents and plans embodied in the Comprehensive Plan, and to promote and protect the health, safety and welfare of the Town’s residents; and

**WHEREAS**, as set forth in the Town of Bethel Comprehensive Plan, the H-17B Zoning District was established to create a higher density commercial and mixed-use neighborhood of high quality around White Lake, where sewer services are readily available, pedestrian linkages can be effectively created and it is possible to establish a destination shopping center within the Town; and

**WHEREAS**, the H-17B Zoning District was also established as a gateway Zoning District within the Town of Bethel, along the primary travel corridors which are utilized to access Bethel Woods and which should supply a quality image of the Town and County to travelers along such corridors; and

**WHEREAS**, land area within the current H-17B Zoning District, especially within the area of White Lake, is generally limited to a total depth from NYS Route 17B of 250 feet, and divides many lots which exist within the H-17B Zoning District; and

**WHEREAS**, the configuration of the H-17B Zoning District has the potential to constrain the establishment of mixed commercial uses and destination shopping centers within the Zoning District where such constraint is unnecessary given the availability of sewer service from the KLSD; and

**WHEREAS**, attached hereto is a copy of Local Law No.3 of 2009 enacting the amendments to the Town of Bethel Zoning Code, which was introduced on August 26, 2009; and

**WHEREAS**, the Town Board provided due notice of a public hearing regarding the terms of Local Law No. 3 of 2009; and

**WHEREAS**, on November 4, 2009, the Town Board conducted a public hearing during which comments were presented and received in connection with the proposed amendment of the Zoning Code as set forth in Local Law No. 3 of 2009; and

**WHEREAS**, the Town Board forwarded a copy of the proposed Local Law No. 3 of 2009 to the County of Sullivan Division of Planning and Environmental Management (“Division of Planning”) in accordance with General Municipal Law § 239-m; and

**WHEREAS**, by correspondence dated September 24, 2009, the Division of Planning stated its opinion that the proposed action will have no adverse inter-community impacts and determines further that the proposed zoning amendment will have positive inter-community impacts.

**NOW THEREFORE, BE IT RESOLVED**, that Local Law No. 3 of 2009, amending the Zoning Code of the Town Code of the Town of Bethel is hereby adopted; and be it

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

Motion by Town Board member Denise Frangipane, seconded by Town Board member Robert Blais, 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 18<sup>th</sup> day of November, 2009.

**Request from Highway Superintendent to abandon a portion of Keller Ave.**

Request has been received from Highway Superintendent to abandon a portion of Keller Avenue. Motion by Mr. Blais to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0. Bernie Cohen was present and stated he closed the road 2 years ago and blocked it off. Mr. Blais wants to make sure J & D Water still has a right-of-way. Mr. Lilley explained Mr. Gregoire is paying for all costs; 225’

**Bethel Motor Speedway renewal license for 2010 season**

Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5-0. Mr. Sturm needs to set public hearing for renewal permit. Mr. Sturm would like to have a meeting with Mr. Crumley and The Rockets first. Motion by Ms. Frangipane to have a meeting, seconded by Mr. Blais, put to a vote and carried 5-0.

**Correspondence from Mike Taylor for support to not building a new County Jail**

Correspondence from Mike Taylor asking for support to not build a new County Jail. Motion by Ms. Frangipane to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0. Ms. Frangipane asked if this comes up at Supervisor’s meetings.

**Town Supervisor Appointed as Chairman of S.C. Supervisor’s Association**

Mr. Sturm announced that he was appointed chairman of the Sullivan County Supervisor’s Association.

**#184 Authorize Attorney to Represent the Town for Upstate Land and Dev. Lawsuit**

Upstate land filed has filed a lawsuit against the new Town Zoning Law adopted June 24, 2009. Motion by Mr. Blais to appoint Rob McEwan to defend lawsuit, seconded by Ms. Frangipane, put to a vote and carried 5-0. Mr. Sturm mentioned that the Town’s insurance is not covering since they are not asking for any monetary damages.

**Youth Board Announcements**

Ms. Simpson announced there are two adult and two youth representatives needed on the Youth Board.

**Cancel December 23, 2009 Town Board Meeting**

Motion by Mr. Crumley to hold one meeting per month and to cancel the second meeting from December through March (December 23<sup>rd</sup>, January 20<sup>th</sup>, February 24<sup>th</sup> and March 24<sup>th</sup>), seconded by Mr. Blais.

Discussion ensued. Town Clerk Rita Sheehan pointed out the 2010 meeting schedule is set at the January re-organizational meeting and she could not cancel a meeting that was not yet scheduled and suggested to cancel one meeting at a time as it is easier to cancel a meeting than to re-publish one.

At the end of the discussion the question was put to a roll call vote with 4 ayes and 1 nay as follows:

Mr. Sturm	yes	
Mr. Crumley	yes	
Mr. Blais	yes	
Mrs. Simpson	yes	
Ms. Frangipane		no

**#185 Approve Planning Board Training and Credits**

Mrs. Simpson would like to approve the Planning Board receiving two hours of training on the new town zoning law. Motion by Mrs. Simpson to approve training credits, seconded by Ms. Frangipane, put to a vote and carried 5-0. Mr. Blais to approve having Rob McEwan and Allan Sorensen do training and new Planning Board attorney for Planning Board, Zoning board and Town Board.

Mr. Blais would also like approval for the Planning Board members who are on the Ag and Farmland Protection Committee to receive training 6 hours of credits for the year for attending the meetings.

Motion by Mr. Blais to approve 6 hours training credits for David Biren and Wilfred Hughson, seconded by Mrs. Simpson, put to a vote and carried 5-0.

**Tax Notice Insertion**

Ms. Frangipane mentioned that a lot of houses do not have their 911 number posted and suggestion to include on the tax notice going out in January a reminder to post. Motion by Ms. Frangipane to include 911 inserts in tax bills, seconded by Mr. Blais, put to a vote and carried 5-0.

**#186 Bathroom at Transfer Station**

Mr. Crumley stated we need bathroom at transfer station for workers and maybe Lynden Lilley can do the work. Town Clerk pointed out we have water year-round coming from the pool to the kennel and the kennel is also heated. Motion by Mr. Crumley, seconded by Mr. Blais, put to a vote and carried 5-0.

**Adjournment**

There being no further business Mr. Crumley moved to adjourn the meeting, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Respectfully submitted,

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Rita J. Sheehan, Town Clerk