

The August 12, 2015 Town Board meeting was called to order by Supervisor Daniel Sturm at the Dr. Duggan Community Center at 7:30 p.m.

Council Members Present: Vicky Simpson
Bernard Cohen
Dawn Ryder
Lillian Hendrickson

The meeting was opened with the Pledge of Allegiance.

Audit of Bills

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

<u>Fund</u>	<u>Amount</u>	<u>Check No.</u>
General Fund	\$283,162.83	5364-5456
Highway Fund	\$208,963.48	3389-3425
Kauneonga Lake Sewer Dist	\$ 34,672.10	2325-2348
Kauneonga Lake Light Dist	\$ 1,712.13	1095
Planning & Zoning Escrow	\$ 4,633.65	1079-1085

Supervisor’s Monthly Report

Supervisor’s monthly report for July has been filed with the Town Clerk. Motion by Mrs. Ryder to receive and file Supervisor’s Monthly Report, seconded by Mrs. Simpson.

Building Department Monthly Report

Building Department Report for the month of July has been filed with the Town Clerk.

2015 fees \$4,501 2014 fees \$3,161

2015 July construction Total \$681,700
2014 July construction total \$411,700.

Motion by Mrs. Simpson receive and file Building Department Monthly Report, seconded by Mr. Cohen put to a vote and carried 5-0.

New Property Violation Reports:

527 Lt. Brender Hwy. (Romaniv) Tax Map # 9.-1-82

Building Department report has been received and is requesting an engineer to report on the condition of the property. Motion by Mr. Cohen to approve the engineering report, seconded by Mrs. Simpson, put to a vote and carried 5-0.

13 W. Sullivan Place (Althaus) Tax Map #42.-8-8

Building Department report has been received and is requesting an engineer to report on the condition of the property. Motion by Mrs. Hendrickson to approve the engineering report, seconded by Mrs. Simpson, put to a vote and carried 5-0.

20 W. Sullivan Place (Locicero) Tax Map #42.-7-21

Building Department report has been received and is requesting an engineer to report on the condition of the property. Motion by Mrs. Simpson to approve the engineering report, seconded by Mrs. Ryder, put to a vote and carried 5-0.

36 W. Delaware Place (Behr)

Tax Map #42.-4-18

Mr. Sturm asked if the property owners have responded to the Building Department. Mrs. Gettel replied, no. Motion by Mrs. Ryder to table this item for a period of two weeks in order to be fair, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Update on Property Violations:

5 Hilltop Road (Burekovich)

Tax Map #28.-4-3

Mr. Sturm reported that the property owner has contracted with an independent company to remove the unsafe structure, demolition permit issued on July 30, 2015 and Building Department reported on August 7, 2015 that the structure was removed, site cleaned up, sewer line capped and all is o.k. Motion by Mrs. Simpson to receive and file, seconded by Mrs. Ryder, put to a vote and carried 5-0.

10 W. Walnut Street (Gomez)

Tax Map #42.-5-2

Mr. Sturm reported that a demolition permit was issued on August 5, 2015. Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Public Hearing – 7:45 p.m. Taconic Trail (Egan/Bues)

Motion by Mrs. Simpson to open the public hearing at 7:45 p.m. for the property located at 52 Taconic Trail, Section Block and Lot #46.-15-2.4, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Town Clerk, Rita Sheehan, read the legal notice publicizing the hearing.

Mrs. Hendrickson stated that this is an awful mess.

Sharon Weiser thanked the Bethel Town Board.

Bob Barrett the property condition does not represent Smallwood; commercial business is not allowed in a residential area.

Motion by Mrs. Simpson to close the public hearing at 7:47 p.m. seconded by Mrs. Hendrickson, carried 5-0.

Seek Sealed Bids for Removal of Unregistered Vehicles

Mr. Sturm suggested to send out to be bid to tow and store all unregistered vehicles except one.

Motion by Mrs. Simpson seek sealed bids for towing and storage of all unregistered vehicles except one, seconded by Mrs. Ryder, put to a vote and carried 5-0.

Speed Limit request Fairweather Road

Request to reduce the speed limit on Fairweather Road has been received from Roger Kimmis.

Speed limit request Butrick Road

Request to reduce the speed limit on Butrick Road has been received from Ronald Roser.

Motion by Mrs. Cohen to file TE-9a with County Superintendent to request a lower speed limit of 35 mph on Fairweather Road and Butrick Road, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Correspondence Cornell Local Roads – Level 1 Road Master Program

Correspondence has been received from Cornell Local Roads Program announcing that the Highway Superintendent William Crumley has completed the requirement for Level I of their road Master recognition program. Motion by Mrs. Simpson to receive and file, seconded by Mrs. Ryder, put to a vote and carried 5-0.

Town Clerk's Monthly Report

Total	\$8,942.14
State	\$1,097.85
Local	\$7,844.29

Motion by Mr. Cohen to receive and file Town Clerk's Monthly Report, seconded by Mrs. Ryder, put to a vote and carried 5-0.

6-Month review of Sewer Superintendent Appointment

Mr. Sturm reported that Michael Collins was appointed as Sewer Superintendent 6 months ago at a salary of \$41,000 and is doing an exceptional job, leadership, and initiative. Has doubled the septage, very important, increased revenue. Septage revenue was \$24,000 in 2014 and to-date this year the revenue is at \$48,000. He sets goals and on time. Based on similar pay in other municipalities it is reasonable to increase to \$45,000. Mrs. Hendrickson absolute superb job. Motion by Mrs. Hendrickson to increase salary to \$45,000. seconded by Mrs. Simpson, put to a vote and carried 5-0.

Cancel September 23rd Town Board Meeting & Reschedule for September 24th

Motion by Mrs. Hendrickson to cancel regularly scheduled Town Board Meeting of September 23, 2015 and set a special meeting on September 24, 2015 at the Dr. Duggan Community Center, seconded by Mr. Cohen, put to a vote and carried 5-0.

Notice of temporary reduced speed CR 144

Notice of restricted Highway has been received from the county Commissioner of Public Works for CR 144 starting on August 3, 2015 for 25 days with a restricted speed limit of 35 mph from the intersection of CR 143 west to the intersection of SR 52 (3.78 miles). Motion by Mrs. Simpson to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0.

Correspondence to Ken Bovo - Parking and Campground Use

Robert McEwan on behalf of the Town of Bethel has sent a letter to Ken Bovo regarding his property on Dr. Duggan Road that may be utilized as a parking area during the weekend of August 14-16th. Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Junkyard License renewal application – Seven-X Motors

Seven-X Motors has filed their renewal application. Motion by Mr. Cohen to receive and file application, seconded by Mrs. Ryder, put to a vote and carried 5-0. Mr. Sturm read the resolution and agreement items.

Resolution Authorizing the Issuance of a Renewal Junkyard License

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL
AUTHORIZING THE RENEWAL OF A JUNKYARD LICENSE
IN ACCORDANCE WITH SECTION 136
OF THE GENERAL MUNICIPAL LAW**

WHEREAS, The Town Board of the Town of Bethel is in receipt of an application to renew a junkyard license made by Eric Alleva on behalf of Seven X Motors, Inc. (hereafter, jointly, the “Applicant”); and

WHEREAS, it appears that the Applicant has a junkyard operation located at 954 State Route 17B also known on the tax map for the Town as SBL 38.-2-61.1 and the Applicant first obtained a junkyard license and certificate of approved location from the Town in 1993 for this location; and

WHEREAS, it appears that the Applicant has been the subject of recent enforcement activities initiated by the Code Enforcement Officer for Town of Bethel which has included the issuance of Notices of Violation for violation of Chapter 279 of the Town Code (Solid Waste), Chapter 345 of the Town Code (Zoning); as well as violations of the Real Property Maintenance Code, which violations and their resolution appear to have been reduced to an agreement between the Town and the Applicant (the “Agreement”); and

WHEREAS, it appears that the Applicant has made progress toward addressing and remedying the violations referenced herein.

NOW, THEREFORE BE IT RESOLVED, the Town Board of The Town of Bethel hereby authorizes the renewal of the junkyard license upon the following terms and conditions:

1. In accordance with the Seven-X Motors Screening Plan (the “Screening Plan”), prepared by Restaino Design Landscape Architecture, PC, and attached hereto, the Applicant shall plant five (5) White Spruce trees (also known as *picea glauca*) on the southeasterly portion of Lot 60. These plantings shall be in compliance with the Planting Detail Coniferous Tree (the “Planting Detail”) prepared by Restaino Design Landscape Architecture, PC, a copy of which is attached hereto;

2. In accordance with the, the Applicant shall plant seven (7) White Spruce trees (also known as *picea glauca*) on the westerly side of center of Lot 60. These plantings shall be in compliance with the Planting Detail;

3. In accordance with the Screening Plan, the Applicant shall plant five (5) Ninebark shrubs (also known as *physocarpus opulifolius* “*coppertina*”) in the northeasterly corner of SBL 38.-2-60, which parcel of land is also owned by the Applicant;

4. In accordance with the Screening Plan, and with the permission of the adjoining land owner to the west of SBL 38.-2-61.1, the Applicant shall plant three (3) Canadian Hemlock trees (also known as *tsuga canadensis*) to screen areas that are open to views of the junkyard from the west;

5. All of the trees and bushes identified in paragraphs 1, 2, 3 and 4 hereof shall be planted on or before October 30, 2015, and shall be replaced promptly if they die;

6. The Applicant shall permanently affix green privacy screening, with a minimum screening blockage of 93%, to the existing metal fencing and storage containers along the north portion of SBL 38.-2-61.1, facing Gale Road. The Applicant shall also permanently affix green privacy screening, with a minimum screening blockage of 93%, to the exterior of the existing burlap fence, at the rear of the property, facing Gale Road. The Applicant shall affix the privacy screening in a professional and attractive manner. All of the privacy screening shall be installed on or before September 30, 2015 and maintained thereafter;

7. The Applicant shall conduct the junkyard business solely on SBL 38.-2-61.1 and shall not allow any junkyard waste or debris to accumulate on any other parcel of land whether owned by the Applicant or another;

8. The junkyard license shall not take effect until the Applicant pays the statutory fee of \$25 to the Town;

9. The Applicant shall comply with applicable laws, including those governing the storage and disposal of solid waste and debris. Because the junkyard license is conditionally issued, any material failure to perform any of the forgoing conditions shall be grounds for revocation of the license;

10. The Applicant shall sign and deliver the Agreement within 48 hours of the adoption of this Resolution; and be it

FURTHER RESOLVED, that the Town Board finds and determines that the screening and fencing requirements set forth in this Resolution adhere to the requirements of General Municipal Law §136(11) which provides, in part, that “where the topography, natural growth of timber or other considerations accomplish the purposes of this chapter in whole or in part, the fencing requirements hereunder may be reduced by the legislative body, upon granting the license, provided, however, that such natural barrier conforms with the purposes of this chapter;” and be it

FURTHER RESOLVED, that this junkyard license is an annual license and shall expire by its own terms on December 31, 2015; and be it

FURTHER RESOLVED, that the action contemplated by this resolution is a Type II action under the State Environmental Quality Review Act in accordance with 6 NYCRR 617.5 (19) because the issuance of a junkyard license by the Town is a ministerial act; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

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

		AYE	NAY
Bernie Cohen	Voting	x	
Lillian Hendrickson	Voting	x	
Dawn Ryder	Voting	x	
Vicky Simpson	Voting	x	
Daniel Sturm	Voting	x	

Duly adopted by 5 ayes, 0 nays the 12th day of August, 2015.

Boymelgreen Septic Waiver Application

Comments from Planning Board

As requested by the Town Board, the Planning Board has submitted comments on August 7, 2015 regarding the Boymelgreen septic waiver application. The Planning Board is not recommending the granting of the waiver by the Town Board. Motion by Mrs. Hendrickson to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0. Planning Board Minutes of August 3, 2015 were attached.

Correspondence Elizabeth Cassidy

Correspondence dated August 10, 2015 has been received from Elizabeth Cassidy, attorney for Shaya Boymelgreen regarding the Planning Board’s decision as arbitrary and capricious for several reasons including: 1) the size of the house does not dictate the type of septic system employed, 2) the Town Board has already granted a

septic waiver for this property, 3) the Planning Board's present recommendation is inconsistent with its prior determination, and 4) the Town Board is bound by the Planning Board's Negative Declaration. Motion by Mrs. Simpson to receive and file, seconded by Mrs. Hendrickson, put to a vote and carried 5-0. Attachments include January 4, 2011 McGoey Technical comments; January 3, 2011 Memo from Code Enforcement Officer; January 5, 2011 Town Board Minutes; June 15, 2011 Planning Board resolution.

Correspondence McGoey, Hauser & Edsall

Correspondence has been received dated August 12, 2015 from McGoey, Hauser & Edsall indicating the soil testing may not be in compliance with Town Code and that three of the per tests have rates that are too fast. Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Correspondence Frances & Thomas Randazzo

Correspondence dated August 12, 2015 has been received from Frances and Thomas Randazzo requesting not to grant the waiver. Motion by Mrs. Hendrickson to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0.

Correspondences Gary Bucki & Stephen Bianco

Correspondences has been received from Gary Bucki and Stephen Bianco, both requesting not to grant the waiver. Motion by Mrs. Hendrickson to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0.

Mrs. Cassidy did not receive a copy of McGoey's letter; due fairness to applicant that she is able to respond.

Resolution of the Town Board

Mr. Sturm read the resolution. Mr. McEwan read the analysis he prepared.

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
DENYING AN APPLICATION FOR A WAIVER
SUBMITTED PURSUANT TO TOWN CODE §257-62(G)**

WHEREAS, the Town Board of the Town of Bethel (the "Town Board") is in receipt of an application for a waiver submitted on behalf of Boymelgreen Developers (the "Developer") pursuant to Town Code §257-62(G) in connection with a minor subdivision application pending before the Town of Bethel Planning Board (the "Planning Board"); and

WHEREAS, the waiver sought seeks relief from certain requirements of Chapter 257 of the Town Code that apply to on-site wastewater treatment systems; and

WHEREAS, the real property which is the subject of the minor subdivision application consists of approximately 28.3 acres located on Lakeview Drive in the Town of Bethel and consists for four planned residences (the "Project"); and

WHEREAS, the Town Board is in receipt of an engineering report prepared on behalf of the Developer by Joseph Gottlieb, PC. The initial report submitted to the Town Board was dated February 27, 2015 and a revised report was submitted under the date of April 28, 2015; and

WHEREAS, the application for waiver was deemed complete by Resolution of the Town Board adopted on July 22, 2015;

WHEREAS, the Town Board possess and has previously considered two pieces of relevant correspondence, dated June 3, 2015 and June 26, 2015, as well as a recent letter dated August 12, 2015, all received from Michael Weeks, PE of McGoey, Hauser and Edsall Consulting Engineers, D.P.C. ("MHE") acting as engineers for the Town in

connection with the Project, which correspondence commented upon the two versions of engineering reports submitted on behalf of the Developer; and

WHEREAS, the Town Board is in receipt of correspondence, dated August 7, 2015, from the Town Planning Board for its recommendation as to the pending application, which correspondence was solicited by the Town Board pursuant to Town Code §257-62(G)(3)(b) and which includes minutes of the August 3, 2015 Planning Board meeting; and

WHEREAS, the Town Board is in receipt of correspondence and SEQRA-related documents relevant to the Project requested from the Town Planning Board; and

WHEREAS, the Town Board is in receipt of Project-related correspondence from the attorney for the Developer, Elizabeth Cassidy, Esq., the most recent of which is dated August 10, 2015, and from James Bacon, Esq., an attorney retained by a local resident who has offered criticism of the Project; and

WHEREAS, the Town Board has reviewed the engineering reports submitted on behalf of the Developer, the comments to those reports made by the Town Engineer, the correspondence referenced in this Resolution, the SEQRA-related documents submitted by the Town Planning Board and the recommendation and minutes prepared and submitted on behalf of the Town Planning Board;

WHEREAS, in addition to the foregoing the Town Board acknowledges comments made by local residents living near to the Project area as well as comments made on behalf of the Developer by counsel, all of which comments were made during Town Board meetings at which the pending waiver application was discussed; and

WHEREAS, the Town Board incorporates by reference an analysis of the waiver application as reviewed against the requirements of Chapter 257 of the Town Code (the "Analysis").

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethel acts to receive and file correspondence received from the Planning Board, dated August 7, 2015, the correspondence from Elizabeth Cassidy, Esq., dated August 10, 2015 and the correspondence from Michael Weeks, dated August 12, 2015; and be it

FURTHER RESOLVED, based upon the findings of the attached Analysis, which is supported by the correspondence received from Michael Weeks, dated August 12, 2015, the Developer is not presently entitled to a waiver from the requirements of section 257-62 of the Town Code and its application is denied.

FURTHER RESOLVED, that the Town Clerk shall mail a copy of this Resolution and the attached Analysis to the Developer.

Motion by Town Board member Dawn Ryder, seconded by Town Board member Lillian Hendrickson, and adopted upon a roll call vote as follows:

		AYE	NAY
Bernie Cohen	Voting	X	
Lillian Hendrickson	Voting	X	
Dawn Ryder	Voting	X	
Vicky Simpson	Voting	X	
Daniel Sturm	Voting	X	

Duly adopted by 5 ayes, 0 nays the 12th day of August, 2015.

Resolution to authorize JCAP Grant application

RESOLUTION AUTHORIZING THE SUBMISSION OF A 2015-2016 JUSTICE COURT ASSISTANCE PROGRAM GRANT APPLICATION FOR FUNDING THROUGH THE STATE OF NEW YORK UNIFIED COURT SYSTEM

WHEREAS, the Town of Bethel has received notification from the Justice Court Assistance Program making funds available to Town and Village Justice Courts by the NYS Legislature and,

WHEREAS, Article 21-B allows for municipalities to apply for funding up to the maximum amount available for the purposes of enhancing the justice courts' ability to provide suitable and sufficient services to the community, and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Bethel Town Board:

1. Authorizes the submission of such grant application for funding and to provide any additional information as may be required;
2. Requests that at least one Town Justice must sign the original application and the Town Supervisor for submission to the NYS Office of Court Administration;
3. That one (1) certified copy of this Resolution be prepared and be included with the grant application as required and be sent to:

Justice Court Assistance Program
New York State Office of Court Administration
187 Wolf Road, Suite 103
Albany, NY 12205-1138

Motion by Vicky Simpson to approve resolution, seconded by Bernie Cohen, put to a vote and carried 5-0.

Correspondence Ian William Hawk Pammer

Correspondence from Denise & Bill Pammer's son, Ian, thanking Miss Cathy (Cathy McFadden) for her work at the summer program and swimming lesson. Motion by Mrs. Simpson to receive and file, seconded by Mrs. Ryder, put to a vote and carried 5-0.

Sullivan Renaissance Awards Announcement

Mr. Sturm announced the Town of Bethel awards from Sullivan Renaissance:

1. Satmar Bungalows - Community Mitvah Participant
2. Municipal Partnership Pilot Program
3. Khal Divrie Chaim - Community Mitzvah 2nd Place

Noise Permit application – Hector's Inn

Noise Permit Application has been received from Hector's Inn for August 14th – 15th, 2015 for amplified music. Motion by Mr. Cohen to approve 14th and 15th Noon – 2 a.m., seconded by Mrs. Ryder, put to a vote and carried 5-0.

Public Comments

Judith Maidenbaum, owner of the Fat Lady Café, indicated the parking has been better, she received about 5 letters a month; suggested not to give a \$100 parking ticket; may make it \$25? And to treat the Kauneonga Lake businesses the same as everyone else, not enough parking, reduce fines!

Adjournment

Motion by Mrs. Ryder to adjourn the meeting, seconded by Mr. Cohen, put to a vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk