

The June 10, 2015 Town Board meeting was called to order by Town Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Duggan Community Center.

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

Other Present: Robert McEwan, Attorney for the Town

The meeting was opened with the Pledge of Allegiance.

Reed System Invoice Discussion

Motion by Mrs. Hendrickson to table paying the Reed System Invoice for two weeks, seconded by Mrs. Simpson. Mrs. Hendrickson would like more information on the product.

Mr. Crumley stated he does not have to ask every time to pay a bill.

Mrs. Simpson explained to the public what the tank is and what product is used for. Mrs. Simpson did speak with the Highway Superintendent and wants everyone to know she is not in agreement with how it was purchased; did not do procurement, may not be safe to our lakes and streams, highly corrosive, is it installed safely? The Code Enforcement Officer feels it needs a catch basin. Mr. Crumley – has information for public and Town Board on product (distributed copies).

Mrs. Ryder – has researched and it is approved by the FDA, used in canned vegetables and it’s in our sports drinks. Has been used as a dusty agent and firms up the dirt roads. Not concerned. Mrs. Simpson – it does do good things but there are concerns it has negative impacts, we need to have more conversations.

Mr. Crumley no one on this board lives on dirt roads, you all live on asphalt roads. You are not breathing in this dust. Using as a treatment for Lee Cole Road, Brook Road, Royce Road, Crumley Van Vactor to reduce dust and it works.

Audit of Bills

Motion by Mrs. Hendrickson to approve the monthly audit of bills with discussion on the Reed System to be held after public hearing, seconded by Mrs. Simpson, put to a vote and carried 5-0 as follows:

<u>Fund</u>	<u>Check Nos.</u>	<u>Amount</u>
General Fund	5218-5303	\$283,511.08
Highway Fund	3308-3329	\$274,191.65
Sewer Fund	2277-2301	\$ 78,652.15
KL Light District	1093	\$ 1,987.14
Planning & Zoning Escrow	1073-1076	\$ 7,630.40

Public Hearing 7:45 p.m. – Property Maintenance/Unsafe Structure – (Gomez)

Motion by Mrs. Ryder to open the public hearing for the property located on West Delaware Place for property maintenance/unsafe structure, seconded by Mr. Cohen, put to a vote and carried 5-0. Town Clerk read legal notice for public hearing. Mr. Sturm read Glen Smith’s engineer report. Mr. Gomez was present.

Peter Conroy – concerned about hole, sooner it is filled in the better, needs to comply with regulations.

Bob Barrett – not against improving property, but is been 2 years, engineer report covers just about all of it. Not pond healthy, pond flows down to Smallwood Lake. If he wants to build 2 years is long enough, protect the view.

Lenny Gomez – Yes, it has taken 2 years, permits have been renewed, surveying property; a lot of wood there that is not garbage, received instructions how to pump water out of hole, need to cut trees, asking for more time to get estimate to remove trees, fill in hole and grade. Paid \$1,000 fine already. Did not mean to make anyone mad.

Mr. Cohen – How much time do you need? Mr. Gomez – waiting for quote from Viking Landscape in Middletown, end of month? Can wood stay to make forms?

Mr. McEwan – Mr. Gomez was last in Bethel Court on June 1st and the Court gave him until June 15th. He will be in Court again on June 22nd. Cleaning lot is important, but the hole is very important, it is an immediate concern.

Motion by Mrs. Simpson to receive and file engineer report, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Motion by Mrs. Ryder to close public hearing at 8:00 p.m., seconded by Mr. Cohen, put to a vote and carried 5-0.

West Delaware Discussion

Mr. Sturm noted that we can not go any further with promises. Mr. Gomez indicated will address hole before any other matters. Mr. Sturm suggested to authorize engineer to clean-up at town’s expense and relevy Mr. Gomez.

Mrs. Ryder stated she appreciates him coming and showing concern; hole is very disturbing.

Order to Remedy Property (Gomez)

TOWN OF BETHEL
COUNTY OF SULLIVAN

LENNY GOMEZ

Respondent.

ORDER

Issued pursuant to Chapter 113 of the Town of Bethel Code and NY Town Law §64(5-a) for action to be taken in connection with 10 West Walnut Street, Smallwood, known as Bethel Tax Map #: 42-5-2 in the Town of Bethel, County of Sullivan, State of New York.

WHEREAS, it appears that Lenny Gomez (the “Respondent”) is the owner of certain real property more particularly described in the caption hereof (the “Property”); and

WHEREAS, it appears that certain activities have taken place on Property including but not limited to the following: the demolition of a bungalow formerly located on the Property; the storage of the waste from the former bungalow on the Property; the storage on the Property of logs, stumps, rubbish and brush cleared from the Property; the excavation of a hole, measuring approximately 40 feet by 60 feet in size and approximately six to eight feet in depth at the location of the former bungalow; and the storage of lumber, concrete blocks and building materials on the Property; and

WHEREAS, the Respondent has been served with an Information and an Appearance Ticket for violation of various provisions of the Town Code and has been

fined and ordered by the Town of Bethel Justice Court to take certain remedial steps to address these violations; and

WHEREAS, the Town of Bethel issued a notice of hearing dated May 28, 2015 to the Respondent which notice of hearing was served personally on Respondent in open Court on June 1, 2015 at the Town of Bethel Justice Court in White Lake, NY and was published in the *Sullivan County Democrat* on June 2, 2015; and

WHEREAS, the notice of hearing provides that a public hearing pursuant to Chapter 113 of the Town of Bethel Code would be conducted at the Dr. Duggan Community Center in White Lake, NY, on June 10, 2015 at 7:45 PM; and

WHEREAS, such public hearing was conducted on June 10, 2015 at the time and place set forth in the notice of hearing and the Respondent appeared and testified at the hearing; and

WHEREAS, the Town requested an inspection of the Property by Glenn L. Smith, PE, Consulting Engineer, P.C., the Engineer retained by the Town to inspect the Property (“the Town Engineer”); and

WHEREAS, the Town Engineer inspected the Property on June 3, 2015 and prepared a report with findings dated June 4, 2015 (the “Engineer’s Report”), which Engineer’s Report was introduced at the hearing is attached to this Order and included herein by reference; and

WHEREAS, based upon the testimony adduced at the public hearing and the findings and recommendations contained in the Engineer’s Report, the Town Board of the Town of Bethel finds that the conditions found at the Property are a threat to the health and safety of the community and are in violation of the Town Code.

Based upon a motion by Town Board member Lillian Hendrickson, seconded by Town Board member Vicky Simpson, and adopted upon a roll call vote, the Town Board of the Town of Bethel, pursuant to the authority provided by Chapter 113 of the Town of Bethel Code and NY Town Law §64(5-a), hereby adopts the following Order:

IT IS, on this 10th day of June 2015,

ORDERED, that the Respondent shall implement the recommendations contained in the Engineer’s Report no later than June 24, 2015; and it is further

ORDERED, that the Respondent shall comply with any Order of the Town of Bethel Justice Court that relates to the Property within the time period established by said Court; and it is further

ORDERED, that if Respondent fails to comply with the material terms and conditions of this Order, the Supervisor for the Town of Bethel is authorized to implement the recommendations contained in the Engineer’s Report by taking the following steps: (i) soliciting by public bid the retention of a contractor or contractors to (a) remove and properly dispose of all waste, rubbish, debris located on the Property; (b) fill in the existing excavation to grade; (c) seed and mulch the Property to establish grass growth; (d) reopen the drainage ditch currently obstructed by a driveway as set forth in the Engineer’s Report; (e) grade the steep slope adjacent to the pond to conform to the recommendations in the Engineer’s Report and (f) take any other steps necessary to fully implement the recommendations contained in the Engineer’s Report or (ii) the request of the performance of any such work by the Town Highway Department; and it is further

ORDERED, that the authorization provided to the Town Supervisor in the preceding paragraph hereof includes the power to sign all documents, utilize and pay the necessary funds required to compensate any party retained pursuant hereto and to perform all other necessary acts to accomplish the requirements of this Order; and it is further

ORDERED, the total expense of the remedial activities described in this Order shall be assessed on the Property and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other town charges; and it is further

ORDERED, that in accordance with 6 NYCRR §617.5(c)(29) the action contemplated under this Order is a type II action under the State Environmental Quality Review Act (“SEQRA”) and no further environmental review is required; and it is further

ORDERED, that a copy of this Order shall be served on the Respondent either by personal service or by regular mail at his address located at 3680 Broadway, apartment 3C, New York, NY 10031; and it is further

ORDERED, that this Order shall take effect on the date of its adoption.

		<u>AYE</u>	<u>NAY</u>
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 10th day of June, 2015.

Hand Delivered to Mr. Gomez on 6/10/2015 at the Town Board Meeting.

Building Department Monthly Report

Building Department report for May has been received.

2015 May Fees	\$6,193	
2014 May Fees	\$4,809	
2015 May Construction Total		\$694,700
2014 May Construction Total		\$766,900

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

Town Clerk’s Monthly Report

Town Clerk’s Monthly report for May has been received.

Total Fees	\$8,770.49
State Share	\$ 669.79
Town Share	\$8,100.70

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

NYS D.O.T. Notice of Order – Hurd Rd Speed Limit

Notice of Order has been received from NYS Dept. of Transportation regarding the speed limit request on Hurd Road. The State has approved a lower speed limit of 45 mph on Hurd Road between Briscoe Road and a point 1.2 miles north of West Shore Road, a distance of 3.4 miles. Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Ryder, put to a vote and carried 5-0.

Correspondence McGoey, Hauser –Boymelgreen Sewer Waiver Review

Correspondence has been received from Michael Weeks, McGoey, Hauser & Edsall, regarding the Boymelgreen Sewer Waiver dated May 26, 2015. Motion by Mrs. Hendrickson to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0. Mr. McEwan pointed out that this letter is stamped DRAFT. Motion by Mrs. Hendrickson to rescind motion to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0. Mr. Sturm would like to ask the Town Planning Board for all letters, documents and SEQRA reviews for this project, from both engineers. Mr. McEwan mentioned the Town Board has not accepted this application as complete. Motion by Mr. Cohen to send memo to Building Departments for all public comments, engineer report, McGoey response and EAF Long from related, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Correspondence – Frances Randazzo – re: Boymelgreen Septic Waiver

Correspondence has been received from Frances Randazzo regarding the Boymelgreen septic waiver, seqr lead agency. Motion by Mr. Cohen to receive and file, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Letter of resignation – Walter Norris, Planning Board Alternate

Planning Board has received a letter of resignation from Walter Norris as alternate member to the Planning Board. Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0. Motion by Mrs. Simpson to advertise for alternate vacancy, seconded by Mrs. Ryder, put to a vote and carried 5-0.

Correspondence Town of Liberty – Joint Fuel Bid

Correspondence has been received from Town of Liberty inviting the Town to join the fuel bid for fuel oil, gasoline and diesel. Cost of joining the bid is \$100. Motion by Mrs. Ryder to approve joining bid, seconded by Mr. Cohen, put to a vote and carried 5-0.

Correspondence Smallwood-Mongaup Valley Fire Dept. – 5K

Correspondence from Smallwood-Mongaup Valley Fire Dept. requesting assistance from the constables for the 5K. Motion by Mr. Cohen to receive, file and approve, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Notice of Public Hearing for Ag District #4 – Eight-Year Review

Correspondence has been received from Sullivan County Division of Planning and Environmental Management regarding the eight-year review of Agricultural District #4 within the town's of Bethel, etal. A public hearing will be held by the County on June 18, 2015 at 1:40 p.m. Property owners within the district have been notified of opting out or in. Motion by Mrs. Simpson to receive and file, seconded by Mr. Mrs. Ryder, put to a vote and carried 5-0.

Introduce Proposed Local Law #1 – Chapter 279 Solid Waste

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
TO INTRODUCE A LOCAL LAW TO AMEND CHAPTER 279 “SOLID
WASTE” OF THE TOWN CODE OF THE TOWN OF BETHEL**

WHEREAS, the Town Board of the Town of Bethel (the “Town Board”) heretofore adopted regulations governing the storage and disposal of solid waste and recyclable material which regulations appear as Chapter 279 of the Town Code of the Town of Bethel (the “Town Code”); and

WHEREAS, it appears to be in the best interests of the Town to make amendments to Chapter 279 (Solid Waste) as said Chapter relates to the accumulation and disposal of rubbish and certain uses related thereto; and

WHEREAS, this Resolution introduces Local Law No. 1 of 2015 (a copy of which is attached hereto) which, if enacted, will amend Chapter 279 of the Town Code; and

WHEREAS, the Town Board determines that the proposed revisions to the Town Code (hereafter, the “action”) are subject to the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, “SEQRA”) as an unlisted action; and

WHEREAS, the Town will to act as lead agency for SEQRA review purposes.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby introduces the proposed Local Law No. 1 of 2015; and be it

FURTHER RESOLVED, that a public hearing on the proposed Local Law shall be scheduled for July 8, 2015 at 7:45 p.m. which public hearing shall be conducted at the Dr. Duggan Community Center, Meeting Room, 3460 Route 55, White Lake, NY 12786 and proper notice of the public hearing shall be duly given; and be it

FURTHER RESOLVED, that the Town Board of the Town of Bethel declares itself to act as lead agency under SEQRA and will provide notice of its intent to other involved agencies, if any, and will cause to be prepared a short environmental assessment form to assist the lead agency to conduct an environmental review of the proposed action; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

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

		<u>AYE</u>	<u>NAY</u>
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 10th day of June, 2015.

Introduce Proposed Local law #2 – Chapter 199 Junkyards

RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL TO INTRODUCE A LOCAL LAW TO ENACT CHAPTER 199 “JUNKYARD REGULATION” OF THE TOWN CODE OF THE TOWN OF BETHEL

WHEREAS, the Town Zoning Code Chapter 345 presently prohibits the establishment and operation of a junkyard. However, a number of junkyards exist within the Town and currently operate as pre-existing, non-conforming uses pursuant to a license issued in accordance with General Municipal Law section 138; and

WHEREAS, in addition to the licensed junkyards, it appears that there are a number of parcels of land located with the Town which have accumulated registered and unregistered trucks and automobiles in various stages of repair and other accumulations of rubbish and junk and that persons appear to be operating unlicensed junkyards or other depositories of junk and such uses put at risk the health and safety of the community; and

WHEREAS, it appears to be in the best interests of the Town to make enact a new chapter to the Town Code known and designated as Chapter 199 (Junkyard

Regulation) and Chapter will regulate currently licensed pre-existing, non-conforming junkyards through a permit process and prohibit all other junkyard uses; and

WHEREAS, this Resolution introduces Local Law No. 2 of 2015 (a copy of which is attached hereto) which, if enacted, will enact Chapter 199 (Junkyard Regulation) of the Town Code; and

WHEREAS, the Town Board determines that the proposed revisions to the Town Code (hereafter, the “action”) are subject to the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, “SEQRA”) as an unlisted action; and

WHEREAS, the Town will to act as lead agency for SEQRA review purposes.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby introduces the proposed Local Law No. 2 of 2015; and be it

FURTHER RESOLVED, that a public hearing on the proposed Local Law shall be scheduled for July 8, 2015 at 8:15 p.m. which public hearing shall be conducted at the Dr. Duggan Community Center, Meeting Room, 3460 Route 55, White Lake, NY 12786 and proper notice of the public hearing shall be duly given; and be it

FURTHER RESOLVED, that the Town Board of the Town of Bethel declares itself to act as lead agency under SEQRA and will provide notice of its intent to other involved agencies, if any, and will cause to be prepared a short environmental assessment form to assist the lead agency to conduct an environmental review; 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 10th day of June, 2015.

Notice of Public Hearing – Town of Lumberland

Notice of Public Hearing has been received from the Town of Lumberland for their local law amending the bulk tables of the zoning code on July 8, 2015 at 7:00 p.m. Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Ryder, put to a vote and carried 5-0.

Reed System Invoice Discussion

Mr. Cohen suggested to pay for the tank, anything else needs to come out of Highway Fund. Mrs. Hendrickson asked for Billy to call Reed Systems to let them know we are not paying. Mr. Sturm is concerned about chemical effects; new program, not okay how it was procured and installed, Town Board approval was required. Mr. Sturm made it clear that any expansion of program going forward will seek discussion with Town Board. Mr. Crumley handed out quoted to Town Board for tank, sprayer from other companies. Mr. McEwan stated there are several questions; did this need town board approval or not? Is there enough money in the budget? Has procurement been violated?

Mr. Sturm noted that any purchases between \$3,000 and \$10,000 need 3 quotes and Town Board approval.

Motion by Mrs. Hendrickson to table paying the Reed system Invoice, seconded by Mrs. Simpson, put to a roll call vote 4 ayes and 1 nay as follows:

Dawn Ryder	nay
Bernie Cohen	aye
Daniel Sturm	aye
Vicky Simpson	aye
Lillian Hendrickson	aye

Toronto Reservoir Access Road

Mr. Cohen reported that the Toronto Reservoir Access Road is in very bad condition. Mr. Sturm suggested a letter to Eagle Creek. Motion by Mrs. Hendrickson to send letter to Eagle Creek, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Boymelgreen Septic Waiver

James Bacon, Dan Silna's attorney, suggested to have a public hearing on the Boymelgreen Septic Waiver when application is deemed complete. Mr. Bacon distributed copies of correspondence from Verma Engineering (Dan Silna's Engineer) and Riseley & Moriello (Beechwood Community's Attorney).

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

Adjournment

There being no further business, Mrs. Simpson moved to adjourn the meeting at 9:15 p.m., seconded by Mr. Cohen, put to a vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk