

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

Council members present: Vicky Simpson  
 Lillian Hendrickson  
 Bernie Cohen  
 Dawn Ryder

Others Present Robert McEwan, Attorney for the  
 Town

The meeting was opened with the pledge of Allegiance.

**Resolution in Memoriam – John Tomasulo**

*Resolution of Respect  
 In Memoriam to*

*John Vincent Tomasulo  
 June 2, 1946 – November 4, 2015*

*Whereas*, Almighty God in his wisdom has seen fit to call from our midst one of our past public officials who served the Town of Bethel with honor and dignity, *John Vincent Tomasulo*,

*Whereas*, John was a Town of Bethel Constable (1983-1991), he was a U.S. Marine Veteran serving during the Vietnam War, and a past member of the Smallwood-Mongaup Valley Fire Department.

*Now Therefore Be it Resolved*, that the Town of Bethel Town Board expresses their most sincere sympathy at the passing of *John Vincent Tomasulo* on November 4, 2015, and extends their condolences to his family and friends and in respect of his memory cause this Memorial Resolution to become a part of the official minutes of the Town of Bethel and to be published in the *Sullivan County Democrat*.

Motion by Mrs. Simpson to approve resolution in memoriam to John Vincent Tomasulo, seconded by Mrs. Ryder put to a vote and carried 5-0.

**Audit of Bills**

<b><u>Fund</u></b>	<b><u>Amount</u></b>	<b><u>Check</u></b>
General Fund	\$141,811.74	5584-5645
Highway Fund	\$289,928.35	3494-3530
Kauneonga Lake Sewer District	\$ 26,295.89	2387-2405
Planning and Zoning Escrow	\$ 4,014.75	1096-1099
John Driscoll Youth Scholarship	\$ 151.25	1010

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

**Supervisor’s Monthly Report**

Motion by Mrs. Simpson to receive and file supervisor’s monthly report for October, seconded by Lillian Hendrickson, put to a vote and carried 5-0.

**Seek Sealed Bids for Sand**

Motion by Mrs. Simpson to seek sealed bids for purchasing ice control sand up to 5,000 tons delivered, seconded by Mrs. Hendrickson, put to a vote carried 5-0.

**Building Department Monthly Report October**

2015 Fees	\$6852.25
2014 Fees	\$6435.00
2015 Monthly Construction Total	\$1,148,500
2014 Monthly Construction Total	\$1,165,000

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

**Approve 2-credit hours for PB & ZB**

The following Planning Board members attended a two (2) credit hour training on the code book: Susan Brown-Otto, Steve Simpson, Rob Yakin, Cirino Bruno, Victor Kask, and Dan Gettel

Motion by Mrs. Simpson to approve the above Planning Board Members with two (2) credit hours on code book training which was held on October 26, 2015, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**Highway Fund Budget Modification**

DA3501	State Aid Consolidated Highway	\$96,967.53	
DA5112.4	Permanent Improvement Hwy Control		\$96,967.53

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

**Public Hearing: 7:45 p.m. Local Law #4 to rescind LL #2-2015**

Motion by Mrs. Ryder to recess the regular town board meeting and open the public hearing at 7:45 pm, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Rita Sheehan, Town of Bethel Town Clerk read the legal notice as advertised in the Sullivan County Democrat.

There were no comments regarding the public hearing.

Motion by Mrs. Simpson to close the public hearing at 7:50 p.m. and reopen the regularly scheduled Town of Bethel Town Board Meeting, seconded by Mr. Cohen, put to a vote and carried 5-0.

**Town Clerk’s Monthly Report October**

Total fees	\$6,589.35
State share	\$1,326.85
Town share	\$5,262.50

Motion by Mrs. Hendrickson to approve the Town Clerk’s Monthly Report, seconded by Mrs. Simpson, put to a vote and carried 5-0.

**Bio Solids Removal Bids Results**

Received sealed bid on November 10, 2015 at the Town Clerk’s Office to remove bio-solids from WeCare Waste and Recycling LLC, Weedsport, New York as follows:

Pricing: Haul and Dispose of bio-solids:  
 \$150.00 per wet ton, year 1  
 \$150.00 per wet ton, year 2

Motion by Mrs. Hendrickson to approve WeCare Waste and Recycling LLC bid at the rate of \$150.00 per wet ton, for year 1 and year 2, seconded by Mrs. Simpson, put to a vote and carried 5-0.

### **Correspondence regarding Chris Graffeo License Exam Results**

Correspondence has been received from Michael Collins, Sewer Superintendent, informing the Town Board the Chris Graffeo has passed his NYSDEC 3A Wastewater Treatment Plant Operator License exam. Motion to receive and file correspondence, seconded by Mr. Cohen, put to a vote and carried 5-0. Motion by Mrs. Hendrickson to approve a yearly increase of \$5,000. effective November 2, 2015 for Mr. Graffeo, seconded by Mrs. Simpson, put to a vote and carried 5-0.

### **6-Month review for part-timer**

After a 6-month performance review of Jarod Rhyne, Mr. Sturm is recommending an increase to \$15.00 per hour effective November 2, 2015. Jarod has proven stability, timeliness and dedication to the town and sewer plant. Motion by Mrs. Hendrickson to approve an increase to \$15.00 per hour effective November 2, 2015 for Jarod Rhyne, seconded by Mr. Cohen, put to a vote and carried 5-0.

### **Bethel Motor Speedway Correspondence**

Correspondence has been received from the Bethel Motor Speedway requesting the renewal of the permit with the following changes in accordance with their letter dated October 28, 2015:

#1. Twice a month, Thursday practices – open the gates at 1 pm and run practice from 2 pm until 8 pm, May through September. Normally limited to under ten cars. (May through September).

#2. Season-ending special event on October 22<sup>nd</sup>. Rain date - with rain date two weeks later.

#3. Anticipation of hosting the INEX Bandolero Nationals again we need a provision in our operating permit to park trailers and perform safety inspections on a Thursday (with no firing of engines) and host practice on a Friday, with the main event on Saturday. The potential dates for this would be August 18, 19, 20, with a rain date of August 21.

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

### **Public Hearing 8:00 p.m. Bethel Motor Speedway License Renewal**

Motion by Mrs. Ryder to recess the regular scheduled Town Board meeting and open the public hearing 8 p.m., seconded by Mrs. Simpson, put to a vote and carried 5-0.

Raymond Neuenhoff said he supports racing, we are lucky to have the track in our town, keeps the kids from racing on the streets.

Motion by Mrs. Simpson to close the public hearing at 8:01 p.m. and reopen the regular scheduled Town of Bethel Town Board Meeting, seconded Mrs. Hendrickson, put to a vote and carried 5-0.

Mr. Sturm reviewed changes as follows:

Change #3 –Motion by Mrs. Simpson to approve the INEX Bandolero Nationals weekend if Bethel Motor Speedway is accepted into the program, seconded by Mr. Cohen, put to a vote and carried 5-0.

Change #Motion by Mrs. Ryder to approve as season-ending special event on October 22, 2016 with a rain date two weeks later, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Change #1 - Motion by Mrs. Simpson to approve one Thursday practice a month (dates to be submitted), 10 cars and under, seconded by Mrs. Ryder, put to a vote and carried 5-0.

**Kauneonga Lake Sewer District Relevy**

**RESOLUTION TO AUTHORIZE RELEVY OF UNPAID SEWER RENTS FOR KAUNEONGA LAKE CONSOLIDATED SEWER DISTRICT ON THE 2016 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 2015,

**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 2016 Tax Roll of the Town of Bethel as attached.

**Kauneonga Lake Consolidated Sewer District      \$77,093.26**

Motion by Victoria Simpson to approve, seconded by Bernard Cohen and unanimously adopted this 12<sup>th</sup> day of November, 2015.

**Kauneonga Lake Sewer Extension District Relevy**

**RESOLUTION TO AUTHORIZE RELEVY OF UNPAID SEWER RENTS FOR KAUNEONGA LAKE SEWER DISTRICT EXTENSION ON THE 2016 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 Sewer District Extension,

**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 Sewer District Extension for 2015,

**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 2016 Tax Roll of the Town of Bethel as attached.

**Kauneonga Lake Sewer District Extension      \$7,823.28**

Motion by Lillian Hendrickson to approve, seconded by Dawn Ryder and unanimously adopted this 12<sup>th</sup> day of November, 2015.

**Swan Lake Briscoe Water Relevy**

**RESOLUTION TO AUTHORIZE RELEVY OF UNPAID WATER RENTS FOR OUT OF DISTRICT USERS OF THE STEVENSVILLE WATER DISTRICT ON THE 2016 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 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 2015,

**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 2016 Tax Roll of the Town of Bethel as attached.

**Stevensville Water District                      \$8,726.00**

Motion by Victoria Simpson to approve, seconded by Dawn Ryder, and adopted this 12<sup>th</sup> day of November, 2015.

**Gomez Relevy - Unsafe Property Clean-Up**

**RESOLUTION OF THE TOWN OF BETHEL TOWN BOARD TO AUTHORIZE SPECIAL RELEVY ON THE TOWN OF BETHEL 2016 TAX ROLL FOR REMOVAL OF UNSAFE STRUCTURE**

**WHEREAS**, the Town Board of the Town of Bethel hereby adopts the following resolution to relevy the cost of removal of household waste as authorized by the Town of Bethel Code Chapter 113, Buildings, Unsafe,

**BE IT RESOLVED**, that the Sullivan County Legislature relevy the following property in the amount specified on the Town of Bethel 2016 Tax Roll, and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall file this resolution with 2016 budget submitted to the Sullivan County Legislature and to file a copy with the Sullivan County Clerk.

<u>Owner</u>	<u>S-B-L</u>	<u>Amount</u>
Lenny Gomez 2297 Crotona Ave Bronx NY 10463	42.-5-2	\$11,225.00

Motion by Lillian Hendrickson to approve resolution, seconded by Bernard Cohen, put to a vote and carried 5 ayes and 0 nays.

**Gomez Relevy – Engineering Services**

**RESOLUTION OF THE TOWN OF BETHEL TOWN BOARD TO AUTHORIZE SPECIAL RELEVY ON THE TOWN OF BETHEL 2016 TAX ROLL FOR ENGINEERING SERVICES**

**WHEREAS**, the Town Board of the Town of Bethel hereby adopts the following resolution to relevy the costs for engineering services as authorized by the Town of Bethel Code Chapter 113-10, Buildings, Unsafe,

**BE IT RESOLVED**, that the Sullivan County Legislature relevy the following property in the amount specified on the Town of Bethel 2016 Tax Roll, and

**BE IT FURTHER RESOLVED**, that the Town Clerk file this resolution with the Sullivan County Legislature with the 2016 Budget and the Sullivan County Clerk.

<u>Owner</u>	<u>S-B-L</u>	<u>Amount</u>
Lenny Gomez 2297 Crotona Avenue Bronx, NY 10463	42.-5-2	\$414.75 566.03 <u>\$981.05</u>

Motion by Victoria Simpson to approve resolution, seconded by Dawn Ryder, put to a vote and carried 5 ayes and 0 nays.

**Panaro Relevy – Unsafe Property Clean-Up**

**RESOLUTION OF THE TOWN OF BETHEL TOWN BOARD TO AUTHORIZE SPECIAL RELEVY ON THE TOWN OF BETHEL 2016 TAX ROLL FOR REMOVAL OF UNSAFE STRUCTURE**

**WHEREAS**, the Town Board of the Town of Bethel hereby adopts the following resolution to relevy the cost of removal of household waste as authorized by the Town of Bethel Code Chapter 113, Buildings, Unsafe,

**BE IT RESOLVED**, that the Sullivan County Legislature relevy the following property in the amount specified on the Town of Bethel 2016 Tax Roll, and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall file this resolution with 2016 budget submitted to the Sullivan County Legislature and to file a copy with the Sullivan County Clerk.

<u>Owner</u>	<u>S-B-L</u>	<u>Amount</u>
Susan Panaro and Robert Benamou 738 Rose Valley Road Monticello, NY 12701	46.-16-3	\$29,672.90.

Motion by Lillian Hendrickson to approve resolution, seconded by Victoria Simpson put to a vote and carried 5 ayes and 0 nays.

**Burvick Rlevy – Unsafe Property Clean-Up**

**RESOLUTION OF THE TOWN OF BETHEL TOWN BOARD TO AUTHORIZE SPECIAL RELEVY ON THE TOWN OF BETHEL 2016 TAX ROLL FOR REMOVAL OF SOLID WASTE**

**WHEREAS**, the Town Board of the Town of Bethel hereby adopts the following resolution to relevy the cost of removal of household waste as authorized by the Town of Bethel Code Chapter 279-5, Solid Waste,

**BE IT RESOLVED**, that the Sullivan County Legislature relevy the following property in the amount specified on the Town of Bethel 2016 Tax Roll, and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall file this resolution with 2016 budget submitted to the Sullivan County Legislature and to file a copy with the Sullivan County Clerk.

<u>Owner</u>	<u>S-B-L</u>	<u>Amount</u>
John J. Burvick 161 Kortright Rd Ferndale NY 12734	19.-1-10.11	\$2,100.00

Motion by Dawn Ryder to approve resolution, seconded by Bernard Cohen, put to a vote and carried 5 ayes and 0 nays.

**Burekhovich Relevy – Engineering Services****RESOLUTION OF THE TOWN OF BETHEL TOWN BOARD TO AUTHORIZE SPECIAL RELEVY ON THE TOWN OF BETHEL 2016 TAX ROLL FOR ENGINEERING SERVICES**

**WHEREAS**, the Town Board of the Town of Bethel hereby adopts the following resolution to relevy the costs for engineering services as authorized by the Town of Bethel Code Chapter 113-10, Buildings, Unsafe,

**BE IT RESOLVED**, that the Sullivan County Legislature relevy the following property in the amount specified on the Town of Bethel 2016 Tax Roll, and

**BE IT FURTHER RESOLVED**, that the Town Clerk file this resolution with the Sullivan County Legislature with the 2016 Budget and the Sullivan County Clerk.

<b><u>Owner</u></b>	<b><u>S-B-L</u></b>	<b><u>Amount</u></b>
David Burekhovich and Maya Burekhovich 568 E 9th St Brooklyn NY 11218	28.-4-3	\$1,200.00 <u>617.07</u> <u>\$1,817.07</u>

Motion by Victoria Simpson to approve resolution, seconded by Lillian Hendrickson, put to a vote and carried 5 ayes and 0 nays.

**Middletown Humane Society Contract Renewal**

Middletown Humane Society renewal contract has been received with no changes. Motion by Mr. Cohen to approve the Humane Society Contract renewal with new expiration date of December 31, 2016, seconded by Mrs. Ryder, put to a vote and carried 5-0.

**Cancel December 23<sup>rd</sup> Town Board Meeting**

Motion by Mrs. Ryder to cancel the December 23, 2015 Town of Bethel Town Board meeting, seconded by Mr. Cohen, put to a vote and carried 5-0.

**Resolution to Adopt Proposed LL #4-2015 (Repealing LL #2)**

Mr. Robert McEwan, Attorney for the Town read the following resolution:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL TO ENACT LOCAL LAW NO. 3 OF 2015 TO TO REPEAL LOCAL LAW NO. 2 OF 2015**

**WHEREAS**, on June 24, 2011 New York State enacted a limit on the levy of real property taxes by County, City, Town, Village, Fire Districts and Special Districts, pursuant to General Municipal Law §3-C, and

**WHEREAS**, on October 14, 2015, the Town Board of the Town of Bethel (the “Town Board”) enacted Local Law No. 2 of 2015 authorizing the Town Board to adopt a budget for the fiscal year 2016 that could result in a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-C, and

**WHEREAS**, the Town Board determined that it was in the best interests of the Town to enact Local Law No. 2 of 2015 as a cautionary measure to be utilized if necessary to override the tax levy limit for the 2016 fiscal year, and

**WHEREAS**, upon approval of the final budget for the 2016 fiscal year there is no need to override the tax levy limit for the 2016 fiscal year and the powers provided to the Town through the enactment of Local Law No. 2 of 2015 were not necessary, and

**WHEREAS**, on October 28, 2015, the Town Board introduced proposed Local Law No. 4 of 2015 to repeal Local Law No. 2 of 2015; and

**WHEREAS**, the adoption of proposed Local Law No. 4 of 2015 is necessary to repeal Local Law No. 2 of 2015; and

**WHEREAS**, the Town Board provided due notice of a public hearing for proposed Local Law No. 4 of 2015 by publishing timely notice of the public hearing in a newspaper of general circulation in the Town of Bethel; and

**WHEREAS**, on November 12, 2015, the Town Board conducted a public hearing during which comments were presented and received in connection with proposed Local Law No. 4 of 2015; and

**WHEREAS**, the Town Board previously determined that the proposed local law is not subject review pursuant to the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, “SEQRA”) because it is a type II action as set forth at 6 NYCRR §617.5 (20).

**NOW THEREFORE, BE IT RESOLVED**, that proposed Local Law No. 4 of 2015 to repeal Local Law No. 2 of 2015, is hereby adopted as Local Law No. 3 of 2015; and be it

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

Motion by Town Board member Vicky Simpson, seconded by Town Board member Dawn Ryder 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 12<sup>th</sup> day of November, 2015.

**Resolution to Introduce Proposed LL #5-2015 and set Public Hearing**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL  
TO INTRODUCE A LOCAL LAW TO AMEND CHAPTER 310 OF THE TOWN  
CODE OF THE TOWN OF BETHEL**

**WHEREAS**, section 458-a of the NY Real Property Tax Law provides, in part, that owners of real property who are “Gold Star Parents”, as that term is defined in the act, are entitled to a partial exemption from real property taxes if such persons meet certain qualifying conditions and the local municipality adopts a local law authorizing such real property tax exemptions; and

**WHEREAS**, section 467 of the NY Real Property Tax Law provides, in part, that owners of real property who are 65 years of age or older are entitled to a partial exemption from real property taxes if such persons meet certain income eligibility guidelines and the local municipality adopts a local law authorizing such real property tax exemptions; and

**WHEREAS**, attached hereto and incorporated herein is proposed Local Law #5 of 2015 to enact a certain real property tax exemption for Gold Star Parents and who meet all qualifying conditions as set forth in the attached Local Law; and

**WHEREAS**, proposed Local Law #5 of 2015, if adopted will also enact a certain partial real property tax exemption for persons who are 65 years of age or older and who meet certain income eligibility guidelines as set forth in the attached Local Law; and

**WHEREAS**, it is in the best interest of the Town to adopt this Local Law in order to provide tax relief to the targeted classes of Town citizens, and

**WHEREAS**, the Town Board determines that the proposed Local Law is not an action subject to review under the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, "SEQRA") because it is a type II action pursuant to 6 NYCRR §617.5(b)(20); and

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby introduces the proposed Local Law No. 5 of 2015; and be it

**FURTHER RESOLVED**, that a public hearing on the proposed Local Law shall be scheduled for December 9, 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**, this Resolution shall become effective when adopted.

Motion by Town Board member Dawn Ryder, seconded by Town Board member Victoria Simpson 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 12<sup>th</sup> day of November, 2015.

**Adjournment**

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

Respectfully submitted,

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Rita J. Sheehan, Town Clerk