

The Town of Bethel Town Board meeting of October 14, 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.

Audit of Bills

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

<u>Fund</u>	<u>Amount</u>	<u>Check Nos.</u>
General Fund	\$177,702.47	5517-5583
Highway Fund	\$299,042.66	3459-3492
Kauneonga Lake Sewer	\$ 36,637.83	2366-2386
Planning & Zoning Escrow	\$ 8,455.25	1090-1095
Kauneonga Lake Light District	\$ 1,866.55	1097

Supervisor’s Monthly Report

Mr. Sturm reviewed the supervisor’s monthly report for September. Motion by Mrs. Ryder to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Monthly Report

2015 September fees \$3,983.
2014 September fees \$6,650.

2015 September construction total \$341,500
2014 September construction total \$839,500

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

Town Clerk’s Monthly Report

Total fees \$10,113.36
State share \$ 3,685.84
Town share \$ 6,427.52

Motion by Mrs. Simpson to receive and file town clerk’s monthly report for September, seconded by Mrs. Ryder, put to a vote carried 5-0.

Correspondence NYS Dept. of Transportation 2018 Bridge Project

Motion by Mr. Cohen to receive and file correspondence from NYS Dept. of Transportation 2018 Bridge Replacement Project information meeting, seconded by Mrs. Ryder, put to a vote carried 5-0.

Road Repair Agreement – John Bishop Road

Road repair agreement has been submitted for John Bishop Road starting at Hurd ‘n Parks Road to CR 141 a length of .73 miles 18’ wide ½” thick at a cost of \$25,000.

Motion by Mrs. Simpson to approve road repair agreement – John Bishop Road, seconded by Mr. Cohen, put to a vote carried 5-0.

Pancreatic Cancer Proclamation

**Resolution declaring November 13th as “*World Pancreatic Cancer Day*”
in the Town of Bethel, Sullivan County, New York**

WHEREAS in 2015, an estimated 48,960 people will be diagnosed with pancreatic cancer in the United States and 40,560 will die from the disease;

WHEREAS pancreatic cancer is one of the deadliest cancers, is currently the fourth leading cause of cancer death in the United States and is projected to become the second by 2020;

WHEREAS pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just seven percent;

WHEREAS when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 93 percent of pancreatic cancer patients die within the first five years;

WHEREAS approximately 2590 deaths will occur in New York State in 2015;

WHEREAS pancreatic cancer is the 7th most common cause of cancer-related death in men and women across the world;

WHEREAS there will be an estimated 367,000 new pancreatic cancer cases diagnosed globally in 2015;

WHEREAS the good health and well-being of the residents of **Town of Bethel** are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it

RESOLVED that the Town of Bethel Town Board hereby designates November 13th as “*World Pancreatic Cancer Day*” in the **Town of Bethel**.

Duly adopted on the 14th day of October, 2015

Motion by Mrs. Hendrickson to receive and adopt pancreatic cancer proclamation, seconded by Mrs. Ryder, put to a vote and carried 5-0.

Public Hearing 7:45 p.m. – Proposed Local Law #3

Motion by Mrs. Simpson to recess the regular scheduled Town Board meeting and open the public hearing at 7:45 p.m., seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

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

The following is a statement by the Daniel Sturm, Town of Bethel Supervisor:

One of our biggest goals every year is to be fiscally responsible and we have always been under the 2% tax State mandated tax cap. The Town Board and I determined that so far after careful budget analysis, review and a work session staying at or under the .73% increase for next year is going to be difficult and practically impossible. A lot of things are going up: for example, health insurance premiums, town liability insurance premiums, workers compensation, highway salt is going up slightly, Equipment prices are high and climbing. We also have needs such as highway equipment and a need to consider additional help in our constabulary and two of our four police cars are over 8 years old and need to be replaced. As a cautionary measure we introduced the local law

at our last town board meeting to override the .73%, if needed, which will include the public hearing we will have tonight.

The following is correspondence read by Susan Otto:

For the record, I am a registered voter living in the Town of Bethel. I am speaking to you this evening in the capacity as a Town of Bethel resident.

Although I do not agree with Governor Cuomo on some of his other broad initiatives, I very much agree with the property cap program that began in 2011.

In preparation for this evening's public hearing, I went to the New York State website entitled www.REFORMINGGOVERNMENT.ny.gov Local governments and schools are supposed to think outside the box on how they can reduce their costs, including shared services. I found it fascinating how much Governor Cuomo is encouraging New York State residents to get involved in the process of working with their local government & schools on keeping under the property cap.

I don't know the number of Town of Bethel taxpayers whose primary means of income is social security however I suspect there is a number of them. As you probably know, tomorrow the US Social Security Administration is expected to announce that there will be no increase in social security. This is only the third time in 40 years that this has happened. By why did this happen? Because the inflation rate is so low!

New York State Comptroller Thomas DiNapoli said in his JULY 20, 2015 PRESS RELEASE that:

“Local government officials need to brace for the lowest growth in their property tax revenue in the tax cap era. Municipalities may have to operate differently under these new limits. Even tougher budget choices may be required on staffing levels, delivery of services, fund balance reductions, and deferral of capital and infrastructure projects. And if inflation trends continue, it is possible that some local governments with fiscal years beginning later in 2016, including school districts, could be faced with zero growth in property tax revenue.”

One of the reasons why the inflation rate is so low is due to the large drop in fuel costs. I reviewed the proposed budget. I don't see a line for fuel costs in the Highway Department proposed budget. Given the significant reduction in fuel oil costs, I would expect the significant budget item for fuel oil would result in a reduction in that budget line. Also, I understand that a good part of paving costs relates to oil, I would expect that cost to be reduced as well.

Medical insurance costs continue to skyrocket. Yes, the town made some changes in medical insurance for new employees regarding co-pay and I believe spousal and family coverage. Why not make further changes so that our taxes do not have to be increased over Governor Cuomo's property cap rate?

As I have discussed this topic with friends and neighbors, some people say, to me, how much will it really cost if we exceed Governor Cuomo's property cap, five dollars? Ten dollars? For one year, not that much, however, in my opinion that is not the point. It is the drip, drip, drip, boiling the frog property tax increases like that has helped to get us in the position that we are in. Inflation is low. Period. Our seniors on Social Security are not going to see an increase in their monthly social security check. The Town of Bethel should respect the property cap and revise the proposed budget so that the property cap limit can be respected. Has the township looked into shared services? What about outsourcing some services, that way you don't have to pay medical insurance and other related benefits.

In conclusion, I would like to read an excerpt from Governor Cuomo's Reforming Government website:

“Identifying where to allocate local revenues is one of the difficult decisions that local government leaders make every year come budget time. The development of the tax cap

gives citizens a new opportunity to work with local officials to measure the real value of government services and their impact on daily lives. Some local governments may struggle to meet the new limits on the total property tax levy that are established pursuant to the tax cap and may seek to add spending over the cap in order to continue providing services that residents see as important. Others, though, will capitalize on opportunities to reduce costs and increase efficiencies.”

Supervisor Sturm and members of the Town Council, I ask that you capitalize on this opportunity to reduce the Town of Bethel costs and increase efficiencies. The Town of Bethel Town Board owes that to its taxpayers. Please vote NO on the budget override and go back to the drawing board so that the Town of Bethel budget falls within Governor Cuomo’s property cap. Thank you, Susan Otto.

Steve Altman – I have a neighbor on social security, how is he going to make it? He just lost his wife and now his income is even cut more.

Judith Maidenbaum suggests to form a committee, have Bethel Woods charge \$1.00 per ticket; think outside of the box.

Bob Barrett – supported the idea of \$1.00 a ticket.

Laura Mariski – wanted to speak about the egg shell odor. Mr. Sturm indicated there would be time at the end of the meeting for open public comment.

Motion by Mrs. Simpson to close the public hearing and reopen the regular scheduled Town of Bethel Town Board Meeting, seconded by Mrs. Ryder, put to a vote and carried 5-0.

2016 Preliminary Budget Presentation

Mr. Sturm gave an overview of the 2016 Preliminary Budget.

Set Public Hearing for 2016 Budget 10/28 8:00 p.m.

Motion by Mrs. Hendrickson to set public for 2016 Preliminary Budget on October 28, 2015 at 8 p.m., seconded by Mrs. Ryder, put to a vote and carried 5-0.

Set Public Hearing for 2016 Sewer Rates 10/28 7:45 p.m.

Motion by Mrs. Hendrickson to set public hearing for 2016 sewer rates on October 28, 2015 at 7:45 p.m. as required by Real Property Tax Law, seconded by Mrs. Ryder, put to a vote and carried 5-0.

Resolution to Enact Local Law #3-2015

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL TO ENACT LOCAL LAW NO. 2 OF 2015 TO AUTHORIZE THE TOWN BOARD TO OVERRIDE THE TAX LEVY LIMIT

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, town services and operations are funded by a variety of sources, including real property taxes, CHIPS, mortgage recording receipts, fees, charges, grants, and state and federal aid, and

WHEREAS, of all of these revenue sources, the only one limited by General Municipal Law §3-C (the tax cap) is real property taxes, and

WHEREAS, local governments may not adopt a budget that requires a tax levy that exceeds the prior year’s levy by more than 2 percent, or the rate of inflation,

whichever is less, unless the town board adopts a local law to override the tax levy limitation, and

WHEREAS, since the fiscal year 2012, the Town of Bethel has been under the tax levy limit, and

WHEREAS, it currently appears there may be a need to override the tax levy limit for the 2016 fiscal year because the tax cap has been established at 0.73% and current budgetary demands will likely exceed that amount, and

WHEREAS, it is in the best interest of the Town to enact this local law in order to adopt a cautionary resolution, if necessary, to override the tax levy limit for the 2016 fiscal year, and

WHEREAS, on September 24, 2015 the Town Board introduced Local Law No. 3 of 2015 (a copy of which is attached hereto and incorporated by reference), which, if enacted, will authorize the Town Board to override the tax levy limit; and

WHEREAS, the Town Board provided due notice of a public hearing for Local Law No. 3 of 2015 by publishing timely notice of the public hearing in a newspaper of general circulation in the Town of Bethel; and

WHEREAS, on October 14, 2015, the Town Board conducted a public hearing during which comments were presented and received in connection with the proposed Local Law No. 3 of 2015; and

WHEREAS, based upon the comments received during the public hearing and for other good cause, the Town determined to adopt proposed Local Law No. 3 of 2015; and

WHEREAS, the Town Board determines 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); and

NOW THEREFORE, BE IT RESOLVED, that Local Law No. 2 of 2015 authorizing the Town Board to override the tax levy limit, is hereby adopted; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

Motion by Town Board member Lillian Hendrickson, seconded by Town Board member Vicky Simpson and adopted upon a roll call vote by at least 60% of the membership of the Town Board 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 14th day of October, 2015.

Resolution authorize negotiations for sale of certain real property

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
RECEIVING AND FILING AN OFFER OF PURCHASE AND AUTHORIZING
THE COMMENCEMENT OF NEGOTIATIONS FOR SALE OF CERTAIN
REAL PROPERTY OWNED BY THE TOWN OF BETHEL**

WHEREAS, the Bethel Local Development Corporation ("BLDC") purchased certain real property from the County of Sullivan (the "County") pursuant to an Agreement

effective as of the 4th day of November, 2011 (the “Purchase & Sale Agreement”), and said real property was conveyed by deed duly recorded in the Office of the Sullivan County Clerk on November 16, 2011, bearing instrument number 2011-7664; and

WHEREAS, the real property acquired by the BLDC from the County consisted at the time of purchase of approximately 185± acres (the “Property”); and

WHEREAS, a portion of the Property consisting of approximately 124± acres has been encumbered with a conservation easement (“Conservation Easement”) and said parcel is used for parkland purposes (the “Park Property”); and

WHEREAS, it appears that a portion of the Property consisting of approximately 61± acres, which portion of the Property is not subject to the Conservation Easement, has been determined to have sand and gravel deposits suitable for mining purposes (the “Sand Parcel”) and said Sand Parcel was conveyed by the BLDC to the Town by deed recorded in the Office of the Sullivan County Clerk on October 3, 2014 bearing instrument number 2014-6710; and

WHEREAS, the Sand Parcel is known on the tax map for the Town as SBL No. 51.-1-27.4; and

WHEREAS, it appears that a portion of the Sand Parcel, consisting of approximately 40± acres, has been determined not to be useful for sand mining purposes (the “Development Parcel”); and

WHEREAS, the BLDC, the Town and the County of Sullivan entered into an agreement, dated September 30, 2014, pursuant to which the Town is obligated to offer the Development Parcel for sale by marketing the same to the general public; and

WHEREAS, the Town is in receipt of an offer to purchase the Development Parcel, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Bethel directs the receipt and filing of the offer of purchase attached to this Resolution; and be it

FURTHER RESOLVED, the Town Board of the Town of Bethel authorizes the attorney for the Town to commence negotiations with the prospective purchaser, or his representatives, and to prepare an initial contract of sale for review by the parties upon the satisfactory conclusion of negotiations; and be it

FURTHER RESOLVED, that the Town Board of the Town of Bethel authorizes the Town Supervisor to notify the appropriate official(s) at the County of Sullivan of the terms and conditions contained in the offer of purchase; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

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 14th day of October, 2015.

Notice of Liquor License Application – Pink E’s Lighthouse

Notice of Liquor License application has been received certified mail/return receipt from Pink E’s Lighthouse. Motion by Mrs. Ryder to receive and file notice of liquor license application for Pink E’s Lighthouse and allow 30 day waiver notice, seconded by Mr. Cohen, put to a vote and carried 5-0.

Renewal contract with Carrie’s Rescue

Renewal contract for Carrie’s Rescue has been received for shelter services ending on December 31, 2016. Motion by Mrs. Simpson to approve the renewal contract with Carrie’s Rescue, seconded by Mrs. Ryder, put to a vote and carried 5-0.

Correspondence NYS Dept of Trans–Butrick Rd & Fairweather Rd

Correspondence has been received from NYS Dept. of Transportation regarding the town’s request to lower the speed limits on Fairweather and Butrick Roads. The DOT will be reviewing the request and will advise of their decision. Motion by Mrs. Ryder to receive and file correspondence from NYS Dept. of Transportation, seconded by Mr. Cohen, put to a vote and carried 5-0.

NYS Ag & Mkts. Inspection Report for Dog Control Officer

Motion by Mrs. Simpson to receive and file NYS Ag & Markets inspection report for the dog control officer that dog shelters were rated satisfactory, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

NYS Ag & Mkts. Inspection Report for Animal Shelter

Motion by Mrs. Simpson to receive and file NYS Ag & Markets. Inspection report for animal shelter services were rated satisfactory, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Appoint Osvaldo Gonzalez as Auxiliary Constable

Mr. Sturm has received correspondence from Osvaldo Gonzalez requesting to be appointed as an Auxiliary Constable. Motion by Mr. Cohen to approve, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Correspondence from Dawn Ryder re: Bethel Code Book Training

Councilwoman Dawn Ryder to conduct a Town of Bethel Code Book training class on October 26th and to allow for two-credit hours of training. Motion by Mrs. Hendrickson to receive and file, seconded by Mr. Cohen and to approve 2-hour training credits, put to a vote and carried 5-0.

Town Board Comments

Mrs. Vicky Simpson announced the monthly Parks and Recreation Programs.

Public Comments

Susan Harte commented that the new town camping law is more restrictive than State Code and the Town did not file petition Dept. of State (Code Council) and therefore the code is not enforceable by the town Building Department. Ms. Harte asked if the town was going to file? Mr. Robert McEwan does not disagree. Mr. McEwan indicated he will talk to B.J. Gettel and will discuss with Town Board.

Ira Liff stated that 12 years ago there was a milfoil problem and it has gotten worse and asked what the Town Board is going to do. Mrs. Vicky Simpson – came out, Bob Engel surveyed lake, no help from the D.E.C. Going back out in the spring.

Researched raking, chemicals, Carp. Won't grow beyond 20 feet deep due to lack of sunlight

Larry Seitelman suggested we need new oxygen level reading.

Ira Liff also commented that the town needs a new sign law to limit the number of election signs.

Jeryl Abramson commented that the town changed the campground laws to make it easier to file for a renewal transient camping, she wasn't put on the agenda, she was told to file a new site plan because the stages was moved and seqr; this is not easier.

Laura Mariski was present to filed seven (7) odor complaints against the farm operation on Route 17B. Motion by Mrs. Simpson to receive and file the seven (7) complaints from Laura Mariski, seconded by Mr. Cohen, put to a vote and carried 5-0.

Mrs. Vicky Simpson mentioned that there was a White Lake Preservation Corporation; either Ed Brender or Bernie Sumliner had started. Larry Seitelman - Lake Otsego, Cooperstown, have been successful at depleting milfoil and stated they dropped the water levels in Saratoga Lake.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk