

The Town of Bethel Town Board meeting of August 10, 2016 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.

Announcement: Sullivan Renaissance Municipal Grant Award

There are many reasons we could have won this competition.

- 1) Was it the newly planted and maintained flowers and landscaping in all of our public spaces in town?
- 2) Was it the enhanced gateway projects, like the Justice Court or highway barn, or the fact that because of our litter pluck crew we have the cleanest roads in Sullivan County?
- 3) Was it improved Code Enforcement, where our building department and the Town Board with helped with the removal and clean-up of five (5) dilapidated and unsafe structures plus properties with nine (9) more in progress?
- 4) Was it the Community Garden at the park, or the Block Party events or the new driveway and walking path at the Smallwood Forest Reserve? Was it pickle ball or our Taichi for seniors? Was it the new Eagle at the Town Hall?
- 5) Was it the binder or the power point preparation or the judge’s visit?

So I thank everyone who had a hand in this entire effort, other Towns and Villages who raised the bar, all volunteers, all groups, all employees, elected and all officials. I have never seen the Town so united and willing to sacrifice of themselves for a common goal. I am in awe of the accomplishments made and the proudest Supervisor. I look forward to continuing what we have all started, with pride and community spirit.

Presentation: Humanitarian Award presented to BJ Gettel by YL Hearts

Chaya Waks, founder of YL Hearts presented Bette Jean Gettel, Town of Bethel Code Enforcement Officer, with the Humanitarian Award – who combines the highest level of competence, dedication, and compassion to the community. Presented at “The Art of Healing A Heart” August 9, 2016. YL Hearts is a non-profit organization with a mission to assist parents as they face the unique challenge of congenital heart disease among children.

Audit of Bills

<u>Fund</u>	<u>Amount</u>	<u>Check Nos.</u>
General Fund	\$222,624.25	6235-6305
Highway Fund	\$178,890.10	1094-1128
Kauneonga Lake Sewer	\$ 26,341.66	1052-1067
Planning & Zoning Escrow	\$ 3,560.35	1110-1111
Kauneonga Lake Light District	\$ 5,390.84	1001

Motion by Mrs. Hendrickson to approve report on audit bills. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Supervisor’s Monthly Report

Motion by Mrs. Ryder to receive and file supervisor’s monthly report for July, 2016. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Building Monthly Report

2016 July fees	\$3,889.
2015 July fees	\$3,901.
2016 July construction total	\$152,750.00
2015 July construction total	\$ 3,959.10

Motion by Mrs. Hendrickson to receive and file the building department’s monthly report as submitted. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Public Hearing: 7:45 p.m. SBL #37.-1-70 (7 Mattison Road)

Motion by Mrs. Hendrickson to recess the regular Town of Bethel Town Board Meeting and open the public hearing. Seconded by Mr. Cohen, put to a vote and carried 5-0. Ms. Sheehan, Town of Bethel, Town Clerk read the public hearing notice as advertised in the Sullivan County Democrat. Mr. McEwan asked Ms. Sheehan, Town Clerk, in regards to service. Ms. Sheehan explained that the building was posted on August 1st, property owner mailed c/r/r and regular mail on 8/1, notice hand-delivered to property owner on 8/9 which he indicated he had received the 8/1 letter regular mail; as of today green card has not been received back and personal service failed.

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

Mr. Sturm indicated we sent out to bid; no bids were received.

Mr. McEwan, Attorney for the Town, stated the property owner is in Chapter 7 Bankruptcy. Recommending no further action. If we take any action it will violate stay. Mr. McEwan asked are we listed as creditor? Make a claim for any debt that is owed the town.

Road Expenditure Agreements

Permanent improvements. The following sums shall be set aside to be expended for the permanent improvement of Town highways.

- a) On the road commencing at Sgt. Andrew Brucher Road and leading to East Sullivan (Lake Site) a distance of 1277 feet, there shall be expended not over the sum of \$13,950; type 6 base and type 7 top; width of traveled surface 14 feet; thickness 1-1/2 inches type 6 base 1 inch type 7 top; and subbase asphalt.
- b) On the road commencing at Lake Site (dead end) and leading to dead end a distance of 425 feet (East Oak), there shall be expended not over the sum of \$3,750; type 6; width of travel surface 12 feet; thickness 2 inches; subbase asphalt.
- c) On the road commencing at Lake Site 1 and leading to dead end a distance of 420 feet (East Delaware), there shall be expended not over the sum of \$3,725; type 6; width of traveled surface - 12 feet; thickness 2 inches; subbase asphalt.
- d) On the road commencing at Lt. Brender Highway and leading to County Bridge Town Line a distance of .95 miles (Kortright Road), there shall be expended not over the sum of \$50,541; type 7 top, width of traveled surface 19 feet; thickness 1-1/2 inches; subbase asphalt. Also used type 6 and type 3 binder to shim and level base.
- e) On the road commencing at Woodland Way and leading to dead end of East James a distance of 295 feet there shall be expended not over the sum of

\$3,150; type 6; width of traveled surface 12 feet; thickness 2 inches; subbase asphalt and item 4 – 4 inches crusher run base to true and level.

- f) On the road commencing at Mt. Hope Road and leading to Town of Liberty Line a distance of ¼ miles (Murphy Road), there shall be expended not over the sum of \$75,000; type #3 shim and type 7 top; width of traveled surface 19 feet; thickness 1/5 inches 7 top; subbase asphalt; type 3 binder on 1620 feet of road for base at 1.5 inches.

Motion Mrs. Simpson to approve the agreement for the expenditure of highway moneys between the Town Superintendent of the Town of Bethel and members of the Town Board. Pursuant to the provisions of Section 284 of the highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from this State for State Aid for the repair and improvement of highways, shall be expended as stated in items a through f. Seconded by Mr. Cohen, put to a vote and carried 5-0

Town Clerk’s Monthly Report

Total fees	\$7,720.23
State share	\$ 612.91
Town share	\$7,107.32

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

192 Lee Cole Road (9.-1-4)

Motion by Mr. Cohen to schedule public hearing for August 24, 2016 at 7:45 pm. for the property located at 192 Lee Code Road, SBL #9.-1-4. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Public Hearing: 7:55 p.m. SBL #9.-1-82 (527 Lt. Brender Hwy)

Motion by Mrs. Simpson to recess the regularly scheduled Town of Bethel Town Board Meeting and enter into the public hearing. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0. Ms. Sheehan, Town of Bethel Town Clerk read the legal notice as advertised in the Sullivan County Democrat. Mr. McEwan asked Ms. Sheehan, Town Clerk in regards to service. Ms. Sheehan explained that the building was posted on August 1st, property owner mailed c/r/r and regular mail on 8/1, green card has not been received back and personal service failed.

Motion by Mrs. Simpson to close the public hearing and reenter into the regularly scheduled Town of Bethel Town Board meeting. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Motion by Mrs. Simpson to seek sealed bids based upon the asbestos report outcome. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Town of Liberty Notice of Intent – Comprehensive Plan

Motion by Mrs. Simpson to receive and file notice of intent to serve as lead agency, issue a positive declaration and notice of intent to prepare a draft generic environmental impact statement in association with an update to the land use and zoning element of the Liberty Comprehensive Plan for the area of the town outside the village and corresponding amendments to the Town of Liberty Town Code, seconded by Mrs. Ryder, put to a vote and carried 5-0.

Zoning Regulation Change Request Gale Road

Mrs. Ryder discussed the daycare definition in the Town of Bethel Town Code and suggests we take information and build local law to change “daycare” definition and to look at where daycares should be allowed and change bulk and use tables.

Public Hearing: 8:05 p.m. SBL #42.-8-8 (13 W. Sullivan Avenue)

Motion by Mrs. Hendrickson to recess the regular Town of Bethel Town Board meeting and open the scheduled public hearing at 8:05 p.m. Seconded by Mrs. Simpson, put to a vote and carried 5-0. Ms. Sheehan, Town of Bethel Town Clerk, read the legal notice as advertised in the Sullivan County Democrat. Mr. McEwan asked Ms. Sheehan, Town Clerk in regards to service. Ms. Sheehan explained that the building was posted on August 1st, property owner mailed c/r/r and regular mail on 8/1, green card has not been received back and personal service failed.

Mrs. Hendrickson - if we don't take it down it will fall down.

Motion by Mrs. Hendrickson to close the public hearing and reenter into the regularly scheduled Town of Bethel Town Board meeting. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Motion by Mrs. Hendrickson to seek sealed bids subject to asbestos report outcome, seconded by Mrs. Ryder, put to a vote and carried 5-0.

Zoning Regulations Change Discussion Continued:

Motion by Mrs. Ryder to send to Robert McEwan, Attorney for the Town, to draft local law to amend zoning districts and definitions to allow daycares. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Dan Gettel commented that other uses need to be looked at such as adult care.

Public Hearing: 8:15 p.m. SBL #43.-6-28 (96 E. Thompson Place)

Motion by Mrs. Simpson to recess the regularly scheduled Town of Bethel Town Board meeting and open the scheduled 8:15 p.m. public hearing. Seconded by Mrs. Ryder, put to a vote and carried 5-0. Mrs. Sheehan, Town of Bethel Town Clerk, read the legal notice as advertised in the Sullivan County Democrat. Mr. McEwan asked Ms. Sheehan, Town Clerk in regards to service. Ms. Sheehan explained that the building was posted on August 1st, property owner mailed c/r/r and regular mail on 8/1, green card was returned back on 8/9 and personal service failed.

Motion by Mrs. Hendrickson to close the public hearing and reenter into to regularly scheduled Town of Bethel Town Board meeting. Seconded by Mrs. Simpson, put a vote and carried 5-0.

Motion by Mrs. Ryder to seek sealed bids subject to asbestos report outcome, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Noise Permit Application – Hector’s Inn

Motion by Mrs. Hendrickson to approve noise permit for Hector’s Inn (Bonnie Lagoda) for August 12, 2016 and August 13, 2016 (Friday and Saturday nights) until 12:30 a.m. from bands on the premises. There will be a sound booth with sound crew at all times bands are playing. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Taconic Trail Update

Mr. Sturm explained that we went to Sullivan County Supreme Court and waiting for the judge to sign Order for Preliminary Injunction.

Mr. Sturm read the Order form Preliminary Injunction, Index No. 1021-2016. Town of Bethel, plaintiff, against Ronald Herbert, James F. Egan and Carol Bues a/s/a Carol Egan, defendants. They are enjoined and restrained from any activities that are in violation of the Code of the Town of Bethel including but not limited to logging, vehicle storage, junkyard use, storage of more than one unlicensed vehicle, and improper storage or disposal of any rubbish or solid waste at 52 Taconic Trail.

Public Hearing: 8:25 p.m. SBL #35.-5-4 (Rt. 55 & Central Avenue)

Motion by Mrs. Ryder to recess the regularly scheduled Town of Bethel Town Board meeting and open the scheduled 8:25 p.m. public hearing. Seconded by Mr. Cohen, put to a vote and carried 5-0. Mrs. Sheehan, Town of Bethel Town Clerk, read the legal notice as advertised in the River Reporter. Mr. McEwan asked Ms. Sheehan, Town Clerk in regards to service. Ms. Sheehan explained that the building was posted on August 2nd, property owner mailed c/r/r and regular mail on 8/1, green card has not been received back and personal service failed.

Wes Illing - I received a call today from Lazer. Owner is contacting a contractor.

Rob McEwan, Attorney for the Town, recommends keeping hearing open and to give report to Wes Illing. Town Clerk indicated she would fax to Mr. Illing tomorrow.

Larry Sietelman asked about who was responsible for the ditch between the road and the property.

Benjamin Dolson arrived late and explained he was shown the lot on Sunday. He indicated he is filling in the pond, putting flooring on foundation, mow and get Ketcham fencing. Asking 30 days. Mr. Illing said he has a contract with the property owner and what the work you are indicating to do is not going to fix the problem.

Motion by Mrs. Simpson to keep public hearing open until September 14, 2016 at 7:45 p.m. seconded by Mr. Cohen, put to a vote and carried 5-0.

Assessment Settlement – Mayin Tohar SBL #17.-1-27.2

Per memo from Mr. McEwan, Jr., dated August 9, 2016, states the following. The issue in the special proceedings is not the value of the real property in question but the use to which it is put and whether that use is exempt from real property taxes. The Petitioner contends that the use of the property is a religious use as governed by section 420-a of the Real Property Tax Law (the “RPTL”). Mr. McEwan listed the requirements to qualify for tax exemption status under RPTL – 420-a.

Mr. McEwan’s settlement proposal and recommendation is as follows:

The proposed settlement, if approved by the parties, will grant tax exempt status to the petitioner for the lot in question. In addition, the parties will enter into an order and stipulation, a copy of which is included with the memorandum, which grants the requested tax exempt status but also provides that the petitioner will waive the repayment of Town taxes paid in connection with the 2016 assessment roll.

I recommend that the Town Board approve the settlement. Consequently, I believe terms and conditions set forth in the accompanying stipulation are fair and in the best interests of the Town, which if approved by the Court will not require the Town to fully reimburse the petitioner for real property taxes paid during the course of the litigation.

Mrs. Ryder said, NYS needs to fix their tax exemption laws.

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
AUTHORIZING THE SETTLEMENT OF LITIGATION AND THE
EXECUTION OF A STIPULATION**

WHEREAS, it appears that Mayin Tohar, a religious corporation, is an owner of real property located within the Town of Bethel and has commenced a special proceeding pursuant to Article 7 of the Real Tax Property Law seeking an order to obtain a real property tax exemption, based upon religious grounds, for a lot owned by it. Said lot is known on the tax map for the Town of Bethel as SBL #17.-1-27.2; and

WHEREAS, the Town of Bethel Board of Assessment Review and the Town Assessor have been named as respondents in the special proceeding; and

WHEREAS, the proper taxable status of the lot identified in the petition is the subject of the special proceeding; and

WHEREAS, a settlement of the litigation has been proposed and a copy of the proposed order and stipulation (the “Stipulation”) has been tendered to each member of the Town Board for review and consideration; and

WHEREAS, the proposed settlement is summarized in a memorandum, dated August 9, 2016, which memorandum was prepared by special counsel to the Town and which recommends acceptance of the proposed terms contained in the Stipulation; and

WHEREAS, the Town of Bethel Town Board declares itself to be the lead agency for the purposes of any environmental review under State Environmental Quality Review Act (“SEQRA”) for the action contemplated by this Resolution.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethel hereby determines that it is the best interests of the Town to accept the terms and conditions of the proposed settlement as set forth in Stipulation and upon the recommendation contained in the memorandum of special counsel referenced herein; and be it

FURTHER RESOLVED, the Town is authorized to settle the referenced special proceeding and enter into the Stipulation pursuant to the authority granted to it pursuant to Town Law §68(4) and special counsel is hereby authorized to sign and deliver the Stipulation and any such documents necessary to achieve settlement and to complete any remaining tasks reasonably required to complete the settlement process; and be it

FURTHER RESOLVED, that the implementation of the settlement is a type II action under SEQRA (6 NYCRR §617.5[20]) and no environmental review is required under SEQRA.

Motion by Town Board member Vicky Simpson, seconded by Town Board member Bernard Cohen, 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 August, 2016.

Noise Permit Application - McLean

Motion by Mrs. Simpson to approve noise permit for Cynthia McLean, 1973 Route 17B, Bethel, NY for August 27 & August 28, 2016 from 2 p.m. to 2 a.m. PA system for a band (1 singer; 1 guitar, 1 base & drums). Location – back yard which is low level property. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Correspondence from Kauneonga Lake Postmaster

Motion by Mr. Cohen to approve request from Kauneonga Lake Post Office. They will be celebrating the *Pick Up Truck* stamp on Friday, September 2, 2016. Requesting assistance in securing the three parking spaces on Route 55 directly in front of the post office between the hours of 11 a.m. to 3 p.m. In addition to notify the Bethel Constables and Sullivan County DPW. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Public Comment

Mary Seitelman stated the lake has green stuff, mush and slime. Maybe from geese, usually where there is sand now grass. Mary said the FDA is willing to gather the eggs in the spring to feed the homeless.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk