

The Town of Bethel Town Board meeting of September 14, 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

The meeting was opened with the Pledge of Allegiance.

Poem to Town of Bethel by Camp Kasho

Mr. Sturm read a poem given to the Town of Bethel by Camp Kasho as follows:

**IN THE NAME OF CAMP DIRECTOR, STAFF AND ALL CAMPER
FROM CAMP KASHO**

To the special people that serve as board members of Town of Bethel
Our gratitude to you knows no bounds; therefore
We like to express just a token of appreciation; in the
Name of all our delighted campers & staff

Our summer camp, noted for its high level curriculum of Talmudic studies and ethical
behavior, exists only because of your devoted cooperation while working together with
us

For the sake of the children’s safety and quality of life for staff and all

Beneficial codes of law are initiated with only the best interests of year-round and
seasonal residents, alike

Enforced with passion and care by the upstanding, and reputable town board members
The title you carry is well deserved for years of tireless work of public service
Hence; may all of you merit many more years of executing good graciously
Each to its own, and to all of you together, may the almighty bless you and your
Loved ones with health, wealth, happiness and whatever your heart may wish

Motion by Mrs. Hendrickson to receive and file poem by Camp Kasho. Seconded
by Mr. Cohen, put to a vote and carried 5-0.

Audit of Bills

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

<u>Fund</u>	<u>Amount</u>	<u>Check Nos.</u>
General Fund	\$235,221.29	6252, 6304, 6306-6367
Highway Fund	\$306,449.11	1100, 1129-1135, 1137-1162
Kauneonga Lake Sewer	\$ 37,211.11	1068-1088
Planning & Zoning Escrow	\$ 3,085.25	1112
Kauneonga Lake Light District	\$146,884.38	electronic transfer

Supervisor’s Monthly Report

General Fund verse last year - 4.5% up revenue, -2.7% expenses down
General Fund verse budget to date 102% received of revenue, 70.8% of budget
expended

Highway Department verse last year - Expenses 20.0% down, more chips paving
last year

Highway verse budget to date - 53.8% of budget expended

Mr. Sturm is working on the budget, maybe be ready by the next board meeting.

2017 goals are not to exceed tax cap of .6%.

Motion by Mrs. Hendrickson to receive and file Supervisor’s monthly report. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

KL Sewer Dist. Budget Modification

Sewer Dept. Resolution for Budgetary transfers between fund account codes

<u>Acct Code</u>	<u>Title</u>	<u>Credit (rev)</u>	<u>Credit</u>
S-599	App. Fund Balance	\$115,591.20	
S9710.6	Serial bond (principal)		\$108,324.01
S9710.6	Serial Bond (interest)		\$ 7,267.19
		\$115,591.20	\$115,591.20

- 1) Record appropriated fund balance, Increase Revenues S599
- 2) Increase expenses for bond

Motion by Mrs. Hendrickson to approve Kauneonga Lake Sewer District budget modification. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Monthly Report Building Department

Total August, 2016 Revenue	\$ 5,620.00
Total August, 2015 Revenue	\$ 6,079.00
Total August, 2016 Construction Total	\$756,250.00
Total August, 2015 Construction Total	\$914,000.00

Motion by Mrs. Ryder to receive and file the Building Department monthly report. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

NYS DOT Pine Grove Rd. Bridge & Culvert Grant Application

The Town of Bethel Highway Department is applying for NYS DOT Culvert Project Grant. There are no matching funds. \$138,000.is the project cost.

Motion by Mr. Cohen to approve filing culvert grant application through NYS DOT. Seconded by Mrs. Simpson, put to a vote and carried 5-0,

Public Hearing 7:45 p.m.: White Lake Resort (Rt. 55 & Central)

Motion by Mrs. Simpson to recess the regularly scheduled Town of Bethel Town Board meeting and open the public hearing scheduled at 7:45 p.m. for White Lake Resorts SBL #35.-4-4.

Ms. Sheehan, Bethel Town Clerk, read the public hearing notice as published in the Sullivan County Democrat.

Mr. Sturm stated it has been brushed hogged and safety fence is up; and recommends leaving this item open for sixty days.

Motion by Mrs. Simpson to leave the public hearing open until November 9, 2016 at 7:45 p.m. and to follow-up on this item open in sixty days (November 9, 2016). Seconded by Mr. Cohen, put to a vote and carried 5-0.

Town Clerk's Monthly Report - August

Total fees	\$9,483.61
State share	\$2,262.57
Town share	\$7,221.04

Motion by Dawn Ryder to receive and file Town Clerk Monthly Report for August, seconded by Ms. Hendrickson, put to a vote and carried 5-0.

Resolution to add light on NYSEG pole #349-3 Pine Grove & E Mongaup Tr.

Motion by Mrs. Simpson to approve authorization to add a light fixture onto an existing pole (#349-3) at the intersection of Pine Grove and East Mongaup Trail. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Bench donation In Memory of Alice & Sanford Schonbrun

Motion by Mrs. Hendrickson recommends that the Town of Bethel send a letter thanking the family members for their most generous donation of the bench. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Resolution to authorize Town Clerk to file E-Waste Grant for expenditures

Motion by Mrs. Ryder authorizing the Bethel Town Clerk to file for an E-Waste Grant (computers, TV's, etc.) for expenses during the 2016-2017 year related to the cost of disposing of the e-waste. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Bethel Girl Scout Troop 470 Bluebird Box Project

Motion by Mrs. Simpson to approve the agreement that the Bluebird Boxes and educational signs placed by the Girl Scout Troop 470 at the Town of Bethel Park on Old White Lake Turnpike and the Smallwood Reserve will be maintained by the Town of Bethel. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Request to make left turn lane onto Pine Grove Road

Correspondence has been received from Suzanne White, Tallwood Estates, to extend the left lane to Pine Grove Road for a left turning lane and to not stripe the opening at the entrance to Tallwood Estates. Motion by Mrs. Hendrickson to receive and file and forward letter/request to NYS DOT. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Thank you from Smallwood Civic Association

Motion by Mrs. Hendrickson to receive and file a thank note you regarding the beautiful fireworks. Seconded by Mr. Cohen, put to a file and carried 5-0.

Thank-you from Bethel Seniors

Motion by Mrs. Simpson to receive and file a thank you note regarding "pizza day". Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Public Hearing: 8:00 p.m.: Vladamir Romaniv (527 Lt. Brender Hwy)

Motion by Mrs. Hendrickson to recess the regularly scheduled Town of Bethel Town Board Meeting and open the public hearing scheduled at 8 p.m. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Mrs. Sheehan, Bethel Town Clerk, read the public hearing notice as published in the Sullivan County Democrat.

There were no public comments. Motion by Mrs. Ryder to close the public hearing and re-enter into the regularly scheduled Town Board Meeting. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Toronto Reservoir East Access Area Update:

NYS Dept. of Health FOIL Request

Mr. Sturm has sent a Freedom of Information request to the NYS Dept. of Health (DOH) requesting all correspondence on file in Albany and/or Monticello Offices dated Jan. 2016-Aug. 2016 related to the Toronto Reservoir East Access located in the Town of Bethel. To date, DOH has only acknowledged request for all correspondence.

Motion by Mrs. Simpson to receive and file acknowledgement from DOH. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Correspondence to Eagle Creek

Mr. Sturm read a letter (dated 08/30/2016) to Robert A. Gates, Eagle Creek Renewable Energy, inviting his to the Sept. 14, 2016 Town Board meeting and asked to be part of the Sept. 8, 2016 conference call between Eagle Creek and the Health Department. Mr. Gates called and stated that he had a prior commitment and could not attend the Sept. 14, 2016 Town Board meeting.

Motion by Mrs. Ryder to receive and file Mr. Sturm's letter dated 8/30/2016 to Mr. Gates. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Correspondence to NYS D.O.H.

Mr. Sturm read a letter dated 08/29/2016 inviting both Ms. Christine Westerman and Ms. Michelle Glover-Brown (Monticello DOH) to the Sept. 14, 2016 Town Board meeting. Also requested the immediate removal of all NYS DOH signage posted at the Toronto East Access Area designated as bathing beach. Mr. Sturm is also requesting to be included in the conference call on Sept. 8, 2016 between Eagle Creek and DOH. Both Christine Westerman and Michelle Glover-Brown had prior commitments and could not attend Sept. 14, 2016 Town of Bethel meeting and he was not invited to the conference call.

Motion by Mr. Cohen to receive and file Mr. Sturm's letter dated 08/29/2016 to Ms. Christine Westerman and Ms. Michelle Glover-Brown. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Mr. Sturm stated that on September 13, 2016 he did meet with Hon. Aileen Gunther and the issue with DOH may proceed to get resolved.

Toronto Reservoir East Access Discussion:

Nino Nannarone - MacNamara, Eagle Creek attorney, had a call to Westerman. MacNamara indicated there is a hearing in October.

Nino Nannarone, read three suggested motions for Town of Bethel to act on:

No. 1 – Authorize Town of Bethel to commence lawsuit again NYS DOH for arbitrary and discriminatory closure of the Toronto East Access Area.

No. 2 – Contact FERC by letter, email and through complaints division that Eagle Creek is in violation of its license since July 22, 2016 and should be fined \$1,000 a day and for FERC to revoke their federal license for non-compliance.

No. 3 – that each member of the Town Board write a letter to FERC expressing their support of the residents of Bethel and of Sullivan County by urging that Eagle Creek's license be revoked unless they are in compliance with their license.

Jim O'Callahan - #1 Show cause court order for Eagle Creek's position.
#2 Riparian rights to remove people, can enjoin them
#3 Next summer move protestors into front of private homeowners

Mr. Sturm - The Board is aware and supportive, we are going to do whatever we can.

Mrs. Simpson - All the Board members agreed to Nino's request for item #3.

Mrs. Simpson - In favor of item #2.

Approve Letters to FERC

Motion by Mrs. Simpson for each board member to write a letter to FERC (Item #3). Seconded by Mr. Cohen, put to a vote and carried 5-0.

Motion by Mrs. Simpson for the Town of Bethel to contact FERC to put them on notice of Eagle Creek being in violation (Item #2). Seconded by Mr. Cohen, put to a vote and carried 5-0.

Bob Barrett - What happened here? How did Monticello DOH make this ruling?

Mrs. Simpson - Item #1 – need to wait for diplomacy, a little premature for lawsuit.

Nino Nannarone - Private public hearing in October; they are working on something.

Mrs. Simpson - Give diplomacy a chance.

Herman Goldfarb - Won't hurt to sue them, it will push them.

Mr. Sturm- Every concern will be brought up at September 13th DOH meeting. Requesting order be lifted. Give it a few days to see what their response is. The Town has reserved their right.

Nino Nannarone -How long are you waiting?

Mr. Sturm-Attorney will be at next meeting.

Jim O'Callahan - At the DOH meeting on September 13th did they mention the October hearing? Mr. Sturm -No.

Jim O'Callahan - Can you make a call tomorrow to DOH to ask about date of hearing?

Mr. Sturm - I can do that. We have done everything you asked.

Mr. Sturm -Will address Item #1 at the next Town Board Meeting if needed.

Jim O'Callahan - Make a point at show cause order, not suggesting a lawsuit. File order, why and grounds.

Nino Nannarone-Are you going to file order? Mr. Sturm -No, wait two weeks.

Sucherberger (1992 Rt. 17B) & Olowe (1923 Rt. 17B)

Mr. Sturm updated the Town Board regarding the unsafe structures located at #22.-1-45 (Rad Sucherber) and # 26.-1-27 (Olowe) were both taken down by their owners at their expense.

Vladimir Romaniv SBL #9.-1-82 (Romaniv)

Motion by Mrs. Simpson to seek sealed bids for removal of unsafe structures, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Town Board Comments

Mrs. Simpson pointed out that Cathy McFadden, Parks & Recreation Youth Director, is here with her daughter, Lauren. Lauren is here for her high school participation in government class. There was an average of 60 children in the all day program; 160 registered for morning and all day program; and there 110 children every day.

Public Comment

Mrs. McFadden- announced the upcoming Parks and Recreation programs and events.

Phil Jacobs - Gabriel Road, no guard rail. Do you have a time frame? Mr. Sturm - Guard rails prepared and ready. Hopefully end of this months.

Phil Jacobs - Why can't Town do something about the odor from the farm on 17B? No other farm stinks. Mr. Sturm – there is a Supreme Court injunction against property owner filed by the businesses and homeowners in the area. The farm can not dump egg shells or they will be in violation of the Supreme Court Order.

Marcia Salton - Thanked the Town Board and Mr. Sturm for the proper handling of Town funds. Also, Patrick Cunningham and the Highway crew for doing a great job.

Peter Conroy - Are you going to mine sand this year? Mr. Sturm - It is staked out, road is built, ready to start in October. Contractor will have to process the sand. Will be saving \$80-90 K a year.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk