

The Town of Bethel Town Board meeting of September 28, 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: Karen Mannino, Attorney for the Town

Correspondence from Bright Advertising re: Sign Regulations

Motion by Mrs. Simpson to receive and file correspondence from Bright Advertising regarding sign regulations. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Jeff Siegel, Bright Advertising, was present to explain request for amendment to the Town Code for digital message signs.

Mr. Sturm reviewed what has transpired regarding a particular sign application that went before the Zoning and Planning Boards:

Bright Advertising He went to the Zoning Board of Appeals and they said no to the concept of a large lite sign. But you sold another smaller version of the same sign to the River Edge for about \$2,500 and just put it up there. Admittedly, the Building Department and I, struggled whether it complied with the Code or not. Town Attorney said by memo on July 6, 2016, that it does not comply for a couple of reasons. Zoning Board the application to the Planning Board who indicated they can't address it, law doesn't allow it.

One of you decided to start a petition to local businesses to rip the Town of Bethel apart for not allowing the sign and being anti-business, saying pretty much we should just butt out and allow it. And now you're here asking for a Zoning change. We have had more businesses open in the last ten years, than the last 25 years combined. We did a Comprehensive Plan and revised Zoning between 2003 and 2011. That is when our residents decided what they wanted and what they didn't want in our town in regards to zoning and signage. Why should we override the will of our residents? It should be taken down tomorrow or be ticketed and fined as appropriate.

Mrs. Ryder spoke and stated that our community doesn't like it. Light is blinding. Mrs. Ryder has looked at the comprehensive plan and found digital signs were discouraged.

Jeff Siegel said it is not about this sign or River Edge sign, it is about businesses advertising. Mr. Sturm, now we have to address this after the fact. Mr. Siegel, this is not part of my sign; that is up to the owner. It does meet DOT codes. Mr. Sturm, can go the ZBA in the meantime. Will give information to the owner. Mr. Siegel, then all signs should come down. White Lake Fire Co., Bubba's, etc..

Mr. Sturm, White Lake Fire Company is time and temperature which is allowed; Bubba's sign has been removed.

Cancel 10/12 TB and reschedule to 10/13

Motion by Mr. Cohen to cancel October 12, 2016 Town Board meeting since it is Yom Kippur and reschedule for October 13, 2016. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Correspondence Elizabeth Cassidy re: Boymelgreen Subdivision

Motion by Mrs. Ryder to receive and file letter Elizabeth K. Cassidy, Esq. (representing Sam Boymelgreen) seeking a septic waiver pursuant to 257-62 of the Town of Bethel Code. Requesting the Town Board to refrain from further action until Mr. Boymelgreen's engineer has submitted an amended application to the Town Board. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Complaint from Marcel Minoux

Motion by Mr. Cohen to receive and file letter dated September 9, 2016 written by the sister of Marcel Minoux regarding a discharge of water from another private property onto her brother's property. Seconded by Mrs. Simpson, put to a vote and carried 5-0. Mrs. Gettel, Code Enforcement Officer, Town of Bethel, stated that this is a civil matter between the two property owners.

NYS Comptroller 2015 Fiscal Monitoring Score

Motion by Mrs. Simpson to receive and file the NYS Comptroller 2015 Fiscal Monitoring report. The score is 5% and the stress level of no designation which is very good. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Filing of 2017 Tentative Budget with Town Clerk

The Town Supervisor has filed the 2017 Tentative Budget with the Town Clerk. The budget is going down a-half-a percent. Motion by Mrs. Simpson to receive and file tentative budget with Town Clerk. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Set 2017 Budget Work Session for 10/4 at 7:30 p.m.

Motion by Mrs. Hendrickson to set 2017 budget work session for October 4, 2016 at 7:30 p.m. at the Bethel Town Hall. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

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

As of this date, September 28, 2016, Mrs. Gettel, Code Enforcement Officer for the Town of Bethel, has not heard from the attorney. Last communication from the attorney was letter dated August 22, 2016.

Motion by Mrs. Hendrickson to seek sealed bids for the unsafe structures located at 192 Lee Cole Road known as #9.-1-4. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Donation of benches for Town Square & The Forest Reserve

Mr. Sturm announced that Robert McEwan donated a bench to the Veteran's Park at Town Square. Motion by Mrs. Simpson to send Mr. McEwan a thank you letter for his gracious donation. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Mr. Sturm also announced that Cornell Cooperative Extension donated four (4) benches to the Forest Reserve at Smallwood. Motion by Mrs. Hendrickson to send Cornell a thank you letter for their gracious donation. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Resignation letter from James Crowley from Green Committee

Motion by Mr. Cohen to receive and file letter of resignation from James Crowley from the Green Committee. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Bid results for Unsafe Structure 96 E. Thompson Place

Sealed bids were received and publicly open and read at the Town Clerk’s Office on September 27, 2016 at 11 a.m. for the property located at 96 E. Thompson Place known as SBL #43.-6-28 as follows:

Reeves Construction	\$17,300
Riley J. Platt	\$29,000
Anadine Design	\$28,900
Jupiter Environmental	\$27,800
Decker	\$12,400 (received after bids were opened).

Karen Mannino, attorney for the town, recommending rejecting all the bids. Motion by Mrs. Ryder to reject all bids received for 96 E. Thompson Place and re-bid the project. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Correspondence from Kurt Althaus, 13 W. Sullivan Place

Correspondence has been received from Kurt Althaus, property owner, in regards to 13 W. Sullivan Place, known as SBL #42.-8-8. Motion by Mrs. Hendrickson to receive and file correspondence stating his intention to rectify the unsafe structure himself. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Bid results for unsafe structure 13W. Sullivan Place

Sealed bids were received and publicly open and read at the Town Clerk’s Office on September 27, 2016 at 11 a.m. for the property located at 13 W. Sullivan Place known as SBL #as follows:

Reeves Construction	\$11,557
Riley J. Platt	\$18,000
Anadine Design	\$19,990
Jupiter Environmental	\$27,800
Decker	\$ 8300 (received after bids were opened).

Karen Mannino, attorney for the town, recommending rejecting all the bids Motion by Mrs. Hendrickson to reject bids received for 13 W. Sullivan Place and rebid the project. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Toronto Reservoir East Access Area:

Letters to FERC from Town Board

As previously authorized by the Town Board, the Town Clerk has mailed, e-mailed and uploaded to the FERC online submission the September 20th letter from the Town Supervisor & the September 26th letter from the Town Board members. Motion by Mrs. Hendrickson to receive and file both letters. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Motion by Mrs. Hendrickson to receive and file letter from Town of Bethel Town Board Members to Robert Fletcher, Washington, DC regarding Toronto Reservoir East Access Area, Project #10482. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Notice of Administrative Tribunal Hearing

Notice of NYS Dept. of Health Administrative Tribunal Hearing with Eagle Creek has been received by the Town. The hearing is set for October 19th at 10 a.m. at the Sullivan County Government Center. Motion by Mrs. Simpson to receive and file Notice dated September 20, 2016. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Correspondence from Denise and Michael Connolly

Motion by Mrs. Hendrickson to receive and file correspondence from Denise and Michael Connolly, Bethel resident stating that they do not want to see any Town money(s) going towards a possible lawsuit by the town for swimming at Toronto Reservoir East Access Area. They feel this should be a private lawsuit by the "Friends of Toronto". Seconded by Mr. Cohen, put to a vote and carried 5-0.

Town Board Comments

Karen Mannino, Attorney for the town, explained the Town has no interest in the property owned by FERC, access not limited to Town residents, so all would benefit. Any litigation would be unlawful. It would be considered a gift to those that would benefit. The Town Board has taken a strong position against FERC and DOH.

Public Comment

Bob Barrett - Listen to CD, read 6.22 of the Sanitary Code. Eagle Creek is a large taxpayer. Disagrees with Mrs. Mannino. Step up, quit playing games, boondoggle, legalisms.

Herman Goldfarb – we don't know who complainant is. Won't have answer from DOH FOIL until November 18th.

Nino Nannarone – what are the nature of complaints and who? Who is the contact above Michelle Glover-Brown? What are sanitary code violations? See Friends of Toronto memo – Item #3. File an injunction against State DOH to postpone October 19th hearing until Foil is answered.

Herman Goldfarb – Brian Miner, DOH authorized Michelle Glover-Brown to place signs. Miner is Glover-Brown's boss. Miner told Herman probably won't be able to speak at Administrative Tribunal hearing. Miner not taking an action because of complainants it's because beach is not being properly run.

Bob Barrett – Dan will you ask what an Administrative Tribunal hearing is? Send an e-mail to Miner asking for the public to speak.

Authorize Letter to Brian Miner, DOH

Motion by Mrs. Simpson to send e-mail to Brian Miner to allow the public to speak and to allot time for the public to speak at the Administrative Tribunal hearing on October 19, 2016. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Authorize letter to U.S. Senators and Congress

Motion by Mrs. Simpson to send September 20, 2016 FERC letter and newspaper articles attached to Friends of Toronto memo to U.S. Senator Charles Schumer, US Senator Kristen Gillibrand and 19th Congressional District Congressman Chris Gibson. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Peter Conroy - indicated he was told by DOH, Westerman and Glover-Brown that there were two (2) complaints, two (2) weeks later, many, many complaints.

Mrs. Vasta - was told by security in September that she can go to the right not to the left.

Mr. Sturm - fully aware, not naive, vicious circle, not in favor of it. You have our unwavering support. Also, Honorable Aileen Gunther, 100th Assembly District is writing a letter in support of Friends of Toronto.

September 28, 2016

Regular Meeting

Bette Jean Gettel elected as NYS Building Officials

Mr. Sturm announced that BJ Gettel has been elected President to the New York State Building Officials and is the first woman. The organization represents 4,000 code officials throughout the state.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk