

The August 8, 2012 Town Board meeting was called to order by Supervisor Daniel Sturm at 8:00 p.m. at the Dr. Duggan Community Center Meeting Room.

Council members present: Robert Blais  
 Vicky Simpson  
 Bernard Cohen  
 Denise Frangipane

**Pledge of Allegiance**

The meeting was opened with the Pledge of Allegiance.

**Approve Monthly Audit of Bills - July**

<u>Fund</u>	<u>Amount</u>	<u>Check No.</u>
General	\$197,591.48	2823, 2827-2902
Highway	\$192,986.52	1959-1992
Sewer District	\$ 25,035.20	1491-1515
KL Light District	\$ 2,577.77	1036-1038
Sewer Rehab	\$ 24,948.78	1039-1041
Planning & Zoning Escrow	\$ 2,908.95	105-107

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

**Supervisor’s Monthly Report - July**

Mr. Sturm reviewed the March 2012 Supervisor's reports for the General and Highway Funds. Motion by Ms. Frangipane to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0.

**Building Department Monthly Report-July**

2012 July Fees	\$4,600.
2011 July Fees	\$4,244.
2012 Construction Total to Date	\$4,130,100
2011 Construction Total to Date	\$2,986,550

Motion by Mrs. Simpson to receive and file Building Department’s monthly report, seconded by Ms. Frangipane, put to a vote and carried 5-0.

**Correspondence from Glen Smith, P.E., re: Gabriel Road**

Copy of correspondence has been received from Glen Smith, P.E. regarding Gabriel Road that he has sent to the Dept. of Env. Conservation regarding the conclusion of all outstanding DEC comments. Motion by Mr. Blais to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0.

**Correspondence from Patricia Piro – re: Cumberland Trail**

Correspondence has been received by Patricia Piro requesting the resurface of Cumberland Trail. Ms. Piro attached her 2009 letter to the Highway Superintendent. Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 5-0.

**Approve Purchase of Two Dodge 4500 Trucks**

Quotation has been received from Robert Green Trucks for the cost of two 2012 Dodge 4500 trucks on state contract #PC63529 in the amount of \$33,356. with Swenson spreader and other options for a total cost of \$75,886.39 each. Motion by Mr. Blais to

approve purchase of two Dodge 4500 trucks for a total cost of \$151,772.78 on state bid, seconded by Mr. Cohen, put to a vote and carried 5-0. Mr. Blais wants to make sure on the purchase order we state that the trucks must be delivered by December 2012.

**Town Clerk’s Monthly Report-July**

Town Clerk has submitted her monthly report for July.

Total Revenue	\$8,230.31	
State Share		\$ 508.59
Town Share		<u>\$7,721.72</u>

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

**Proposal to Lease the Dr. Duggan School**

Jennifer Bettino and Danielle Gaebel, co-founders Natural Contents, were present to discuss their proposal for use of the Dr. Duggan School cafeteria as a community supported kitchen.

**Resolution to approve lease with Monticello Central School District**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
AUTHORIZING AN AMENDMENT TO  
THE LEASE OF CERTAIN REAL PROPERTY**

**WHEREAS**, in 2010 the Town Board of the Town of Bethel (the “Town”) entered into a five-year lease agreement, with a five-year option, (the “Lease”) with the Monticello Central School (the “School District”) to lease a portion of the former Dr. Cornelius Duggan Elementary School Building (the “Dr. Duggan School”) for Town purposes including a Youth Center, Literacy Center, Justice Court, Administrative Offices and Meeting Room; and

**WHEREAS**, it appears that the Town desires to lease an additional 540 square feet of space located at the Dr. Duggan School in addition to the 3600 square feet set forth under the Lease for a total of 4,140 square feet of leased space under the amended leasehold estate. A copy of the proposed amendment to the Lease (the “Lease Amendment”) is attached hereto; and

**WHEREAS**, the real property subject to the Lease Amendment is located at 3460 Route 55, White Lake, New York.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Bethel, has reviewed the terms and conditions in the attached Lease Amendment and approves the same under the power and authority granted to it by NY Town Law §§ 64 and 220; and be it

**FURTHER RESOLVED**, that the Town Board authorizes the Town Supervisor to sign the attached Lease Amendment on behalf of the Town, or a version that is substantially similar thereto, as well as any other documents reasonably necessary to consummate the amendment of the Lease, to carry out the Town’s obligations under the Lease and Lease Amendment, to expend the funds set forth as consideration in the Lease and Lease Amendment as well as necessary maintenance and repair costs, and to put the leasehold estate to the use as provided in this Resolution, the Lease and the and Lease Amendment; and be it

**FURTHER RESOLVED**, that the action contemplated under this Resolution is an unlisted action under the State Environmental Quality Review Act (“SEQRA”) and the Town determines that it is the lead agency for SEQRA purposes; and be it

**FURTHER RESOLVED**, based upon the short Environment Assessment Form reviewed by the Town Board, the Town Board makes the findings contained in the Determination of Significance, attached hereto and incorporated herein, and determines that there will be no significant impact to the environment and issues a negative declaration; and be it

**FURTHER RESOLVED**, that this resolution is a Negative Declaration under SEQRA and the information required by 6 NYCRR § 617.12(a) is attached hereto and incorporated herein; and be it

**FURTHER RESOLVED**, the Town Board hereby directs that a copy of this resolution, its attachments and the SEQR documents be filed with the Town Supervisor and provide a copy to any person who has requested a copy hereof; and be it

**FURTHER RESOLVED**, that pursuant to NY Town Law §§ 82 and 90 that within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the Sullivan County Democrat, a newspaper published in Sullivan County having general circulation in the Town of Bethel, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Bethel, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Motion by Councilwoman Victoria Simpson, seconded by Councilman Bernard Cohen and adopted upon a roll call vote as follows:

Robert Blais	Voting	aye
Bernie Cohen	Voting	aye
Vicky Simpson	Voting	aye
Denise Frangipane	Voting	aye
Daniel Sturm	Voting	aye

Duly adopted by 5 ayes, 0 nays the 8th day of August, 2012, subject to a permissive referendum.

Effective Date: This Resolution shall not take effect until thirty days after its adoption or as otherwise provided in § 91 of the NY Town Law.

**Resolution to approve Stipulation Settlement for Kollel ATV sewer extension**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL TO APPROVE THE STIPULATION OF SETTELEMENT FOR THE KOLLEL AVERICHIM TORAH VEYIRAH SEWER EXTENSION ON SCHULTZ ROAD**

WHEREAS, Kollel Averichim Torah Veyirah ("KATV") submitted a petition to the Town Board of the Town of Bethel for an extension of the Kauneonga Lake Sewer District to include a certain parcel of real property consisting of a 5.26 acre parcel located at Schultz Road, in the Town of Bethel, Sullivan County, New York, identified on the Town Tax Map as Section 37, Block 1, Lot 50, and

WHEREAS, the petition proposed that the property connect to the Town's sewer lines by means of an interconnection with certain existing sewer lines on adjoining property located at Schultz Road in the Town of Bethel, Sullivan County, New York, identified on the Town Tax Map as Section 37, Block 1, Lot 71, and

WHEREAS, on December 8, 2010, following a public hearing, the Town Board adopted a Negative Declaration under SEQRA and a Resolution granting the petition and approving the proposed extension of the Kauneonga Lake Sewer District, and

WHEREAS, on September 14, 2011, the Town Board voted to rescind its Resolution of December 8, 2010, and

WHEREAS, KATV has commenced a lawsuit against the Town in New York State Supreme Court seeking to annul the Town Board's Resolution of September 14, 2011 and to recover money damages under 42 U.S.C. §1983, and

WHEREAS, the attorneys for the Town have consulted with the attorneys for KATV and have drafted a proposed stipulation by which the lawsuit may be resolved, a copy of which is annexed hereto, and

WHEREAS, it is the recommendation of the attorneys for the Town that said lawsuit be settled upon the terms and conditions set forth in the Stipulation of Settlement, and

WHEREAS, the Town Board has reviewed the Stipulation of Settlement and, upon consultation with its attorneys and consideration of all pertinent facts and circumstances, finds that approval of the proposed Stipulation of Settlement is in the best interests of the Town,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby approves and accepts the annexed Stipulation of Settlement, and
2. That the Town Supervisor and counsel for the Town are authorized to execute the Stipulation of Settlement and any documents necessary to have it entered with the Court and recorded with the County Clerk.

Motion by Councilwoman Denise Frangipane, presented the foregoing resolution, seconded by Councilman Robert Blais and adopted upon a roll call vote as follows:

Bernard Cohen	aye
Denise Frangipane	aye
Robert Blais	aye
Vicky Simpson	aye
Daniel Sturm	aye

Adopted at a meeting of the Town Board on 8<sup>th</sup> day of August, 2012

**Bethel Farm Tours & Open Houses**

Ms. Frangipane announced the following working farm tours: August 11<sup>th</sup> at Fairytale Farm and August 26<sup>th</sup> at Bethel Creamery, 12-3 p.m.

**Public Comment**

Roger Kimmes, Fairweather Road, was present to discuss two issues; one is the trees on Hurd Road between the Fayerweather Cemetery and Fairweather Road, the other is the ditch by his house. Mr. Kimmes was told by Mr. Lilley that the engineer would come out. His driveway was repaved and water is washing away his driveway. The ditch was good until 2 years ago when the town did work on property across street. There was an accident last fall due to the water freezing over the roadway. Lost 30 feet of sod last week. The town caused the problem and wants problem taken care of. Its starts at Cohen's; need larger sluice. Mr. Lilley stated he would call engineer to meet with Mr. Kimmes.

**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,

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Rita J. Sheehan, Town Clerk