

The January 25, 2012 Town Board meeting was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Duggan Community Center, Meeting Room.

Council members present: Richard Crumley
Victoria Simpson
Denise Frangipane
Bernard Cohen

Pledge of Allegiance

The meeting was opened with the Pledge of Allegiance.

Junkyard License Renewals: Lymar, Shapiro, Ross, Lema

Junkyard license renewal applications have been received from Lymar, Joel Shapiro, Bruce Ross and Lema. Motion by Ms. Frangipane to authorize Building Department to inspect, seconded by Mr. Cohen, put to a vote and carried 5-0.

Voting Delegate for NYS Assoc. of Towns

Motion by Mrs. Simpson to appoint Bernard Cohen as voting delegate for the NYS Association of Towns annual business meeting in New York City, seconded by Mr. Crumley, put to a vote and carried 5-0.

Resolution to Support “Young Lungs at Play”

Correspondence has been received from Sullivan County Tobacco Coalition seeking support of Young Lungs at Play. Motion by Mrs. Simpson to approve designating the Pool and Pavilion smoke free, seconded by Mr. Cohen, put to a vote and carried 5-0.

Ms. Frangipane requested to include the Kauneonga Lake Community Park. Motion by Ms. Frangipane to designate Kauneonga Lake Community Park for the Young Lungs at Play, seconded by Mr. Cohen, put to a vote and carried 5-0.

WHEREAS, smoking is responsible for the premature deaths of over 400,000 Americans EACH YEAR from lung cancer, heart disease, respiratory illness and other diseases and

WHEREAS, to help rule model non-smoking behavior to children and youth of our town and to provide the youth and their families with a safe, smoke-free environment

WHEREAS, secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year and the 2006 Surgeon General’s report states that evidence indicates there is no risk-free level of exposure to secondhand smoke

WHEREAS, 80% of smokers start before the age of 18 and the average age is 12 years

WHEREAS, everyday an estimated 4,000 young people under the age of 18 try their first cigarette and one third will die prematurely from tobacco related illnesses and

WHEREAS, smoking kills more Americans each year than alcohol, illegal drugs, AIDS, car accidents and murders and suicides COMBINED

WHEREAS, cigarette filter litter is not biodegradable (plastic cellulose) and litter clean up costs taxpayer money, has environmental consequences and litter in a community, decreases Property value 7%, and is a fire hazard.

THEREFORE, FROM THIS DAY FORWARD THE PLAYGROUND AND POOL AREAS LOCATED AT:

608 Old White Lake Turnpike, Swan Lake, NY 12783, and the Kauneonga Lake Community Park, Route 55, Kauneonga Lake, NY 12749

under the direction and oversight of the Town of Bethel Town Board are duly designated as a **TOBACCO FREE ZONE**.

Resignation of Board of Assessment Review Members

Mr. Sturm read two letters of resignation from Board of Assessment Review members Donna Tyler and Margaret Katzenberger to be effective immediately. Motion by Ms. Mrs. Simpson to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0. Motion by Ms. Frangipane to accept resignation of Board of Assessment Review Members, seconded by Mr. Crumley, put to a vote and carried 5-0.

Motion by Mr. Crumley to post in paper for letters of interest with a response due on February 10th, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Mr. Sturm expressed his disappointment in the two resignations; both did a great job for many years. He does not want to speculate why. The Town Board supported supervisor's statements.

Correspondence to Bank of America

Motion by Ms. Frangipane to send letter to Bank of America supporting commercial retail occupancy of the new owners at the White Lake branch, seconded by Mr. Cohen, put to a vote and carried 5-0.

Status of County-wide Tax Exempts comparison to Town of Bethel

Mr. Sturm reviewed the county-wide comparison of tax exempt properties by township. The Town of Bethel rank 9th out of 15 Towns in total tax exempts.

NYSERDA EmPower NY program

Correspondence has been received from EmPower NY on savings programs to residents. Motion by Mrs. Simpson to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0.

Sterling Environmental well-monitoring DEC variance request

Correspondence has been received from Sterling Environmental for the well-monitoring variance request proposal from quarterly to yearly which will greatly reduce our cost. Motion by Ms. Frangipane to approve well-monitoring proposal, seconded by Mr. Crumley, put to a vote and carried 5-0.

Resolution to Introduce Proposed Local Law #1-2012

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
TO INTRODUCE A LOCAL LAW TO AMEND CHAPTER 345 "ZONING"
OF THE TOWN CODE OF THE TOWN OF BETHEL**

WHEREAS, the Town Board of the Town of Bethel ("Town Board") heretofore adopted a zoning code under the authority of the NY Town Law § 261, which zoning code appears as Chapter 345 of the Town Code of the Town of Bethel (the "Zoning Code"); and

WHEREAS, in December 2006 the Town of Bethel adopted a Comprehensive Plan and Local Law No. 5 of 2006, which although Local Law No. 5 of 2006 implemented certain revisions to the Zoning Code, the Town had not adopted appropriate and necessary Zoning Code revisions and amendments to implement fully the aims, intents and plans embodied in the Comprehensive Plan for certain zoning districts in the

Town; and

WHEREAS, the Town subsequently conducted a lengthy review to determine all necessary and appropriate amendments and revisions to the Zoning Code for certain zoning districts; and

WHEREAS, the Town Board then introduced Local Law No. 1 of 2009 to amend the Town's Zoning Code, and on January 28, 2009 determined that the proposed action was a type I action under the State Environmental Quality Review Act ("SEQRA"), and established itself as lead agency for SEQRA review purposes; and

WHEREAS, the Town Board, acting as lead agency under SEQRA, completed all of its obligations under SEQRA and adopted a Final Generic Environmental Impact Statement on June 9, 2009; and

WHEREAS, Local Law No. 1 of 2009, adopting the amendments to the Zoning Code, was enacted on June 24, 2009; and

WHEREAS, the Town Board subsequently adopted local laws making minor amendments to the Zoning Code as part of its continuing evaluation process of the Zoning Code; and

WHEREAS, the Town Board has been requested to review and address through its land use laws the impacts of the exploration and extraction of natural gas and the impacts of other industrial and manufacturing uses that have potentially negative health and environmental impacts upon the citizens of the Town of Bethel and the natural resources of the Town; and

WHEREAS, the Town has caused to be prepared a comprehensive local land use analysis titled *Land Use Analysis: Hazardous or Natural Gas and/or Petroleum Activities & Industrial Uses*, prepared by Greenplan, Inc. for use in review of the proposed local law, and a copy of that land use analysis shall be incorporated into the record of these proceedings and shall be made available for public review; and

WHEREAS, in conformance with the Comprehensive Plan, the Town seeks to amend its Zoning Code to take certain preventative measures, including the identification and proscription of Explicitly Prohibited Uses within the Town, which measures are set forth in the local law introduced by this Resolution; and

WHEREAS, this Resolution introduces Local Law No. 1 of 2012, which Local Law is attached hereto, and which, if enacted, will amend Chapter 345 of the Town Code; and

WHEREAS, the action contemplated by this Resolution is subject to the State Environmental Quality Review Act ("SEQRA") and the Town will seek to act as lead agency for environmental review purposes.

NOW THEREFORE, BE IT RESOLVED, that Local Law No. 1 of 2012 is introduced pursuant to applicable law, including but not limited to §345-64 of the Zoning Code; and be it

FURTHER RESOLVED, that a public information session regarding the elements of Local Law No. 1 of 2012 shall be scheduled for February 22, 2012 at the Dr. Duggan Community Center, which public information session will follow the conclusion of the regularly scheduled meeting of the Town Board held on said date; and be it

FURTHER RESOLVED, that a public hearing on the Local Law shall be scheduled for Thursday, March 15, 2012 at 7:00 PM, which public hearing shall be conducted at the Dr. Duggan Community Center and proper notice of the public hearing shall be given in accordance with §345-66 of the Zoning Code; and be it

FURTHER RESOLVED, that a copy of the introductory Local Law No. 1 of 2012 shall be forwarded to the Town of Bethel Planning Board for its review and

recommendation in accordance with Zoning Code §345-65.A; and be it

FURTHER RESOLVED, that a copy of the introductory Local Law No. 1 of 2012 shall be forwarded to the Sullivan County Department of Planning and Environmental Management for review and recommendation in accordance with Zoning Code §345-65.B and New York State General Municipal Law §239-m; and be it

FURTHER RESOLVED, that a copy of the introductory Local Law No. 1 of 2012 shall be forwarded to the Sullivan County Agriculture and Farmland Protection Board for its review and comment; and be it

FURTHER RESOLVED, that the Town Board of the Town of Bethel intends to become lead agency under SEQRA and provide notice of its intent to any other involved agencies; and be it

FURTHER RESOLVED, that the Town Board of the Town of Bethel determines that the proposed action is a type I action under SEQRA regulations with the potential for at least one significant adverse environmental impact and the Town Board needs to analyze said potential significant adverse impacts and evaluate reasonable alternatives thereto as required by 6 NYCRR 617.7; and be it

FURTHER RESOLVED, that the SEQRA materials prepared in support of Local Law No. 1 of 2009 shall be evaluated for recommendation of whether this action may be evaluated by an Environmental Assessment Form or an Environmental Impact Statement and the appropriate document shall be prepared and delivered to the Town Board for review and consideration; and

FURTHER RESOLVED, this Resolution shall become effective when adopted.

Motion by Town Board member Vicky Simpson, seconded by Town Board member Bernie Cohen, and adopted upon a roll call vote as follows:

	AYE	NAY
Bernard Cohen	X	
Richard Crumley	X	
Denise Frangipane	X	
Victoria Simpson	X	
Daniel Sturm	X	

Duly adopted by 5 ayes, 0 nays the 25th day of January, 2012.

Resolution to Approve Form and Manner of Official Undertaking

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL
REQUIRING AND APPROVING THE
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICIALS**

WHEREAS, various sections of New York State Town Law and Public Officers Law require that certain officials execute an Official Undertaking; and

WHEREAS, the Town Board of the Town of Bethel hereby requires the Supervisor, Town Clerk, Tax Collector, Town Justices, Constables, and Highway Superintendent to execute said Official Undertaking as required by said laws.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Bethel approve the document, attached hereto, entitled “Town of Bethel Official Undertaking of Municipal Officers” as to its form and manner of execution and the sufficiency of the insurance, and be it

FURTHER RESOLVED that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as, the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

Motion by Councilwoman Denise Frangipane, seconded by Councilwoman Victoria Simpson and upon a roll call vote the Town Board voted as follows:

Bernard Cohen	Voting	aye
Richard Crumley	Voting	aye
Denise Frangipane	Voting	aye
Vicky Simpson	Voting	aye
Daniel Sturm	Voting	aye

Duly adopted by 5 ayes, 0 nays the 25th day of January, 2012.

Effective Date: This Resolution shall take effect upon adoption.

Agricultural Committee Update

Ms. Frangipane announced the Bethel Farm Committee is sponsoring two Bethel farm days this summer at Rolling Stone Ranch and Pella Poultry & Creamery.

Sewer Plant Update

Mr. Cohen took a tour of the sewer plant with Jim McBride, Sewer Superintendent, and found one of the pools needs about \$30,000 in labor; can save if we do it in house. Everything else running okay. The Sewer Department could use extra hours for trainee.

Property Maintenance

Ms. Frangipane commented that there are a handful of properties where owners have abandoned their interest one being West Shore Road before Amsterdam Drive; there is equipment, fencing, and tree stumps. Ask Building Department to send letter requesting response of the owners intentions.

Public Comment

Josh Teitelbaum distributed copies of an affidavit from Hans Hansay of Mirant dated April, 2001 regarding his testimony during the Toronto Reservoir water level hearings.

Al Larson filed with the Town Clerk his prior Notice of Claim regarding Proposed Local Law #1-2012.

Adjournment

Motion by Mr. Crumley to adjourn, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk