

The March 13, 2013 Town Board meeting was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Duggan Community Center.

Council Members Present: Denise Frangipane
Vicky Simpson
Lillian Hendrickson

Absent: Bernie Cohen

Others Present: Robert McEwan, Attorney for the Town

The meeting was opened with the Pledge of Allegiance

Audit of Monthly Bills

Motion by Mrs. Simpson to approve monthly audit of bills, seconded by Mrs. Hendrickson, put to a vote and carried 4-0 as follows:

<u>Fund</u>	<u>Amount</u>	<u>Check Nos.</u>
General Fund	508,195.48	3322-3393, 3395-3402
Highway Fund	161,296.01	2213 - 2246
KL Sewer District Fund	14,529.36	1663 - 1680
Kauneonga Light District	1,286.57	1052
Sewer Rehab	60,930.90	1051 -1054

Supervisor’s Monthly Report

Motion by Ms. Frangipane to receive and file Supervisor’s Monthly report for February, seconded by Mrs. Simpson, put to vote and carried 4-0. Goal to keep flat and under last years expenses.

Building Department Monthly Report

2013 Feb Fees \$5,010.
2012 Feb Fees \$3,322.

2013 Feb Construction Totals \$1,395,500.
2012 Feb Construction Totals \$ 581,000.

Motion by Mrs. Simpson to receive and file Building Department Monthly report for February, seconded by Mrs. Hendrickson, put to a vote and carried 4-0.

Review Bid results for 2013 Wheel Loader

Town Clerk’s office received sealed bids for 2013 Wheel Loader on March 11, 2013 as follows:

<u>Bidders</u>	<u>Amount</u>
Pine Bush Equipment	\$145,000.00
JESCO	\$146,000.00
A. Montano Company	\$167,297.92
A. Montano Company	\$146,660.24
Hoffman Equipment	\$148,498.89

Motion by Mrs. Simpson to award bid to Pine Bush Equipment in the amount of \$145,000, seconded by Mrs. Hendrickson, put to vote and carried 4-0.

Service Contract Warranty 5 yrs / 3000 hours
Delivery within 30 days

Correspondence Charles Aber – condition of Lt. Brender Hwy

Correspondence has been received by Charles Aber, Lt. Brender Highway, regarding the condition of Lt. Brender Highway. Motion by Ms. Frangipane to receive and file, seconded by Mrs. Simpson, put to a vote and carried 4-0. Send copy of letter to Highway Dept.

Public Hearing - Proposed Local Law #1-2013 Road Use and Preservation Law

Motion by Ms. Frangipane to open the Public Hearing at 7:45 p.m. for Proposed Local Law #1, seconded by Mrs. Hendrickson, put to vote and carried 4-0. Town Clerk read Legal Notice for Public Hearing.

Mr. McEwan reviewed the Proposed Local Law. The Local Law has 4 provisions: Truck Route System, Road Closures, Weight Permit, and Road Use Agreements. They are not applicable to Town use, AG uses, local delivery, emergency vehicles, school buses owned or operated by contract.

- 1) truck route system – 33,000 lbs in excess of; local delivery system
- 2) road closing provisions – Town can temporary close roads with vehicles over 4 tons; does contain permit provisions to allow vehicles to travel on closed highway; permit to travel
- 3) only to overweight vehicle 88,000 lbs or trucks that need escort, must apply for permit haul and submit route survey
- 4) road use agreement - where the road have been damaged; agreement between town and trucker. Mandatory by statute or voluntarily, such as a developer or mutual benefit.

Mr. McEwan noted that the Town of Bethel Proposed Local Law #1 is less restrictive than the model law created by the Multi-Municipal Task Force.

Cathy DeGraff, Creamery Road, 18 wheelers are using Creamery to avoid 17B, 25-30 trucks, not using CR183 to get to 17B. It is 30 mph on Creamery Road. This just started, large amount of trucks. Soil haulers, logging, rock haulers, using as thorofare, no one is doing this work or delivering in area. Two bridges not rated for these heavy loads. It is not a two-lane road. Ms. DeGraff asked for clarification of Section 251.04(B), the truck route system. Does that include drilling supplies or towers or anything like that?

Karen London, the local delivery has to be on this street, no passing through.

Bob Barrett is trying to protect Smallwood's 5 entrances between 55 and 17B. (Foster, Mattison, Schultz, Pine Grove and Ballard). These trucks are using radios when there is a traffic stop. Enforcement - what, how, who? Signs are needed for truckers.

Mr. Sturm could not agree more especially on roads such as Sullivan Place and Creamery.

Mr. McEwan indicated the Town has not developed which signs and where. There is not a large police force, advised public to call and notify town hall.

Ray Neuenhoff – only State Police can weigh trucks.

Charles Aber: Lt. Brender Hwy. Just tonight overloaded logging truck, there no shoulder.

Larysa Dyrka – spoke about diesel fuel, health issues of driving toxic vehicles, urged Town Board to adopt quickly as possible.

Jane Axermathy – Crumley VanVactor Road, 15-20 trucks per day from mulch plant. It's now the spring thaw and its muddy, ruining road, dust will impact growing

season. She was run off the road. Matt – using tractor, trucks kicked up dirt. Mr. Sturm they were not suppose to use our town roads; they agreed and their not following the agreement.

Mr. McEwan - need to pay for damages of road (Trumble damages). Trucks could voluntarily use an alternate route if we can show they are damaging our roads.

Jane has a blind driveway. Trucks going 60 mph.

Cathy De Graff – why are they avoiding the main road, something is up.

Ms. Frangipane – need to do outreach; need to know we have a new law in place.

Fritz Meyer, River Reporter, asked Mr. McEwan to clarify whether the law the other towns adopted is against state statute. Mr. McEwan that is my opinion, yes. I just didn't agree with some of the language; when you tell someone you have to fix our roads before you use them, and you have to enter into an agreement, I don't believe it is permitted under constitutions.

Karen London impetuous of MMTF was the town is seeking a way for tax payers to avoid paying for the damaged roads. The State doesn't even know how to pay for repairs to their own roads. This is going to be case of First Impressions in Courts for towns that adopted the model law. No lawyer can every say how the court would handle. Our law is more stable under the State Law. The model law maybe much more subject to a lawsuit.

Mr. Sturm announced that 16 written comments were received by e-mail. Mr. Sturm read e-mail from Michael and Sandra Shictman.

Motion by Ms. Frangipane to receive and file all public comments and to close the public hearing, seconded by Mrs. Simpson, put to vote and carried to 4-0.

Town Clerk's Monthly Report

Total State, County & Local Revenues:	\$3,024.77
Total Non-Local Shares (State) Revenues:	\$ 202.84
Total Local Shares Remitted:	\$2,821.93

Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Segregation of duties for court bank statement reconciliations

Mr. Sturm recommended separating the Court Clerk duties from the bank statement reconciliations as suggested by the Independent Auditor. Motion by Ms. Frangipane to appoint Colleen Cunningham to do all Justice Court bank statements reconciliations at \$75./monthly, put to vote and carried 3-0 with one abstention. Mrs. Hendrickson abstained due to personal conflict.

Sewer Liaison

Mr. Sturm announced that he is appointing Mrs. Hendrickson to be sewer liaison; Mr. Cohen will be Highway Department only.

Request to attend conference

Correspondence has been received by Jim McBride, Sewer Superintendent, to attending the Hudson Valley Water Works Conference on March 21st in the Village of Montgomery. The cost is \$45 per person for himself and Michael Collins. Motion by Mrs. Simpson to approve attendance, seconded by Mrs. Hendrickson, put to vote and carried 4-0.

Resolution of support for the SC Youth Bureau Director

Correspondence has been received from Bethel Youth Director, Cathy McFadden, to ask the Town Board for support of the County Youth Director. Motion by Mrs. Hendrickson to write a letter of support to the Sullivan County Legislature, seconded by Mrs. Simpson, put to vote and carried 4-0. Mrs. Hendrickson director of Sullivan County CASA works closely with Leisa.

E-Waste Contract with Electronic Waste Alliance

E-Waste Contract has been received from Electronic Waste Alliance for the removal of the e-waste at the Town Transfer Station. Electronic Waste Alliance is also the low county bid. Motion by Ms. Frangipane to approve the Electronic Waste Alliance Network, seconded by Mrs. Simpson, put to vote and carried 4-0.

Motion by Ms. Frangipane to remove charges associated with E-waste except for florescent bulbs, seconded by Mrs. Simpson, put to vote carried 4-0.

Correspondence Smallwood Fire Dept. 5K

Correspondence has been received from Smallwood Fire Department regarding the children's' bicycle race on July 7th after the 5K. Motion by Mrs. Simpson to approve Constables and to close road for children's bike race on 7/7/13, seconded Ms. Frangipane, put to vote and carried 4-0.

Dog Shelter Contract with Town of Thompson

Dog Shelter contract has been approved by the Town of Thompson and received. Motion by Mrs. Simpson to approve contract with Town of Thompson for dog control shelter services, seconded by Ms. Frangipane, put to vote and carried 4-0.

Junkyard License Renewal – Lema

Junkyard license renewal application has been received by Lema, Gale Road. Ms. Frangipane noted the application is incomplete and asked if the Building Department could fill the answers in while on inspection. Motion by Mrs. Hendrickson to receive and file application and send a copy to the Building Dept. for inspection, seconded by Mrs. Simpson, put to vote and carried 4-0.

Liquor License Application – Sorella

Liquor License application notification has been received from Sorella, Route 55, Kauneonga Lake. Motion by Ms. Frangipane to receive, file, and approved 30-day waiver, seconded by Mrs. Simpson, put to vote and carried 4-0.

SC Planning M239 Response for Proposed Local Law #1-2013

The M239 response has been received the Sullivan County Planning & Env. Mgmt. The response indicated that based on their review the proposed action will have no adverse inter-community impacts and finds this matter a local determination. Motion by Ms. Frangipane to receive and file M-239 review for Proposed Local Local Law #1, seconded by Mrs. Hendrickson, put to vote and carried 4-0.

Written Public Comments – Proposed Local Law #1-2013

The Town Clerk received the following written comments:

Richard Gebel	Suzanne L. Henry
David & Harriett M. Steinberg	Jeff Allison
Donald & Joan Fries	Jim Lomax
Andrew Bares	Eric London
Michael E. Henry	Michael & Sandra Shichtman

Sharon Long
Paula & Joseph Israel
Richard Hamner

Stella Varveris
Jennifer Young
Linda Charpentier

SEQRA Findings Resolution – Proposed Local Law #1-2013

Mr. Sturm reviewed the SEQRA findings statement.

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
ADOPTING A FINDINGS STATEMENT UNDER SEQRA
FOR THE ADOPTION OF A LOCAL LAW TO ESTABLISH CHAPTER 251 OF
THE TOWN CODE OF THE TOWN OF BETHEL ENTITLED “ROAD USE AND
PRESERVATION LAW”**

WHEREAS, the Town of Bethel is a participating member of The Multi-Municipal Task Force, which Task Force consists of the Towns of Tusten, Cochection, Bethel, Callicoon, Delaware, Highland, Lumberland and Rockland (collectively, “the MMTF”), all being located in Sullivan County, New York; and

WHEREAS, the MMTF engaged Whiteman, Osterman & Hanna, LLP (“WOH”) and Delta Engineers & Architects, P.C. (“Delta”) to develop a proposed local law and road preservation program, respectively (collectively, the “Local Road Preservation Program”), to be considered for enactment and administration in each of the MMTF member Towns for the purpose of preserving their respective town highways; and

WHEREAS, the Town Board determined that the proposed action was an unlisted action under the State Environmental Quality Review Act (“SEQRA”), Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. § 617 et seq., and established itself as co-lead agency, along with the other Towns comprising the MMTF (the “member Towns”), for SEQRA review purposes; and

WHEREAS, the member Towns, acting as co-lead agencies for the SEQRA review of the proposed Local Road Preservation Program, determined that the adoption of laws for the preservation and restoration of roads may have a significant impact on the environment requiring the preparation of a draft generic environmental impact statement (“DGEIS”) for the proposed legislation and, thereafter, published notice of its positive declaration in the Environmental News Bulletin; and

WHEREAS, the MMTF, with the assistance of Delta and WOH, prepared and submitted to each of the MMTF and each member Town a draft Scope to guide the preparation of the DGEIS; and

WHEREAS, notice of scoping was published in The River Reporter, the Sullivan County Democrat and the Environmental Notice Bulletin, and public comment on the draft Scope was accepted in person at a public scoping session held on July 22, 2010, and in written form through August 2, 2010; and

WHEREAS, no involved or interested agency comments or public comments were received by the member Towns on the draft Scope and each of the member Towns received a copy of the Final Scope for the DGEIS and adopted the same; and

WHEREAS, the member Towns as Co-Lead Agencies accepted the DGEIS as complete in June 2011 and held a public hearing thereon on June 30, 2011 to hear comments from all members of the public for and against the proposed Local Road Preservation Program; and

WHEREAS, the Town of Bethel adopted the DGEIS as the Final Generic Environmental Impact Statement on July 26, 2012; and

WHEREAS, after considering the relevant environmental impacts, facts and conclusions disclosed in the FGEIS and upon weighing and balancing relevant environmental impacts with social, economic and other considerations, the Town Board caused a Findings Statement to be prepared to determine whether the adoption of Local

Law No. 1 of 2013 (the “Road Use and Preservation Law”)will have any significant impacts on the environment and the extent to which those impacts can be mitigated or avoided; and

WHEREAS, the Findings Statement is attached hereto and incorporated herein by reference.

NOW THEREFORE, BE IT RESOLVED, that the Findings Statement of the Town Board of the Town of Bethel is hereby adopted; and be it

FURTHER RESOLVED, the Town Board finds that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action to amend the Town Code is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable; and be it

FURTHER RESOLVED, the Town Board finds that the requirements of 6 NYCRR Part 617 have been met in connection with the adoption of a local law to amend the Town Code of the Town of Bethel and authorizes the Town Supervisor to sign and certify the Findings Statement on behalf of the Town Board; and be it

FURTHER RESOLVED, that the adoption of this Findings Statement is a positive findings statement meaning that the proposed action is approvable after consideration of the FGEIS, which demonstrates that the proposed action is one that minimizes or avoids adverse environmental impacts to the maximum extent practicable; and be it

FURTHER RESOLVED that this Findings Statement be filed in accordance with 6 NYCRR § 617.12 with copies to: (i) the Town Supervisor;(ii) the Town Board;(iii) all involved agencies, including the co-lead agencies;(iv) any person who has requested a copy; (v) the Sullivan County Division of Planning and Environmental Management; and (vi) the Department of Environmental Conservation, Division of Environmental Permits, 625 Broadway, Albany, NY 12233-1750; and be it

FURTHER RESOLVED, that this Resolution shall become effective when adopted.

Motion by Town Board member Mrs. Hendrickson, seconded by Town Board member Victoria Simpson, and adopted upon a roll call vote as follows:

	<u>AYE</u>	<u>NAY</u>
Ms. Frangipane	x	
Mrs. Hendrickson	x	
Victoria Simpson	x	
Daniel Sturm	x	

Duly adopted by 4 ayes, 0 nays the 13th day of March, 2013.

Resolution to adopt proposed Local Law #1-2013

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
ADOPTING LOCAL LAW NO. 1 OF 2013 TO ESTABLISH CHAPTER 251
OF THE TOWN CODE OF THE TOWN OF BETHEL ENTITLED “ROAD USE
AND PRESERVATION LAW”**

WHEREAS, the Town of Bethel is a participating member of The Multi-Municipal Task Force, which Task Force consists of the Towns of Tusten, Cochection, Bethel, Callicoon, Delaware, Highland, Lumberland and Rockland (collectively, “the MMTF”), all being located in Sullivan County, New York; and

WHEREAS, the MMTF engaged Whiteman, Osterman & Hanna, LLP (“WOH”) and Delta Engineers & Architects, P.C. (“Delta”) for legal and engineering advice to develop a proposed local law and road preservation program to be considered for enactment and administration in each of the MMTF member Towns for the purpose of preserving their respective town highways; and

WHEREAS, attached hereto is a copy of proposed Local Law No.1 of 2013 to establish Chapter 251 of the Town of Bethel Town Code entitled “Road Use and Preservation Law”, which Local Law was introduced on January 23, 2013; and

WHEREAS, the Town Board of the Town of Bethel (the “Town Board”) caused due notice of a public hearing regarding the terms of proposed Local Law No. 1 of 2013 to be published; and

WHEREAS, on March 13, 2013, the Town Board conducted a public hearing during which comments were presented and received in connection with the Road Use and Preservation Law as set forth in proposed Local Law No. 1 of 2013; and

WHEREAS, the Town Board forwarded a copy of the proposed Local Law No. 1 of 2013 to the County of Sullivan Division of Planning and Environmental Management (“Division of Planning”) in accordance with General Municipal Law § 239-m; and

WHEREAS, by correspondence dated March 12, 2013, the Division of Planning stated its opinion that the proposed action will have no adverse inter-community impacts; and

WHEREAS, on March 13, 2013 the Town Board adopted a resolution adopting a Findings Statement under the State Environmental Quality Review Act and its implementing regulations (“SEQRA”) in connection with its review for the potential of significant environmental impacts if the Road Use and Preservation Law were implemented and such resolution concluded the Town Board’s obligations under SEQRA.

NOW THEREFORE, BE IT RESOLVED, that Local Law No. 1 of 2013, establishing Chapter 251 of the Town of Bethel Town Code entitled “Road Use and Preservation Law” is hereby adopted; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

Motion by Town Board member Mrs. Hendrickson, seconded by Town Board member Victoria Simpson, and adopted upon a roll call vote as follows:

	<u>AYE</u>	<u>NAY</u>
Ms. Frangipane	x	
Mrs. Hendrickson	x	
Victoria Simpson	x	
Daniel Sturm	x	

Duly adopted by 4 ayes, 0 nays the 13th day of March, 2013.

Bethel Ag Committee next meeting March 20th

Ms. Frangipane announced the next Bethel Ag Committee is March 20th

Public Comment

Jane Axermathy, asked for priority to be a vendor at the Kauneonga Lake Farmers Market, now run by Sullivan Farmers Market Assoc. She stated she had to chase down the new farm market manager for application and just received today; it is due on Monday. Ms. Axermathy pointed out the application states the farmers markets are not to support local business.

March 13, 2013

Audit Meeting

Mr. Sturm indicated that the farmers market was a BLDC sponsored event; there is a BLDC meeting on March 21st. Ms. Frangipane commented that she has worked with this group before and they will do a good job. They will still have a community table. The application is meant to support the farmers not to have business vendors at the market, the intent was not meant to not support businesses.

Adjournment

Motion to adjourn by Mrs. Simpson, seconded by Mrs. Hendrickson, put to vote and carried 4-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk