

The March 14, 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
Denise Frangipane
Bernard Cohen
Vicky Simpson

Pledge of Allegiance

The meeting was opened with the Pledge of Allegiance.

Presentation: Citizenship Award to Brian Gerow

Presentation: Odyssey of the Mind 2012 Competition Student Recognition

This past Saturday, March 10th, a team of Rutherford fourth and fifth grade students headed to the Odyssey of the Mind Regional competition at Orange-Ulster BOCES. Odyssey of the Mind is an international program that challenges students to work together as a team and use their creativity to solve problems.

The students prepared for months to participate in the competition. This team worked together since October to build their team work skills, write a skit, make costumes, build the backdrops and the props needed to solve their chosen problem without telling their parents or anyone. Mum was the word.

The team consisted of 7 students, 4 were from the Town of Bethel. They are Robert Bonnaci, Jr., Ashley Gettel, Emma Silverstein and Isabella Tagliamonti.

The other 3 are from the Town of Thompson and they are: Gabrielle Acosta-Herrera, Luciana Carvo, and Aiden Johnson. Their coaches were Ms. Schope and Ms. Rojas.

Unfortunately these students did not place. However the Town of Bethel Town Board would like to recognize these students for their hard work and diligence. In our hearts they are winners and deserve recognition.

Approve Monthly Audit of Bills

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

<u>Fund</u>	<u>Amount</u>	<u>Check No.</u>
General Fund	\$226,849.64	2451-2529
Highway Fund	\$664,666.50	1717,1748,1750-1789
KL Sewer District	\$ 28,485.47	1378-1400
KL Light District	\$ 3,090.47	1026-1028
Sewer Rehab	\$170,612.50	1031-1032
Sewer Ext. Rt. 17B West	\$ 43,996.98	
Highway Capital	\$ 1,122.70	1013-1016
Planning & Zoning Escrow	\$ 4,970.55	1001-1002

Supervisor’s Monthly Report - February

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

Approval for Allison Whitney Foundation 5K – May 12th

Gabrielle Scott, Allison Whitney Foundation, was present to discuss the 5K on May 12th that her organization would like to hold at the Bethel Senior Center and Firemen’s pavilion. She is also asking for assistance with the roads and constables. She

distributed a map of the walk area and flyer for the event. Motion by Mr. Cohen to approve, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Building Department Monthly Report – February

Total Fees February 2012	\$3,322.00
Total Fees February 2011	\$1,606.00
Cost of Construction February 2012	\$581,000
Cost of Construction February 2011	\$235,000

Motion by Mr. Crumley to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0.

Correspondence from Building Department – Release of Escrow Monies

- 1) 17B Convenience Store - Citgo Station, project dormant: \$52.00
- 2) Congregation Nel Education - Mt. Hope Rd., project dormant: \$242.00
- 3) Zaccari Realty - corner of Royce & 17B, project dormant: \$1,843.92
- 4) Villas on 55, LLC - corner of Schoolhouse Rd. & Rt 55, project dormant: \$1,842.50
- 5) Mill Hollow - Browntown Rd., aka CR115, project dormant: \$509.68

Motion by Mrs. Simpson to approve, seconded by Ms. Frangipane, put to a vote and carried 5-0. Mr. Sturm noted all costs associated with these projects have been paid.

Junkyard License Renewal Reports – Shapiro, Lymar, Hendrickson

Building Department report has been received recommending approval of the Shapiro, Lymar and Hendrickson junkyard renewals. Motion by Ms. Frangipane to approve renewals, seconded by Mr. Crumley, put to a vote and carried 5-0.

Town Clerk’s Monthly Report – February

Total Revenue	\$4,160.86
State Share	\$ 111.30
Town Share	\$4,049.56

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

Scholarship Award for 2012 International Municipals Clerks Institute

Town Clerk Rita Sheehan has been awarded a Municipal Clerks Education Foundation scholarship in the amount of \$400. to attend the Cornell Clerks Institute in July 2012. Motion by Mrs. Simpson to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0.

Request to Attend Training Seminar

Correspondence has been received from Jim McBride, Sewer Superintendent, requesting to attend the Hudson Valley Water Works Conference seminar on March 15, 2012 in Montgomery, NY for 3 contact hours for \$45 for himself and Michael Collins. Motion by Mr. Cohen to approve, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Inter Municipal Notification for Town of Thompson Cell Tower

Correspondence has been received from Cuddy & Feder for an Intermunicipal Notification for a new telecommunication tower proposed in the Town of Thompson. Motion by Mrs. Simpson to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0.

Municipal Notification for Town of Lumberland Subdivision Project

Correspondence has been received from the Town of Lumberland Planning Board notifying the Bethel Town Board as an Involved and/or Interested Agency for a 43-lot subdivision. Motion by Mrs. Simpson to receive and file, seconded by seconded by Ms. Frangipane, put to a vote and carried 5-0.

Mr. Cohen asked if there is an update; are they using Pine Grove Road?

Ms. Frangipane suggested that is was not a bad idea to go further; Lumberland should be lead agent. Pine Grove Rd. is the only road in this project. According to DEC, we should send letter to support them as lead agency and for them to notify us of next steps as interested party.

Mrs. Simpson noted that if anyone has an interest, then go to meetings. Town of Bethel does not have to do anything. The Town can comment in the future.

Ms. Frangipane made the following remarks: “Would like to recommend that we, as a board, through the Supervisor, go one step further then to simply “receive & file” this notice. Suggest that we send a letter to the Town of Lumberland acknowledging receipt of their letter and intent to be lead agency. We should wish them the best with this project, which I am sure, will be well done; just as I am sure they will do a thorough review of potential impacts and benefits of the project. What troubles me is that there is nothing compelling them to consider the potential impact which will be involved with utilizing Pine Grove Road as the singular access and these additional 43 homes. I would pose that while the Town of Bethel is not an involved agency...meaning we have no discretionary decision making...we should, in fact, be considered an interested agency-which, under SEQRA, the DEC recommends that agencies disclose ongoing communications with agencies that have regulatory authority over the resources (in this case, a Town Road) and geographic areas that concern them. Even DEC recommends go on record by acknowledging letter and state to be an interested an involved agency. By not responding, you are implying you have no comments.”

Mr. Sturm commented that Pine Grove Road is a public road. Anyone can go to public meetings or the public hearing; does not want to intervene on another Town’s project. Great project for Lumberland and County; endorsing without reservation.

Motion by Ms. Frangipane to send letter to Lumberland Planning Board acknowledging receipt and to support their lead agency status and to be an interested party to be kept informed of project, seconded by Mr. Cohen, put to a roll call vote with 3 nays and 2 ayes as follows:

Ms. Frangipane	aye
Mr. Cohen	aye
Mr. Sturm	nay
Mr. Crumley	nay
Mrs. Simpson	nay

M-239 Response from S.C. Planning for Proposed Local Law #1

M-239 response has been received from Sullivan County Division of Planning and Environmental Management. Based upon their review of the materials the local law will have some positive inter-community impacts and recommends approval. Motion by Mr. Crumley to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Resolution to Stipulate Assessment Settlement – William and Caryn Sue Freilich

Mr. Sturm reported that this settlement was worked out with our Assessor and Attorney for the Town, Rob McEwan and has a tax implication of \$1,200/year to Town.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SULLIVAN

-----X
In the Matter of the Application of
WILLIAM FREILICH and CARYN SUE FREILICH,

Petitioners,

STIPULATION OF
SETTLEMENT

- against -

MARGUERITE BROWN, Sole Assessor of the Town of
Bethel, Sullivan County, New York,

Index No. 2124-2011
RJI No. 52-32003 2011

Hon. Mark M. Meddaugh,
Justice

Respondent.

to review certain real property assessment for the year
2011 under Article 7 of the Real Property Tax Law.

----- X

WITNESS ETH:

WHEREAS, a Notice of Petition and Petition was heretofore filed to review certain assessments which were fixed and imposed by the Town of Bethel (ATown@) on certain premises owned by the Petitioners and located in the Town; and

WHEREAS, the description of the Petitioners' property as set forth on the final assessment roll of the Town for the assessment year 2011 (2011/12 School Tax; 2012 Town and County tax) was as follows:

<u>Section/Block/Lot</u>	<u>Full Value 2011 Final Roll</u>
55E-2-22	\$590,600

WHEREAS, the parties have reached an agreement as to the manner in which all pending matters at issue concerning the assessment fixed and found on the above described property for the assessment year 2011 is to be resolved and compromised in accordance with this Stipulation of Settlement ("Stipulation") by which said assessment is to be adjusted and reduced without the necessity of further litigation;

NOW, IT IS HEREBY STIPULATED AND AGREED, by and between the Petitioners and Respondent as follows:

1. That the above-entitled action challenging the final assessment roll of the Town for the assessment year 2011 (2011/12 School Tax; 2012 Town and County tax) be amended and reduced so that the assessed full value of the Petitioners' property on the final assessment roll for 2011 shall be as follows:

<u>Section/Block/Lot</u>	<u>Amended & Reduced Value</u>
55E-2-22	\$423,150

2. That the Assessor of the Town and the Treasurer of Sullivan County shall make or cause to be made upon the proper books and records and on the assessment roll of the Town and County, the entries, changes and corrections necessary to conform said assessment for the assessment year 2011 to such amended and reduced value.
3. That there shall be audited and allowed and paid to Petitioners by the Town, the County of Sullivan and the Monticello Central School District the amounts, if

any, paid by Petitioners as taxes on the original assessment in excess of what the taxes would have been if said assessment had been made as amended and reduced by this Stipulation. So long as refunds are made by taxing jurisdictions within thirty (30) days of service of the Order implementing the terms of this Stipulation, such refunds may be made without interest. All refunds contemplated by this Stipulation shall be made payable to the order of “Garigiano Law Offices, LLP, as attorneys for Petitioners”.

4. That an Order implementing the terms of this Stipulation be entered without further notice.
5. That upon compliance with the foregoing the above proceedings be discontinued and withdrawn without costs or disbursements by either party against the other.

Motion by Mrs. Simpson to approve stipulation, seconded by Mr. Crumley, put to a vote and carried 5-0 upon a roll call vote as follows:

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

Correspondence from Time Warner Cable – expansion of Burr Road

Correspondence has been received from Time Warner Cable regarding the expansion on Burr Road of 39 homes. Motion by Ms. Frangipane to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0.

Correspondence from NYSEG – Small Business Energy Efficiency

Correspondence has been received from NYSEG regarding Small Business Energy Efficiency. Motion by Ms. Frangipane to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Authorize sealed bids for propane gas @ Senior Center & Highway Dept.

Mr. Sturm recommended we seek sealed bids for all buildings that use propane. Motion by Ms. Frangipane to approve seeking sealed bids for all propane used by the own, seconded by Mr. Cohen, put to a vote and carried 5-0.

Correspondence from Town Planning Board re: Proposed Local Law #1

Correspondence has been received from the Bethel Planning Board recommending not adopting Proposed Local Law #1. Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Resolution to accept an Environmental Assessment Form

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
TO ACCEPT AN ENVIRONMENTAL ASSESSMENT FORM AND PERFORM
CERTAIN OBLIGATIONS UNDER SEQRA PRIOR TO THE ADOPTION OF 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 2009 the Town Board 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(“FGEIS”) 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, on January 25, 2012 the Town Board introduced proposed Local Law No. 1 of 2012 to further amend the Zoning Code, identified the proposed action as a type 1 action under SEQRA, and resolved to appoint itself lead agency for SEQRA review purposes; and

WHEREAS, the resolution of the Town Board introducing proposed Local Law No. 1 of 2012, provided, in part, that (1) the SEQRA materials prepared in support of Local Law No. 1 of 2009 shall be evaluated for recommendation for the necessary scope of SEQRA review for the current action and (2) the appropriate documents for Town Board for review and consideration shall be prepared and delivered to the Town Board; and

WHEREAS, a long form Environmental Assessment Form (the “EAF”) has been prepared to review the potential for any significant environmental impacts that may result from the adoption of proposed Local Law No. 1 of 2012; and

WHEREAS, in addition to the EAF, 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.

NOW THEREFORE, BE IT RESOLVED, the EAF is accepted as complete and the Town Supervisor is authorized to execute the EAF on behalf of the Town as lead agency; and be it

FURTHER RESOLVED, Part 2 of the EAF does not provide any indication for the potential of a significant environmental impact if proposed Local Law No. 1 of 2012 were to be adopted; and be it

FURTHER RESOLVED, that upon review of the EAF and the SEQRA findings statement adopted for the FGEIS, and as provided by Part 3 of the EAF, said findings statement shall be amended in accordance with 6 NYCRR 617.10(d)(2) to address the following issues: (1) the potential for significant environmental impacts if the proposed zoning amendments are adopted as opposed to the potential for significant environmental impacts if the proposed zoning amendments are not adopted and (2) the potential short term and long term economic impacts if the zoning amendments are adopted; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

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

Bernard Cohen	x
Richard Crumley	x
Denise Frangipane	x
Victoria Simpson	x
Daniel Sturm	x

Duly adopted by 5 ayes, 0 nays the 14th day of March, 2012.

Correspondence SC Farmland Protection Board – re: Local Law #1

Correspondence has been received from the Sullivan County Farmland Protection Board. Motion by Ms. Frangipane to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Agricultural Committee Update

Bethel Ag Committee co-sponsoring Farmlink; letter going out to farmers. Ms. Frangipane thanked the Town Assessor's Office for their help in putting together a list of property owners with 10 acres or more. Motion by Ms. Frangipane to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0.

Public Comment

Mr. Crumley mentioned that the Beavers are back at edge of road on Mountain Lakes Road.

Rita Sheehan, Town Clerk, announced that the Town website has been down for the past 10 days and has contracted with a new web host company to re-design a new website for the Town.

Bob Barrett stated that the Town needs to protect Pine Grove Road.

Jonathan Hyman asked the Town Board to reconsider being an involved and interested agency and to at a minimum write the letter to Lumberland.

Jennifer Teitelbaum commented that Ms. Frangipane is only asking for Town to be kept interested. She further discussed the selective code enforcement; garbage bags, roofs collapsing, wires hanging, un-finished construction; asked what training Board of Assessment Review members need and asked how many boards can a person sit on?

Marcia Salton mentioned how fortunate the Town of Bethel is to have Rita Sheehan as their Town Clerk.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk