

The Town of Bethel Town Board meeting of July 24, 2014 was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Duggan Community Center Meeting Room.

Council members present: Lillian Hendrickson
Vicky Simpson
Bernard Cohen
Dawn Ryder

Other Present: Robert McEwan

The meeting was opened with the Pledge of Allegiance

Report on Unsafe Structure at 9 Foster Road

Correspondence has been received from the Code Enforcement Officer regarding the unsafe condition of the structures located at 9 Foster Road owned by Suzana Zrgda. Engineer's Report dated June 2013 attached. Motion by Lillian Hendrickson to receive and file engineers report, seconded by Vicky Simpson, put to a vote and carried 5-0.

Mr. McEwan asked if there was a public hearing. Town Clerk replied yes, on July 24, 2013. Mr. McEwan suggested conducting a new public hearing.

Motion by Lillian Hendrickson to set public hearing for August 13, 2014 at 7:45 p.m., seconded by Dawn Ryder, put to vote and carried 5-0.

Correspondence Highway Superintendent

Correspondence has been received from Highway Superintendent requesting to keep the two part-time employees for another three months. Motion by Lillian Hendrickson to receive and file, seconded by Vicky Simpson, put to vote and carried 5-0.

Mr. Sturm would like to hold-off to see if any money in budget. The Union Contract says part-time can only work for 3 months. Mr. Sturm indicated the highway department can sell surplus equipment to cover expense. Mrs. Simpson extend for 3 months only. Mrs. Hendrickson does not want to go into budget, ok if we sell equipment.

Town Clerk explained she needs the list of equipment to present to the Town Board before bids can be received.

Resolution to rescind resolution adopted to relevy costs to SBL #19-1-21.6

Mr. Sturm explained the resolution adopted February 26, 2014 to relevy the costs associated with removal of the unsafe structures has been paid by the insurance company and therefore there is no need to relevy.

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
TO RESCIND A RESOLUTION TO LEVY COSTS FOR THE
REMOVAL OF AN UNSAFE STRUCTURE**

WHEREAS, it appears that on or about January 28, 2014 a fire occurred at the premises known as 926 Lt. Bender Highway, Ferndale, NY and known on the tax map for the Town of Bethel as SBL #19.-1-21.6 assessed on the 2013 tax roll to :

Jong Il Chun and Sookyung Lee
55 Berkman Dr
Middletown, NY 10941

WHEREAS, it appears the fire damaged a structure located on the subject premises which posed an imminent danger to the health and safety of the community. The Town of Bethel Code Enforcement Officer was contacted by the Smallwood-Monguap Valley Fire Department requesting immediate assistance in the demolition and removal of the fire damaged structure; and

WHEREAS, the Town contracted with J. Hughson Excavating Inc. to demolish and remove the fire damaged structure; and

WHEREAS, the homeowner delayed payment for the work contracted by the Town and as a result the Town Board adopted a resolution on February 26, 2014 pursuant to Town Code §113-10, assessing the costs of demolishing and removal of the fire damaged structure in the amount of \$6,200 against the premises in question and such costs were to be levied and collected in the same manner as provided in Article 15 of the Town Law; and

WHEREAS, it appears that the homeowner has now repaid the Town in full; and

WHEREAS, the Town of Bethel Town Board declares itself to be the lead agency for the purposes of environmental review under State Environmental Quality Review Act (“SEQRA”) for the action contemplated by this Resolution.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethel rescinds the resolution adopted on February 26, 2014 pursuant to Town Code §113-10, assessing the costs of demolishing and removal of the fire damaged structure in the amount of \$6,200 against the premises in question; and be it

FURTHER RESOLVED, that the amount of \$6,200 that was to be assessed against the premises in question pursuant to Town Code §113-10 shall not be levied and collected in the same manner as provided in Article 15 of the Town Law since said amount has been repaid in full; and be it

FURTHER RESOLVED, that the rescission of the February 26, 2014 resolution assessing costs is a type II action under the State Environmental Quality Review Act (*see*, 6 NYCRR 617.5[c][20]) and no environmental review is required.

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

		AYE	NAY
Bernie Cohen	Voting	X	
Lillian Hendrickson	Voting	X	
Dawn Ryder	Voting	X	
Vicky Simpson	Voting	X	
Daniel Sturm	Voting	X	

Duly adopted by 5 ayes, 0 nays the 24th day of July, 2014.

Correspondence from Bethel Green Committee re: Energy Audits

Correspondence has been received from the Bethel Green Committee recommending the L & S Energy Proposal to provide FlexTech Services and the Renewable Heat NY Larger Commercial Service for identify and estimate cost-effective energy conservation measures for the Town Hall, Highway Garage and the Kauneonga Lake Water Treatment facility. Motion by Dawn Ryder to receive and file, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Approve Renewable Heat and FlexTech Proposals by L & S Energy

Mrs. Hendrickson thanked Bethel Co-Chairs Karen London and Jeffrey Allison for working so hard on the green committee and she agreed with their recommendation.

Mrs. Simpson and Mrs. Ryder also Mrs. London and Mr. Allison.

Motion by Vicky Simpson to approve L & S Energy Proposals, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Resolution to introduce Proposed Local Law #1 to amend Town of Bethel Code Chapter 120 Camping and to set public hearing

Mr. Mc Ewan explained this is a total revision of current law. There are two categories, transient and RV Campgrounds.

Mrs. Ryder commented that the bulk of new law is awesome compared side-by-side, not comfortable with some sections and questioned the following:

120-3(b)(1) – Mr. McEwan standard practice to have a pre-ap meeting, not just for camping.

120-3 (D) (2) (b) and 120-6 (G) (1) (f) - Rob unconstitutional old code. Dawn good answer.

RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL TO INTRODUCE A LOCAL LAW TO AMEND CHAPTER 120 “CAMPGROUNDS & RECREATIONAL VEHICLES” AND CHAPTER 90 “ASSEMBLIES, MASS PUBLIC” OF THE TOWN CODE

WHEREAS, the Town Board of the Town of Bethel (“Town Board”) heretofore adopted a Town Code under which the Town regulates certain uses and activities including Campgrounds and RV Parks, which regulation appears as Chapter 120 of the Town Code of the Town of Bethel (the “Town Code”); and

WHEREAS, this Resolution introduces Local Law No. 1 of 2014 which, if enacted, will amend Chapter 120 and Chapter 90 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 the Town Board hereby finds that Chapter 120 of the Town Code should be amended to better regulate uses and activities relating to Campgrounds and RV Parks within the Town of Bethel; and be it

FURTHER RESOLVED, that a public hearing on the proposed Local Law shall be scheduled for August 27, 2014 at 7:45 p.m. which public hearing shall be conducted at the Dr. Duggan Community Center, Meeting Room, 3460 Route 55, White Lake, NY 12786 and proper notice of the public hearing shall be duly given; 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 other involved agencies, if any; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

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

		AYE	NAY
Bernie Cohen	Voting		X
Lillian Hendrickson	Voting	X	
Dawn Ryder	Voting		X
Vicky Simpson	Voting	X	
Daniel Sturm	Voting	X	

Duly adopted by 3 ayes, 2 nays the 24th day of July, 2014.

Resolution to introduce Proposed Local Law #2 to amend Town of Bethel Code Chapter 345 Zoning and to set public hearing.

Mr. McEwan after review of Chapter 120; changes needed to be made to Chapter 345.

Mrs. Ryder had questions about the following sections:

345-31(F)(K) - taking away Public Hearing on renewal applications.
345-17 (B)(6)

Mrs. Ryder there is no density. Mr. McEwan – it is sited in Chapter 120.

Mr. Sturm – the waiving of the public hearing is to streamline the renewal; if there are no problems then the applicant does not have to go through the site plan approval process each year.

Mrs. Ryder - its not that the site plan is changing but the area around the site could change; new homes etc.

**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 “Town Code”); and

WHEREAS, it appears to be in the best interests of the Town to make minor amendments to Chapter 345 (Zoning) as it relates to site plans and certain uses; and

WHEREAS, this Resolution introduces Local Law No. 2 of 2014 which, if enacted, will amend Chapter 345 of the Town Code; and

WHEREAS, the action contemplated by this Resolution 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 the Town Board hereby finds that Chapter 345 (Zoning) be amended as set forth in the proposed Local Law; and be it

FURTHER RESOLVED, that a public hearing on the proposed Local Law shall be scheduled for August 27, 2014 at 8:15 p.m. which public hearing shall be conducted at

the Dr. Duggan Community Center, Meeting Room, 3460 Route 55, White Lake, NY 12786 and proper notice of the public hearing shall be duly given; and be it

FURTHER RESOLVED, that a copy of the introductory Local Law No. 2 of 2014 shall be forwarded to the Town of Bethel Planning Board for its review and recommendation in accordance with Town Code §§ 48-2.B and 345-65.A; and be it

FURTHER RESOLVED, that a copy of the introductory Local Law No. 2 of 2014 shall be forwarded to the Sullivan County Department of Planning and Environmental Management, along with a full statement of the proposed action, for review and recommendation in accordance with New York State Town Law § 239-m and Town Code § 345-65.B; 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 other involved agencies, if any; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

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

		AYE	NAY
Bernie Cohen	Voting		X
Lillian Hendrickson	Voting	X	
Dawn Ryder	Voting		X
Vicky Simpson	Voting	X	
Daniel Sturm	Voting	X	

Duly adopted by 3 ayes, 2 nays the 24th day of July, 2014.

Milfoil Meeting announcement – August 1st 5 p.m. at Sr. Center

Mr. Sturm announced there will be a public discussion on the Eurasian Milfoil in White Lake on August 1st at 5 p.m., Bethel Senior Center. Allied Biological will be reviewing the options on an update to our aquatic vegetation survey performed in 2009.

Follow-up on Pine Grove Road pedestrian striping request

Correspondence has been received from Myron Rock, President Civic Association of Smallwood, on a follow-up for the cross walk at Pine Grove Road and Lake View Drive. Mr. Rock also noted in his letter that the water test in Smallwood Lake came back very clean. Motion by Dawn Ryder to receive and file, seconded by Bernie Cohen, put to vote and carried 5-0. Town Clerk noted that correspondence was sent to the County Department of Public Works in May 2013 with no response. Clerk has sent correspondence and follow-up letter.

Notice of Order – Route 17B Signs

Copy of Order has been received regarding placing of signage at Dr. Duggan Road – Hill Blocks View with a suggested speed limit of 45 mph as a subpanel. Motion by Dawn Ryder to send another letter requesting reduction in speed limit on 17B, seconded by Bernie Cohen, put to vote and carried 5-0.

Liquor License renewal Hector’s Inn

Liquor License renewal for Hector’s Inn has been received Certified Mail from Bonnie Lagoda. Motion by Bernie Cohen to receive and file, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Town Board Comments

Town Clerk announced she has been working on the Historian Page on the town website. Have uploaded list of WWII letters, old town and county brochures, poems written about Bethel.

Public Comments

Jeryl Abramson – asked Town Board to be fair – other people have unsanctioned events; I have to pay engineering and attorney fees. Mrs. Abramson pointed out that there is a post on the internet from a Beverly advertising festival at SE corner of Dr. Duggan Road and 17B. The owner, G&B Realty, has 2 camping permits. They violate 60-hour Dept. of Health camping rule with 2 week camping permits

Mrs. Abramson – you are putting Town at risk. This event has no traffic plan, no site plan, no security, no insurance, violations of (?), advertising without permit. Zoned G-17B – Commercial – no camping; no density for camping.

Mrs. Abramson implored Town Board to be fair and to enjoin other party from competing with me without due process.

Johnathon Hyman – indicated he will be at Public Hearing for local law. Does not want to see renewal public hearing waived.

Sue Brown mentioned there is no double line at Hurd Road also Burr Road – need NO Passing Zone.

Susan Harte – would like Town Board to review incident report procedure. Should not have to wait 5 days for a report.

Donald Lee, Laymon Road, mentioned the noise coming from Camp SHMA after midnight; basketball playing, lights, speakers, etc. This goes well into the morning. Have complained to the Building Department.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk