

The July 10, 2019 Town of Bethel regular 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: Vicky Simpson
Dawn Ryder
Lillian Hendrickson
Bernie Cohen

The meeting was opened with the Pledge of Allegiance.

Audit of Bills

<u>Funds</u>	<u>Amount</u>	<u>Check#</u>
General Fund	\$170,259.26	8578-8657
Highway Fund	\$149,043.65	2253-2255 2257-2277
Kauneonga Lake Light Distr. \$	1,968.36	1039
Kauneonga Lake Sewer Distr.\$	40,474.42	1172-1798
P&Z Journal-Trust Agency \$	3,351.25	1194-1195

Motion by Mrs. Ryder to approve audit of bills. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Supervisor’s Monthly Report

Mr. Sturm reported:
Revenue is up 3.5%
Expense is higher by 3%
92.5% of the revenue has been received
Expenses spent is 55.4%

Highway Department expense is up 3.9%

Motion by Mrs. Simpson to receive and file the Supervisor’s Monthly Report as submitted. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Building Department Monthly Report

June 2019 Fees	\$ 6,225
June 2018 Fees	\$ 6,272
June 2019 Construction Totals	\$1,065,500
June 2018 Construction Totals	\$3,319,400

Motion by Mrs. Hendrickson receive and file Building Department Monthly Report as submitted. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Town Clerk’s Monthly Report

Total fees for June, 2019	\$6,691.68
State Share	\$ 491.26
Town Share	\$6,200.42

Motion by Mrs. Simpson to receive and file Town Clerk’s Monthly Report as submitted. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Correspondence from Bethel Woods, Live Nation and Radio Woodstock – re: Mountain Jam

Motion by Mrs. Hendrickson to receive and file letter dated 6/17/2019 from Bethel Woods, Live Nation and Radio Woodstock 100.1 WDST-re: Mountain Jam

thanking the Town of Bethel for their unwavering support of the Mountain Jam Festival which hosted over 9,000 unique visitors. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Property Violation 49 Overlook SBL #42.-28-5 (Schwamberger)

At the last town board meeting of June 26, 2019 BJ Gettel was authorized to send a letter to the property owner and post the property. As of tonight, July 10, 2019, the property is not cleaned up.

Charlie Schwamber was present and informed the Town Board he is having heart surgery on Friday. He will be in the hospital a week. He stated he can not do it right now, he will have a heart attack. When he is better and he has help we will get a dumpster.

Per BJ Gettel schedule a public hearing in thirty (30 days). Mr. Sturm thanked Mr. Schwamberger for coming and wished him well on his surgery.

Mr. Schwamberger said he weed whacked today.

Motion by Mrs. Ryder to add to the August 14, 2019 Town Board agenda, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

7:45 p.m. Unsafe Structure SBL #43.-6-28 (96 E. Thompson Place)

Motion by Mr. Cohen to recess the regular Town of Bethel Town Board meeting and open the scheduled public hearing set for 7:45 p.m. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Mr. Sturm read a phone message from the property owner, Joe Mannino.

Mr. Sturm read correspondence from Anna Artale-Bruno who resides at 110 E. Thompson Place, Smallwood, NY dated July 10, 2019. Mrs. Artale-Bruno would like to know why after 5-6 years nothing has been done to clean-up the property and house at 96 E. Thompson Place.

Mr. Joe Mannino was present. He is willing to clean up the property of debris. Mr. Mannino wants his engineer to report on the property. Mr. Mannino wants to remove the house additions and requested 30 days.

Mr. Victor Maxwell of 112 E. Thompson said today, so far, only police tape. Mr. Maxwell is willing to wait 30 days; but, not one thing has been picked up in two years that he has owned. The fire was five years ago.

Mr. Mannino is in the process of buying the land next door that has his septic and well. Mr. Mannino had no well and septic when he originally purchased the property and without the well and septic did not want to invest in the house property. Note: deed drafted but not filed.

BJ Gettel advised Mr. Mannino to combine properties after they are purchased to need a structural engineering report. Pull demolition permit for removal of fire damage, sixty (60) days engineering report and 30 days to clean-up.

Motion by Mrs. Hendrickson to put on the Town of Bethel Town Board meeting of August 14, 2019. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Motion by Mrs. Simpson to close the public hearing at 8 p.m. and re-enter into the regularly scheduled Town of Bethel Town Board meeting. Seconded by Mr. Cohen, put to a vote and carried 5-0.

8:00 p.m. Unsafe Structure SBL #41.-25-18 (9 Thompson Place)

Motion by Mrs. Hendrickson to close the regularly scheduled Town of Bethel Town Board meeting at 8 P.M. and open the public hearing. Seconded by Mrs. Simpson, put to a vote and carried 5-0. Rita J. Sheehan, Bethel Town Clerk read the public notice and printed in the Sullivan County Democrat, paper of record for the Town of Bethel.

There was no one present.

Motion by Mrs. Ryder to close the public hearing at 8:05 p.m. and re-enter into the regularly scheduled Town of Bethel Town Board meeting.

Motion by Mrs. Hendrickson to seek asbestos removal bids for unsafe structure on SBL#41.-25-18 (9 Thompson Place). Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Correspondence from Bethel Tax Collector re: Alec Kushnir

Mr. Sturm read correspondence dated June 25, 2019 from Debra Gabriel, Town of Bethel Tax Collector regarding tax payer Alec Kushnir.

Mr. Sturm statement regarding the complaint from Alec Kushnir. I have been the Supervisor for almost twelve years, and on the Town Board for fifteen years. I make honest mistakes and working with our staff I try to fix them and not make them again. But, when I see something not right, whether it by an elected or appointed official, I will call it out and try to rectify it. I don't care who it is, that is what I get paid for.

Here, we have Mr. Kushnir who apparently mailed his check on March 13, 2019, spoke to the Tax Collector who said she would deposit it. The Tax Collector based on this letter says it was the wrong amount.

In our letter to Debra on July 1, 2019 we specifically asked why the check was not deposited after the phone call (which she answered saying it was the wrong amount) but also where was his check and why did it take so long to get it back to him. From March 13, 2019 to May 28, 2019? So we still don't know why there was a sixty day delay, and I believe we are due an answer and is Mr. Kushnir. If that check was timely returned he may have been able to avoid the penalty. But we don't know. I will not receive and file this letter, it is deficient and we deserve better.

Mrs. Simpson - I want an answer.

Motion by Mrs. Hendrickson to resend Bethel Tax Collector a letter specifically asking why it took sixty days to return the check. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Correspondence from Fred Yee – re: tax payment

Motion by Mrs. Simpson to receive and file correspondence from Fred Yee dated July 9, 2019 for SBL# 38.-2-84.1. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Mr. Sturm indicated that according to the documents, Mr. Yee paid his taxes on March 22, 2019. His check was returned on May 29, 2019 which is sixty (60) days later. The Tax Collector indicated in her letter that she couldn't find where to apply the payment, which we found in about 5 minutes. So it could have been a mistake, which everyone makes. But it can't take sixty (60) days to return the check.

Again, we need to know why it took sixty days and the same response goes for Mr. Lance Hughson (who paid the wrong amount at the last minute), but Mr. Yee may have had time to avoid penalty. That is not right. We can't let that happen to our tax payers again.

Motion by Mrs. Hendrickson to forward Mr. Yee’s letter dated July 9, 2019 to the Tax Collector. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Bethel Woods Traffic Plan and Traffic Order for Anniversary Weekend

At a meeting of the
Town Board of the
Town of Bethel,
Sullivan County, NY,
on the 10th day of
July, 2019.

In the Matter of the

Regulation of Traffic within the Town of Bethel
During the Woodstock Anniversary Weekend.

ORDER

WHEREAS, Bethel Woods Center for the Arts (“Bethel Woods”) will be conducting a series of concerts and other activities to celebrate the 50th Woodstock Anniversary during the dates of August 15, 2019 through August 19, 2019 inclusive; and

WHEREAS, it is anticipated that there will be up to 16,000 attendees at the Concert Site each day during the Concert; and

WHEREAS, Bethel Woods has developed, with participation from state and local law enforcement authorities, a “Traffic and Mobility Plan”, dated July 10, 2019, to assist in the management of vehicular traffic in the Town prior to, during and after the Concert; and

WHEREAS, the Town adopts this Order to assist in the management of vehicular traffic in the Town during the times that the Concert attendees will impact local traffic based upon the information provided in the 2019 Traffic and Mobility Plan and its experience derived from previous similar concerts.

NOW THEREFORE IT IS ORDERED by the Town Board of the Town of Bethel, pursuant to the authority set forth in section 1660 of the NY Vehicle & Traffic Law, the implementation of the following temporary measures:

1. West Shore Road shall be closed for all motorized traffic except motor vehicles occupied by properly ticketed passengers and displaying an event specific Bethel Woods issued parking pass (except for local access purposes, emergency vehicles, and approved and credentialed festival vehicles) from its intersection with Happy Avenue to its intersection with Perry Road beginning on August15, 2019 at 1:00 PM and continuing

through no later than August 16, 2019 at 1:00 AM; beginning on August 16, 2019 at 1:00 PM and continuing through no later than August 17, 2019 at 1:00 AM; beginning on August 17, 2019 at 1:00 PM and continuing through no later than August 18, 2019 at 1:00 AM; and beginning August 18, 2019 at 1:00 PM and continuing through no later than August 19, 2019 at 1:00 AM; and

2. Perry Road shall be closed for all motorized traffic except motor vehicles occupied by properly ticketed passengers and displaying an event specific Bethel Woods issued parking pass (except for local access purposes, emergency vehicles, and approved and credentialed festival vehicles) from its intersection with State Route 17B to its intersection with West Shore Road beginning on August 15, 2019 at 1:00 PM and continuing through no later than August 16, 2019 at 1:00 AM; beginning on August 16, 2019 at 1:00 PM and continuing through no later than August 17, 2019 at 1:00 AM; beginning on August 17, 2019 at 1:00 PM and continuing through no later than August 18, 2019 at 1:00 AM; and beginning August 18, 2019 at 1:00 PM and continuing through no later than August 19, 2019 at 1:00 AM; and

3. Happy Road shall be closed for all motorized traffic except motor vehicles occupied by properly ticketed passengers and displaying an event specific Bethel Woods issued parking pass (except for local access purposes, emergency vehicles, and approved and credentialed festival vehicles) from its intersection with State Route 17B to its intersection with West Shore Road beginning on August 15, 2019 at 1:00 PM and continuing through no later than August 16, 2019 at 1:00 AM; beginning on August 16, 2019 at 1:00 PM and continuing through no later than August 17, 2019 at 1:00 AM; beginning on August 17, 2019 at 1:00 PM and continuing through no later than August 18, 2019 at 1:00 AM; and beginning August 18, 2019 at 1:00 PM and continuing through no later than August 19, 2019 at 1:00 AM; and

4. Hurd Road shall be closed for all motorized traffic except motor vehicles occupied by properly ticketed passengers and displaying an event specific Bethel Woods issued parking pass (except for local access purposes, emergency vehicles, and approved and credentialed festival vehicles) from its intersection with State Route 17B to its intersection with West Shore Road beginning on August 15, 2019 at 1:00 PM and continuing through no later than August 16, 2019 at 1:00 AM; beginning on August 16, 2019 at 1:00 PM and continuing through no later than August 17, 2019 at 1:00 AM; beginning on August 17, 2019 at 1:00 PM and continuing through no later than August 18, 2019 at 1:00 AM; and beginning August 18, 2019 at 1:00 PM and continuing through no later than August 19, 2019 at 1:00 AM; and

5. Commencing on August 15, 2019 at 1:00 PM and continuing through August 19, 2019 at 1:00 AM there shall be no parking, stopping or standing of any motor vehicle on the following road location: along both sides of West Shore Road from its intersection with Happy Avenue to its intersection with Perry Road, along both sides of

Best Road from its intersection with West Shore Road to its intersection with Birch Road, along both sides of Perry Road from its intersection with State Route 17B to its intersection with West Shore Road, along both sides of Happy Avenue from its intersection with State Route 17B to its intersection with West Shore Road and along both sides of Hurd Road from its intersection with NYS Route 17B to its intersection with Prince Road, . This paragraph 5 does not have any application (i) to those vehicles on official business and (ii) unless “No Parking/No Standing” signs are posted and maintained by Bethel Woods during said 24 hour period; and

ORDERED, that the Town Supervisor, or his duly authorized designee, is authorized to amend any portion of this Order relating to the use of town highways or road closure locations or time periods as local traffic conditions require to include taking any necessary action to protect public safety and property; and be it further

ORDERED, commencing at August 15, 2019 at 1:00 PM and continuing to no later than August 19, 2019 at 1:00 AM, and in accordance with §1660(8) of the NY Vehicle & Traffic Law, any Town Constable, County Sheriff’s Officer, State Policeman or any other peace officer or the Town Supervisor, or his duly authorized designee, may order the removal and storage of vehicles parked or abandoned on any town highway or found unattended where they constitute an obstruction to traffic or at any place where stopping, standing or parking is prohibited. The owner or operator of any such removed vehicle shall be responsible for the payment of reasonable charges for such vehicle removal and storage; and be it further

ORDERED, that the action contemplated by this Order is a Type II action under the State Environmental Quality Review Act (“SEQRA”) and is not subject to review under SEQRA (see, 6 NYCRR §§617.5[a] and [c][16] and [20]); and be it further

ORDERED, that this Order shall take effect when adopted.

Upon motion by Councilwoman Vicky Simpson, seconded by Lillian Hendrickson, put to a roll call vote and adopted 4-0 as follows:

Dawn Ryder	abstain
Bernard Cohen	aye
Daniel Sturm	aye
Vicky Simpson	aye
Lillian Hendrickson	aye

Correspondence from Jen Metzger/Winter Recovery Funds

Motion by Mrs. Ryder to receive and file correspondence from Jen Metzger regarding that the NYS Legislature has restored \$65 million in Extreme Winter Recovery Funds, and send thank you letters to Senator Jen Metzger and Assemblywoman Aileen Gunther. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

NYS Dept. of Transportation Notice of Order – Route 17B

Motion by Mrs. Hendrickson to receive and file correspondence dated June 28, 2019 from NYS Department of Transportation Study No. 919-0027, File 48.07, Troop F regarding no parking ordinance in the state right-of-way on Route 17B from Puckyhuddle Road to Route 55 East. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Bethel Heritage Trail

Motion by Mrs. Simpson to receive, file and approve invoice from W Design (which includes work and reimbursement for Noah Kolina’s photography for the VW bug) for the Bethel Heritage Trail in the amount of \$22,653.47. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Mr. Sturm broke it down as follows:

W Design & Kolina	\$22,653
Bethel Woods donation -	\$ 1,500
Private donations	-\$ 1,000
County Grant	<u>-\$12,750</u>
Sub Total	\$15,250
Town of Bethel Share	<u>\$ 7,403</u>

The Bethel Heritage Trail will consist of 9 sites on a 9-mile loop starting at Town municipal parking lot (3586 Route 55, Kauneonga Lake). The

Correspondence Pitingaro & Doetsch – Preserve at Chapin Road Bond

Motion by Mrs. Ryder to receive, file and approve that the Town of Bethel release the letter of irrevocable letter of credit –Seven M. Dubrovsky releasing the amount of \$208,000 held for The Preserve at the Chapin Estate Phases III, IV, V and 5 B in accordance with the recent inspection by Pitingaro & Doetsch that all of the areas were completed satisfactorily. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Public Comment

Susan Brown Otto read her letter dated July 10, 2019 to the Town of Bethel Town Board regarding Town of Bethel Code Section 343-23.N, stating that political signs **shall** be removed within seven days after the election to which they pertain.

Bob Barrett asked about the bill from Mobile Medic. He would like an answer.

Town Clerk Rita Sheehan announced that on Friday, August 16, 2019 there will be a commemorative Woodstock Anniversary postal cancellation for the Forever Stamp at the Bethel Post Office, 17B, Bethel, NY.

Adjournment

There being no further items on the agenda, Mr. Cohen made a motion to adjourn. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan
Bethel Town Clerk