

The September 12, 2019 Special Town of Bethel Town Board meeting was called to order by the Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Duggan Community Center meeting room. The meeting of September 11, 2019 was cancelled due to the 911 Service in Rock Hill.

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

Attorney for the Town: Karen Mannino

The meeting was opened with the Pledge of Allegiance.

Moment of Silence – John J. Driscoll, Jr.

Mr. Sturm asked for a moment of silence for John Driscoll, III who passed away on September 3, 2019. John served as a councilman for twelve years on the Town of Bethel Town Board. Town Clerk will prepare a resolution for next meeting.

Audit of Bills

<u>Funds</u>	<u>Amount</u>	<u>Check #'s</u>
General Fund	\$ 85,399.37	8741, 8773-8827
Highway Fund	\$323,281.53	2285-2298, 2301-2315, 2332
Kauneonga Lake Sewer District	\$ 32,614.45	1807-1833
Kauneonga Lake Light District	\$ 1,878.36	1042
P & Z Journal	\$ 50.00	1199

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

Supervisor’s Monthly Report

Mr. Sturm’s monthly report is as follows:

1. General Fund is up \$61,000 from last year.
2. Expenses are 2.9% up. Includes the purchase of a new police vehicle (\$50,000 over). Heritage Trail was \$23,000 and we got back \$14,000.
3. We are at 98.5% for the 2019 budget. At this time last year we were at 97.8%.
4. 71.8% of the budget is spent so far. Looking good.
5. Highway Dept. Expenses are 7% down, but they still have more chips To do. We are at 66% of the budget this year. Last year at this time we were at 69%.

Motion by Mrs. Hendrickson to receive and file the Supervisor’s Monthly Report as given by Mr. Strum.

Seconded by Mrs. Simpson, put to a vote and carried

Building Department Monthly Report

August, 2019 Fees	\$ 4,847
August, 2018 Fees	\$ 3,058
August, 2019 Construction Totals	\$712,255
August, 2018 Construction Totals	\$478,470

Motion by Mrs. Hendrickson to receive and file the Building Department Monthly Report as submitted.

Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Sullivan County Snow & Ice Contract 7/1/19-6/30/20

RESOLUTION OF THE TOWN OF BETHEL TOWN BOARD TO APPROVE A CONTRACT AMENDMENT FOR THE 2018 – 2021 COUNTY SNOW AND ICE CONTRACT REMOVAL

WHEREAS, the county of Sullivan and the Town of Bethel entered into contract for Snow and Ice control on County Roads from July 1, 2018 through June 30, 2021.

WHEREAS: the contract states the Town will be paid the amount Sullivan County received from the State of New York for snow and ice control on state highways the previous snow and ice season; and

WHEREAS, said section of the Highway Law of the State of New York requires the approval by resolution of each of the legislative bodies of such Towns;

NOW, THEREFORE, BE IT RESOLVED, that the County of Sullivan pay the amount of \$5,350.14 (\$6,185.13 reduced by 13.5%) per centerline mile for two lane highways to the Town for the contract year July 1, 2019 – June 30, 2020. (See Exhibit C of the 2018-2021 Snow and Ice Contract.

Motion by Mrs. Ryder to adopt resolution, seconded by, Mr. Cohen, put to a vote and carried 5 ayes and 0 nays.

Mr. Sturm stated that the Town of Bethel has its own sand to mine with only costs the Town \$25,000. This is a cost savings of \$100,000 that the Town doesn't have to spend in buying sand.

Town Clerk's Monthly Report

Total fees for August, 2019	\$12,455.50
State Share	\$ 2,023.67
Town Share	\$10,431.83

Mr. Sturm said the Transfer Station is doing well.

Motion by Mrs. Ryder to receive and file the Town Clerk's Monthly report as submitted.

Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Correspondence from Bethel Woods Center for the Arts

Motion by Mrs. Simpson to receive and file letter dated 8/27/2019 from Bethel Woods Center for the Arts thanking the Town Board and Planning Board for the Town's wealth of support and planning surrounding the recent 50th Anniversary weekend of the 1969 Woodstock festival.

Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Joint Fuel Bid Results

<u>TYPE OF FUEL</u>	<u>AWARD BID</u>	<u>ADJUSTMENT</u>	
#2 Fuel Oil Tank	1.8118	.1457	Resnick
Kerosene Tank Wagon	2.0100	+.2125	Mirabito
Diesel Tank Wagon	1.8825	+.0934	Resnick
Off Road Diesel Tank Wagon	1.8875	.934	Resnick
87% Un-Branded Regular Unleaded Tank Wagon	1.8845	+.055	County Petroleum
87% Branded Regular unleaded Tank Wagon	1.7115	.128	Resnick
92% Octane Unleaded Tank Tank Wagon	2.121	.25	Resnick

Motion by Mrs. Hendrickson to receive, file and approve correspondence dated 9/5/2019 from the Town of Liberty regarding the Joint Fuel Bids reflecting the low bids and alternate bids that were awarded.

Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Resolution to close Tax Collector’s Checking Account

Karen Mannino, Attorney for the Town, stated that the Bethel Tax Collector has resigned. The Jeff Bank checking account was opened specific to that person and since Debra has resigned the account must be closed. The account must be closed and the balance must go into the General Fund.

Mr. Sturm read the following Resolution to close the Tax Collector’s Checking Account.

**RESOLUTION OF TOW BOARD OF THE TOWN OF BETHEL
SULLIVAN COUNTY, NEW YORK TO CLOSE A CHECKING ACCOUNT
WITH THE FIRST NATIONAL BANK OF JEFFERSONVILLE ENTITLED
DEBRA GABRIEL TOWN OF BETHEL TAX COLLECTOR**

WHEREAS, Debra Gabriel has resigned her position as Tax Collector effective August 30, 2019; and

WHEREAS, a checking account is currently in existence at the First National Bank of Jeffersonville entitled Debra Gabriel Town of Bethel Tax Collector; and

WHEREAS, there is currently a balance in the First National Bank of Jeffersonville checking account entitled Debra Gabriel Town of Bethel Tax Collector; and

WHEREAS, Debra Gabriel has failed, as legally required, to zero out her Tax Collector Checking Account.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Bethel hereby authorizes the First National Bank of Jeffersonville to close the checking account entitled Debra Gabriel Town of Bethel Tax Collector; and be it

FURTHER RESOLVED, that any funds remaining in the First National Bank of Jeffersonville checking account entitled Debra Gabriel Town of Bethel Tax Collector shall immediately be remitted to the Town of Bethel and thereafter included in the Town’s General Fund; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion by Vicky Simpson, seconded by Lillian Hendrickson, duly adopted 4 ayes and 1 nay upon a roll call vote as follows:

	<u>Aye</u>	<u>Nay</u>
Vicky Simpson	X	
Lillian Hendrickson	X	
Dawn Ryder	X	
Bernie Cohen	X	
Daniel Sturm	X	

Mrs. Hendrickson asked is there always extra money in the Tax Collector’s Checking account?

Supervisor’s Response to the September 6, 2019 *Sullivan County Democrat* Article

Mr. Sturm stated that the audit done by Cooper Arias, LLP annotated that by the 15th of each month the account should have been zeroed out to a zero balance.

Mrs. Ryder asked that if you zero out the account, it is then closed.

Mr. Sturm, no it shows that there is zero dollars in the account.

Mr. Sturm read: The following are discrepancies in the Tax Collector accounting records by years:

2008-2018	Interest and penalties not turned over to the town timely
2009	Funds not in interest bearing account
2010, 2012-2018	Bank reconciliations not done
2015-2018	Tax payment envelopes not saved as required by Town Law Section 37
2017-2018	Tax payments not entered as check or cash
2017	Money missing

Mr. Sturm read his letter to the Editor - *Sullivan Democrat* printed on Friday, September 6, 2019 to make a few clarifications and supply real facts:

- 1) The three (3) Bethel residents mentioned in the article all sent their tax payments in on time by the March 31st, 2019 deadline as required. The Tax Collector stated that they were received after that date. One paid on 03/13, one paid on 03/22, and one paid on 3/31. I have copies of their checks sent. They did not receive their checks back from our tax collector for over 60 days later which caused them to pay additional penalties and fees.
- 2) Our Bethel Tax Collector was allocated \$2,500 for a clerk in the 2019 budget, not \$1,500 as stated in the article. The clerk worked Tuesday’s and Friday’s from 9-2 to collect taxes but could only accept checks, (No cash). The Tax Collector herself only worked Saturday’s at the Town Hall to collect taxes from 2:30 – 5:30 pm. So the Tax Collector herself worked 3 hours a week to collect taxes and got paid \$23,000 a year in salary and an additional \$25,000 a year for family health insurance. Also, collecting cash only on Saturday’s was not legal (as stated by the State Comptroller’s office) and an inconvenience to all our taxpayers.
- 3) The Tax Collector never offered to pay the cash back as she mentions. The Town Board wanted her to but he refused.
- 4) The part mentioning my wife was just a low blow. Dina has worked as a loyal Town employee for over 20 years, and her integrity is indisputable. We are a

small office, and we have always worked together to help the taxpayers. She had been assisting the tax collector in collecting taxes when the Tax Collector was not in the office which was often the case. Any monies collected were date stamped, carefully accounted for, and secured until the arrival of the Tax Collector. Any Nancy Buck is a highly respected County Treasurer who did not deserve to be mentioned by the Tax Collector in the article in that fashion. Her and her staff do an amazing job at what they do, in spite of the lack of cooperation of our Tax Collector over the years.

- 5) In conclusion, there was also an issue this past January 2019, in which \$1,000 cash was unaccounted for in the Tax Collector’s office for and still is.

Motion by Mrs. Hendrickson to receive and file Mr. Sturm’s letter as printed in the Sullivan Democrat, letter to the Editor.

Seconded by Mrs. Simpson, roll call vote as follows:

<u>Council member</u>	<u>Aye</u>	<u>Nay</u>
Lillian Hendrickson	X	
Vicky Simpson	X	
Bernie Cohen	X	
Dawn Ryder	X	
Dan Sturm	X	

Motion carried 5-0.

Town Board Comments

Mrs. Hendrickson - the Tax Collector has done the tax payers of the Town of Bethel an injustice. Elected officials work for the tax payers. Speaking ill of Dina Sturm and Nancy Buck was a low blow and not called for.

Mrs. Simpson - We are elected and should act in a professional way. When the taxpayers came to the Town Board with problems/questions regarding the Tax Collector procedures, we as the Town Board had to answer them. Debra made it personal. We need to walk it back to being professional. Dina Sturm did not deserve the ill comments.

Correspondence from Debra Gabriel

Mr. Sturm read an e-mail dated September 12, 2019 at 1:34 pm requesting appointment: (Mr. Sturm states, that is has not been put on the official agenda since it came in late. I’m reading it as a courteous only.)

I, Debra Gabriel, am requesting this letter be put on tonight’s Town of Bethel Town Board’s agenda, September 12, 2019 and be read out loud. I am requesting a roll call vote.

Town of Town Board,

This letter is written as a request to be appointed to the position of Town of Bethel Tax Collector. There is much to be done before the Election in November and taking my Oath of Office in January.

I would like to keep a smooth flow within the tax department of the Town of Bethel. There is much to be done before January’s tax bills.

Programs need to be reinstalled on the hard drive in the tax office, credit card company needs to be contacted to draw up a new contract for the tax collection starting January 2020. The bank will need to be contacted.

The printer will be contacting the tax office about the bill printing and a legal notice that is sent with each bill.

The legal notice needs to be written, sent to the newspapers and posted throughout the town.

Consistency is the key to success.

Debra Holt Gabriel
Candidate for Town of Bethel Tax Collector

Karen Mannino, Attorney for the Town - I believe at the last meeting the Town of Bethel Town Board was looking into different options.

Mrs. Hendrickson - What does Debra mean by the programs need to be reinstalled on the hard drive? Mr. Sturm - The Tax Collector Program was removed and no longer on the computer.

Mrs. Ryder - I make a motion to receive and file Debra Gabriel's e-mail dated September 12, 2019. Mr. Sturm - Please note, since the letter came in late it is not on the agenda. Mr. Sturm - Is there a second. No second to Mrs. Ryder's motion. Motion failed.

Ray Neuenhoff - What does New York State say?

Brian Bunce - Who owns the program?

Karen Mannino, Attorney for the Town - I believe the Town owns the program.
Mr. Sturm - Yes Town owns it.

Property Violations Update: 96 E. Thompson Place

Mr. Sturm read two letters from the following residents in Smallwood, NY complaining about the ongoing uninhabitable house and requesting action be taken regarding 96 East Thompson Place, Smallwood, New York.

Correspondence from Victor Maxwell

E-mail dated 9/9/2019 from Victor Maxwell asking about the situation regarding this uninhabitable structure. Apart from removing the garbage on the outside of structure nothing else has been done. Remember, it is about 6 years ago that this house burnt.

Motion by Mrs. Simpson to receive and file e-mail dated 9/9/2019 from Victor Maxwell. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Correspondence from Ann Artale-Bruno

E-mail dated 9/11/2019 from Ann Artale-Bruno asking about the situation regarding this uninhabitable structure. Other than the garbage being picked-up from the yard, nothing else has happened. How long do we have to look at this eye-sore.

Motion by Mrs. Hendrickson to receive and file e-mail dated 9/11/2019 from Ann Artale-Bruno. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Mr. Sturm gave a synopsis. The owner's engineer said the house could be rebuilt. To date, there have been no design/plans submitted to the building department or a request for a building permit. There are still safety violations regarding this property.

Correspondence from Building Department

The building department has taken another set of pictures and served another Notice of Violation dated 9/10/2019 to Leventures, Inc. owner of 96 E. Thompson Place.

Motion by Mrs. Hendrickson to receive and file Notice of Violation by the Town of Bethel Building Department. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Mr. Sturm said this item will be addressed again in 30 days.

Fireworks Display Application – Bethel Woods 9/17/19

Application dated 9/10/2019 by Bethel Woods Center for the Arts to have Skyshooter Displays do a 12 – 15 minute fireworks display on 9/17/2019 at approximately 9 p.m.

Motion by Mrs. Simpson to receive, file, and approve fireworks display application for Bethel Woods on 9/17/2019. Seconded by Mr. Cohen, put to a vote and carried 5-0.

NYS DOT advisory Route 17B over Creamery Brook

Motion by Mrs. Hendrickson to receive and file e-mail dated 9/11/2019 from NYSDOT Traveler Advisory regarding the replacement of culvert carrying Route 17B over Creamery Brook. Will impact traffic in the Town of Bethel starting September 12, 2019 through December, 2019. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Town Board Comments

Mrs. Simpson - The 911 Service in Smallwood was beautiful. Don't forget to vote October 17th on the MCSD Phase II Referendum from 8 am– 8 pm.

Mr. Cohen - It was an honor to be part of the 911 service. I am upset with New York State DOT regarding the culvert work on Route 17B.

Mrs. Ryder - Just want to say thank you. No ZBA meeting on September 16, 2019.

Public Comments

Brian Bunce – Seven weeks ago my neighbor started building a shed on the weekend. I called the Sheriff regarding the Town of Bethel noise ordinance. The Sheriff came out and told the neighbor the hours to work are 10 am to 4 pm. Again, the next weekend, they sent out Town of Bethel Officer Yates. I spoke with BJ Gettel. This keeps on happening every weekend. The neighbor said told BJ that he wants to have coffee with me and BJ said good idea. Nothing is being done. Three (3) times I reported this and no summons. I will go the radio and newspapers about this if it doesn't stop. Mr. Sturm - Anyone can write a summons, the Sheriff, Constables or the Code Enforcement Officer.

Mr. Neuenhoff - Reminder, the Constables must be a witness to the complaint.

Piera Vasta (Pasquale) - Discussed a highway problem regarding 11 Mohawk Trail.

Virginia Unti – Discussed a water problem on Walnut/E. Delaware by the garage. She was told to contact the Smallwood Water Department, Dennis Dietrich to fix the problem.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk