

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

Council Members present: Bernard Cohen
 Vicky Simpson
 Denise Frangipane
 Lillian Hendrickson

The meeting was opened with the Pledge of Allegiance.

Audit of Bills

Motion by Mrs. Simpson to approve monthly audit of bills seconded by Mrs. Hendrickson put to a vote and carried 5-0 as follows:

<u>Fund</u>	<u>Amount</u>	<u>Check No.</u>
Sewer District	62,785.50	1626 – 1662
Planning & Zoning Escrow	1,078.97	1013 – 1015
Highway Equipment	1,141.00	1025 – 1027
KL Light District	3,415.42	1048 – 1051
Highway Fund	365,787.45	2151 – 2212
General Fund	1,422,396.04	3234 - 3331

Supervisor’s Monthly Report - January

Motion by Mrs. Simpson to receive and file Supervisor’s monthly report for January, seconded by Mr. Cohen put to a vote and carried 5-0

Building Department Monthly Report - January

January 2013 fees	\$1,900.
January 2012 fees	\$2,024.
January 2013 Const. Total	\$ 30,600.
January 2012 Const. Total	\$187,000.

Motion by Mrs. Hendrickson to receive and file Building Department report, seconded by Mrs. Simpson put to a vote and carried 5-0.

Request to name Private Road – Zville Drive

Whereas, there exists a private driveway off West Shore Road (TR 86) on private property owned by Khal Divre Chaim Inc. located at Tax Map #22-1-28, and

Whereas, this private roadway will serve more than three structures as their primary ingress and egress, and

Whereas, the owner of the roads has approved and is requesting the naming of these private roadways as depicted on the attached sketch to be now known as the following: **Zville Drive**

Now Therefore Be It Resolved, the Town of Bethel Town Board on February 13, 2013 hereby approves the naming of these private roads.

Motion by Mr. Cohen to approve seconded by Mrs. Hendrickson put to a vote and carried 5-0.

Request to Add Road to Highway Inventory – Sgt. Caitlin Dima Drive

Motion by Mrs. Simpson to name the Right-of-Way at the entrance to the Senior Center to Sgt. Caitlin Dima Drive, seconded by Mr. Cohen, put to a vote and carried 5-0.

In the Matter of Certifying for Local Highway Inventory File Inclusion
 A Town Highway in the Town of Bethel; County of Sullivan, and the State of New York, a Road used by the Public for Upwards of Ten Years.

Re: Sgt. Caitlin Dima Drive

WHEREAS, the public for a period of ten years and more has used the land hereinafter described as a public highway in the Town of Bethel, Sullivan County, New York, and

WHEREAS, the Town of Bethel has kept in repair and taken charge of the land hereinafter described as a public highway for a period of ten years and more, and

WHEREAS, such highway has been previously ascertained, described, and entered in the town records as a town highway for the Town of Bethel and taken over by such Town and worked and kept in repair by such Town.

NOW, THEREFORE, Town Superintendent of Highways of the Town of Bethel, Sullivan County, New York, do hereby certify that the above-named road is a duly recorded town road and request the New York State Department of Transportation to include the same in its Local Highway Inventory database.

Road Description: Beginning at the point at the westerly end of Sgt. Caitlin Dima Drive where it intersects with State Route 55 (County Road 14) to a point of _____ feet easterly, Kauneonga Lake, New York 12749

Memo from Building Department regarding Otero/Milagros Property

Memo has been received by the Building Department regarding the Otero/Milagros property on Old White Lake Turnpike, Swan Lake, NY. The owners have not taken any action since the Town gave them 30 days to remedy the violations in February 2012. The same Engineer’s report was given to the Town Board that was filed with them last February. Motion by Mrs. Simpson to receive and file engineer’s report dated February 15, 2012, seconded by Mr. Cohen put to a vote and carried 5-0.

Motion by Mrs. Simpson to set Public hearing for the building violations and property maintenance for the property located at SBL #14.-1-17.7, 636 Lt. Brender Highway, Ferndale, NY 12734 on March 27, 2013 at 7:45, seconded by Mrs. Hendrickson put to a vote and carried 5-0.

Request to purchase 2013 wheel loader

Request to seek sealed bids for a new 2013 wheel loader. Motion by Mr. Cohen to approve seeking sealed bids seconded by Mrs. Hendrickson put to a vote and carried 5-0.

Town Clerk’s Monthly Report

Total Revenue	\$4682.08	
Total Share		\$4556.72
State Share		\$ 125.36

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

Correspondence regarding Deputy Clerk position

Correspondence from Town Clerk requesting to fill the vacancy of Deputy Town Clerk. Motion by Mrs. Simpson to receive and file correspondence seconded by Mrs. Hendrickson put to a vote and carried 5-0. Motion by Mrs. Simpson to appoint Lori Hastings up to 21 hours per week, seconded by Mr. Cohen put to a vote and carried 5-0. Motion by Mrs. Simpson to set an hourly wage of \$11.00, seconded by Mr. Cohen put to a vote and carried 5-0.

Website Survey

Town Clerk Rita Sheehan announced there is a pop-up survey on the Town Website. The survey is for the website.

Junkyard License Renewals

Motion by Mrs. Simpson to approve Building Department to inspect properties for junkyard license renewal, seconded by Mr. Cohen put to a vote and carried 5-0.

- A) Lymar – Route 55
- B) Hendrickson – Gabriel Road
- C) Shapiro & Sons – West Shore Road
- D) Ross Recycling - Martin Lane

Adopt-A-Road Application – E. Cumberland Trail

Motion by Mrs. Hendrickson to approve adopt-a-road application for E. Cumberland Trail by the Rick, Emily, Casey and Happy the Dog, seconded by Mrs. Hendrickson put to a vote and carried 5-0.

Resolution in opposition of Gov. Cuomo's proposal to prevent plea bargaining's for traffic infractions in local courts

**RESOLUTION TO OPPOSE GOVERNOR ANDREW CUOMO'S
PROPOSAL TO PREVENT PLEA BARGAINING OF TRAFFIC
INFRACTIONS**

WHEREAS, approximately three years ago New York State Police declared a policy that its Troopers were no longer authorized to negotiate plea bargains on traffic tickets they issued; and

WHEREAS, the Sullivan County District Attorney's Office, which has limited personnel and resources, was unable and unwilling to take over complete prosecution power over the handling of routine traffic violations and it granted all towns within Sullivan County the authority to allow town attorneys to prosecute traffic tickets at the town's expense; and

WHEREAS, the Town of Bethel, in direct response to the mandates of the New York State Police and Sullivan County District Attorney, allocated money from an already overburdened budget and hired a Town Prosecutor specifically for dealing with traffic tickets at its own expense; and

WHEREAS, the Governor of New York State, in his Executive Budget, is proposing to advance legislation which will restrict plea bargaining in vehicle and traffic infractions except in limited circumstances documented by the court; and

WHEREAS, the prosecution of traffic tickets has been an important revenue stream for the Town and has been accounted for in the Town's 2013 Budget, and should there be a change in plea bargaining requirements the Town would potentially lose a revenue stream and would cause an increase in legal expenses, which would essentially make this another unfunded state mandate.

NOW, THEREFORE, BE IT RESOLVED, the Town of Bethel Town Board, strongly opposes any change in the law which restricts or otherwise hampers the prosecutorial powers provided to Town Attorneys by the Sullivan County District Attorney; and

BE IT FURTHER RESOLVED that any restrictions placed by New York State on the ability to plea bargain routine traffic tickets would place an unfair burden on the Town as prosecuting agent by not only restricting the prosecutorial discretion of the Town Attorneys to accomplish just and fair results, but will require greater time requirements at additional significant expense to the Town. Furthermore, it will place an unfair burden on the NYS Police and Town Justice Court; and

BE IT FURTHER RESOLVED that the resolution shall be provided to NY State Senator John Bonacic and NY State Assemblywoman Aileen Gunther to express the town's adamant opposition to any changes to the law regarding the plea bargaining of minor traffic infractions.

Adopted the 19th of February, 2013.

The members of the Town Board voted as follows:

Supervisor Daniel Sturm	Aye
Councilman Denise Frangipane	Aye
Councilman Bernard Cohen	Aye
Councilman Vicky Simpson	Aye
Councilman Lillian Hendrickson	Aye

Correspondence NYS Dept. of Transportation – Culvert Replacement

Notice has been received from NYS Dept. of Transportation for the culvert replacement projects on Route 17B; 500 feet east of the driveway to Evergreen cemetery and 650 feet east of the intersection with Pine Grove Road.

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

Sterling Environmental landfill closure well testing contract

Annual contract has been received from Sterling Environmental for the landfill closure post-monitoring well testing. The contract is for well-monitoring, explosive gas survey, lab analyses, report to DEC at a cost of \$7,500. Motion by Mr. Cohen to approve seconded by Mrs. Hendrickson put to a vote and carried 5-0.

Correspondence from Planning Board Chairman regarding alternate position.

Correspondence has been received from Planning Board Chairman recommending Walter Norris to fill the alternate vacancy. Motion by Mrs. Simpson to receive and file correspondence, seconded by Mr. Cohen put to a vote and carried 5-0.

Motion by Mrs. Simpson to appoint Walter Norris as alternate for a term to expire December 31, 2017, seconded by Mr. Cohen put to a vote and carried 5-0.

Appoint member of Fire Company to SC Fire Advisory Board

Motion by Mr. Cohen to appoint Rich Hendrickson to the SC Fire Advisory Board, seconded by Mrs. Simpson put to a vote and carried 5-0.

Town Board Comments

Mrs. Hendrickson went to the Bethel Bookstore fundraiser, then she went to skating. Town should thank Judy Maidenbaum for the use of her deck and the music, Dan Gettel for building the stairs, Bernie, Mike Lorino for keeping the ice clear and Frank DiCostanzo for plowing.

Mrs. Simpson announced that the Youth Directors moved everything into library which will be the new Youth Center. Youth Input meeting 2/26 7pm. Important to keep Youth connected to the Town. Looking forward to working with Lillian. It is a step forward for the Planning Board approving the White Lake Mansion & Dollar General. Planning Board did due diligence, did great job.

Mrs. Hendrickson commented that last summer a Boy Scout troop came to Lions Club to sponsor them. There are now 10 boys in troop.

Mr. Cohen reported on the sewer plant that all new parts for the pool are in, working on them this spring. Waiting for dredging company, 2 new pumps installed, numbers with DEC are on target.

Ms. Frangipane asked Mr. Sturm about the new chipper purchased in 2011. Can we use chipper for residents several towns do it. Only one day, pre-register, see if it is feasible. What is actual cost? Mr. Sturm noted he would pass suggestion onto highway supervisor. Ms. Frangipane asked Mr. Cohen to follow up as highway liaison.

Ms. Frangipane announced the Annual Conference Sullivan Renaissance which is at the college on March 9th. The next Ag Committee meeting is March 20th

Public Comment

Anthony La Russo, 358 Royce Road was never notified about the Dollar General public hearing. Mr. LaRusso is not too happy about a driveway across from his house to access the Dollar General. He told the Town Board don't pat yourselves on back yet.

Regina Murdock, Royce Road was unable to attend Planning Board Public Hearing.

Mr. Sturm indicated the public comment for the Dollar General is over; the Planning Board followed all proper protocols. He gave Mrs. Murdock 3 minutes to speak.

Mrs. Murdock mentioned that at the meeting last night the Planning Board stated that no one will be impacted. The site plan did not depict the LaRusso house. There is a provision that any future development would use that driveway. Need traffic study for future development on that parcel. The property is devalued in Bethel because of Duggan School closing. \$8,000/yr. in taxes; it is peaceful quiet, will diminish value. 2004 – DOT calculations were used for the driveway; should have used 2011. Sight distance not right should be 180'. Need 500' sight distance for the entrance on 17B. These items were overlooked.

Mr. Sturm stated will answer any questions you may have. Mrs. Murdock appreciates that, 30 acres left to develop for a market.

Mr. LaRusso asked how proper protocol was followed if I was not notified. Mr. Sturm stated he will look at copies of records for the certified receipts for mailing.

Rachel Keebler, Royce Road, indicated there are bad sight lines not good for trucks turning off Route 17B onto Royce Road; supply trucks create unsafe conditions; does not want Royce Road ripped out and made larger like Airport Road so they can pass through to Route 55.

February 13, 2013

Audit Meeting

Dawn Ryder asked everyone to support Sullivan Renaissance this Saturday, a lot of good classes especially the social media. The classes are free.

911 Upgrade

Matt Goldsmith, Bethel Volunteer Ambulance Corp., was present to discuss the \$9,000,000 upgrade to 911. In 2012 \$190,000,000 was received by the State for wireless surcharges from Sullivan County. The County only received \$37,000. Mr. Goldsmith has a petition to Senator Bonacic and Assemblywoman Gunther for anyone to sign.

Adjournment

There being no further business, Mr. Cohen moved to adjourn, seconded by Mrs. Simpson put to a vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk