

The June 26, 2014 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  
Bernard Cohen  
Lillian Hendrickson  
Dawn Ryder

The meeting was opened with the Pledge of Allegiance

**Presentation: Bethel Senior of the Year – Patricia McArthur**

The Town Board presented Patricia McArthur with a plaque for Bethel Senior of the Year. Ms. McArthur is third generation and has lived in Bethel all her life at the same home site. She was recognized for her beautiful work for the RSVP knitting program including lap blankets for the World War II Honor Flight and domestic violence programs.

**Road Repair Agreements**

Butrick Road commencing at Old White Lake Turnpike and leading to Swan Lake Bushville Road a distance of 1.18 miles, there shall be expended not over the sum of \$98,379. Width of traveled surface 18’, Thickness 3”, Sub-base original asphalt road. Price includes paving road and surface treating.

West Shore Road commencing at Horseshoe Lake Road and leading to Happy Avenue a distance of .6 miles, there shall be expended not over the sum of \$35,033.

Gabriel Road commencing at 17B and not leading to Taggart Road a distance of 5034 feet, there shall be expended not over the sum of \$68,000. Thickness 2”, Sub-base original asphalt road. Price includes paving and surface treating.

Mattison Road commencing at 17B and leading to Gabriel Street a distance of 3128 feet, there shall be expended not over the sum of \$42,881., Width of traveled surface 18’, Thickness 2”, Sub-base original asphalt road. Price includes paving and surface treating.

Laird Road commencing at Fairweather Road and leading to Smith Road a distance of 2747 feet, there shall be expended not over the sum of \$68,430. Width of travel 18’, Thickness 2”, Sub-base original asphalt surface. Price includes paving and surface treating.

Motion by Lillian Hendrickson to approve road repair agreements as submitted, seconded by Bernie Cohen, put to vote and carried 5-0.

**Additional Hires for Summer Programs**

Ana Ponce – all day aide	\$8.25
Substitute Aides (returning from last year):	
Glen McCausland – all day aide	\$8.50
Terry Gray, Jr – Senior Aide	\$8.50
Ryan Rydell (change to junior lifeguard)	\$9.50

There are currently aides Weronica at \$8.25 and Ryan at \$8.00

Motion by Vicky Simpson to approve, seconded by Lillian Hendrickson, put to vote and carried 5-0.

**Adopt-A-Road application – Polaris Trail**

Adopt-A-Road application has been received by the Delhay Family to adopt Polaris Trail in Memory of Whitney Delhay. Motion by Vicky Simpson to approve, seconded by Lillian Hendrickson, put to vote and carried 5-0.

**Request to NYS D.O.T. for re-striping both sides of 17B at Pine Grove**

Town Constble requested that NYS Dept. of Transportaion re-stripe the right-of-ways at Route 17B and Pine Grove Road. Town Clerk also noted that the letter should include re-striping of the intersection of Route 17B and Route 55 East. Motion by Dawn Ryder to send letter, seconded by Bernie Cohen, put to vote and carried 5-0.

**Correspondence from High Point Coursers Car Club**

Correspondence has been received from High Point Coursers Car Club thanking the Town Board for allowing their event at the Bethel Motor Speedway. Motion by Vicky Simpson to receive and file, seconded by Bernie Cohen, put to vote and carried 5-0.

**Resolution to Amend the Corporate By-Laws of the BLDC**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
TO AMEND THE CORPORATE BYLAWS OF THE BETHEL LOCAL  
DEVELOPMENT CORPORATION TO BRING THEM INTO COMPLIANCE  
WITH THE NY NONPROFIT REVITALIZATION ACT TO  
BECOME EFFECTIVE JULY 1, 2014**

**WHEREAS**, the Nonprofit Revitalization Act was introduced to the legislature as a Program Bill from the Attorney General and passed both the Assembly and the Senate in June 2013, it was then signed into law in December 2014, by the Governor, and;

**WHEREAS**, the Nonprofit Revitalization Act represents the first major revision of New York State Not-for-Profit Corporation Law in 40 years, and has a significant impact on the governance policies and practices of the Bethel Local Development Corporation, and;

**WHEREAS**, the Bethel Local Development Corporation has heretofore established a Code of Ethics and an Acknowledgement of Fiduciary Duties and Responsibilities form as a conditional service as a director of the corporation (together, the “Code of Ethics”);

**WHEREAS**, the by-laws of the Bethel Local Development Corporation need amendment in order that they comply with the Nonprofit Revitalization Act and said amendment shall be adopted by the Town Board of the Town of Bethel in accordance with Article VII of said by-laws.

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of the Town of Bethel amends the corporate bylaws of the Bethel Local Development Corporation, adding Article VIII “Statutory Compliance”, together with Appendix A, By-Law & Corporate Policy Definitions, and Appendix B, Board of Directors Conflicts of Interest Policy, and Appendix C, Code of Ethical Conduct & Annual Potential Conflicts Disclosure Statement with its Code of Ethical Conduct and Annual Potential Conflicts Disclosure Statement, and Appendix D, Audit Oversight Policy all of which are attached hereto and made a part hereof as Schedule A, to be effective July 1, 2014 and be it

**FURTHER RESOLVED**, the corporate bylaws of the Bethel Local Development Corporation are further amended to create greater efficiencies in corporate operations including the use of e-mail for delivery for certain notices, consents, authorizations and financial statements to members of the Board of Directors all of which are attached hereto and made a part hereof as Schedule B, to be effective July 1, 2014, and be it

**FURTHER RESOLVED**, that the BLDC Bethel Local Development Corporation hereby vacates its Code of Ethics previously adopted because it has been superseded by the amendment of the by-laws effective upon the adoption of this Resolution, and be it

**FURTHER RESOLVED** that this action is a type II action under SEQRA (6 NYCRR §617.5[20]) and no environmental review is required under SEQRA, and be it

**FURTHER RESOLVED** that this Resolution shall be effective upon adoption.

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

		<u>AYE</u>	<u>NAY</u>
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 26<sup>th</sup> day of June, 2014.

**Resolution to Acquire Real Property and Issuing a negative Declaration**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
AUTHORIZING THE EXECUTION OF AN AGREEMENT TO  
ACQUIRE CERTAIN REAL PROPERTY AND CONCURRING IN THE  
ISSUANCE OF A NEGATIVE DECLARATION UNDER SEQRA**

WHEREAS, upon a loan made by the Town to the Bethel Local Development Corporation (“BLDC”), the BLDC purchased certain real property from the County of Sullivan (the “County”) pursuant to an Agreement effective as of the 4<sup>th</sup> day of November, 2011 (the “Purchase & Sale Agreement”), and said real property was conveyed by deed duly recorded in the Office of the Sullivan County Clerk on November 16, 2011, bearing instrument number 2011-7664; and

WHEREAS, the real property acquired by the BLDC from the County is known on the Tax Map for the Town of Bethel as Section 51, Block 1 and Lot 25.3 (consisting at the time of purchase of approximately 80.41 acres) and Section 51, Block 1 and Lot 27.1 (consisting at the time of purchase of approximately 110.96 acres) comprising a total of approximately 191 acres (the “Property”); and

WHEREAS, a portion of the Property consisting of approximately 124 acres has been encumbered with a conservation easement (“Conservation Easement”) and said parcel is used for parkland purposes (the “Park Property”); and

WHEREAS, the Town has made a NYS Consolidated Funding Application for a grant to make certain improvements to the Park Property and the BLDC authorized the Town to make said grant application and will provide necessary access to the Park Property to make said improvements to it; and

WHEREAS, it appears that a portion of the Property consisting of approximately 61 acres, which portion of the Property is not subject to the Conservation Easement, has been determined to have sand and gravel deposits suitable for mining purposes (the “Sand Parcel”); and

WHEREAS, the BLDC has made application to the New York State Department of Environmental Conservation (“NYSDEC”) for a sand mining permit to mine sand at the Sand Parcel; and

WHEREAS, the BLDC seeks to convey the Sand Parcel to the Town for certain governmental purposes and the Town seeks to retain the BLDC to oversee and manage the sand mining operations if and when any sand mining permit is issued to the BLDC;

WHEREAS, the action contemplated under this Resolution involving the acquisition of real property is an unlisted action under the State Environmental Quality Review Act and its implementing regulations (“SEQRA”); and

WHEREAS, attached to this Resolution as Exhibit A and incorporated herein is a Transaction Agreement (the “Agreement”) between the BLDC and the Town to provide for the conveyance of the Sand Parcel from the BLDC to the Town and the sand mining operation at said parcel.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Bethel (i) authorizes the acquisition of the Sand Parcel, and (ii) authorizes Daniel Sturm, Chairman, or his designee acting on behalf of the Town, to sign the Agreement and to perform all acts and execute all documents necessary to implement the terms of the agreement; and be it

FURTHER RESOLVED, that the action contemplated under this Resolution is an unlisted action under SEQRA and the Town concurs that the BLDC shall act as lead agency to undertake review for SEQRA purposes; and be it

FURTHER RESOLVED, based upon the short Environment Assessment Form (“EAF”) reviewed by the Town Board, the Town Board adopts the SEQRA findings made by the BLDC, agrees that there will be no significant impact to the environment and concurs in and adopts the negative declaration issued by the BLDC, and the information required by 6 NYCRR § 617.12(a) is attached hereto and incorporated herein as Exhibit B; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution, and the SEQRA documents be filed with the Town Clerk who shall provide a copy to any person who has requested one; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

Bernie Cohen	Voting	aye
Lillian Hendrickson	Voting	aye
Dawn Ryder	Voting	aye
Vicky Simpson	Voting	aye
Daniel Sturm	Voting	aye

Duly adopted by 5 ayes, 0 nays the 26<sup>th</sup> day of June, 2014.

**EXHIBIT B**

**NEGATIVE DECLARATION**

The Lead Agency:

**BETHEL LOCAL DEVELOPMENT CORPORATION**

3454 Route 55  
PO Box 300  
White Lake, New York 12786

Contact Person:

Daniel Sturm, BLDC Chairman  
3454 Route 55  
PO Box 300  
White Lake, New York 12786

Telephone Number: (845) 583-4350

A Description of the Action:

The Town is acquiring a sixty-one acre parcel of real property from the Bethel Local Development Corporation (“BLDC”) as part of the adoption of a plan for supplying sand and gravel for Town Highway department use. The BLDC has applied for a sand mining permit from the New York State Department of Environmental Conservation (“NYSDEC”). Pursuant to an agreement between the Town and the BLDC, and assuming the BLDC is issued a sand mining permit by the NYSDEC, the BLDC will mine sand from the parcel in question on an intermittent basis to develop a supply of sand for the sole and exclusive use of the Town Highway Department. The Town recognizes that any mining operations will likely have some impact on the environment. The BLDC submitted a long form EAF to the NYSDEC, which is acting as lead agency for SEQRA review and issuance of any sand and gravel mining permit, and the potential impacts to the environment as the result of any mining operations will be reviewed by the NYSDEC as part of the Town’s permit application.

SEQRA Classification: Unlisted.

The Potential Environmental Impacts:

No potential significant environmental impacts are anticipated and an environmental impact statement will not be prepared.

The Location of the Action:

The Town is acquiring a parcel of real property from the BLDC designated on the Tax Map for the Town known as Section 51, Block 1 and Lot 25.3.

**Correspondence regarding Boy Scout Noise Permit Application**

Correspondence has been received from the following regarding the Boy Scout Noise Permit Application:

1. Timothy Fowler, President, Indian Field
2. Scharma Picard, Treasurer, Indian Field
3. Fred Albrecht
4. Bruce and Doug Smith
5. Christopher DiGiovanni, MD
6. Sharon Lilley
7. Marshall

Motion by Vicky Simpson to receive and file, seconded by Bernie Cohen, put to vote and carried 5-0.

**Noise Permit Application – Ten Mile River Boy Scout Camps**

Tom Pendelton, Director Ten Mile River Boy Scout Camp indicated they will be changing 12 Gauge to 20 Gauges, moving Range before next summer

Upon resolution of the Town Board of the Town of Bethel (the “Town”) dated June 26, 2014, the application of Ten Mile River Scout Camps (the “Applicant”), dated June 26, 2014 for a permit pursuant to Chapter 220 of the Bethel Town Code is hereby granted upon the following terms and conditions:

Merit and Badge Programs under supervision of camp officers and employees:

**.22's Tuesday – Friday:**

9:00 a.m. – Noon

2:00 p.m. – 5:00 p.m.

7:00 p.m. – 8:30 p.m.

**20 gauge Tuesday – Friday:**

9:00 a.m. – Noon

2:00 p.m. – 5:00 p.m.

No shooting on Saturday, Sunday and Monday.

This permit shall expire December 31, 2014

Motion by Vicky Simpson, seconded by Lillian Hendrickson, put to vote and carried 5-0. Mr. Sturm indicated that there will be no permit next year until the range is moved.

**Town Board Comments**

Dawn Ryder mention that Ron Borella wrote a letter to the State Dept. of Transportation for signal back plates and they have been approved for the 17B & Pine Grove light & the Route 55 East & 17B light.

Motion by Dawn Ryder to receive and file, seconded by Bernie Cohen, put to vote and carried 5-0.

**Sewer Department Fire**

Mrs. Hendrickson acknowledged the effort and response of our Code Enforcement Officer, BJ Gettel, get the Sewer Dept. relocated and up and running in 3 days after the fire.

**Public Comment**

Bob Barrett requested fireworks for Smallwood Lake on Labor Day weekend.

Susan Harte asked if the Camping Law Draft was ready. Mr. Sturm – attempting to have ready by July 9<sup>th</sup>

Dr. Abramson would like a monthly building department report to compare construction statistic. Mr. Sturm replied that they are presented monthly at the first meeting and are on file in the Clerk’s Office and are also recorded in the minutes.

**Adjournment**

Motion by Vicky Simpson, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Respectfully submitted,

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Rita J. Sheehan, Town Clerk