

The Town of Bethel Town Board meeting of March 26, 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

The meeting was opened with the Pledge of Allegiance.

Plaque Presentation – June Barrett

Mr. Sturm and the Town Board presented June Barrett the plaque that was handed out the Literacy Volunteers February fundraiser for all her work in getting the Literacy Center and Past Perfect Bookstore to Bethel. Mr. Sturm explained all the work that went into the Bethel Bookstore; the need, siting a location, tables, chairs, painting, carpet, volunteers and books. Mrs. Barrett gladly accepted.

Highway Fund Budget Modifications

Acct. Code	Title	Debit	Credit
5142.4	Snow Removal		\$75,000.
5110.4	Maintenance of Street	\$75,000.	

Motion by Bernie Cohen to approve budget modification, seconded by Vicky Simpson, put to vote and carried 5-0.

Proclamation - National Service Recognition Day

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation’s Leaders are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, national service participants address the most pressing challenges facing our cities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the Day of Recognition for National Service on April 1, 2014.

NOW THEREFORE, BE IT RESOLVED that the Town of Bethel Town Board does hereby proclaim April 1, 2014, as *National Service Recognition Day*, and encourage residents to recognize the positive impact of national service in our Town; to thank those who serve; and to find ways to give back to their communities.

Motion by Lillian Hendrickson to adopt proclamation for National Service Recognition Day, seconded by Dawn Ryder, put to vote and carried 5-0.

Letter of support for RSVP and AmeriCorp.

Correspondence has been received from the Sullivan county Office for the Aging asking for our support of the RSVP and AmeriCorp Programs. Motion by Vicky Simpson to send letter of support to Congresswoman Gillibrand, Congressman Gibson and U.S. Senator Schumer, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Approve Planning and Zoning Board training

Training opportunities for Planning and Zoning Board have been released. Siting Communication Towers - 4 hours; DEC Environmental Assessment Forms 2 hours – EAF. Motion by Vicky Simpson to approve credit hours for any member who attends, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Noise Permit application for Yasgur Road Productions

Noise Permit Application has been received from Yasgur Road Productions for August 15th (10 a.m.–2 a.m.), August 16th (10 a.m.–2:00 a.m.) and August 17th (10 a.m.–12:00 a.m.) for their outdoor campground and concert. Motion by Lillian Hendrickson to approve, seconded by Dawn Ryder, put to vote and carried 5-0.

Approve 2013 LOSAP Hours and List

The Bethel Volunteer Ambulance Corp. has submitted their list of members and volunteer hours for the 2013 Length of Service Award Program. Motion by Vicky Simpson to approve, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Resolution to settle assessment litigation Camp Chipinaw

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
AUTHORIZING THE SETTLEMENT OF LITIGATION**

WHEREAS, it appears that Camp Chipinaw Realty Co., LLC and Silver Lake Realty, LLC are owners of real property located within the Town of Bethel and both commenced special proceedings pursuant to Article 7 of the Real Tax Property Law seeking to reduce the tax assessments for two lots owned by them individually. Said lots are identified petitions filed on behalf of each owner. The Town of Bethel and the Town Assessor have been named as respondents in the case; and

WHEREAS, the petitions identify two different lots which comprise an operating seasonal camp and the proper valuation of these two lots remains the subject of the current tax appeal; and

WHEREAS, a settlement of the litigation has been proposed and a copy of the proposed settlement documents are attached to this Resolution and which documents have been duly signed on behalf of the petitioners; and

WHEREAS, the proposed settlement is summarized in a memorandum, dated March, 2014 which memorandum was prepared by special counsel to the Town and which recommends acceptance of the proposed settlement terms; 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 hereby determines that it is the best interests of the Town to accept the terms and conditions and recommendation of the proposed settlement as set forth in the memorandum of special counsel referenced herein; and be it

FURTHER RESOLVED, the Supervisor of the Town of Bethel, the Town Assessor, and special counsel are hereby authorized to sign and deliver any such documents necessary to achieve settlement and to complete any remaining tasks required to complete the settlement process; and be it

FURTHER RESOLVED, that the implementation of the settlement is a type II action under SEQRA (6 NYCRR §617.5[20]) and no environmental review is required under SEQRA.

Motion by Town Board member Victoria 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 5 ayes, 0 nays the 26 day of March, 2014.

Mr. McEwan reviewed settlement for assessment. The property owner filed 2008 through 2013. The older years (2008 and 2009) were dismissed. Trial was scheduled on 3/19/14; Town would have lost significant assessment, plus the tax dollars & penalties. Town is re-paying most recent years, town portion only; 2013 \$2,500; 2012 waived; 2011 waived; 2010 waived.

Future assessments will be lowered. Going to trial Town would have to pay all taxes plus lower assessments. Mr. McEwan suggested the town settle.

Correspondence from Senator Bonacic – Paula’s Law

Correspondence from senator Bonacic acknowledging receipt of our resolution in support of Paula’s Law. Motion by Bernie Cohen to receive and file, seconded by Dawn Ryder, put to vote and carried 5-0.

Correspondence from Senator Bonacic – Class III Gaming in SC

Correspondence received from Senator Bonacic acknowledging receipt of our resolution in support of Class II Gaming in Sullivan County. Motion by Vicky Simpson to receive and file, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Correspondence Monticello School District – Eagle Scout Project

Correspondence has been received from the guidance office at Monticello Central School District supporting a student's Eagle Scout Project for 120 safety buckets. The student is looking for donations of medical supplies. Motion by Dawn Ryder to receive and file, seconded by Vicky Simpson, put to vote and carried 5-0.

Town of Bethel Code Chapter 120 Camping - Discussion

Dan Sturm announced he is forming a committee to clarify the Town of Bethel Code Chapter 120 – Camping. He has appointed himself, Dan Gettel, Vicky Simpson, Rob McEwan and Jackie Ricciani. They are meeting in April and are going through the Chapter line by line and will make recommendations for local law to amend if necessary.

Correspondence from Smallwood-MV Fire Co. – ATV Run

Correspondence has been received from the Smallwood-Mongaup Valley Fire co for their ATV run on June 7th. Motion by Bernie Cohen to receive and file, seconded by Lillian Hendrickson, put vote and carried 5-0. Motion by Lillian Hendrickson to approve, seconded by Vicky Simpson, put to vote and carried 5-0.

Resolution to Regulate and Restrict Traffic May 23rd – May 26th

**RESOLUTION TO ADOPT AN ORDER OF THE TOWN BOARD OF THE
TOWN OF BETHEL TO REGULATE AND RESTRICT VEHICLE
TRAFFIC WITHIN CERTAIN AREAS OF THE TOWN BETWEEN
MAY 23, 2014 AND MAY 26, 2014 AT SPECIFIED TIMES**

WHEREAS, the Town Board of the Town of Bethel created the PA - Performing Arts Center Development District within an area of approximately 634 acres to facilitate the approval and construction of a performing arts center and related uses near and around the original site of the 1969 Woodstock Music and Arts Fair Festival; and

WHEREAS, pursuant to the regulations promulgated for the PA - Performing Arts Center Development District, The Bethel Performing Arts Center, LLC received approvals from the Town of Bethel Planning Board to construct a performing arts center to be known as the Bethel Woods Center For the Arts; and

WHEREAS, ID&T/SF-Mysteryland NA LLC had made application to the Town of Bethel Planning Board for special use permits for transient campground and amusement and outdoor recreation in connection with a concert event at the Bethel Woods Center For the Arts to be conducted on May 24, and May 25, 2014. The concert event will include camping for concert attendees; and

WHEREAS, it is anticipated that the concert event will attract approximately 23,000 attendees. The applicant for the concert event has prepared a Traffic Management Plan which recommends the implementation of certain vehicle traffic restrictions for certain roads located in the Town. A copy of the Traffic Management Plan is attached to this Resolution and Order as Exhibit A; and

WHEREAS, the Town Board of the Town of Bethel concurs with the recommendations contained in the Traffic Management Plan; and

WHEREAS, to promote sound government and to further the health, safety and welfare of persons and property within the Town and in accordance with the authority vested in the Town, including but not limited to applicable provisions of the Vehicle

and Traffic Law, the Town Board of the Town of Bethel adopts this Order.

NOW THEREFORE BE IT RESOLVED THAT THE TOWN ADOPTS THE FOLLOWING ORDER, and it is hereby

ORDERED, that the Town Board of the Town of Bethel establishes motor vehicle traffic restrictions for the period beginning at 12:01 AM on Friday May 23, 2014 and ending at 12:01 AM on Tuesday, May 27, 2014 on the following roadways in the manner as set forth below:

West Shore Road shall be closed for all motorized traffic, except for emergency vehicles, beginning at its intersection with Happy Avenue and continuing to its intersection with Hurd Road;

Best Road shall be closed for all motorized traffic, except for emergency vehicles, beginning at the last parking entry located on Best Road and continuing to its intersection with West Shore Road;

Except for emergency vehicles and Hurd Road residents, northbound motorized traffic on Hurd Road will be permitted to proceed only as far north as the first parking entrance at Pavilion Road, opposite the guard booth. Notwithstanding the foregoing, law enforcement personnel performing traffic control duties may allow vehicles clear passage on Hurd Road as traffic conditions permit;

Except for emergency vehicles and Hurd Road residents, southbound motorized traffic on Hurd Road will be permitted to proceed only as far as south as the entrance to Lot C, directly across from the Museum. Notwithstanding the foregoing, law enforcement personnel performing traffic control duties may allow vehicles clear passage on Hurd Road as traffic conditions permit;

There shall be no parking, stopping or standing of any motor vehicle, except for emergency vehicles and vehicles on official business, along both sides of Hurd Road beginning at its intersection with State Route 17B and continuing until its intersection with West Shore Road; and

There shall be no parking, stopping or standing of any motor vehicle, except for emergency vehicles and vehicles on official business, along both sides of Best Road beginning at its intersection with Laymon Road and continuing until the point at which Best Road is closed to motorized traffic, as set forth, above.

and it is further

ORDERED, that the applicant for the Mysteryland concert event shall implement the provisions of the traffic plan attached hereto which are not addressed in this Resolution and Order; and it is further

ORDERED, that the Supervisor of the Town of Bethel is hereby authorized to request the NY Department of Transportation to provide that there shall be no parking, stopping or standing of any motor vehicle, except those vehicles on official business, along both sides of NYS Route 17B from a point 800 feet east of its intersection with NYS Route 55 to its intersection with Perry Road during the concert event; and it is further

ORDERED, that signs and markings shall be posted on all affected roads and highways affected by this Order to be displayed on the dates and at the times set forth herein giving notice of the restrictions set forth in this Order including signs indicating "No Parking," "No Standing," "No Stopping," and "One Way" as may be appropriate; and it is further

ORDERED, that vehicles in violation of the no parking, stopping or standing restrictions set forth herein may be removed from the roadway and stored at a site designated by the Supervisor of the Town of Bethel and reasonable charges for the removal and storage of such motor vehicles shall be paid by the owner/operator of such motor vehicles prior to the release of such motor vehicle to the owner/operator thereof; and it is further

ORDERED, that any person violating any terms or conditions of this ORDER shall be guilty of a violation pursuant to the Vehicle and Traffic Law/or the Penal Law of the State of New York, punishable by such fines and penalties prescribed therein, said fines and penalties shall be in addition to the costs of any motor vehicle towing and storage charges set forth herein above; and it is further

ORDERED, that the provisions of this ORDER shall not affect any powers conferred upon any police officer to regulate motor vehicle and pedestrian traffic or to exercise his/her powers under the Vehicle and Traffic Law §1602 regarding the closure of roads and exercise of emergency powers; and it is further

ORDERED, that by delegation of the Town Board of the Town of Bethel, the terms of this ORDER regarding restrictions of vehicle traffic may be revised and further amended by the Supervisor of the Town of Bethel (and in his absence, any other member of the Town Board) during the dates and times set forth herein as traffic conditions may require to preserve the health, safety and welfare of persons and property within the Town or to impose greater or lesser vehicle restrictions in the event anticipated attendance rises above or drops below the estimated attendance for this concert event; and it is further

ORDERED, that environmental review pursuant to the NY State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, “SEQRA”), was undertaken by the Town Planning Board and, acting as lead agency pursuant to SEQRA, issued a negative declaration on December 13, 2013 and the Town Board adopts the negative declaration issued by the lead agency; and it is further

ORDERED, that in the event that any provision of this ORDER is declared to be invalid or unconstitutional, such declaration shall not affect the validity of the ORDER as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional; and it is further

ORDERED, that this Resolution and ORDER shall take effect immediately upon its adoption by the Town Board of the Town of Bethel.

Motion by Town Board member Victoria Simpson, seconded by Town Board member Lillian Hendrickson 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 day of March, 2014.

Approve training credit hours for Zoning and Planning Board Members

Correspondence has been received from the SC Division of Planning and Environmental Management informing the Town of Planning and Zoning Board member training as follows: David Biren, Dan Brey, Susan Brown-Otto, Michael Cassaro, Richard Conroy, Jesse Komatz and Steve Simpson. Motion by Dawn Ryder to approve, seconded by Bernie Cohen, put to vote and carried 5-0.

Request from Town Bookkeeper to attend 2014 Finance School

Correspondence has been received from Erin Lynch, Town Bookkeeper, requesting to attend the 2014 Finance School in Saratoga Spring on May 8th and 9th hosted by the Association of Towns and State Comptroller. The cost of registration is \$200 and the hotel stay is \$298. Plus mileage and meals. Motion by Bernie Cohen to approve, seconded by Vicky Simpson, put to vote and carried 5-0.

No Parking in Kauneonga Lake

Mrs. Hendrickson mentioned the no parking signs and striping have still not been done by the County. She asked if we could we find out what’s happening with the signs? Motion by Lillian Hendrickson to send County a follow-up letter for signs to be posted by May 1st, seconded by Bernie Cohen, put to vote and carried 5-0.

Public Comment

Bob Barrett stated it was good to be back. He thanked the Highway Dept. for cleaning up all of Smallwood debris on roads. Looks really good! Mr. Barret asked about Mysteryland and stated that are using a lot of resources – what are they contributing back? Is there any percent of tickets monies coming back to Town? Has it ever been looked at? Mr. McEwan stated there are two ways to get a percent of sales; assessment of tax on each ticket and the Town needs to go to State Legislator. The other is a Commission Benefits Contract – usually down at the beginning of contract. there is no other legal mechanism

Executive Session

Motion by Vicky Simpson to go into Executive Session to discuss the Justice Court position and Zoning Board alternate member, Robert McEwan was invited in at 9:10 p.m, seconded by Dawn Ryder put to a roll call vote and carried 5-0 as follows:

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

Motion by Bernie Cohen to come out of Executive Session at 9:40 p.m., seconded by Dawn Ryder, put to vote and carried 5-0.

Correspondence from Zoning Board–recommendation for Alternate Member

Motion by Dawn Ryder to appoint Victor Kask as alternate member to the Zoning Board of Appeals for a term to expire 12/31/2018, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Appoint Full-Time Court Clerk

Mr. Sturm informed the Town Board that the Justice Court Clerk position was advertised, Judges conducted interviews with Mr. Cohen and the Justices have recommended Samantha Touwsma. Mr. Sturm suggested sending a letter to Judges acknowledging recommendation and memorializing appointment. Motion by Bernie Cohen to appoint Samantha Touwsma at a full-time salary of \$29,500. for a 35-hour work week, including single family health insurance and to waive insurance waiting period, seconded by Dawn Ryder, put to vote and carried 5-0.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk