

The September 23, 2014 Bethel Town Board Special 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  
Lillian Hendrickson  
Dawn Ryder  
Bernie Cohen

Others present: Robert McEwan, Attorney for the Town.  
William Crumley, Highway Superintendent

The meeting was opened with the Pledge of Allegiance.

**Correspondence from Highway Superintendent (Online Auction)**

Correspondence from Billy Crumley, Highway Superintendent, authorizing the sale of the equipment except the 2011 Dodge and the 1994 Gradall.

**Online Auction Results for Equipment**

Mr. Sturm read off the list of items and bid results. Mrs. Ryder asked if anyone compared Blue Book values.

Mrs. Hendrickson suggested we go with Highway Superintendent's recommendation.

Mr. Crumley noted these items have been subjected to sand/salt and prices are decent. Mrs. Ryder going on Mr. Crumley's judgment.

Motion by Bernie Cohen to accept bids and reject 3 & 4, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Item #1: 2003 Ford Crown Victoria 4D	\$560.00
Item #2: 2000 Chevrolet Silverado Utility	\$1,550.00
Item #3: 2011 Dodge 5500	\$50,300.00
Item #4: 1994 Gradall G3WD Front-Rear Cab	\$6,600.00
Item #5: 1991 International 460 2D	\$4,050.00
Item #6: 1973 Ford 2000 Tractor	\$2,050.00
Item #7: 1975 John Deere 301-A Tractor	\$1,550.00
Item #8: 1990 Ford 8000	\$1,700.00
Item #9: 2006 Ford F-550	\$13,600.00
Item #10: Xerox 3001 Large Format Copier	\$10.00
Item #11: 1996 Monroe Sander	\$3,900.00
Item #12: 1973 Alamo Hydro-Clipper 6' Mower with spare parts	\$1,050.00
Item #13: 1996 Monroe Sander	\$2,125.00
Item #14: 2001 Monroe Sander	\$2,375.00
Item #15: 1993 Hyster Forklift	\$2,500.00
Item #16: 2001 Tarco Highlander Jr.	\$820.00

**River's Edge Liquor License Renewal**

Liquor License renewal notification has been received from River's Edge certified mail. Motion by Vicky Simpson to receive and file, seconded by Lillian Hendrickson, put to vote and carried 5-0.

**Review of SEQR Local Law #1-2014**

Mr. McEwan gave a brief summary of Local Law #1. Minor changes. Changes ZBA to PB. 120-6 (c), 120-D, 120-8, New 120-10 (c).

Mrs. Hendrickson stated she read thoroughly and has no questions.

Mrs. Simpson – no questions.

Mr. Cohen – no questions.

Mrs. Ryder – read statement in objection to waiver of Public Hearing requirements for renewal license; Section 130 (D) 2 – renewal of licenses wording waives Public Hearing requirement. Not comfortable voting forward; otherwise great legislation. She would like to see last sentence removed.

Mr. Sturm – grants Planning Board discretion and flexibility, waiver only under very specific conditions. Not taking away from the public. Very lengthy document and not everyone is going to be o.k. and it's a good document.

Mrs. Simpson – comes a time when you have to have faith in the Planning Board.

Mr. McEwan reviewed the short Environmental Assessment form Parts I and III.

**Resolution to declare negative declaration for Local Law #1-2014**

**TOWN BOARD OF THE TOWN OF BETHEL  
NEGATIVE DECLARATION UNDER SEQRA**

**RESOLUTION DETERMINING SIGNIFICANCE UNDER SEQRA WITH  
RESPECT TO AMENDMENTS OF THE TOWN CODE  
CHAPTER 90 AND CHAPTER 120**

**WHEREAS**, the Town Board of the Town of Bethel (“Town Board”) adopted legislation to regulate mass public assemblies and campgrounds and recreational vehicles which regulations appear respectively at Chapters 90 and 120 of the Town Code of the Town of Bethel (the “Town Code”); and

**WHEREAS**, the Town Board has determined that revisions to Chapter 90 (Mass Public Assemblies) and Chapter 120 of the Town Code (Campgrounds and Recreational Vehicles) are desirable and necessary; and

**WHEREAS**, on July 24, 2014, the Town Board introduced Local Law No. 1 of 2014 to amend the Town Code as heretofore indicated; and

**WHEREAS**, the Town Board, which declared itself to be lead agency under SEQRA by resolution dated August 13, 2014, determined that the revisions to the Town Code (hereafter, the “action”) are subject to the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, “SEQRA”); and

**WHEREAS**, the Town caused to be prepared a short Environmental Assessment Form (“EAF”) for the proposed action, which EAF has been fully reviewed by the Town Board; and

**WHEREAS**, the Town Board compared the EAF to the thresholds for classifying this action as set forth in 6 NYCRR §§ 617.4 and determined that the action constituted an unlisted action pursuant to SEQRA; and

**NOW, THEREFORE BE IT RESOLVED** that, pursuant to SEQRA, the Town Board of the Town of Bethel, based upon its review of the EAF, makes the determinations set forth below; and be it

**FURTHER RESOLVED** the Town Supervisor is authorized to execute the EAF on behalf of the lead agency; and be it

**FURTHER RESOLVED** the Town Board determines that according to its review of the EAF there will be no significant adverse impacts on the environment as measured against the criteria for determining significance under 6 NYCRR § 617.7(c); and be it

**FURTHER RESOLVED**, this resolution is a Negative Declaration under SEQRA and the information required by 6 NYCRR § 617.12(a) is attached hereto and incorporated herein; and be it

**FURTHER RESOLVED**, the Town Board hereby directs that a copy of this resolution be filed with (a) the Supervisor of the Town of Bethel, (b) the lead agency, (c) any involved agencies, and (d) any person who has requested a copy; and be it

**FURTHER RESOLVED**, this Resolution shall become effective when adopted.

Motion by Town Board member Lillian Hendrickson, seconded by Town Board member Vicky Simpson 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 23<sup>rd</sup> day of September, 2014.

**NEGATIVE DECLARATION**

The Lead Agency:

**TOWN OF BETHEL TOWN BOARD**  
3454 Route 55  
PO Box 300  
White Lake, New York 12786

Contact Person:

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

Telephone Number: (845) 583-4350

A Description of the Action:

The action consists of amendments to Chapter 90 (Mass Public Assemblies) and Chapter 120 (Campgrounds and Recreational Vehicles) of the Town Code. The Amendment of Chapter 90 is necessary to conform three subsections of that Chapter to the amendment of Chapter 120 of the Town of Bethel Code. The amendment of Chapter 90 replaces the Town Zoning Board of Appeals with the Town Planning Board as the reviewing agency.

The amendment of Chapter 120 is a substantial revision to the Chapter which consists of several key changes. The revised Chapter now permits two categories of campgrounds or RV parks (transient and nontransient). Applicants seeking to operate a nontransient campground or RV park will be required to undergo site plan review and obtain a special use permit. Applicants seeking to operate a transient campground or RV park will be generally limited to 60 cumulative hours per year of operation and less rigorous application requirements than those for nontransient campgrounds and RV parks, but will be required to undergo site plan review and obtain an annual license. Absent the issuance of a special use permit or license to operate a transient or nontransient campground or RV park, camping or RV storage within the Town will be further regulated as set forth in the Local Law.

SEQRA Classification: Unlisted.

The Potential Environmental Impacts:

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

The Location of the Action:

As set forth in proposed Local Law No. 2 of 2014, which proposes amendments to the Chapter 345 (Zoning) of the Town Code, non-transient campgrounds and recreational vehicle parks may be approved in RD, RD-R, PA, FC and AG Districts as special uses. Transient campgrounds will be permitted in any zoning district. Camping will be similarly regulated on a Town-wide basis.

**Resolution to adopt Local Law #1-2014**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL  
TO ENACT A LOCAL LAW TO AMEND  
THE TOWN CODE CHAPTER 90 AND CHAPTER 120**

**WHEREAS**, the Town Board of the Town of Bethel (“Town Board”) adopted legislation to regulate mass public assemblies and campgrounds and recreational vehicle parks which regulations appear respectively at Chapters 90 and 120 of the Town Code of the Town of Bethel (the “Town Code”); and

**WHEREAS**, the Town Board has determined that revisions to Chapter 90 (Mass Public Assemblies) and Chapter 120 of the Town Code (Campgrounds and Recreational Vehicles) are desirable and necessary; and

**WHEREAS**, on July 24, 2014, the Town Board introduced Local Law No. 1 of 2014 to amend the Town Code as heretofore indicated a copy of which is attached hereto; and

**WHEREAS**, the Town Board provided due notice of a public hearing for Local Law No. 1 of 2014 by publishing timely notice of the public hearing in a newspaper of general circulation in the Town of Bethel; and

**WHEREAS**, on August 27, 2014, the Town Board conducted a public hearing during which comments were presented and received in connection with the proposed amendment of Chapters 90 and 120 of the Town Code as set forth in Local Law No. 1 of 2014; and

**WHEREAS**, on September 23, 2014, the Town Board adopted a resolution making a negative declaration under the State Environmental Quality Review Act.

**NOW THEREFORE, BE IT RESOLVED**, that Local Law No. 1 of 2014, amending Chapters 90 and 120 of the Town Code of the Town of Bethel is hereby adopted; and be it

**FURTHER RESOLVED**, this Resolution shall become effective when adopted.

Motion by Town Board member Vicky 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 4 ayes, 1 nays the 23<sup>rd</sup> day of September, 2014.

**Resolution to re-introduce Local Law #2-2014 and to set public hearing**

Mr. McEwan reviewed Local Law #2 changes from law introduced on July 24, 2014. Based upon changes to introductory law he suggests re-introducing and setting a new public hearing.

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
TO REINTRODUCE A LOCAL LAW TO AMEND CHAPTER 345 “ZONING”  
OF THE TOWN CODE OF THE TOWN OF BETHEL**

**WHEREAS**, the Town Board of the Town of Bethel (“Town Board”) heretofore adopted a Zoning Code under the authority of the NY Town Law § 261, which Zoning Code appears as Chapter 345 of the Town Code of the Town of Bethel (the “Town Code”); and

**WHEREAS**, it appears to be in the best interests of the Town to make amendments to Chapter 345 (Zoning) as it relates to site plans and certain uses; and

**WHEREAS**, on July 24, 2014, the Town Board introduced Local Law No. 2 of 2014 to amend the Town Code Chapter 345 (Zoning); and

**WHEREAS**, the Town Board provided due notice of a public hearing for Local Law No. 2 of 2014 by publishing timely notice of the public hearing in a newspaper of general circulation in the Town of Bethel; and

**WHEREAS**, on August 27, 2014, the Town Board conducted a public hearing during which comments were presented and received in connection with the proposed amendment of Chapter 345 of the Town Code; and

**WHEREAS**, based upon the comments received during the public hearing, the Town has determined to amend significantly proposed Local Law No. 2 of 2014; and

**WHEREAS**, this Resolution reintroduces Local Law No. 2 of 2014 which, if enacted, will amend Chapter 345 of the Town Code; and

**WHEREAS**, the Town Board determines that the proposed revisions to the Town Code (hereafter, the “action”) are subject to the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, “SEQRA”) as a type I action; and

**WHEREAS**, the Town will continue to act as lead agency for SEQRA review purposes.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby reintroduces the proposed Local Law No. 2 of 2014; and be it

**FURTHER RESOLVED**, that a public hearing on the proposed Local Law shall be scheduled for October 22, 2014 at 7:45 p.m. which public hearing shall be conducted at the Dr. Duggan Community Center, Meeting Room, 3460 Route 55, White Lake, NY 12786 and proper notice of the public hearing shall be duly given; and be it

**FURTHER RESOLVED**, that a copy of Local Law No. 2 of 2014, as reintroduced, shall be forwarded to the Town of Bethel Planning Board for its review and recommendation in accordance with Town Code §§ 48-2.B and 345-65.A; and be it

**FURTHER RESOLVED**, that a copy of Local Law No. 2 of 2014, as re-introduced, shall be forwarded to the Sullivan County Department of Planning and Environmental Management, along with a full statement of the proposed action, for review and recommendation in accordance with New York State Town Law § 239-m and Town Code § 345-65.B; and be it

**FURTHER RESOLVED**, that the Town Board of the Town of Bethel declares itself to act as lead agency under SEQRA and will provide notice of its intent to other involved agencies, if any; and be it

**FURTHER RESOLVED**, this Resolution shall become effective when adopted.

Motion by Town Board member Vicky 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 23<sup>rd</sup> day of September, 2014.

Mrs. Hendrickson left at this point of the meeting.

**Bid Results for Unsafe Structures at 9 Foster Road (Zrgda/Schock)**

Sealed bids were received and publicly open and read at the Town Clerk’s Office on September 23, 2014 at 11 a.m. with Lori Hastings and BJ Gettel present. Sealed bid was received from Gary Myers Excavation in the amount of \$13,440. There was a brief discussion on the bankruptcy foreclosure. Town Clerk had with her the Discharge of Debtor Order of Final Decree. Mr. McEwan reviewed and said it was okay to go forward. Motion by Bernie Cohen to award bid to Gary Myers, seconded by Vicky Simpson, put to vote and carried 4-0.

**Resolution to approve contract with the BLDC and County (The Forest Reserve)**

Mr. McEwan explained the county contract to sell the former golf course property (n/k/a The Forest Reserve at Smallwood). The county is taking action on reversionary clause. Town and County have agreed to remove reversionary clause, mining only by Town and BLDC, and to market 40 acres. County Legislature is taking up on September 26<sup>th</sup> for approval.

Mr. Sturm read resolution.

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
AUTHORIZING THE EXECUTION OF AN AGREEMENT**

**WHEREAS**, the Bethel Local Development Corporation (the “BLDC”) is a local development corporation formed by the Town of Bethel under the Not-for-Profit

Corporation Law of the State of New York and the Town of Bethel (the “Town”) is a municipal corporation formed under the laws of the State of New York; and

**WHEREAS**, upon a loan made by the Town to the 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 BLDC conveyed (i) portions of the Property to adjoining landowners and (ii) a conservation easement to the Delaware Highlands Conservancy. In addition, the BLDC also conveyed a portion of the Property to the Town for use, in part, as governmental purposes (the “Mining and Development Parcel”), which parcel consists of ±60 acres; and

**WHEREAS**, the Purchase and Sale Agreement provides, in part, for (i) a certain conditional reversionary interest for the benefit of the County and (ii) a sharing of consideration in the event the developable portion of the Mining and Development Parcel is sold; and

**WHEREAS**, the Town and County entered into an agreement under which the Town provides certain road sanding and snowplowing activities on County roads when the weather so requires (the “Snowplow Agreement”); and

**WHEREAS**, the parties wish to extinguish the Purchase & Sale Agreement and amend the Snowplow Agreement to effectuate the purposes of a new agreement among the parties; and

**WHEREAS**, attached to this Resolution and incorporated herein is an agreement negotiated among the parties to replace the terms and conditions of the Purchase & Sale Agreement (the “Agreement”); and

**WHEREAS**, the proposed Agreement will, among other things, (i) extinguish the County’s reversionary interest in the Property, (ii) amend the Snowplow Agreement to provide a 13.5% reduction in the amount of payments made to the Town for snowplow services, (iii) provide for a restrictive covenant on the Mining and Development Parcel that prohibits the mining of sand and gravel by any entity other than the Town or BLDC, for any reason except municipal reasons, and (iv) define the intent of the parties to market the developable portion of the Mining and Development Parcel and the sharing of consideration in the event of its sale.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Bethel authorizes the Town Supervisor or his designee acting on behalf of the Town, to sign the Agreement and to perform all acts and execute all documents necessary to cause the Town to comply with its obligations under the Agreement; and be it

**FURTHER RESOLVED**, that the action contemplated under this Resolution involving the execution of an agreement is a type II action under the State Environmental Quality Review Act and its implementing regulations (“SEQRA”) for which no environmental review is required (6 NYCRR §617.5 [c][20]). The conduct of any sand mining on the Mining and Development Parcel will be subject to SEQRA review conducted by the Department of Environmental Conservation as lead agency; and be it

**FURTHER RESOLVED**, the Town Board hereby directs that a copy of this Resolution and its attachment be filed with the Town Clerk.

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

		AYE	NAY
Bernie Cohen	Voting	X	
Lillian Hendrickson	Voting		Absent
Dawn Ryder	Voting	X	
Vicky Simpson	Voting	X	
Daniel Sturm	Voting	X	

Duly adopted by 4 ayes, 0 nays the 23<sup>rd</sup> day of September, 2014.

Effective Date: This Resolution shall take effect upon its adoption.

**Approve two credit hours of training for Cirino Bruno**

Certificate has been received from Upper Delaware Council for attendance of Cirino Bruno at the Tips and Tools to Preserve Scenic Views and awarding 2 credit hours. Motion by Dawn Ryder approve, seconded by Vicky Simpson, put to vote and carried 4-0.

**Auction results for Large Format Copier and Police Car**

Online bids results for large format copier and police car. Motion by Dawn Ryder to reject copier bid, and to accept police car bid of \$560, seconded by Vicky Simpson, put to vote and carried 4-0.

**Set 2015 Town Budget Work Session**

Mr. Sturm will be filing 2015 budget on October 1<sup>st</sup> with Town Clerk.

Motion by Dawn Ryder to set Work Session on October 7<sup>th</sup> at 7:00 pm at Town Hall, seconded by Bernie Cohen, put to vote and carried 4-0.

**Town Board Comments**

Mr. Cohen asked if Mr. Crumley was getting a lot of calls about dead trees.  
Mr. McEwan – can not cut trees outside of right away on private property.

**Transient Campground/Outdoor Stage Discussion.**

Jeryl Abramson – has questions on procedures for reapplying for special use transient campground permits. Is transient campground permit inclusive? Mr. McEwan - If transient campground no, need just need a license. Mrs. Abramson - \$300 for application to planning board? Mr. Sturm - still need site plan approval from planning board; then license from Building Dept. Mr. Sturm - still need to set fee for site plan for transient campground; right now it is \$300 Special Use, \$150 site plan.

Mrs. Abramson - What does she do next? Mr. Sturm suggested \$100 for site plan application for site plan for license for campground. Mrs. Abramson – but I am reapplying, submitting site plan? I am using same one. Do I have to go through whole process since it is already approved? Mr. McEwan - new license still have to go through process. Mrs. Abramson – start from scratch next year will be the renewal? Resubmit engineering plans and escrow – as in previous years and treat this as an initial application having nothing to do with special use permit? Mrs. McEwan - Yes, for transient campground, then renewal next year. Mr. Sturm – trying to simplify process, I might be wrong, but need site plan for camping, pay \$100. Mrs. Abramson – first time applicant? Mr. Sturm – simpler process not special use, site plan approval. Dan Gettel, Planning Board Chairman, - you have now Special use with site plan approval. Mr. Sturm – site plan first, then find out what the planning board wants in terms of escrow, etc.

Mrs. Abramson - recreational use still not passed – need special use? If no stage, will I need a special use? Mr. McEwan – no, but you will still have 60 hour limitation. Mr. McEwan - outdoor recreation, not a special use, site plan only.

Mrs. Abramson - What is definition of outdoor recreation stage? Mr. McEwan – not a temporary one (stage), only site plan. Mrs. Abramson - When does a stage require a special use? Mr. McEwan - more than 60 hrs per year. Mrs. Abramson - Then it's a transient campground. Mr. McEwan - not talking about campgrounds. Mrs. Abramson - You are separating the two, do I need a special use then? Mr. Sturm - only half way did not adopt zoning.

Mrs. Abramson - If stage stays longer than 60 hrs. per year; will be special use? How long can an eating establishment have an outdoor stage? 60 hours is camping not a stage. Can a stage stay all summer but only used for 60 hours. Mr. McEwan 60 hours per year. Mrs. Abramson - 60 hours usage? Mr. McEwan - yes.

Mrs. Abramson – need clarification on temporary stages, its coming up, lets get right on it. What is required to put one up, How long can it be used, how long can it stay up?

Mr. McEwan - this is going to all happen at the zoning public hearing. Stated this is not a Public Hearing. Submit comments.

Conrad Raabe – thanked Town Board and Attorney for negotiating contract with County for the golf course property. Is agreement available for inspection and written down somewhere? What are terms of use? Mr. McEwan, yes, it is a public document. Mr. Sturm – The conservation easement will tell you what you can do; can make a copy for you. Mr. Raabe – Delaware Highlands Conservancy should also be thanked.

June Barrett – what's going on with West Delaware/Mosquito Pond? Mr. Sturm - Building Dept. and DEC are involved, can check in the morning.

### **Adjournment**

Motion by Vicky Simpson to adjourn, seconded by Bernie Cohen, put to vote and carried 4-0.

Respectfully submitted,

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Rita J. Sheehan, Town Clerk