

The April 8, 2015 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: Dawn Ryder  
Bernie Cohen  
Vicky Simpson  
Lillian Hendrickson

**Proclamation Building Safety Month**

**Building Safety Month — May, 2015**

*Whereas, our Town’s continuing efforts to address the critical issues of safety, energy efficiency, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and;*

*Whereas, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;*

*Whereas, these guardians—dedicated members of the International Code Council—use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play, and;*

*Whereas, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wild land fires and earthquakes, and;*

*Whereas, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities’ largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and;*

*Whereas, “Building Safety: Maximizing Resilience, Minimizing Risks” the theme for Building Safety Month 2015, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, backyard safety; energy efficiency and new technologies in the construction industry. Building Safety Month 2015 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and,*

*Whereas, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.*

*NOW, THEREFORE, I, Daniel Sturm, Supervisor of the Town of Bethel, do hereby proclaim the month of May 2015 as Building Safety Month. Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.*

**Audit of Bills**

<u>Fund</u>	<u>Check Nos.</u>	<u>Amount</u>
General Fund	5091-5139	\$ 177,013.12
Highway Fund	3229-3245	\$ 141,987.52
Kauneonga Lake Sewer District	2227-2251	\$ 160,835.12
Planning & Escrow	1063-1067	\$ 9,809.80
Leachate System		\$3,384,901.94

**Supervisor’s Monthly Report**

Supervisor’s Monthly report for March has been received. Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

**Building Department Monthly Report**

Building Department report for the month of March has been filed.

March fees 2015	\$5,161.
March fees 2014	\$1,559.

Construction Total March 2015	\$319,200
Construction Total march 2014	\$115,700

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

**Sand Mining Permit- Ballard Road**

Sand and Grvel Mine Permit for soutside of Ballard Road has been received from the NYS Dept. of Env. Conservation for the Town of Bethel and the Bethel Local Development Corporation. The permit authorizes the mining of sand an gravel from a 16.5 acre total life-of-a-mine on a 186 acre parcel. The mining and reclamation will be conducted in four phases with a period use of a portable dry screening plant. The final reclamation includes the construction of a 10.9 acre pond.

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

**Town Clerk’s Monthly Report**

Town Clerk’s monthly report for March has been filed.

Total fees collected	\$4,293.62
State fees:	\$ 175.72
Local share:	\$4,117.90

Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Ryder, put to a vote and carried 5-0.

**Recommendation from Sewer Dept. for part-time laborer**

Correspondence has been received from Michael Collins, Sewer Superintendent, recommending Jared Rhyne as a part-time laborer. Motion by Mrs. Hendrickson to appoint Jared Rhyne as part-time sewer laborer at \$14.00/hour for an average of 28 hours week, seconded by Mr. Cohen, put to a vote and carried 5-0.

**Resolution to support proportioning the Sales Tax Revenue to each of the towns**

**Resolution of the Town of Bethel Town Board, Sullivan County, New York to request sales tax revenue from Montreign Casino Resort for each Town**

**WHEREAS**, a Casino License will be awarded to Montreign Resort Casino in the State of New York, County of Sullivan, Town of Thompson

**WHEREAS**, pursuant to the New York State casino enabling legislation, all counties in the region will share a portion of casino revenues annually,

**WHEREAS**, pursuant to the New York State casino enabling legislation, the County of Sullivan and Town of Thompson are to share a portion of casino revenue annually,

**WHEREAS**, it is anticipated that the Montreign Casino Resort will have a major beneficial economic effect to the region

**WHEREAS**, it is reasonable to assume Sullivan County Sales Tax revenues will grow in future years as a result of increased economic activity generated by the casino

**WHEREAS**, the presence of a Casino in Sullivan County will have fiscal impacts on all of the Townships in the County

**WHEREAS** there is no provision in the enabling casino legislation to return any revenues to any other Towns in Sullivan County, other than the Host Town of Thompson and the Host County of Sullivan.

**WHEREAS**, 44 of 57 counties in New York State currently share their respective County Sales taxes with townships located within their respective counties

**WHEREAS**, Sullivan County property taxes are among the highest in the State of New York

**WHEREAS**, applying sales tax revenue to local budgets can allow reduction in property taxes

**NOW THEREFORE, BE IT RESOLVED**, that the Town of Bethel Town Board hereby request that beginning in 2017 Sullivan County share ½ of any County sales tax revenue collected in excess of the county sales tax collected in 2016 with the towns in proportion to each town’s equalized tax assessments.

Motion by Town Board member Lillian Hendrickson, seconded by Town Board member Vicky Simpson and this Order is 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 8<sup>th</sup> day of April, 2015.

**Correspondence from Woodstock Christian Congregation regarding lease**

Correspondence has been received from the Woodstock Christian Congregation indicating they will be ending their lease the end of April. Mr. Sturm indicated they were great tenants it’s a shame they have to leave. Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

**Approval Dr. Duggan Renewal Lease**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
AUTHORIZING THE RENEWAL OF A  
LEASE OF CERTAIN REAL PROPERTY**

**WHEREAS**, in 2010 the Town Board of the Town of Bethel (the “Town”) entered into a five-year lease agreement, with a five-year option, (the “Lease”) with the Monticello Central School (the “School District”) to lease a portion of the former Dr.

Cornelius Duggan Elementary School Building (the “Dr. Duggan School”) for Town purposes including a Youth Center, Literacy Center, Administrative Offices and Meeting Room; and

**WHEREAS**, the real property subject to the Lease is located at 3460 Route 55, White Lake, New York.

**WHEREAS**, it appears that the Town desires to exercise its rights under said lease to renew it for the additional five-year option period; and

**WHEREAS**, a copy of the proposed renewed Lease is attached hereto and incorporated herein.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Bethel, has reviewed the terms and conditions in the attached Lease and approves the same under the power and authority granted to it by NY Town Law §§ 64 and 220; and be it

**FURTHER RESOLVED**, that the Town Board authorizes the Town Supervisor to sign the attached Lease on behalf of the Town, or a version that is substantially similar thereto, as well as any other documents reasonably necessary to consummate the exercise of the Lease option, to carry out the Town’s obligations under the Lease, to expend the funds set forth as consideration in the Lease as well as necessary maintenance and repair costs, and to put the leasehold estate to the use as provided in this Resolution and in the Lease; and be it

**FURTHER RESOLVED**, in accordance with 6 NYCRR §617.5(c)(26) the action contemplated under this Resolution is a type II action under the State Environmental Quality Review Act (“SEQRA”) and no further environmental review is required; and be it

**FURTHER RESOLVED**, that pursuant to NY Town Law §§ 82 and 90 that within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the Sullivan County Democrat, a newspaper published in Sullivan County having general circulation in the Town of Bethel, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Bethel, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

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 8<sup>th</sup> day of April, 2015, subject to a permissive referendum.

Effective Date: This Resolution shall not take effect until thirty days after its adoption or as otherwise provided in § 91 of the NY Town Law.

**Correspondence from the SC Agricultural and Farmland Protection Board**

Correspondence has been received from the SC Agricultural and Farmland Protection Board regarding the 8-year review of State Ag District #4. All landowners within the district are being sent letters to opt-in or opt-out of the district. Motion by Mrs. Ryder to receive and file, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**Notice from Town of Liberty Planning Board**

Notice from Town of Liberty Planning Board regarding construction on Stanton Corners road that adjoins the Bethel town line. Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

**Mysteryland Fireworks Display Application**

Fireworks Display application has been received from ID&T/SF Mysteryland for fireworks display on Saturday, May 23<sup>rd</sup> and Sunday May 24<sup>th</sup> at 2:00 a.m. at 200 Hurd Road. Motion by Mrs. Hendrickson to approve application, seconded by Mrs. Simpson, put to a vote and carried. 5-0.

**Mysteryland Noise Permit Applications for Fireworks and Amplified Music**

Noise Permit applications have been received from ID&T/SFX Mysteryland for fireworks display and amplified music. Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

**Noise Permit Resolutions for Fireworks and Amplified Music**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
AUTHORIZING THE ISSUANCE OF TWO NOISE PERMITS PURSUANT TO  
CHAPTER 220 OF THE TOWN CODE OF THE TOWN OF BETHEL AND THE  
ISSUANCE OF A NEGATIVE DECLARATION**

**WHEREAS**, it appears that ID&T/SFX Mysteryland LLC (the “Promoter”) has received approval from the Town of Bethel Planning Board (the “Planning Board”) for a transient campground license granted in connection with a music concert (the “Concert”) to be held within the Town of Bethel (the “Town”) during the during the dates of May 22, 2015 through May 24, 2015, inclusive; and

**WHEREAS**, pursuant to the transient campground license the Promoter is providing camping facilities to serve those attending the Concert (the location of the Concert and any camping facilities approved by the Town of Bethel Planning Board are hereafter referred to as the “Concert Site”); and

**WHEREAS**, it is anticipated that there will be up to 30,000 attendees at the Concert Site during the Concert; and

**WHEREAS**, the Promoter has applied for two noise permits for noise related to (i) music at the camping site and (ii) fireworks at the Concert Site; and

**WHEREAS**, one application seeks a noise permit to allow the discharge of fireworks for approximately ten minutes at the Concert Site on May 23, 2015 from the hours of 1:50 AM to 2:00 AM and again at the Concert Site on May 24, 2015 from the hours of 1:50 AM to 2:00 AM (times approximate); and

**WHEREAS**, a second application seeks a noise permit to allow the playing of amplified music at the camping site beginning at on the morning of May 22, 2015 and ending on the morning of May 25, 2015 at 2:00 AM. The application provides that music will be played only during the hours of 11:00 AM to 2:00 AM; and

**WHEREAS**, copies of proposed Noise Permits are attached hereto and incorporated herein by reference; and

**WHEREAS**, upon review of the EAF, proposed plans, and the transient campground license application (together the "Application"), the Planning Board determined that the Application is subject to the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, "SEQRA"); and

**WHEREAS**, pursuant to SEQRA, the Planning Board declared itself to be the Lead Agency for the Project and determined that the granting of the Application was a type I action under SEQRA; and

**WHEREAS**, the Planning Board identified the Town Board as an involved agency under SEQRA for this Concert; and

**WHEREAS**, the Planning Board, acting as lead agency for a coordinated environmental review pursuant to Article 8 of the Environmental Conservation Law, issued a negative declaration under SEQRA; and

**WHEREAS**, a copy of that negative declaration, which has been reviewed by the members of the Town Board, is attached hereto and incorporated by reference; and

**WHEREAS**, the Town Board, acting as an involved agency under coordinated environmental review, adopts this Resolution.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Bethel finds and determines that the noise permit applications are complete and such permits are reasonable and necessary and will allow activities that are consistent with the general findings of Chapter 220 of the Town of Bethel Town Code; and be it

**FURTHER RESOLVED**, that 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, and the SEQRA documents be filed with the Town Supervisor and provide a copy to any person who has requested a copy hereof; and be it

**FURTHER RESOLVED**, that Town Board, in its analysis of the noise permit applications has considered the volume of the noise, proximity of the noise to sleeping facilities, time of day or night the noise shall occur, time duration of the noise, and the impact of the noise on persons living or working in different places or premises who are affected by the noise; and be it

**FURTHER RESOLVED**, that the Town Board of the Town of Bethel finds and determines that the noise to be produced by the Promoter's event is in an area that is reasonably remote, adjacent to the Bethel Performing Arts Center and in a lower density area of the Town, and although the noise to be produced by the Promoter's event is late at night and in the early morning, the noise is temporary and of limited duration; and be it

**FURTHER RESOLVED**, the noise permit applications are granted, the Town Supervisor is authorized to sign the Noise Permits on behalf of the Town and the Promoter shall be bound by the terms and conditions of the Noise Permits attached hereto; 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:

		<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 8<sup>th</sup> day of April, 2015.

**NEGATIVE DECLARATION**

The Lead Agency:

**TOWN OF BETHEL PLANNING BOARD**

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

Contact Person:

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

Telephone Number: (845) 583-4350

A Description of the Action:

The Applicant has received approval from the Town of Bethel Planning Board for a transient campground license granted in connection with a music concert to be held within the Town of Bethel during the during the dates of May 22, 2015 through May 24, 2015, inclusive. The Town has authorized the issuance of two noise permits in connection with Concert activities.

SEQRA Classification: Type I.

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:

Best Road, north of the intersection of Best Road and West Shore Road.

**Mysteryland Traffic Order**

At a meeting of the Town Board of the Town of Bethel, Sullivan County, NY, on the 8<sup>th</sup> day of April, 2015.

In the Matter of the

Regulation of Traffic within the Town of Bethel during the Mysteryland Concert weekend.

**ORDER**

**WHEREAS**, it appears that ID&T/SFX Mysteryland LLC (the “Promoter”) has received approval from the Town of Bethel Planning Board (the “Planning Board”) to conduct a music concert (the “Concert”) within the Town of Bethel (the “Town”) during the during the dates of May 22, 2015 through May 24, 2015, inclusive; and

**WHEREAS**, the Promoter is providing camping facilities to serve those attending the Concert (the location of the Concert and any camping facilities approved by the Town of Bethel Planning Board are hereafter referred to as the “Concert Site”); and

**WHEREAS**, it is anticipated that there will be up to 30,000 attendees at the Concert Site during the Concert; and

**WHEREAS**, the Promoter has developed, with participation from state and local law enforcement authorities, a “Traffic and Mobility Plan”, dated March 18, 2015, to assist in the management of vehicular traffic in the Town prior to, during and after the Concert; and

**WHEREAS**, the Town adopts this Order to assist in the management of vehicular traffic in the Town during the times that the Concert attendees will impact local traffic.

**NOW THEREFORE IT IS ORDERED** by the Town Board of the Town of Bethel, pursuant to the authority set forth in section 1660 of the NY Vehicle & Traffic Law, the implementation of the following temporary measures:

1. West Shore Road shall be closed for all motorized traffic (except for local access purposes, emergency vehicles, and approved and credentialed festival vehicles) from its intersection with Happy Avenue to its intersection with Hurd Road beginning on May 18, 2015 and continuing through May 21, 2015 and beginning again on May 25, 2015 and continuing through no later than 7:00 PM May 27, 2015; and
2. West Shore Road shall be closed for all motorized traffic (except for emergency vehicles, and approved and credentialed festival vehicles) from its intersection with Happy Avenue to its intersection with Hurd Road. Only pedestrians will be allowed on this road to walk from the camping site to the festival area and vice versa. Security will ensure pedestrians can cross safely and emergency and properly credentialed festival vehicles can be let through whenever necessary. The West Shore Road closure shall commence at 5:00 PM of May 21, 2015 and remain closed no later than 7:00 PM May 25, 2015, after which time, West Shore Road access shall be governed by paragraph 1 hereof;
3. Best Road shall be closed for all motorized traffic (except for local access purposes, emergency vehicles, and approved and credentialed festival vehicles) from its intersection with Darling Road to its intersection with West Shore Road beginning on May 18, 2015 and continuing through May 21, 2015 and beginning again on May 25, 2015 and continuing through no later than 7:00 PM May 27, 2015; and
4. Best Road shall be closed for all motorized traffic (except for emergency

vehicles, and approved and credentialed festival vehicles) from its intersection with Darling Road to its intersection with West Shore Road. The West Shore Road closure shall commence at 5:00 PM of May 21, 2015 and remain closed no later than 7:00 PM May 25, 2015, after which time, Best Road access shall be governed by paragraph 3 hereof; and

5. During the first 24 hours of the opening of the camping site, there shall be no parking, stopping or standing of any motor vehicle at the following road location: along both sides of Hurd Road from its intersection with NYS Route 17B to its intersection with West Shore Road. This paragraph 5 does not have any application (i) to those vehicles on official business and (ii) unless "No Parking/No Standing" signs are posted and maintained by the Promoter during said 24 hour period; and
6. Commencing at 5:00 PM of May 21, 2015 and continuing to no later than 7:00 PM of May 25, 2015, only properly credentialed festival vehicles and emergency vehicles will be allowed to turn northbound on Hurd Rd. from NYS Route 17B and southbound on Hurd Rd. from West Shore Road, unless otherwise directed by any peace officer directing traffic at these locations, or if no such peace officer is present, as needed; and
7. The traffic light at Rte. 55 and 17-B will be pre-programmed to stay green for 4½ minutes east and west bound on 17-B as long as traffic continues to flow through, then change for north and south Rte. 55 traffic for 30 seconds. If traffic becomes severely backed up, NY State Police or Sullivan County Sheriff's Officers may be dispatched to push eastbound 17-B traffic through the red light. Similarly, if eastbound West Shore Road traffic becomes severely backed up at the Happy Avenue 'STOP' sign, Sheriff's Officers may be dispatched to push traffic through the 'STOP' sign, NOT permitting a right turn to 17-B, but straight to Kauneonga back roads towards Liberty, or 17-B past the Rte. 55 bottleneck. This traffic light change is pre-programmed by computer and goes in to effect at 10:00 PM on concert nights, and reverts back to its normal cycle normal at 3:00 AM. If local traffic conditions require, but not otherwise, the Smallwood traffic light located at the intersection of Route 17-B and Pine Grove Road will be changed to a blinking yellow from 10:00 PM to 3:00 AM on May 23, 2015 and May 24, 2015. A NY State or Sheriff's Officer will be in place during these hours if the blinking yellow light is in operation; and be it further

**ORDERED**, that the Town Supervisor is authorized to amend any portion of this Order relating to the use of town highways or road closure locations or time periods as local traffic conditions require; and be it further

**ORDERED**, commencing at 5:00 PM of May 21, 2015 and continuing to no later than midnight May 25, 2015 and in accordance with §1660(8) of the NY Vehicle & Traffic Law, any Town Constable, County Sheriff's Officer, State Policeman or any other peace officer or the Town Supervisor may order the removal and storage of vehicles parked or abandoned on any town highway or found unattended where they constitute an obstruction to traffic or at any place where stopping, standing or parking is prohibited. The owner or operator of any such removed vehicle shall be responsible for the payment of reasonable charges for such vehicle removal and storage; and be it further

**ORDERED**, that the action contemplated by this Order is a Type II action under the State Environmental Quality Review Act ("SEQRA") and is not subject to review under SEQRA (*see*, 6 NYCRR §§617.5[a] and [c][16] and [20]); and be it further

**ORDERED**, that this Order shall take effect when adopted.

**April 8, 2015**

**Audit Meeting**

Motion by Town Board member Lillian Hendrickson, seconded by Town Board member Vicky Simpson and this Order is 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 8<sup>th</sup> day of April, 2015.

**Adjournment**

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

Respectfully submitted,

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Rita J. Sheehan, Town Clerk