

The Town of Bethel Town Board meeting of January 28, 2015 was called to order by Supervisor Daniel Sturm at 7:30 pm 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.

**Approve request to attend 2015 Hwy. Superintendent's Assoc. School**

Highway Superintendent is requesting to attend the 2015 Highway Superintendent Motion by Bernie Cohen to approve, seconded by Vicky Simpson, put to vote and carried 5-0.

**Correspondence Glenn Smith re: Pedestrian Crosswalk Pine Grove Rd**

Correspondence has been received from Glenn Smith, Town Engineer, for recommendations on a crosswalk at Pine Grove road and Mountain Lakes Road. Motion by Lillian Hendrickson to receive and file, seconded by Dawn Ryder, put to vote and carried 5-0. Send to Town Attorney for opinion to determine whether data survey is required to stripe.

**Highway Budget Discussion**

Mrs. Hendrickson asked if we are within budget for all the plowing and sanding?

Mr. Crumley asked if she was talking about the salt? Mr. Crumley stated there is nothing more important than the safety of the public; people pay a lot of taxes and they expect the roads to be clear.

**Public Hearing 7:45 p.m. – 2014 CDBG Housing Rehabilitation**

Motion by Vicky Simpson to open the 2014 Community Development Block Grant Public Hearing at 7:45 pm., seconded by Bernie Cohen, put to vote and carried 5-0.

There were no public comments.

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

**Highway Budget Discussion Continued**

Mr. Sturm indicated that highway overtime is over \$10,000 to date in payroll, and is projected to exceed \$12,000.

Mr. Crumley stated that he informed Mr. Sturm in September salt tonnage was not enough.

Mrs. Simpson stated that the highway is using straight salt only in parts of town like White Lake Homes, Smallwood and County Roads. The sand operation is getting going and sand cost will be reduced. Why are you using straight salt? This is not good for the budget or the environment. Mr. Crumley stated one load to do Smallwood, rather than multiple trips. Mr. Crumley disagreed and stated he has data that shows it is good for environment. Mrs. Simpson asked why so much overtime? Winter is not worse than previous years.

**Approve Sending Letter to Highway Superintendent**

Mr. Sturm read a proposed letter to Mr. Crumley as follows:

# *Town of Bethel*

*Supervisor's Office*

**Daniel Sturm**  
**Town Supervisor**

**3454 Route 55, P.O. Box 300**  
**White Lake, New York 12786**

**Erin Lynch**  
**Confidential Secretary**

**(845) 583-4350 ext. 12**

January 29, 2015

William Crumley, Highway Superintendent  
Town of Bethel Highway Department  
P.O. Box 300  
White Lake, NY 12786

Re: Town of Bethel 2015 Highway Budget

Dear Superintendent Crumley:

The Town of Bethel duly adopted a town budget for the 2015 fiscal year on October 22, 2014. As you know, the town budget includes a budget for the highway department within which the highway department must operate. The highway department budget, by statutory requirement, is divided into four categories, one of which is for "...the removal of obstructions caused by snow and for other miscellaneous purposes." Based upon current budgetary forecasts, it appears that the highway department will exceed the amount of funds allocated to the snow removal budget line item(s) before the end of the fiscal year. The funds for this account are used, in part, for the purchase of salt for use on town highways. The acquisition of road salt has become very expensive.

We all have the safety of the traveling public as the primary goal in the use of funds from this budgetary allocation. However, it appears that safety may be maintained by using the distribution of salt more carefully. As we have discussed, by mixing sand with the salt, the rate of use of salt will be diminished without sacrificing highway safety. This salt/sand mixture has been used successfully for many years by former highway department superintendents. The careful use of overtime is also important.

In addition to the foregoing, it appears that highway department employees have been working overtime hours recently for snow and ice removal when the conditions appear not to warrant such expenditures of time.

Although the town board has within its powers the ability to transfer additional funds from either the general fund or between various highway department budgetary funds as it did last year, the town board will not transfer funds to the snow removal account again this year, absent a true emergency or unforeseen circumstances, since those funds have been designated for use and are needed elsewhere. Further, the town board has no obligation to transfer funds to the snow removal account, absent emergency conditions, if the funds allocated to that account are depleted.

**Town Website: [www.town.bethel.ny.us](http://www.town.bethel.ny.us)**

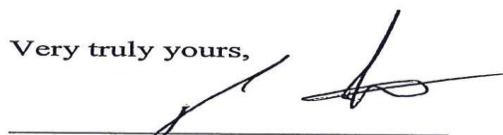
**Email: [bethelsupervisor@libertvbiz.rr.com](mailto:bethelsupervisor@libertvbiz.rr.com)**

Funds may not be expended in excess of the budgetary allocation, absent a transfer of funds. Claims for payment in excess of the budgetary allocation "shall be null and void as to the town and no money belonging to the town shall be paid thereon" (Town Law §117). Please note that "if town superintendent's expenditures in a fiscal year exceed the amount appropriated for a particular item or transferred to it pursuant to other provisions of law, he is personally liable on the obligations he has thus incurred" (*Myruski v. Town of Goshen*, 87 Misc. 2d 1063, 1064 [S. Ct. Orange Cty. 1976]; citing to *Lyth & Sons v Town of Evans*, 33 Misc. 221). This is a prospect we all want to avoid. Please stay within your budgetary allocations.

Please let me know if you wish to discuss this further.

By Order of the Town Board.

Very truly yours,



Daniel Sturm, Town Supervisor and Budget Officer  
Vicky Simpson, Town Councilwoman  
Lillian Hendrickson, Town Councilwoman  
Bernard Cohen, Town Councilman

Town Website: [www.town.bethel.ny.us](http://www.town.bethel.ny.us)

Email: [bethelsupervisor@liberty.rr.com](mailto:bethelsupervisor@liberty.rr.com)

Fax: (845) 583-0225

Motion by Vicky Simpson to approve sending letter to Highway Superintendent, Bill Crumley, from Town Board and Budget Officer, seconded by Lillian Hendrickson, put to vote and carried 4-1.

Mrs. Ryder	No
Mr. Cohen	Yes
Mr. Sturm	Yes
Mrs. Simpson	Yes
Mrs. Hendrickson	Yes

Mr. Sturm's statement:

- 1) I would like the Town Board to sign on regarding this issue.
- 2) Will not transfer funds absent any true emergencies.  
There is no reason for fewer roads to get paved like the previous year.
- 3) I sign all payroll checks and bills with Town Board oversight. We will not allow these practices to continue. I have never witnessed anything like this in all my years as a Budget Officer.
- 4) I am writing this letter in January hoping to fix this issue and eliminate a budget problem going forward. No more use of straight salt in the future.
- 5) Absent any changes in policy or procedures, the town will incur a shortfall which will equate to a 6-10% increase in taxes for the following year. I have a fiduciary responsibility.

**Approve grant application for 2015 International Clerks Conference**

Town Clerk is requested letter of support for the International Clerk’s Conference grant application. Motion by Lillian Hendrickson to approve grant application, seconded by Dawn Ryder, put to vote and carried 5-0.

**Discussion Sewer Superintendent Appointment**

Motion by Lillian Hendrickson to promote Michael Collins to Sewer Supervisor with an annual salary of \$41,000; 6 months’ probation period, cell phones for Sewer Supervisor and Labor, and to post for 3A Waste Water Treatment Plant Operator, seconded by Vicky Simpson, put to a roll call vote and carried 4-1 as follows:

Dawn Ryder	No
Bernie Cohen	Yes
Daniel Sturm	Yes
Vicky Simpson	Yes
Lillian Hendrickson	Yes

Mrs. Ryder would like to extend search. Engineer said Michael Collins was not ready. Mr. Sturm indicated this was discussed in Executive Session and details should not be discussed in an open meeting. Mrs. Simpson indicated Mr. Collins is doing a good job, paid for him to get item 3A training, septage numbers are up. He is stepping up and doing a great job. Mrs. Hendrickson suggested that Mr. Collins attend a Town Board meeting at least once a month and Chris Graffeo should get his 3A training as soon as possible.

**Resolution to adopt 2015 Bethel Woods Traffic Management Plan**

**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 1, 2015 AND SEPTEMBER 30, 2015 ON SPECIFIED DATES AND 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, Bethel Woods Center for the Arts will commence operation of its 2015 Pavilion performance season on May 1, 2015; and

WHEREAS, a Traffic Management Plan has been prepared for Bethel Woods Center For the Arts which recommends the implementation of certain vehicle traffic restrictions on certain roads for events in excess of 6,000 attendees; 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 on the following roadways in the manner and at the locations, dates and times set forth on Schedule "A" annexed hereto:

- Hurd Road
- West Shore Road
- New York State Route 17B
- New York State Route 55
- Perry Road
- Happy Avenue;

and be it 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 Category B concert events described in the attached Schedule A; and be it 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 in Schedule A 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 be it further

ORDERED, that vehicles in violation of the no parking, stopping or standing restrictions set forth in Schedule A 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, said charges shall be paid prior to the release of such motor vehicle to the owner/operator thereof; and be it 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 as 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 be it 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 be it 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 in Schedule A 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 category A attendance thresholds as those thresholds are defined in Schedule A; and be it 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 be it further

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

Motion by Vicky Simpson to adopt Resolution and Order, seconded by Bernie Cohen, duly adopted this 28<sup>th</sup> day of January, 2015 upon a roll call vote with 4 ayes, 0 nays voting as follows:

Daniel Sturm	Yes	
Bernard Cohen	Yes	
Lillian Hendrickson	Yes	
Victoria Simpson	Yes	
Dawn Ryder		abstain

**Junkyard License Renewal Applications Ross, Lyamar and Hendrickson**

Junkyard License Renewal Applications have been received from Ross, Lyamar and Hendrickson. Motion by Lillian Hendrickson to send Building Department for inspection, seconded by Dawn Ryder, put to vote and carried 5-0.

**Resolution to Accept Grant and to Cover Costs Above Grant Award**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
AUTHORIZING THE ACCEPTANCE OF A STATE AND MUNICIPAL  
FACILITIES CAPITAL PROGRAM FOR POOL REFURBISHMENTS AT THE  
TONW PARK AND AUTHORIZE THE EXECUTION OF A GRANT  
AGREEMENT**

**WHEREAS**, it appears that the Town of Bethel has made application for a State and Municipal Facilities Capital program grant and awarded by the New York State Dormitory Authority in the amount of \$50,000; and

**WHEREAS**, it appears that the application submitted by the Town has been accepted to receive the grant funds for the purposes set forth in the application, which are limited to pool renovations and refurbishment including the installation of vinyl liner, refurbish sand filters and pumps, new plumbing and piping, main drain report, etc.; 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 of Bethel hereby accepts the State and Municipal Facilities Grant Program for the purposes identified in the application; and be it

**FURTHER RESOLVED**, the Supervisor of the Town of Bethel is hereby authorized to sign the Agreement on behalf of the Town Bethel and deliver said Agreement to the New York State Dormitory Authority and to complete any remaining tasks required for the receipt of the grant funds and implementation of the Agreement; and be it

**FURTHER RESOLVED**, the Town Supervisor is hereby authorized to expend funds in excess of the grant award to complete the project; and

**FURTHER RESOLVED**, that the action contemplated under this Resolution is a type II action under the State Environmental Quality Review Act (“SEQRA”) (6 NYCRR §617.5[b][26]) and no further environmental review is necessary; and be it

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

Dawn Ryder	Voting	Yes
Bernard Cohen	Voting	Yes
Vicky Simpson	Voting	Yes
Lillian Hendrickson	Voting	Yes
Daniel Sturm	Voting	Yes

Duly adopted by 5 ayes, 0 nays the 28<sup>th</sup> day of January, 2015

**Taxi Application Teresa Layton and set Public Hearing**

Taxi Application has been received from Teresa Layton for a taxi license. Motion by Dawn Ryder to set Public Hearing for February 11, 2015 at 8:00 pm, seconded by Vicky Simpson, put to vote and carried 5-0.

**Appointment of Green Committee Members**

**Designation of Town of Bethel Green Committee as Climate Smart Community Task Force and Appointment of Members Thereof**

The Town of Bethel Supervisor reappointed the Town of Bethel Green Committee, and it shall serve as the Town of Bethel’s Climate Smart Community Task Force to further and facilitate the Town’s Climate Smart Community pledge. This Committee will act in an advisory capacity to the Town Supervisor and the Town Board with respect to climate action, energy conservation and energy cost saving measures.

The following persons shall be re-appointed or, in the case of Jim Crowley and Jennifer Young, appointed to the Bethel Green Committee for the 2015 calendar year:

1. Jeffrey Allison, MBA (Retired; President Delaware Valley Arts Alliance)
2. Jim Crowley (Owner of JPC Enterprises, Jeffersonville, NY; Vice Chairman, Town of Bethel Zoning Board of Appeals; Member, Town of Bethel Board of Assessment Review; Member, Town of Cocheton Planning Board)
3. Lillian Hendrickson (Councilwoman, Town of Bethel; President, Bethel Lions Club; Advisory Board, Retired Senior Volunteer Program of Sullivan County; Member, Ladies of the Knights)
4. Karen London, Esq. (Retired; Co-founder, Sullivan Area Citizens for Responsible Energy Development (SACRED) and Bethel Concerned Citizens)
5. Paul Reifenheiser (Professor/Chair, Liberal Arts and Humanities Dept., Sullivan County Community College; Board Member and Secretary, Monticello Little League; member, Bethel Lions Club)
6. Wendy Robinson, Esq. (General Counsel and Secretary, The VolX Group Corporation and RealDay Options Corporation; Co-founder, SACRED and Bethel Concerned Citizens)
7. Vicky Vassmer Simpson (Councilwoman, Town of Bethel; Board of Director, Sullivan County Federation for the Homeless; Trustee, Mongaup Valley United Methodist Church)

8. Tom Wasserman

9. Jennifer Young (Owner, Fairytale Farm and Petpal Sitter Service, Bethel, NY; Member, Bethel Agriculture Committee)

Jeffrey Allison and Karen London are re-appointed as Co-Chairs of the Committee.

Dated: January 28, 2015

Motion by Bernie Cohen to re-establish Green Committee, seconded by Dawn Ryder, put to vote and carried 5-0.

**Correspondence from ASB Greenworld**

Correspondence has been received from ASB Greenworld thanking everyone who responded to the 911 call on January 5<sup>th</sup>. Motion by Lillian Hendrickson to receive and file, seconded by Vicky Simpson, put to vote and carried 5-0.

Mrs. Simpson indicated that there is no written policy that when a first responder is a town employee answers a 911 call that they are not paid for leaving the job. Would like to establish a policy and implement it.

**Correspondence from NYSERDA**

Correspondence has been received from NYSERDA notifying the town they are receiving an incentive award of \$2500 for adoption of the NYS Unified Solar Permit. Motion by Vicky Simpson to receive and file, seconded by Lillian Hendrickson, put to vote and carried 5-0.

**Bond Rate for Leachate Work**

Bid has been received from National Bank of Delaware County for a 5-year bond statutory installment bond for a rate of 1.875% for the Leachate work. Mr. Sturm thanked Erin Lynch for getting bids.

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

**Public Comment**

Judith Maidenbaum asked why the Beekman House is not getting plowed in front like the other businesses in Kauneonga Lake. She also asked why the Town Board is discussing the highway business in public and not in a meeting with the highway superintendent.

There was a lengthy discussion between the Town Board and Highway Superintendent.

**Adjournment**

Motion by Mr. Cohen to adjourn the meeting, seconded by Mrs. Simpson, put to vote and carried 5-0.

Respectfully submitted,

---

Rita J. Sheehan, Town Clerk