

The Town of Bethel Town Board meeting of May 25, 2016 was called to order by Supervisor, Daniel Sturm at the Dr. Duggan Community Center at 7:30 p.m.

Council members present: Vicky Simpson
Lillian Hendrickson
Bernie Cohen
Dawn Ryder

Others Present: Robert McEwan, Retiring Attorney for the Town
Karen Mannino, New Attorney for the Town

The meeting was opened with the pledge of Allegiance.

Presentation: Irene O’Leary, Bethel Senior of the Year

Supervisor, Daniel Sturm presented a plaque to Irene O’Leary as 2016 Bethel Senior of the Year. Sullivan County Democrat was present for photographs.

Announcement: Dawn Ryder, Vice-Chair of the Literacy Volunteers of SC

Dawn Ryder, Vice-Chair of the Literacy Volunteers of Sullivan County, announced the book sale on August 31st. Volunteers are also needed..

Resolution of Special Recognition – Robert S. McEwan, Jr.

**Resolution of the Town of Bethel, Town Board,
Sullivan County, New York to Honor our Long-Time Attorney**

**Robert S. McEwan, Jr.
1997-2016**



WHEREAS, Robert S. McEwan, Jr. has served the Town of Bethel as Attorney for the Town for nearly 20 years, and

WHEREAS, Mr. McEwan has guided the town through town meetings, court hearings, depositions, town public hearings, comprehensive planning meetings, zoning review meetings, agricultural protection plan meetings, negotiated consent orders with state and federal regulatory agencies, and

WHEREAS, he has successfully litigated a number of zoning and SEQR-related matters on behalf of the town in state and federal court, and

WHEREAS, Mr. McEwan has worked diligently and tirelessly on the sewer extensions and grants, and

WHEREAS, Mr. McEwan’s knowledge and expertise in tax certiorari, land use law, zoning, seqr, planning, and environmental issues has always guided the town in its best interest, and,

NOW THEREFORE BE IT RESOLVED, Robert S. McEwan, Jr. will be missed by all those he has become acquainted with especially the Town Supervisor, Town Council members, Assessor, Town Clerk and all the staff.

BE IT FURTHER RESOLVED, the town appreciates your years of dedicated service for the betterment of our town and community. The Town of Bethel wishes Robert S. McEwan, Jr. all the best in his well-deserved retirement

Motion by Mr. Cohen to approve Resolution of the Town of Bethel, Town Board, honoring our long-time Attorney, Robert S. McEwan, Jr. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Adopted the 24th day of August 2016.

Resolution to settle claim and execute a Satisfaction of Mortgage

Mr. McEwan stated as a settlement of the claim the estate had agreed to pay the Town in the amount of \$4,000. in full settlement of any claims. Mr. McEwan presented Mr. Sturm with a check in the amount of \$4,000.

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
AUTHORIZING THE SETTLEMENT OF A CLAIM AND THE
EXECUTION OF A SATISFACTION OF A MORTGAGE**

WHEREAS, it appears that Arline Lustenberger, was an owner of real property located within the Town of Bethel until her death on July 5, 2008. In 2006, Ms. Lustenberger received a grant in the amount of \$15,000 to make certain improvements to her residence. The funds for the grant were extended through a community block grant program and pursuant to the Town of Bethel Housing Rehabilitation Program (the "Program"); and

WHEREAS, the Program provided that the grant funds had to be repaid if certain conditions were not fulfilled, including whether the homeowner conveyed the property or failed to occupy it as a principal residence for a five year period from the date the grant funds were made available to the recipient. The repayment of the grant was secured by a note and mortgage, dated September 21, 2006, that was duly recorded in the Office of the Sullivan County Clerk (the "Mortgage"); and

WHEREAS, the real property in question is known on the tax map for the Town of Bethel as SBL #42.-24-29 and is commonly known as 76 East Cherry Trail, Smallwood, NY (the "Property"); and

WHEREAS, the terms and conditions in the Mortgage provide, in part, that a grant recipient who fails to occupy the property as a principal residence for the full five year term set forth in the Mortgage, must repay a portion of the grant funds based upon a sliding scale fixed to the period of the length of occupancy (the "Recapture Obligation"); and

WHEREAS, although Ms. Lustenberger would have had to repay the amount of \$12,000 as a Recapture Obligation if she willingly ceased occupation of the Property, the terms and conditions in the Mortgage did not address if any Recapture Obligation was owed if recipient of the grant funds died prior to the five-year term set forth in the Mortgage; and

WHEREAS, the Estate of Ms. Lustenberger (the "Estate") claims that no Recapture Obligation is owed to the Town because all of the material conditions contained in the Mortgage and applicable to the grant recipient have been met; and

WHEREAS, a settlement of the claim has been proposed whereby the Estate has agreed to pay the Town the amount of \$4,000 in full settlement of any claims of the Town under the Mortgage in return for a duly executed Satisfaction of Mortgage. Pursuant to the terms and conditions of the Mortgage, the amount of the Recapture Obligation of the grant is to be determined by the Town; and

WHEREAS, the Town of Bethel Town Board declares itself to be the lead agency for the purposes of any 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 of the proposed settlement as set forth herein; and be it

FURTHER RESOLVED, the Town is authorized to settle the referenced claim pursuant to the authority granted to the Town by Town Law §68(4) and the Town Supervisor is hereby authorized to sign and deliver a Satisfaction of Mortgage to the Estate and to complete any remaining tasks required to fulfill the intent of this Resolution; 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 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 the 24th day of August, 2016.

Letter of intent from Karen Mannino as Attorney for the Town

Mr. Sturm stated that the Town conducted interviews for a replacement of the Attorney for the Town. Mr. McEwan referred Karen Mannino, Esq. as the new attorney. Mr. Sturm stated Ms. Mannino hourly rate would remain the same at \$175. per hour.

Motion by Mrs. Hendrickson to approve appointment of Ms. Karen Mannino, as Attorney for the Town. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

DOT Notice of Public Meeting for Rt 17B Intersection Improvements

Motion by Mr. Cohen to receive and file DOT notice of public meeting on August 31, 2016 at 6 p.m. at the Dr. Duggan Community Center for PIN 903625 NYS Route 17B intersection improvements at Route 55 East and 17B. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Public Hearing: 7:45 p.m. Property Located at SBL #9.-1-4 (192 Lee Code Rd)

Motion by Mrs. Simpson to recess the regularly scheduled Town of Bethel Town Board meeting and open the public hearing scheduled for 7:45 p.m. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Mrs. Sheehan, Bethel Town Clerk, read the public notice as advertised in the Sullivan County Democrat. No comments. Motion by Mrs. Ryder to close the public hearing and reenter into the regularly scheduled meeting. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Town of Delaware Notice of Public Hearing – Local Law Com'l Solar Farms

Motion by Mrs. Hendrickson to receive and file notice from the Town of Delaware regarding notice of public hearing on September 14th at 6:40 p.m. to interested parties in accordance with Town Law 264(2). Seconded by Mrs. Simpson, put to a vote and carried 5-0. Mr. Sturm stated that the Green Committee is working on a Town of Bethel local law regarding solar. Karen Mannino will be working with the Green Committee.

Renaming of Martin Road to Martin Lane

Letter received from property owners on Martin Road requesting name to be changed to Martin Lane. The official town highway map says Martin Road. Motion by Mr. Cohen to approve the renaming of Martin Road to Martin Lane. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Correspondence from Terry Forman - property located at SBL #9-1-4

Motion by Mrs. Hendrickson to receive and file letter dated August 22, 2016, from Kalter, Kaplan, Zeiger & Forman regarding SLB#9-1-4. Mr. Forman is requesting a 30-day extension for any Town Board action for time for his client to remove the building. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Mr. Sturm suggested to table until the September 28th Town Board meeting.

Re-Award 2017 Police Utility

Ms. Sheehan indicated the low bidder on the State OGS minibid did not include the after-market options in their bid. When the Van Bortel quote was revised with the after-market option their bid became the second lowest. Mr. NcEwan indicated we should go back out to bid. Ms. Sheehan cited Procurement Rights page 3 Item D-4: “users reserve rights in a mini bid to disqualify any bidder whose conduct and or proposal fails to conform to the requirements of the solicitation. Motion by Mrs. Simpson to rescind the bid awarded to Van Bortel for failure to conform to the requirements of the bid. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Motion by Mrs. Hendrickson to award the OGS State mini-bid to Beyer Ford in the amount of \$32,032.34 for one 2017 Ford Police Utility Interceptor with after -market options. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Motion for Leave to Intervene Millennium Pipeline Upgrade Project

Motion by Mrs. Simpson to approve Motion for Leave to Intervene Millennium Pipeline Upgrade Project in the proceeding of the construction, operation and ongoing maintenance of the proposed project in our neighboring Town of Highland. This poses potentially significant adverse impacts on the resident’s health and well-being, property values and economy in the Town of Bethel, NY. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION
Millennium Pipeline Company Docket No. CP16-486-000 Eastern System Upgrade Project**

MOTION FOR LEAVE TO INTERVENE

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 C.F.R. sections 385.212 and 385.214 (2007), I, Daniel Sturm, on behalf of and in my capacity as Supervisor of the Town of Bethel, New York, file this motion to intervene in this proceeding.

On July 29, 2016, the Millennium Pipeline Company ("Millennium") filed its application under Section 7 of the Natural Gas Act, 15 U.S.C. section 717f and section 157 of the Federal Energy Regulatory Commission's regulations, 18 C.F.R. section 157.1 et seq., for the proposed Millennium Eastern System Upgrade Project (the "Project"), FERC Docket No. CP16-486-000.

I. Communications and Service

All communications, pleadings, and orders with respect to this proceeding should be sent to the following individual:

Town of Bethel
Daniel Sturm, Town Supervisor
PO Box 300, 3454 State Route 55
White Lake, New York 12786
E-Mail: bethelsupervisor@libertybiz.rr.com

II. Interest of Petitioner

The construction, operation and ongoing maintenance of the proposed Project, particularly the proposed 22,400 HP compressor station in the neighboring Town of Highland, poses potentially significant adverse impacts on residents' health and well-being, property values and economy in the Town of Bethel, NY.

The proposed site of the planned Highland compressor station is less than two miles from the border of the Town of Bethel. As such, the impacts of this proposed infrastructure will affect the Town of Bethel as much as it will affect the so-called host Town of Highland. The Town of Bethel's economy is significantly dependent on tourism and the second home community. Tourists and second homeowners make Bethel their destination due to its scenic beauty, unspoiled forests, pastoral vistas, eagle viewing, fishing, and pristine air and water. Further, the Town of Bethel is home to Bethel Woods Center for the Arts, an outdoor music venue and history museum, which was constructed ten years ago and has offered our town and Sullivan County renewed promise to attract residents and tourists alike and reverse what had been decades of economic decline. Indeed, it was to protect the precious environmental assets that we have, and thereby our economic well-being, that the Town of Bethel, like the Town of Highland, enacted zoning laws to expressly prohibit not only compressor stations but "high impact" industrial uses.

Based on data from the Office of Real Property Tax Services (2010), the Town is aware of 56 parcels of property in the Town of Bethel that are within 3 miles of the proposed Highland compressor station and 519 parcels that are within 5 miles. Many of these properties fall within a housing development that contribute significantly to the Town of Bethel's tax revenues. The Town Board is concerned that the introduction of a 22,400 HP compressor station—what amounts to an industrial site that will operate 24/7 for the next few decades—will depress property values of parcels in the vicinity and thereby lead to property tax reassessments and a lower tax base for the Town. Further, several thousand acres in the Town of Bethel are contiguous with the selected compressor station site which, if developed, would add considerably to the Town's tax base. There is concern that the proposed infrastructure will harm the prospects of any future tax-enhancing development of this property.

Most importantly, in 2012, the Town Board prohibited high-impact industrial activities within Bethel's borders to protect the health and well-being of its residents and visitors. The Town and County have recently initiated programs to improve the health of our citizens given that Sullivan County ranks a dismal 61st out of 62 counties in the State of New York in terms of residents' health. Adding hazardous pollutants to our air cannot but negatively impact and exacerbate our residents' health issues.

As elected officials of the Town of Bethel, we possess important and informed perspectives which have and will continue to serve the public interest.

III. Conclusion

Wherefore, on behalf of the Town of Bethel, NY, the Town Board of the Town of Bethel respectfully requests that the Federal Energy Regulatory Commission grant this Motion to Intervene as a party with full rights to participate in all further proceedings.

Respectfully submitted,



Daniel Sturm, Town Supervisor
Town of Bethel
PO Box 300
3454 Route 55
White Lake, NY 12786
845-583-4350
bethelsupervisor@libertybiz.rr.com

August 24, 2016

Memorandum of Agreement for Exercise Equipment

Motion by Mrs. Ryder to approve fitness trail equipment for the site at 48 Richard Crumley Drive, Smallwood, NY at the Forest Reserve. Agreement is between Cornell Cooperative Extension Sullivan County and the Town of Bethel. Using funds from Creating Healthy Schools and Communities from the NYSD of Health, CCE Sullivan will purchase the equipment in the amount of \$8,836; which includes shipping costs to the destination. Fitness trail equipment will remain erected for the lifetime of the equipment. This agreement is effective until fitness trail equipment is no longer operational and needs to be removed for safety purposes. Seconded by Mrs. Simpson, put to a vote and carried 5-0. Rob McEwan, Attorney for the Town, stated to add BLDC as signatory since they own the real property.

Set Public Hearing for Unsafe Structure SBL #9-1-82 on 9/14 at 8 p.m.

Motion by Mrs. Ryder to schedule a public hearing for unsafe structure SBL #9-1-82 located at 527 Lt. Brender Hwy assessed to Vladimir Romaniv for September 14, 2016 at 8 p.m. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Correspondence to NYS Dept. of Health re: Toronto East Access Area

Mr. Strum read a letter he has written dated August 21, 2016 to the NYS Department of Health regarding his concerns to the NYS Department of Health posting of signage at the Toronto East Access Area indicating closure of a public access beach area effective 07/22/16.

Motion by Mrs. Simpson for the entire Town Board to endorse this letter and has his backing on this matter as stated in the letter dated 08/21/2016. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Toronto Reservoir Discussion

Bob Barrett asked do you care? Do you read? Are you doing anything? A security guard put up tape and pushing people out that are fishing. Mrs. Simpson stated we are going to support you. Mr. Barrett sending constables out is wrong.

Myron Rock stated this is not a bathing beach; it is a recreational area. FERC, Friends of Toronto, Town, Eagle Creek all agree not a beach; Department of Health says it is. What about Swinging Bridge? Skinner's Falls and all the other areas that have swimming?

Dan Sturm indicated the constables do not enforce Department of Health bathing areas. Constables will respond to trespass complaints only.

Peter Conroy - the DOH put signs up on Town of Bethel signposts

Nino Nannarone - Town Board should invite Bob Gates, Eagle Creek and Christine Westerman- DOH to the next Town Board meeting.

Mr. Nannarone wants 1) Town to intervene with FERC; 2) Town to file a FOIL with the Department of Health for copy of complaint, and 3) FERC to revoke Eagle Creek license. Do a motion!

Dan Sturm, we will take all your comments and your FOIL request into consideration. Consult with the Attorney for further action.

Mr. McEwan asked if you have called State Assembly/Senator? Mr. Nannarone - they don't return calls. Mr. McEwan suggested that if you approach them like you do here maybe they will.

Peter Conroy suggested for the town board to go up this Saturday with your chair and see what happens.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk