

**December 14, 2016**

**Audit Meeting**

The Town of Bethel Town Board meeting of December 14, 2016 was called to order by Supervisor, Daniel Sturm at the Dr. Duggan Community Center at 7:30 p.m.

The meeting was opened with the pledge of Allegiance.

Council Members Present: Vicky Simpson  
Lillian Hendrickson  
Dawn Ryder  
Bernie Cohen

**Audit of Bills**

Motion by Mrs. Simpson to approve the monthly audit bills. Seconded by Mr. Cohen, put to a vote and carried 5-0 as follows:

<b><u>Fund</u></b>	<b><u>Amount</u></b>	<b><u>Check Nos.</u></b>
General Fund	\$323,636.20	6448, 6490-6491, 6494-6530, 6532-6571,
Highway Fund	\$280,579.24	1230-1277
Kauneonga Lake Sewer Dist.	\$ 32,666.72	1126-1141
TOB Trust & Agency (P & Z Journal)	\$ 4,073.75	1115-1117

**Supervisor's Monthly Report**

Motion by Mrs. Hendrickson to receive and file the supervisor's monthly report for November, seconded by Mrs. Ryder, put to a vote and carried 5-0.

**Building Department Monthly Report - December**

Total November, 2016 Revenue	\$ 2,935.00
Total November, 2015 Revenue	\$ 3,844.00
Total November, 2016 Construction Total	\$312,400.00
Total November, 2015 Construction Total	\$827,000.00

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

**Town Clerk's Monthly Report - December**

Total fees	\$5,912.18
State shares	\$1,361.39
Town shares	\$4,550.79

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

**Noise Permit Application – Bethel Hideaway Campground**

Motion by Mrs. Hendrickson to receive and file Bethel Hideaway Campgrounds application for a noise permit. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Jennifer Colaiacomo representing the Bethel Hideaway Campgrounds was present to explain any questions regarding the noise permit application. Dan Sturm mentioned that last year we had no complaints. Mrs. Ryder asked are you a licensed campgrounds? Mrs. Colaiacomo said yes. Also, no outside tickets are sold, only campground attendees.

Motion by Mrs. Hendrickson to approve the request for Bethel Hideaway Campgrounds noise permit application for the following event dates. Seconded by Mr. Cohen, put to a vote and carried 5-0.

5-27-2017 Midnight Image Band 7 pm – 10:30 pm  
 7-01-2017 Lucky House Band 7 pm – 10:30 pm  
 7-06-2016 Documentary Filming Musicians (day in this life) 10 am – 11 pm  
 7-07-2016 Documentary Filming Musicians (day in this life) 10 am – 11 pm  
 7-08-2016 Documentary Filming Musicians (day in this life) 10 am – 11 pm  
 8-10-2016 Woodstock Theme Camping Festival 10 am – 12 am  
 8-11-2016 Woodstock Theme Camping Festival 10 am – 12 am  
 8-12-2016 Woodstock Theme Camping Festival 10 am – 12 am

All bands performing on stage with equipment facing into campground. Woodstock Musicians performing in back recreation field surrounded 360 degrees by a wooded buffer. All events open to campers only.

**Highway Budget Modification**

Motion by Mr. Cohen to approve highway budget modification for transfers between fund account codes. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**Highway Fund**

<u>Acct Code</u>	<u>Title</u>	<u>Credit (rev)</u>	<u>Credit</u>
DA909	Unreserved Fund Balance	\$ 224,851.	
DA5130.2	Machinery Equipment		\$ 224,851.

Explanation of Transfers:

- 1) Record appropriated funds balance
- 2) Increase the expenditure

**Response to Town from NYS D.O.T. re: Rt. 17B**

Motion by Mrs. Simpson to receive and file NYS D.O.T. letter dated 11-10-2016 regarding passing and striping on Rt. 17B that the DOT will perform a review and to notify the Town of any results, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**Resolution to approve 2016-2017 Snow/Ice control as part of the 2015-2018 Contract**

**RESOLUTION OF THE TOWN OF BETHEL TOWN BOARD TO APPROVE A CONTRACT AMENDMENT FOR THE 2015 – 2018 COUNTY SNOW AND ICE CONTRACT REMOVAL**

**WHEREAS**, the county of Sullivan and the Town of Bethel entered into contract for Snow and Ice control on County Roads from July 1, 2015 through June 30, 2018.

**WHEREAS**: the contract states the Town will be paid the amount Sullivan County received from the State of New York for snow and ice control on state highways the previous snow and ice season; and

**WHEREAS**, the County of Sullivan was paid \$5,684.32 per centerline mile For the 2015 -2016 contract year; and

**WHEREAS**, said section of the Highway Law of the State of New York requires the approval by resolution of each of the legislative bodies of such County, Towns;

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Sullivan pay the amount of \$4,916.95 per centerline mile for two lane highways and \$7,375.43 for three lane highways to the Town for the contract year July 1, 2016 – June 30, 2017.

Motion by Mrs. Simpson to adopt resolution, seconded by Mrs. Ryder, put to a vote and carried 5-0.

**Resolution to rescind resolution adopted 11/9/2016 to relevel costs**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
TO RESCIND A RESOLUTION TO LEVY COSTS FOR THE  
REMOVAL OF AN UNSAFE STRUCTURE**

**WHEREAS**, it appears on June 22, 2016 the Town Board authorized an engineer report for the condition of the property located at Route 55 & Central Avenue, White Lake, NY and known on the tax map for the Town of Bethel as SBL #35.-4-4 assessed on the 2016 tax roll to :

White Lake Resorts, LLC  
c/o Mechlovitz  
1136 E. 73<sup>rd</sup> Street  
Brooklyn, NY 11234

**WHEREAS**, on November 9, 2016 the Town Board relieved the cost of the engineer report in the amount of \$495.60 to be levied onto the 2017 tax roll pursuant to Town Code §113-10, assessing the costs of the engineer report against the premises in question and such costs were to be levied and collected in the same manner as provided in Article 15 of the Town Law; and

**WHEREAS**, it appears that the property owner has now repaid the Town in full through their escrow account; 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 rescinds the resolution adopted on November 9, 2016 pursuant to Town Code §113-10, assessing the costs of the engineering report in the amount of \$495.60 against the premises in question; and be it

**FURTHER RESOLVED**, that the amount of \$495.60 that was to be assessed against the premises in question pursuant to Town Code §113-10 shall not be levied and collected in the same manner as provided in Article 15 of the Town Law since said amount has been repaid in full; and be it

Motion by Town Board member, Mrs. Ryder, seconded by Town Board member Mrs. Simpson and adopted upon a roll call vote as follow:

	<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 14<sup>th</sup> day of December, 2016.

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

**Response to Town from FERC Re: Toronto East Access**

Motion by Mrs. Hendrickson to receive and file dated November 9, 2016 from the Federal Energy Regulatory Commission regarding Eagle Creek Renewable Energy, L.L.C. (Eagle Creek) Toronto East Access Area at the Swinging Bridge Hydroelectric Project (No. 10482). Eagle Creek is in compliance with its requirement at the Toronto East Access Area to provide parking, access to the shoreline and a boat launch. It does not encourage but will not prohibit swimming, sunbathing, or other activities that the public enjoys. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

**Appointment to the SC Advisory Board**

Motion by Mr. Cohen to appoint George Roosevelt, Smallwood-Mongaup Valley Fire Dept., to the Sullivan County Fire Advisory Board. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**Resolution to authorize Energy Benchmarking Policy for Town Bldgs.**

**A Resolution Adopting Energy Benchmarking Policy Requirements for Municipal Buildings in the Town of Bethel**

Introduced by Councilwoman Vicky Simpson who moved its adoption, seconded by Councilwoman Lillian Hendrickson:

**WHEREAS**, buildings are the single largest user of energy in the State of New York, and the poorest performing buildings typically use several times the energy of the highest performing buildings, for the exact same building use; and

**WHEREAS**, this Local Policy will use Building Energy Benchmarking to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Bethel; and

**WHEREAS**, collecting, reporting, and sharing Building Energy Benchmarking data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide; and

**WHEREAS**, equipped with this information, the Town of Bethel will be able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement.

**WHEREAS**, the following definitions will apply:

- (1) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.
- 2) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.
- (3) "Covered Municipal Building" shall mean all buildings or facilities owned or occupied by the Town of Bethel.

(4) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(5) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(6) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(7) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(8) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or any successor thereto.

9) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(10) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations; and

**WHEREAS**, this Local Policy is applicable to all Covered Municipal Buildings as defined in item 3 above of this Local Policy; and

**WHEREAS**, the Town Supervisor or his or her designated representative may exempt a particular Covered Municipal Building from the benchmarking requirement if he or she determines that it has characteristics that make benchmarking impractical; and

**WHEREAS**, no later than September 1st of every year, the Town Supervisor or his or her designated representative shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year; and

**WHEREAS**, for new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Town Supervisor or his or her designated representative shall begin inputting data in the following year; and

**WHEREAS**, the Town Supervisor or his or her designated representative shall make available to the public on the Town of Bethel website. Benchmarking Information for the previous calendar year no later than September 1st of each year for Covered Municipal Buildings; and

**WHEREAS**, the Town Supervisor or his or her designated representative shall make available to the public on the Town of Bethel website and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Local Policy; and

(ii) The building address, primary use type, and gross floor area; and

- (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
- (iv) A comparison of the annual summary statistics (as required by this Local Policy) across calendar years for all years since annual reporting under this Local Policy has been required for said building; and

**WHEREAS**, the Town Supervisor or his or her designated representative shall maintain records as necessary for carrying out the purposes of this Local Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Town for a period of three (3) years; and

**WHEREAS**, the Town Supervisor or his or her designated representative shall be the Administrator of this Local Policy; and

**WHEREAS**, the Administrator of this Local Policy may promulgate procedures necessary for the administration of the requirements of this Local Policy; and

**NOW THEREFORE BE IT RESOLVED** that by May 1<sup>st</sup> of each year, the Administrator of the Benchmarking Policy shall submit a report to the Bethel Town Board regarding the prior year performance including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Town Supervisor or his or her designated representative determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Local Policy; and

**BE IT FURTHER RESOLVED** that this Local Policy shall be effective immediately upon adoption by the Bethel Town Board and a copy of this resolution shall be provided to the Town Supervisor or his or her designated representative.

Duly adopted 5 ayes and 0 nays.

**Resolution to introduce Proposed Local Law #1 of 2016 and set public hearing**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
TO INTRODUCE A LOCAL LAW TO AMEND CHAPTER 345 “ZONING”  
OF THE TOWN CODE OF THE TOWN OF BETHEL AND AMENDING  
CHAPTER 310 “TAXATION”**

**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**, the Town Board of the Town Board heretofore adopted a Taxation Code, which Taxation Code appears as Chapter 310 of 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 regulation of solar energy generating systems; and

**WHEREAS**, it appears to be in the best interests of the Town to make amendments to Chapter 310 (Taxation) as it relates to the taxation of solar energy generating systems; and

**WHEREAS**, this Resolution introduces proposed introductory Local Law No.1 of 2016, a copy of which is attached hereto, and which, if enacted, will amend Chapters 345 and 310 of the Town Code; and

**WHEREAS**, the Town Board determines that the proposed revisions to the Town Code (hereafter, the “proposed 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 to act as lead agency for SEQRA review purposes.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby introduces the proposed introductory Local Law No. 1 of 2016; and be it

**FURTHER RESOLVED**, that a public hearing on the proposed introductory Local Law shall be scheduled for January 25, 2017 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 proposed introductory Local Law No.1 of 2016, as introduced, 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 proposed introductory Local Law No. 1 of 2016, as 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 that it will 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 immediately.

Motion by Town Board member Mrs. Simpson, seconded by Town Board member Mr. Cohen, 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 14<sup>th</sup> day of December, 2016.

**Set 2017 Re-organizational Meeting for January 4<sup>th</sup> at 7:30 p.m.**

Motion by Mrs. Hendrickson to set 2017 re-organizational meeting for January 4, 2017 at 7:30 pm. Seconded by Mr. Cohen, put to a vote and carried 5-0.

**Correspondence for re-licensing of Eagle Creek Hydroelectric projects.**

Motion by Mrs. Ryder to receive, file and approve letter dated December 2, 2016 sent to HDR for pre-application questionnaire for relicensing of Eagle Creek Hydroelectric projects. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**Adjournment**

There being no further business, Mrs. Hendrickson moved to adjourn the meeting at 8:20 p.m. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Respectfully submitted,

---

Rita J. Sheehan, Town Clerk

