

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

The meeting was opened with the Pledge of Allegiance.

Road Repair Agreement

Motion by Mr. Cohen to approve the agreement for the expenditure of highway moneys between the Town Superintendent of the Town of Bethel and members of the Town Board. Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from this State for State Aid for the repair and improvement of highways, shall be expended as follows:

Permanent improvements. The following sums shall be set aside to be expended for the permanent improvement of Town highways: (a) Hilltop Road commencing at Hart Lane and leading to Lake View Road, a distance of 1,054 feet, there shall be expended not over the sum of \$6,740.00. Type 7 top, thickness 1”, and subbase asphalt. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Recommendation of Vehicle and Traffic Prosecutor

Motion by Mrs. Hendrickson to approve Scott Russell as Vehicle and Traffic Prosecutor with an approximate court expense of \$5,000. per year. Seconded Mrs. Ryder, put to a vote and carried 5-0.

Yeomans Junkyard License Renewal

Junkyard License Renewal has been received from Ladd Yeomans for Yeomans & Sons Junkyard. Motion by Mrs. Hendrickson to authorize the Building Department to conduct an inspection and report back to the Town Board. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Noise Permit Application – Bethel Hideaway Campgrounds

Noise Permit application has been received from Bethel Hideaway Campground. Mrs. Ryder asked the owners/caretakers if tickets were being sold to the general public. Jennifer Colaraiono indicated the music is for the guest of the campground.

Motion by Mrs. Hendrickson to approve noise permit application for the Bethel Hideaway Campgrounds, 106 Fulton Road, Ferndale, NY 12734 as follows:

5-28-2016 Dekades Band (entertainment)	7:30 pm – 10:30 pm
6-25-2016 NY Retro Rockers (entertainment)	7:30 pm – 10:30 pm
7-02-2016 Lucky House (acoustic)	7:30 pm – 10:30 pm
7-23-2016 Cathy Paty/Iron Cowboy	7:30 pm – 10:30 pm
8-20-2016 Midnight Image Band	7:30 pm- 10:30 pm
9-03-2016 MOB Band (entertainment)	7:30 pm – 10:30 pm

Seconded by Mr. Cohen, put to a vote and carried 5-0.

Request to amend Bethel Motor Speedway Permit

Motion by Mrs. Simpson to receive and file letter from Bethel Motor Speedway to amend their 2016 Permit. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

NYSEG overcharge refund through Computel

Computer Consultants under agreement with the Town of Bethel examined the electric utility account for Street Lights and identified overcharges. Contract/agreement payout is 60/40. Total overcharged was \$4,670.; paid \$1,868. To Computel; total refund of \$3,802. to the town.

Public Hearing 7:45 p.m. Bethel Motor Speedway – License Amendment

Motion by Mrs. Ryder to recess the regularly scheduled Town of Bethel Town Board meeting and open the public hearing at 7:45 pm for the amendment to the Bethel Motor Speedway 2016 Permit. Seconded by Mr. Cohen, put to a vote and carried 5-0. Town of Bethel Town Clerk, Rita Sheehan read the public hearing notice.

Wayne Kirkpatrick, Orange County, owner of Active Motorsports, teaches kids to drive racecars. He would like practices to continue. Success stories out of Bethel NASCAR trucks; Kristen – coming up through NASCAR racing. I would like the board and community support.

Tracy Chirico, always done best to follow permit. My son is 12 years old, youngest ever to race street stock. This is the only opportunity for him to race. For the past five years I have been doing this. This is for a business in Bethel to be successful. Twenty (20) pre-sold spots. No additional days for hours. Asking for one day if it rains. Thank you for giving us the Thursdays; asked for 2 got 1. Trying to be a good neighbor, but still need to make money to stay open.

John VanFradenburgh, doing a great job, big improvement.

Porter Krosten, sixteen (16) racing soon at Bethel Motor Speedway, on behalf of the kids it teaches so much more than how to drive a car; geometry, math, taking care of tools. Grades have gone up; I can't race if grades aren't good. He is starting helping his Dad, and looking forward to the end of week and have fun and get dirty.

Motion by Mrs. Simpson to close the public hearing and reopen the regularly scheduled Town of Bethel Town Board meeting. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Bethel Motor Speedway Decision on Amendment to License

Motion by Mrs. Ryder to approve amendment to the Bethel Motor Speedway license to add one Friday a month as a rain date if it rains on Thursday before from 4-8 pm. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Engineer Report (Romaniv) SBL #9-1-82 (527 Lt. Brender Highway)

Motion by Mr. Cohen to receive and file Engineering report from Glenn L. Smith, P.E., dated May 11, 2016. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0. The report it is not feasible to reconstruct or report the building to comply with current Building Code requirements Also, due to the age of the structure an asbestos report should be conducted prior to removal of the building.

Motion by Mrs. Hendrickson to schedule a public hearing for the Town Board meeting on June 22, 2016 at 7:45 pm for the unsafe structures located at SBL #9.-1-82. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Public Hearing 8:00 p.m. White Lake Estates Unsafe Structures SBL #37-1-70

Motion by Mrs. Ryder to recess the regularly scheduled Town of Bethel Town Board meeting and open the public hearing at 8 pm. for the unsafe structures located at SBL #37-1-70. Seconded by Mr. Cohen, put to a vote and carried 5-0.

No comments.

Motion by Mrs. Simpson to close the public hearing and reopen the regularly scheduled Town of Bethel Town Board meeting. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Engineer Report (Althaus) SBL #42.-8-8 (13 W. Sullivan Place)

Motion by Mrs. Hendrickson to receive and file engineering report from Glenn L. Smith, P.E., dated May 24, 2016. Seconded by Mrs. Simpson, put to a vote and carried 5-0. The report it is not feasible to reconstruct or report the building to comply with current Building Code requirements. Motion by Mrs. Hendrickson to schedule a public hearing on June 22, 2016 at 8:00 pm. for the unsafe structures located at SBL #42.-8-3 Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Decision on White Lake Estates Unsafe Structures 1515 Route 17B

Mrs. Hendrickson stated that the property needs to have the debris cleaned up and removal of buildings, etc.

Motion by Mrs. Simpson to seek sealed bids for the removal of three (3) structures (not the building in front on 17B) located at SBL #37.-1-70. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Mr. Sturm stated someone cleaned up garbage and it looks better.

Correspondence from Jeffrey Kaplan re: White Lake Estates Zoning

Correspondence has been received from Jeffrey Kaplan, attorney for White Lake Estates, requesting a zoning change for a portion of the property located at 37.-1-70 for residential use. Motion by Mr. Cohen to receive and file letter from Jeffrey Kaplan dated May 10, 2016. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Mr. Sturm stated that zoning is fine for that property. No action taken.

Resolution to authorize assessment settlement – YGS Torah Center

Mr. Sturm reviewed stipulation. Mr. Robert McEwan, Attorney for the Town, recommends settlement. Mrs. Ryder reviewed her research on Non Profit/Religious Exemptions. Mr. Sturm thanked Mrs. Ryder for her due diligence. Mrs. Ryder feels there is a lot that needs to be changed in the state law.

Denise Frangipane suggested that this is the opportunity to take this to another level, Sullivan County Supervisors Association, Senate and Assembly. Ms. Frangipane understands why the board is doing this tonight.

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
AUTHORIZING THE SETTLEMENT OF LITIGATION AND THE
EXECUTION OF A STIPULATION**

WHEREAS, it appears that YGS Torah Center, a religious corporation, is an owner of real property located within the Town of Bethel and has commenced special proceedings pursuant to Article 7 of the Real Tax Property Law seeking an order to obtain a real property tax exemptions, based upon religious grounds, for three lots owned by it. Said lots are known on the tax map for the Town of Bethel as SBL #8.-1-49, SBL, #8.-1-67.2 and SBL #13.-1-8. The Town of Bethel Board of Assessment Review and the Town Assessor have been named as respondents in the case; and

WHEREAS, the proper taxable status of the three lots identified in the petition is the subject of the current tax appeal; and

WHEREAS, a settlement of the litigation has been proposed and a copy of the proposed order and stipulation (the “Stipulation”) has been tendered to each member of the Town Board for review and consideration; and

WHEREAS, the proposed settlement is summarized in a memorandum, dated May 18, 2016, which memorandum was prepared by special counsel to the Town and which recommends acceptance of the proposed terms contained in the Stipulation; 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 hereby determines that it is the best interests of the Town to accept the terms and conditions of the proposed settlement as set forth in Stipulation and upon the recommendation contained in the memorandum of special counsel referenced herein; and be it

FURTHER RESOLVED, the Town is authorized to settle the referenced litigation and enter into the Stipulation pursuant to the authority granted to it pursuant to Town Law §68(4) and special counsel is hereby authorized to sign and deliver the Stipulation and any such documents necessary to achieve settlement and to complete any remaining tasks required to complete the settlement process; 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:

		<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 4 ayes, 1 nays the 25th day of May, 2016.

Public Hearing 8:15 p.m. Lee Cole Home Corp. Unsafe Structures) #9.-1-4

Motion by Mrs. Simpson to recess the regularly scheduled Town of Bethel Town Board meeting and reopen a continuation from May 11, 2016 meeting due to the public hearing being for the wrong parcel. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0. No comments. Motion by Mrs. Ryder to close the public hearing and reopen the regularly scheduled Town of Bethel Town Board meeting.

Financing Award from Environmental Facilities Corp.

Mr. Sturm This was a \$3M sewer project in 2009/2010. It was a BAN, (bond anticipation note). They town applied for 0% financing through NYS Environmental Facilities Corporation. Closing on June 9, 2016; over 30 years we will save \$2.4M

Certificates of Training for 4 credit hours

Certificates of Training were received from the Sullivan County Partnership for Economic Development for the following:

Planning Board - David Biren, Dan Gettel, Susan Brown Otto, and Michael Cassaro.
Zoning Board - Victor Kask and Jesse Komatz

Motion by Mrs. Ryder to receive, file and approve the four (4) credit hours for the above listed Planning and Zoning Board members. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Notice of Public Hearing for T/O Delaware Zoning Law

Motion by Mrs. Ryder to receive and file notice of public hearing for Town of Delaware Zoning Law regarding commercial solar systems. Seconded by Mr. Cohen, put to a vote and carried 5-0. Mr. Sturm will be furnishing samples of local laws to the Town Board with information from the Towns of Fremont, Delaware and the Town Attorney.

Correspondence White Lake Resort – Rt. 55 & Central Avenue

Correspondence has been received from Lazer Mechlovitz, White Lake Resort, indicating he is hiring someone to fix the fence and a gardener to maintain the gras.. He is also looking into covering the foundation. Motion by Mr. Cohen to receive and file letter dated May 23, 2016 from Lazer Mechlovitz updating the status of the property. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Correspondence from Town Clerk – 192 Lee Cole Road

Correspondence has been received from Rita Sheehan, Bethel Town Clerk, indicating the Assessor's Office had the structures assessed on the wrong parcel. The records have been corrected. The correct parcel # is 9.-1-4. Motion by Mrs. Simpson to receive and file letter dated May 18, 2016 from Rita J. Sheehan, Bethel Town Clerk, stating the correct SBL#. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Decision on Lee Cole Home Corp. Unsafe Structure – 192 Lee Cole Rd

Motion by Mrs. Ryder to authorize and asbestos report for 192 Lee Cole Road, SBL #9.-1-4. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Fireworks Display Application – Bethel Woods July 2nd

Motion by Mrs. Hendrickson to approve fireworks display application for Bethel Woods on July 2, 2016 at 9:20 pm with an expected duration of 15 minutes. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Noise Permit Application – 23 John Bishop Road (Curtis)

Motion by Mrs. Hendrickson to approve noise permit for Sunday, May 29, 2016 from 2 pm until Monday May 30, 2016, 1 am (Memorial Day Weekend BBQ) with receiver/mixer ipod/iphone. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Public Comment

Jeryl Abramson – I worked really hard on my project to and comply. Despite all our history, I thought we were going to be business friendly. Everyone will benefit.

Surprised I received this letter from the Town Supervisor that other board members did not know about.

Jeryl Abramson polled the board if they knew about the letter. Jeryl Abramson asked, are we taking an action on this?

Mrs. Hendrickson said she checked with the attorney and the town supervisor has the right to send the letter as long as he didn't put any of the board members names on it.

Mrs. Simpson said it was a courtesy letter, and cited the letter.

Jeryl Abramson said no sleeping, no camping, no event, just a house party. So I will just disregard this letter.

Mr. Sturm read a statement:

I have been directly involved and supportive of the yearly Woodstock anniversary events on Yasgur Road and all over Bethel since I have been here. It is one of my favorite times of the year. Three years in a row all is going well for your event, I thought we have been working well together between the Town Board, Planning Board and you. The Town Board and I are fully supportive of new businesses, including yours, tourists, and the economy. "I want to continue to always welcome people here" and I like music, people and food.

Just give us a decent plan, follow the code like anyone else and I and this Board, will be supportive of your efforts. You actually quoted me in your submission which said "the Bethel Town Supervisor stated he is in favor of a municipal new sewer line in that area". I am always willing to work on better communication and cooperation, which will probably help here as well. In other words if your looking for an "enemy" it hasn't been me.

Jeryl Abramson said it could have been done a lot nicer. Respect goes both ways.

Denise Frangipane – thanked Highway Superintendent Patrick Cunningham and crew for putting in posts at park for children's garden. Also, she is concerned about West Shore Road between Hurd and Perry. Get the Short Line Buses to stop using that road as a cut through. It is not a Bethel Woods plan. No reason for it Mr. Sturm – Will call local office, they were cooperative last time. Denise Frangipane asked if the Town Board could send a letter before the season starts, it is very unsafe.

Motion by Mrs. Simpson to approve sending a letter to Coach USA Corporate Office, requesting that the Short Line Buses stop using that section as a cut through. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk