

The February 22, 2017 Town of Bethel regular 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: Vicky Simpson
 Lillian Hendrickson
 Bernie Cohen
 Dawn Ryder

Attorney for the Town: Karen Mannino

The meeting was opened with the Pledge of Allegiance.

Junkyard Inspection Report for Shapiro

Junkyard Inspection report has been received by the Building Department recommending renewal of the Shapiro Junkyard on West Shore Road. Motion by Mr. Cohen to receive file, and approve junkyard inspection report for Joel Shapiro as recommended by the Code Enforcement Officer's report. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Correspondence to request conference attendance

Motion by Mrs. Simpson to receive, file and approve Town Clerk's request to attend the 35th Annual NYS Town Clerk's Association Conference in Rochester, NY on April 23rd-26th, 2017. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Bethel Woods Vintage 5K and Half Marathon – 10/7/2017

Motion by Mrs. Hendrickson to receive, file and approve request to hold the Vintage 5K and Half Marathon (13.2 mile) on October 7, 2017 and have the race on the roads of Bethel with assistance of the Town Constables. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Solar Law Discussion

Mr. Sturm read the following statement regarding the solar law.

Our solar law is going to allow exemptions for roof systems and small scale systems, and mandate a pilot agreement for large scale systems.

This law provides a 15 year real property tax exemption for properties located in New York State with renewable energy systems, including solar electric systems. This law only applies to the value that a solar electric system adds to the overall value of the property, it does not mean that landowners with an installed renewable energy system are exempt from all property tax. A local government that does not opt out can still benefit financially through payment-in-lieu-of-taxes (PILOT) agreements.

All local governments must offer the RPTL & 487 exemption unless they have opted out not to. Local governments can decide to opt out. As the solar market in New York continues to grow, many large-scale solar projects are being proposed throughout New York. Some local governments are opting out of RPTL & 487 so they can tax these multimillion-dollar projects and generate additional property-tax revenue. However, these jurisdictions may find that they will actually collect substantially more tax revenue from solar or other renewable energy systems because the systems may not be built if they are fully taxable. Jurisdictions that opt out of RPTL & 487 may unintentionally prevent solar electric development at the local level. Activity in other states suggest there is less solar development in jurisdictions that opt out of the property tax exemption, with little to no additional tax revenue collected.

Jurisdictions cannot choose to tax large systems but not small ones. A jurisdiction that opts out of RPTL & 487 to generate tax revenue from larger projects makes solar

installations more expensive for homeowners and local businesses. The law allows jurisdictions that offer the RPTL & 487 exemption to negotiate payments in lieu of taxes (PILOTs). PILOTs are often used for large-scale renewable energy projects. Including solar electric systems. PILOT agreements can be an effective tool for jurisdictions to generate comparable revenue without making solar costs prohibitive for most homeowners and businesses.

Thirty-three states offer some form of tax exemptions for renewable energy. Twenty-two of those states mandate property tax exemptions for 100 percent of the value of solar energy installations over 10 or more years.

The majority of states recognize the positive financial impact property tax exemptions can have on solar electric development and the local economic benefits of a robust solar industry. We are the Town of Bethel, we are going to lead the way for our residents and other municipalities to follow. We are going to seek green initiatives, and save money doing it.

Resolution to issue negative declaration for Local Law #1-2017

**TOWN BOARD OF THE TOWN OF BETHEL
NEGATIVE DECLARATION UNDER SEQRA**

**RESOLUTION DETERMINING SIGNIFICANCE UNDER SEQRA WITH
RESPECT TO PROPOSED LOCAL LAW 1 OF 2016 TO
AMEND CHAPTER 345 "ZONING" AND
CHAPTER 310 "TAXATION" OF THE TOWN CODE
OF THE TOWN OF BETHEL**

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 has determined that revisions of Chapter 345 (Zoning) and Chapter 310 (Taxation) of the Town Code are desirable and necessary; and

WHEREAS, the Town Board, which declared itself to be lead agency under SEQRA by resolution, dated December 14, 2016, determined that the revisions to the Town Code (hereafter, the "action") are subject to the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6NYCRR Part 617) (collectively, "SEQRA") and determined further that the proposed action is a type 1 action under SEQRA; and

WHEREAS, the Town caused to be prepared a long Environmental Assessment Form ("EAF") for the proposed action, which EAF has been fully reviewed by the Town Board.

NOW THEREFORE, BE IT RESOLVED, that, pursuant to SEQRA, the Town Board of the Town of Bethel, based upon its review of the EAF, makes the determinations set forth below and as set forth in Part 3 of the EAF; and be it

FURTHER RESOLVED, that the Town Supervisor is authorized to execute the EAF on behalf of the lead agency; and be it

FURTHER RESOLVED, that the Town Board determines that according to its review of the EAF there will be no significant adverse impacts on the environment as measured against the criteria for determining significant under 6NYCRR 617.7(c); and be it

FURTHER RESOLVED, that this resolution is a Negative Declaration under SEQRA and the information required by 6NYCRR 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 be filed with (a) the Supervisor of the Town of Bethel, (b) the lead agency, (c) any involved agencies, and (d) any person who has requested a copy; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

Motion by Town Board member Lillian Hendrickson, seconded by Town Board member Dawn Ryder, 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 22nd day of February, 2017.

Resolution to adopt Local Law #1-2017

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
TO ENACT LOCAL LAW 1 OF 2017 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 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, on December 14, 2016, the Town Board introduced the proposed local law #1-2016, set a public hearing date and established itself as lead agency for State Environmental Quality Review Act (“SEQRA”) purposes; and

WHEREAS, a copy of the proposed local law was forwarded to the Sullivan County Department of Planning and Environmental Management, along with a full statement of the proposed action, for review and recommendations in accordance with New York State Town Law 239-m; and

WHEREAS, a copy of the proposed local law was 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

WHEREAS, a public hearing was held on January 25, 2017 at 7:45 p.m. at which public comments on the local law were heard; and

WHEREAS, at the conclusion of the public hearing the Town Board allowed for any additional comments to be made in writing by no later than February 7, 2017; and

WHEREAS, the Town received and reviewed all comments that were submitted.

WHEREAS, the Town, acting as lead agency under SEQRA, has declared a negative declaration for the proposed legislation; and

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby enacts proposed local law #1 of 2016 as numbered Local Law 1 of 2017; and be it

FURTHER RESOLVED, that a copy of local law as enacted shall be filed with the Secretary of State; and be it

FURTHER RESOLVED, that Local Law #1 of 2017 shall become effective upon filing with the Department of State.

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 22nd day of February, 2017.

Resolution to Introduce Proposed Local Law #1-2017 to amend Zoning and District Bulk & Use Table for Day Care Centers

**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**

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, it appears to be in the best interests of the Town to make amendments to Chapter 345 (Zoning) as it relates to Day-Care Centers; and

WHEREAS, it appears to be in the best interests of the Town to make amendments to Chapter 345 (Zoning) as it relates to Recreational Facility, Private Noncommercial Outdoor; and

WHEREAS, it appears to be in the best interests of the Town to make amendments to its Bulk and Use Tables; and

WHEREAS, this Resolution introduces introductory Local Law No.1 of 2017, a copy of which is attached hereto, and which, if enacted, will amend Chapters 345 of the Town Code and the Bulk and Use Tables; 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 introductory Local Law No. 1 of 2017; and be it

FURTHER RESOLVED, that a public hearing on the proposed introductory Local Law shall be scheduled for April 12, 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 introductory Local Law No.1 of 2017, 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 introductory Local Law No. 1 of 2017, 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 Dawn Ryder, seconded by Town Board member Lillian Hendrickson, 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 22nd day of February, 2017.

Adopt 2017 Bethel Woods Traffic Plan

At a meeting of the Town Board of the Town of Bethel, Sullivan County, NY, on the 22nd day of February, 2017.

In the Matter of the

Regulation of Traffic within the Town of Bethel during the Bethel Woods Event Series for 2017.

**TRAFFIC CONTROL
ORDER**

WHEREAS, the Town Board of the Town of Bethel created the created the PA-Performing Arts Center Development zoning district to facilitate the approval, construction and operation of a performing arts center and related uses near and around the original site of the 1969 Woodstock Music and Arts Festival; and

WHEREAS, pursuant to regulations promulgated for the PA-Performing Arts Center Development zoning district, the Bethel Performing Arts Center, LLC received approvals from the Town of Bethel Planning Board to construct and operate a performing arts center known as the Bethel Woods Center for the Arts; and

WHEREAS, the Bethel Woods Center for the Arts will commence operation of its 2017 Pavilion performance season on June 16, 2017; and

WHEREAS, a traffic management plan (the “Traffic Plan”) has been prepared for the Bethel Woods Center for the Arts 2017 event season which recommends implementation of certain vehicle traffic restrictions on Town highways during public events conducted at the Bethel Woods Center for the Arts site; and

WHEREAS, a copy of the Traffic Plan has been delivered to and reviewed by the members of the Town Board; 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, will authorize the implementation of the temporary measures set forth in the Traffic Plan for category A events, category B events and category C events. A copy of the Traffic Plan is attached hereto and incorporated herein by reference; and it is further

ORDERED, that notwithstanding the preceding paragraph of this Order,

1. As to each event, the event promoter or organizer will provide advance notice to the Town Supervisor, or his duly authorized designee, whether the event has been classified as a category A, category B or category C event;
2. In every instance where the Traffic Plan provides the following – “Hours of implementation will vary by event date and estimated crowd size, but will generally be between the hours of 8pm to 2am for outbound traffic” – the event promoter or organizer will confer in advance of the event with the Town Supervisor, or his duly authorized designee, regarding the hours of implementation; and
3. The event promoter or organizer will not implement the Temporary Traffic Control Plan for Peak Exit of Bethel Woods Events (also referred to as the “alternate traffic plan”) without first (a) providing notice to the Town Supervisor, or his duly authorized designee, that such alternate traffic plan is planned for a particular event and (b) receiving authorization from the Town Supervisor that such alternate traffic plan may be implemented for the event in question. The event promoter or organizer will provide the notice required by this paragraph 3 at least fourteen (14) days prior to the event in question.

ORDERED, that during any event covered by the Traffic Plan, the Town Supervisor, or his duly authorized designee, 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, that during any event covered by the Traffic Plan, 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.

Motion by Town Board member Vicky Simpson, seconded by Town Board member Lillian Hendrickson 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 22nd day of February, 2017.

Update on NYS Dept. of Health Administrative Tribunal

Mr. Sturm’s update on Administrative Tribunal from the NYS Department of Health against Eagle Creek with the following statement: I was amazed and shocked to learn that the NYS Department of Health has had nothing better to do than to go the Toronto East Access Site in the Town of Bethel and unilaterally declare it a bathing beach and to close the site down last summer for swimming for all. It is not now, nor has it ever been a bathing beach, and if it is there are hundreds of other spots in Sullivan County they had better address as well. It is unfair arbitrary and disgraceful what they have done. In a county that has the 2nd worst health rating in New York State. Free continued access to that area can improve our health standards, goals. Eagle Creek should have figures out a way to maintain the swimming arrangement as well. In my eyes they are no better than the NYS Health Department in this matter. It is unconscionable they have taken no action in over a year to remedy this issue.

Our request is simple to both the NYS Department of Health and Eagle Creek. We want swift intervention by both parties to use whatever means are at their disposal to return the Toronto East Access area to full use immediately with no restrictions. There is going to be swimming this year, and we have to be the first ones in the water to prove it. So be it... Goals of our Town Board and me this year are to do all we can to provide a healthy community initiatives for all residents.

Public Comment

Ken Brucher - No response time for BVAC and a forty-five (45) minute wait for Mobil Medic. Please look into the issue. Tax payers are paying. We deserve better.

Susan Brown Otto - 911 maps. What are they using? Mobil Medic went through Narrowsburg to get to CR115. Tried to use the old closed road to get to Puck Huddle Road.

February 22, 2017

Regular Meeting

Regarding the electric vehicle. What is the cost, who is using it, cost benefits, and maybe it could be shared.

Mr. Sturm - Departments using the electric car would be the Assessor's Office, Building Department, and Highway Department. There is a \$5,000 rebate from New York State. The price is between \$16,000 and \$20,000 before the rebate.

Pete Hofstee - stated he has safety concerns with parking on Route 17B right-of-way.

Ken Brucher - would like to know many 911 calls and how many are answered by BVAC.

Adjournment

Motion by Mrs. Ryder to adjourn the Town of Bethel Town Board Meeting at 8:30 p.m. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk