

The March 28, 2018 Town of Bethel 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

Others Present: Eric Francis, CEO, Bethel Woods

The meeting was opened with the pledge of Allegiance.

Approve BVAC 2017 Service Award Records

By resolution of the Town of Bethel Town Board, the 2017 points listing of all volunteer ambulance workers of the Bethel Volunteer Ambulance Corp., Inc. has been approved. Motion by Dawn Ryder to approve list as submitted, seconded by Lillian Hendrickson, put to a vote and carried 5-0.

Correspondence Kauneonga Lake Fire District

Motion by Mr. Cohen to receive and file correspondence from the Kauneonga Lake Fire District regarding their responding to a structure fire at the Bethel Senior Housing Complex. It was observed that the fire trucks cannot turn around at the bottom of the hill near where the road turns towards the parking area would be very beneficial. The Commissioners for the Kauneonga Lake Fire District would like to follow up on the status of a turnaround and better understand what support you may need from the board on this project. Seconded by Mrs. Simpson, put to a vote and carried. 5-0.

Mr. Sturm stated that the Town does not own the road into the Bethel Senior Housing Complex. The Town cannot do the work. Patrick Cunningham is willing to do the work but the property owner is not cooperating.

Motion by Mrs. Simpson to send a letter to the Kauneonga Lake Fire District that the Town is working on it as soon as we can get with the property owner as we do not own the road, seconded by Mrs. Ryder, put to a vote 5-0.

Correspondence MDL Excavating – Zoning Change Request

Motion by Mr. Cohen to receive and file correspondence from MDL Excavating, LLC dated 3/21/2018 regarding Section 9 Block 1 Lot 21.3. MDL would like to establish a shrub and tree nursery on 16 acres on Fulton Road that he is purchasing. MDL is asking the Town Board to rezone from RS to AG since it is presently not a permitted use.

Mr. Sturm said it was RF before it was changed to RS. Karen Mannino suggested this request could go to the Zoning Board of Appeals or the Town Board could do a Local Law to change the zoning. Mr. Sturm noted that this property adjoins the AG district on south side. Pass on to the Town Attorney for review.

Public Hearing 7:45 p.m. – Sewer Bond

John from KC Engineering reviewed the Kauneonga Lake Sewer District rehabilitation upgrades. Mr. Sturm stated that we will lock in 0% for the last two (2) phases. A Bond resolution needs to be updated that we did in 2008 to account for the increase..

Motion by Mrs. Hendrickson to recess the regular Town of Bethel Town Board Meeting at 7:45 p.m. and open the public hearing. Seconded by Mr. Cohen, put to a vote and carried 5-0.

The Town of Bethel Town Clerk, Rita Sheehan, read the public notice as printed in the Sullivan County Democrat.

No comments.

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

Approve engineering services for Phase III & IV Sewer Rehab

Mr. Sturm noted that Page 11 of the engineering services proposal should be the 2018 budget which it is. Motion by Mrs. Hendrickson to approve engineering services for Phase III & IV of the Sewer Rehabilitation. Seconded by Mrs. Simpson 5-0. Karen Mannino clarified phases III & IV type 2 action not a negative declaration as indicated on the agenda.

Resolution SEQR determination for Phase III and IV of the KLSD Rehabilitation

**RESOLUTION DETERMINING THAT AN ACTION
TO UNDERTAKE AN IMPROVEMENT PROJECT FOR THE
BENEFIT OF KAUNEONGA LAKE SEWER DISTRICT,
ALSO KNOWN AS PHASES 3 AND 4 OF THE UPGRADE AND
IMPROVEMENT OF SUCH DISTRICT IS A “TYPE II ACTION” AND
NO FURTHER ACTION IS REQUIRED UNDER
SEQRA WITH RESPECT THERETO.**

WHEREAS, the Town Board of the Town of Bethel (the “Town Board”) has deemed it necessary and desirable to perform certain upgrades and improvements to upgrade the Kauneonga Lake Sewer District (the “District”); also known as Phases 3 and 4 of the upgrade of such District; and

WHEREAS, Phases 3 and 4 of this improvement project which include the repair, removal, replacement, relining and/or rehabilitation of sewer collector and interceptor pipes and manholes constitute maintenance and repair involving no substantial changes in an existing structure or facility and the replacement, rehabilitation or reconstruction of a structure or facility in kind, on the same site; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended, (the “Regulations” and collectively with the SEQR Act, “SEQRA”)and, after reviewing the nature of this action, the Town of Bethel has determined that Phases 3 and 4 of the upgrade and improvement project for the District involves the proposed maintenance or repair involving no substantial changes in the existing sanitary sewer system)and sanitary infrastructure replacement, rehabilitation or reconstruction of a facility or structure, in kind, on the same site in connection with the proposed upgrade and improvement project will not have a significant impact on the environment and constitutes a Type II action under SEQRA per 6 NYCRR Section 617.5(c)(1) and 6 NYCRR Section 617.5(c)(2) of the Regulations and that no further review under SEQRA is required with respect to the upgrade and improvement project;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Bethel has determined that Phases 3 and 4 of the District upgrade and improvement project constitutes maintenance or repair involving no substantial changes in an existing structure or facility and replacement, rehabilitation or reconstruction of a facility or

structure in kind on the same site, which are Type II actions under SEQRA pursuant to 6 NYCRR Sections 617.5(c)(1) and 617.5(c)(2); and it is further

RESOLVED, that no further review is deemed necessary pursuant to SEQRA; and it is further

RESOLVED, that this resolution shall take effect immediately.

Motion by Town Board member Mrs. Lillian Hendrickson, Seconded by Town Board member Mrs. 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 5 ayes, 0 nays the 28th day of March, 2018.

Public Interest Order

At a regular meeting of the Town Board of the Town of Bethel, Sullivan County, New York, held at the Town Hall, in Bethel, New York in said Town, on March 28, 2018, at 7:30 P.M., Prevailing Time.

PRESENT:

Supervisor – Daniel Sturm

Councilman – Vicky Simpson

Councilman – Lillian Hendrickson

Councilman – Bernie Cohen

Councilman – Dawn Ryder

	:	
In the Matter	:	
of	:	
the Increased Cost of the Increase and	:	PUBLIC INTEREST ORDER
Improvement of the Facilities of	:	
the Kauneonga Lake Sewer District in the	:	
Town of Bethel, Sullivan County, New York	:	
	:	

WHEREAS, the Town Board of the Town of Bethel, Sullivan County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Kauneonga Lake Sewer District in the Town of Bethel, Sullivan County, New York, consisting of the removal, replacement and/or rehabilitation of sewer collector and interceptor pipes and manholes for the Kauneonga Lake Sewer District, at a maximum estimated cost of \$5,883,195; and

WHEREAS, at a meeting of said Town Board duly called and held on February 28, 2018, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increased cost of such increase and improvement of the facilities of the Kauneonga Lake Sewer District in said Town at a revised maximum estimated cost of \$7,026,065, being an increase of \$1,142,870 over that previously authorized, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Bethel, New York, in said Town, on March 28, 2018, at 7:45 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

ORDERED, by the Town Board of the Town of Bethel, Sullivan County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearings, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of Kauneonga Lake Sewer District in the Town of Bethel, Sullivan County, New York, consisting of the removal, replacement and/or rehabilitation of sewer collector and interceptor pipes and manholes for the Kauneonga Lake Sewer District, at a revised maximum estimated cost of \$7,026,065.

Section 2. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll, which resulted as follows:

Vicky Simpson	VOTING	AYE
Lillian Hendrickson	VOTING	AYE
Bernie Cohen	VOTING	AYE
Dawn Ryder	VOTING	AYE
Daniel Sturm	VOTING	AYE

The order was thereupon declared duly adopted.

Bond Resolution

At a special meeting of the Town Board of the Town of Bethel, Sullivan County, New York, held at the Town Hall, in Bethel, New York, in said Town, on March 28, 2018, at 7:30 P.M., Prevailing Time.

The meeting was called to order by Daniel Sturm, Supervisor, and upon roll being called, the following were

PRESENT: Vicky Simpson
Lillian Hendrickson
Bernie Cohen
Dawn Ryder
Daniel Sturm

The following resolution was offered by Councilman Lillian Hendrickson who moved its adoption, seconded by Councilman Dawn Ryder to-wit:

BOND RESOLUTION DATED MARCH 28, 2018.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$1,142,870 SERIAL BONDS OF THE TOWN OF BETHEL, SULLIVAN COUNTY, NEW YORK, TO PAY A PORTION OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE KAUNEONGA LAKE SEWER DISTRICT, IN THE TOWN OF BETHEL, SULLIVAN COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated of even date herewith, said Town Board has determined it to be in the public interest to improve the facilities of the Kauneonga Lake Sewer District, in the Town of Bethel, Sullivan County, New York, at a revised maximum estimated cost of \$7,026,065; and

WHEREAS, it is now desired to provide additional funding for such capital project over the \$5,883,195 previously authorized; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Bethel, Sullivan County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the Kauneonga Lake Sewer District in the Town of Bethel, Sullivan County, New York, consisting of the removal, replacement and/or rehabilitation of sewer collector and interceptor pipes and manholes for the Kauneonga Lake Sewer District, including incidental improvements and expenses in connection therewith, at a revised maximum estimated cost of \$7,026,065, there are hereby authorized to be issued an additional \$1,142,870 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of such specific object or purpose is as follows:

- 1) By the issuance of \$5,883,195 serial bonds previously authorized pursuant to a bond resolution dated January 3, 2008; and
- 2) By the issuance of \$1,142,870 serial bonds authorized to be issued therefor pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of the first bond anticipation note issued therefor. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years, and that the January 3, 2008 bond resolution is hereby deemed readopted.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Bethel, Sullivan County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall be annually assessed upon all the taxable real property within said Kauneonga Lake Sewer District in the manner provided by law an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Bethel, Sullivan County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 9. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Vicky Simpson	VOTING	AYE
Lillian Hendrickson	VOTING	AYE
Bernie Cohen	VOTING	AYE
Dawn Ryder	VOTING	AYE
Daniel Sturm	VOTING	AYE

The resolution was thereupon declared duly adopted.

Correspondence SC Manager’s Office re: 3/2/2018 Winter Storm

Motion by Mr. Cohen to receive and file correspondence dated 3/16/2018 from the Sullivan County Manager’s Office thanking the Town Officials on their outstanding response to the disastrous March 2nd blizzard. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

2018 Bethel Woods Traffic Management Plan

Eric Francis, Bethel Woods CEO, will do outreach to residents who will be impacted for the Harvest Festival road closures (Sundays 10 a.m. – 5 p.m. 9/2 - 9/30).

Order to Restrict Roads on certain dates for Events

In the Matter of the
Regulation of Traffic within the Town of Bethel during the
Bethel Woods Event Series for 2018.

**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 2018 Pavilion performance season in May 2018; and

WHEREAS, a traffic management plan (the “Traffic Plan”) has been prepared for the Bethel Woods Center for the Arts 2018 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

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 Lillian Hendrickson, seconded by Town Board member Vicky Simpson, 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 abstain	
Vicky Simpson	Voting X	
Daniel Sturm	Voting X	

Duly adopted by 4 ayes, 0 nays the 28th day of March, 2018.

Order to Restrict Roads on certain dates for Bethel Woods Harvest Festival

<p>In the Matter of the</p> <p>Regulation of Traffic within the Town of Bethel during the Bethel Woods Harvest Festival for 2018.</p>
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TRAFFIC CONTROL ORDER

WHEREAS, the Bethel Woods Center for the Arts will commence operation of its 2018 Harvest Festival on September 2, 2018 and every Sunday thereafter through September 30, 2018; and

WHEREAS, a new traffic management plan (the “Traffic Plan”) has been prepared for the 2018 season which recommends implementation of the closing of West Shore Road from Hurd Road west to the Bethel Woods Conservatory during this public event; 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 from 10 a.m. – 5 p.m. the times that Harvest Festival attendees will impact West Shore Road; and

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 this temporary measures. A copy of the Traffic Plan is attached hereto and incorporated herein by reference; and it is further

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 Lillian Hendrickson, seconded by Town Board member Vicky Simpson, and this Order is 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	abstain	
Vicky Simpson	Voting	X	
Daniel Sturm	Voting	X	

Duly adopted by 4 ayes, 0 nays the 28th day of March, 2018.

Town of Bethel Landfill Solar Project Letter of Intent

Motion by Mrs. Ryder to receive and file RFP as submitted from BQ Energy. Inc., Wappingers Falls, NY. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Mrs. Simpson stated she reviewed the proposal. County Sustainability Department also reviewed. BQ Energy has very qualified, great credentials.

Mrs. Ryder - this is a win-win for the Town, residents and the planet.

Karen London, Green Committee, stated that we need to sign the letter of intent, which will allow BQ Energy to move forward on getting the most megawatts to lock in the 4.95 they are trying for.

Motion by Mrs. Ryder to authorize the Town of Bethel Supervisor to sign letter of intent Seconded by Mrs. Simpson, put to a vote and carried 5-0

Town Board Comments

Mrs. Hendrickson stated that the Lions Club will be donating \$300.00 towards a bench at the Dog Park at the Forest Reserve.

Mrs. Simpson reminded everyone about the April 5th Bond Vote for the MSCSD. Come out to vote.

Adjournment

There being no further items on the agenda motion by Mrs. Hendrickson to adjourn at 8:15 p.m. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Respectfully,

Rita J. Sheehan, Town Clerk