

The February 8, 2012 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: Richard Crumley
Victoria Simpson
Denise Frangipane
Bernard Cohen

The meeting was opened with the Pledge of Allegiance.

Approve Monthly Audit of Bills

Motion by Mr. Crumley to approve monthly audit of bills, seconded by Mrs. Simpson, put to a vote and carried 5-0.

<u>Fund</u>	<u>Amount</u>	<u>Check No.</u>
General Fund	\$1,796,853.04	2361-2450
Highway Fund	\$ 241,944.86	1711-1749
KL Sewer District	\$ 7,797.84	1352-1377
KL Light District	\$ 1,898.96	1024-1025
Sewer Rehab	\$ 247,977.24	1029-1030
Planning & Zoning Escrow	\$ 577.50	1135-1136

Supervisor’s Monthly Report - January

Mr. Sturm reviewed the January 2012 Supervisor's reports for the General and Highway Fund. Motion by Mr. Cohen to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Monthly Building Department Report – January 2012

January, 2012	\$2,024.00	
January, 2011	\$2,184.00	
2012 January Construction Cost		\$187,000
2011 January Construction Cost Comparison		\$161,300

Motion by Ms. Frangipane to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0.

Notice of Unsafe Structure located at 636 Lt. Brender Hwy.

Correspondence has been received from the Building Department regarding the unsafe structure located 636 Lt. Brender Highway, Ferndale, NY (SBL #14-1-17.7). The property was found to be in violation of NYS Property Code 107 and 108 and the Town of Bethel Code Chapter 113-3 due to dead animals, inside and out, rotten food, no running water, and is unfit for human occupancy. The Building Department is requesting an engineer's report. Motion by Mrs. Simpson to approve engineering inspection and report, seconded by Mr. Crumley, put to a vote and carried 5-0.

Town Clerk’s Monthly Report – January

Motion by Ms. Frangipane to receive and file, seconded by seconded by Mr. Cohen, put to a vote and carried 5-0.

Total State, County & Local Revenues:	\$4230.27
Total Local Shares Remitted:	\$4117.83
Total Non-Local Revenues:	\$ 112.44

Request to attend 30th annual Town Clerk's Conference

Request has been received from the Town Clerk to attend the NYS Town Clerk's Association 30th Annual Conference in Saratoga Springs, NY on April 22nd - 25th. Ms. Sheehan will be rooming with the Town of Delaware Town Clerk as a cost saving measure. The cost of the conference is \$100. plus \$512 for three nights lodging and all meals which has been allocated in the Clerk's 2012 budget. Motion by Mrs. Simpson to approve, seconded by Mr. Cohen, put to a vote and carried 5-0.

Correspondence Town Justices Rhyne and Barber

Correspondence has been received from Town Justices Rhyne and Barber recommending Colleen Collins Cunningham as Deputy Court Clerk. Motion by Ms. Frangipane to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0. Mr. Sturm would like to discuss in executive session at the end of the meeting.

Correspondence from Park & Rec Directors

Correspondence has been received from the Parks and Recreation Directors recommending the appointment of Kelly Sturm for the before and after school program due to the resignation of Maria Bourne. Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 4-0 with Mr. Sturm abstained.

Motion by Mrs. Simpson to appoint Kelly Sturm @ \$7.50/hr. (Mon-Fri, 2:30-5:30), seconded by Mr. Crumley, put to a vote and carried 4-0, with Mr. Sturm abstaining. Ms. Frangipane recommended to pay for Kelly to take a CPR class.

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

Motion by Mr. Crumley to open public hearing at 7:45 p.m. for the Bethel Motor Speedway License Renewal, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Joe Graff, Speedway owner, reviewed his hand-out, they are using local vendors and contractors even those it was more expensive. Want to be a good contributor to community. Wants to keep the dollars they are making here in Sullivan County. Have changed mgmt. 2011 increased amount of money they spent in town and county by \$214, 000. Liaised with local programs; CASA, donated track merchandise to scholarship penny social, hosted candidates night, record attendance. Campaigned the get out and vote campaign. Donated use of property to Ragnar Relay Race, moved off-season corporate events back to area, heavy user of Friend's pub, annual banquet was at the Lodge at rock hill, food drive for local pantry, patrons go to Kevin's cones. Any time there is an issue at speedway we call police; 20,000 people at speedway in 2011 only 4 calls for police. Very committed to youth program, the youth bring in grandma, grandpa, aunts, uncles, cousins, parents. We fundraise for this program; I personally donate \$10,000 to this program. The youth have scholarships to attend. We recycle equipment for the next group of youth. Bandoleros run on lawn mower engines with two mufflers, 4-cylinders stock, and Legends with motorcycle engines with mufflers.

2011 was successful but not financially; 20% of shows were rained out still have fixed costs; 19 races instead of 24; there is no flexibility with town on rain dates; went through an audit; have workers compensation and disability for every subcontractor on that site. Paying for disability - unless they work 25 days they can not collect on the policy.

Bethel Motor Speedway continues to get national recognition as being thought leader in short track racing. Racing is very difficulty business you rarely make money at it.

We need rain dates, need to make up those dates. Need to increase hours of hot track time; open put gates at 2:30 instead of 3 p.m. (just days of youth program), can't open gates, get indemnifications signed, and cars unloaded. Re-institute Thursday afternoon practice days - 2 times per month for all competitors, 3 – 7 p.m. every other week; 10 last year.

In the winter of 2008 I addressed this board to gauge its support for the speedway. The

board was very supportive. I bought the speedway and began operations. According to the town code the racetrack days and hours of operations have very few restrictions. In January 2009 the town changed the rules for Bethel Motor Speedway. The Town went from one extreme to the other. Today we only are allowed to use the track 2.19% of its available time. We are restricted to using the racing facility to 24 times per year. Only 94 minutes per night.

	<u>Old Law</u>	<u>New Law</u>
per week to operate:	7	1
Hours of operation:	1 – 11 p.m.	5-11 p.m.
Months of Operation:	All	April – September

I came in 2009 for a permit and the rules are all different. We never complained we tried to make it work. The original rules were very loose and we could have done what we wanted but we didn't. The track is running very well, we barely make money. The rules don't work. I have invested around \$1,000,000. in this speedway between purchasing it and upgrades. \$5.00 to get in; you can feed your family for \$20 at BMS and \$20. to get in. We have been running as not-for-profit, to be confused with a non-profit. We just want it to get by on its own. When it makes money I put it back into this facility. I just want it to get by on its own. You have all been there it is clean the grass is green it is very nice. It is not like other speedways. It is a We have created a professional and family focused business that is positively contributing to the local community. We need some small flexibility from the town to allow us to succeed and keep contributing to this community. We will not succeed in the long run under these current conditions. Thank you.

Town of Greenville: Son races up here; has been an elected official for twelve years; I know what you are going through. I am sponsoring the youth races this year. My son started two years ago. I would not want him out there with 15 other cars; the youth program is a great program. They can go out with one or two other cars. If they go to fast they slow them down. In two years time when he moves up to Legend the others that moves up they will have the opportunity to drive safely before they get out there with a mass of people.

Kim Garn, NJ resident - son is in youth program. He never drove a Legend, he is youth program with Legends. It gave him a feel of this racecar. He has only been on a dirt racetrack. Much different to drive a race car on a track. He gave a feel of that car before anyone got hit. It is all about safety of these kids. It gives them a chance to learn how to handle the car if it gets loose without hitting something. Now he can handle that car. That was not the case when he first got out there. They need their confidence level up. When you have another person driving without experience you don't want them out there. You want them trained to be a good driver. It is expense you and you don't want them damaging the car. It is all about safety. Need time out there to allow kids to hone their skills.

Joe Palacastro – Twenty minutes away from my home is a track; they race go karts. Safety program in Bethel is second to none. Never did the go carts. Travel two hours to come to Bethel; have two kids in program and I thank Joe Graff for that.

Tracy Chirico, track manger, – There are a lot of different issues, but right now I want to talk about the youth program. Look at these kids; they are not home on video games tonight they are here, they are not hanging out on the street. Trying to set these kids in the right direction. It is about safety their safety and the others on the track. Want to give these kids some seat time and advantage to help everybody.

Mrs. Simpson asked about the hours of youth program. Mr. Graff - 2011 Town Board approved: June-every other week 3:30 – race for ten 10 laps rotating, then they would go back to pits to meet with parents for discussion on how they drove; if they are inexperienced one maybe two drivers; Legends originally 4 at a time then they modified because they were not permitted – sent them out later in the day; 4-4:30 since they are louder.

Mr. Sturm since 2008 it was Bandoleros only was youth program; was not in permit. Everything we do this time we are putting in the permit. Thought it was 3 - 5 twice a month.

Mr. Crumley – we will try and work things out and make it better for you. Joe – I

offered to pay for a camera for neighbor to tape the track; we need to be fact-based. This is harassment. No one else has problems. Unfortunately when the neighbors call you, you have an obligation to call us.

Mr. Cohen – not that well-versed with Speedway, new here. I think it can work.

Ms. Frangipane – diverse recreation in Bethel. Mud was a problem this year. Need to deal with dust if we don't have a rainy season.

Mr. Graff – has a plan from last year that was implemented but not completed. By June ground should be very dry. For \$10,000 we could have paved the area of the pits by running 3-4" of black top. Can't pave mud; have to bring in stone and 6" of asphalt.

Ms. Frangipane – have to change ground surface. Mr. Graff - had record water fall last year. Joe – not going to give a month this year; when it is dry. Ms. Frangipane asked if he would consider flipping pits with parking. Mr. Graff - there would be less parking and the traffic. Mr. Graff – going to demarcate the parking lot.

Ms. Frangipane - how many youth days last year? MR. Graff - every other week; 10 last year; if rained out weren't able to make up.

Ms. Frangipane – to clarify looking for earlier pit gate time only on youth race days. What about dedicated youth days on different days now? Mr. Graff – the youth program allows the kids to come in earlier on a race day to get the whole experience.

Mr. Sturm – we regulate the track to protect the life and property of the people in the vicinity of the around the track whether it's one or ten; prevent unreasonable loud noised dust and dirt produced by this type of use. The issued we had in the passed, yes the code is stricter that in the past, we went further to narrow everything down. What is reasonable?

Mr. Graff – what are the complaints we are getting? You have one individual who stirs up another individual. We have done everything to buy them air conditioners. We can do decibel tests; if it is too loud, then lets find out.

Mr. Graff - 2 pounds per acre. 8 pounds of dust in air and not have an issue; I want zero dust. Has to be based on facts.

Mr. Sturm – one neighbor has windows that are vibrating. Vibrations are not allowed. Joe – Lets find out; I will put 20 cars on that track. Every time we fix an issue a new one comes up. I can solve all these issues; next year it will be something else.

Mr. Sturm wants a commitment for the asphalt. Mr. Graff – can't do it by date. Mr. Sturm – who is going to decide it dry; if we have a normal season when is it going to be asphalted. A lot of the dust is by victory lane; water dropping silt. Scraping out, seeding and paving lane.

Mr. Sturm – the water truck; do paving when dry, what if there is still dust. Mr. Graff water truck is not solution. Mr. Graff - Need 4,000 gallon water truck; track already breaking up. Water truck not a solution, need to eliminate dirt.

Mr. Sturm – no problem with the youth camp; suppose to be Bandoleros only. Will need to discuss further.

Mr. Sturm – PA system all facing in? Mr. Graff – yes, everything you required.

Mr. Sturm – complaint between 3 and 5 p.m. revving up cars. You and Tracy have been great. Anytime we have a complaint we call Tracy and she handles it right away. Tracy has been wonderful to work with.

Mr. Sturm – you will know before February 22nd what Town Board's expectations are.

Ms. Frangipane asked for a site plan of improvements if they have a map; parking, signage, lighting, the paving area.

Mr. Graff – Tracy and I can't make February 22nd meeting. Tracy has been invited to speak at a promoter's conference; usually you have to pay to go to these events.

Ms. Chirico invited the town board to come up to the track to see the speakers, etc. She will be up there for the next 2 weeks.

Motion by Ms. Frangipane to close public hearing, seconded by Mr. Cohen, put to a vote and carried 5-0.

Correspondence NYS Ag & Mkts. Re: Farmland Prot. Plan

Correspondence has been received from NYS Ag & Markets regarding their approval of the Town of Bethel's Farmland Protection Plan. Motion by Ms. Frangipane to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0. Mr. Sturm suggested sending a copy of the letter to the Bethel Ag Committee.

Motion by Mrs. Simpson to send a copy of the letter to the Bethel Ag Committee, seconded by Mr. Crumley, put to a vote and carried 5-0. Ms. Frangipane will bring letter to the February 21st meeting.

Bid Results for removal of unsafe structure 4714 Route 55, SBL #8-1-56

Sealed bids were received, opened and publicly read at the Town Clerk's Office on February 8, 2012 at 11:30 a.m. with B.J. Gettel and Gregg Semenetz present. The following bids were received:

Decker Contractors, Inc.	\$ 9,700.
J. Hughson Excavating, Inc.	\$11,800.
Landscape by Design	\$32,145.
MKS Landscaping of Liberty	\$11,850.
Gary Myers	\$14,749.
NGS	\$14,300.
Rockbusters	\$ 9,888.

Motion by Mr. Cohen to approve low bid to Decker Contractors, Inc. for \$9,700, seconded by Mr. Crumley, put to a vote and carried 5-0.

Junkyard License Renewal – Hendrickson

Junkyard License Renewal application has been received from Cecil Hendrickson for Gabriel Road. Motion by Ms. Frangipane to send to Building Dept. for report, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Notice from Liberty Planning Board – re: Special Use for bunkhouse

Notice of Public Hearing has been received from the Liberty Planning Board due to the project being 500' from the Town of Bethel line for a special use for a bunkhouse on Stanton Corners Road. Motion by Mrs. Simpson to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0.

Review of 2012 Bethel Wood Traffic Plan

The 2012 Bethel Woods Traffic Management Plan has been received by the Town Board. Mr. Sturm asked the Town Board to review for the February 22nd Town Board Meeting. Motion by Mrs. Simpson to receive and file for review at the February 22nd meeting, seconded by Mr. Crumley, put to a vote and carried 5-0.

Correspondence to NYS Farm Svc Agency

Ms. Frangipane noted that she has sent the NYS Farm Service Agency correspondence in support of the Farm Service Agency Office in Sullivan County remaining open and testified yesterday at the hearing.

Public Comment

Mrs. Simpson mentioned that the intersection at CR141 and Laymon Road has a very sharp turn and there really should be signs installed.

Motion by Mrs. Simpson to request signage “sharp turn” from the County, seconded by Mr. Cohen, put to a vote and carried 5-0.

Executive Session

Motion by Mrs. Simpson to go into Executive Session 9:05 pm to discuss Deputy Court Clerk position with Judge Rhyne, seconded by Ms. Frangipane, put to a vote and carried 5-0 upon a roll call vote as follows:

Denise Frangipane	aye
Bernard Cohen	aye
Daniel Sturm	aye
Richard Crumley	aye
Vicky Simpson	aye

Motion by Mrs. Simpson to close Executive Session at 9:40 p.m., seconded by Mr. Cohen, put to a vote and carried 5-0.

Adjournment

Motion by Mr. Crumley to adjourn, seconded by Mr. Cohen, put to a vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk