

The January 23, 2013 Town Board meeting was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Duggan Community Center.

Present: Denise Frangipane  
Bernard Cohen  
Vicky Simpson  
Lillian Hendrickson

**Pledge of Allegiance**

**Building Department Monthly Report – December**

2012 December Fees: \$1,811	Total Fees Collected 2012: \$46,110
2011 December Fees: \$1,361	Total Fees Collected 2011: \$55,859
2012 Dec. Construction Costs: \$85,000	2012 Construction Total: \$122,000
2011 Dec. Construction Costs: \$8,070,700	2011 Construction Total: \$7,734,100

Motion by Vicky Simpson to receive and file, seconded by Bernard Cohen, put to a vote and carried 5-0.

**Authorize Auction of Surplus Items**

- 1) 2000 GMC Utility truck I.D. #1GDM7H1C8YJ515964
- 2) 2000 Caterpillar 938G Loader I.D. #9HS00498

Motion by Mrs. Hendrickson to approve sending surplus out to bid on Auctions International, seconded by Bernard Cohen, put to a vote and carried 5-0.

**Resolution to Adopt a Final Order for the Kollel Sewer Extension**

At a meeting of the Town Board of the Town of Bethel, Sullivan County, NY, on the 23<sup>rd</sup> day of January, 2013, sitting as the Kauneonga Lake Sewer District Board.

In the Matter of the

Extension of the Kauneonga Lake Sewer District in the Town of Bethel, Sullivan County, New York, pursuant to Article 12-A of the Town Law, by adding an additional 5.26 acres of land

**FINAL ORDER  
APPROVING THE  
EXTENSION OF A  
SEWER DISTRICT**

**WHEREAS**, the Town Board of the Town of Bethel (“Town Board”), convened as the Kauneonga Lake Sewer District board, is creating an extension of the Kauneonga Lake Sewer District (“KLSD”) by adding an additional 5.26 acres of land to the KLSD for the Kollel Avreichim Torah Veyirah project; and

**WHEREAS**, the Town Board adopted a resolution on the 8th day of December, 2010 (the “Resolution”) approving the extension of the Kauneonga Lake Sewer District extension area (“KLSD”) as the boundaries are finally determined in the Map, Plan and Report and the construction of the improvement and the providing of the services as set forth therein; and

**WHEREAS**, said Resolution closed the public hearing conducted in connection with the extension of the KLSD extension area and the Town Board found and determined that (a) the notice of hearing was duly published and posted as required by law, and is otherwise sufficient; (b) all the property and property owners within the proposed extension of the KLSD extension area are benefited thereby; and (c) all the property and property owners to be benefited by the KLSD extension area improvements are included within the limits of the proposed extension of the KLSD extension area; and

**WHEREAS**, Town Board also found and determined in said Resolution that the extension of the KLSD extension area is in the public interest because it will provide

opportunity for improved properties in the extension to the KLSD extension area to connect to the municipal sewer system and further the protection of Town of Bethel’s natural environmental resources by protecting surface and groundwater resources and the Town Board finds and determines that the extension to the KLSD extension area is in the best interests of the Town and furthers the public health, safety and welfare of its residents; and

**WHEREAS**, notice of the adoption of the Resolution approving the extension of the Kauneonga Lake Sewer District Extension Area was duly published in the official newspaper of the Town within 10 days of the date of the adoption of the Resolution; and

**WHEREAS**, the Resolution was rescinded by the Town Board by resolution, dated September 14, 2011 (the “Rescinding Resolution”), which Rescinding Resolution was annulled and vacated by a Stipulation of Settlement duly ordered by the Court on December 5, 2012, rendering the Rescinding Resolution without effect and restoring the Resolution; and

**WHEREAS**, a certificate has been prepared by the Town Clerk and duly filed with the Sullivan County Clerk that provides that the time has expired for the filing a petition requesting that the matters addressed in the Resolution be submitted to a referendum of the property owners of the proposed extension of the KLSD extension area and no such proper petition was timely filed within the 30 day statutory period; and

**WHEREAS**, an environmental review of the action to create the extension of the KLSD extension area was undertaken pursuant to the State Environmental Quality Review Act (“SEQRA”) prior to the adoption of the Final Order; and

**WHEREAS**, the Town Board adopted a Resolution on December 8, 2010 providing that the extension of the KLSD extension area, consisting of the addition of a single lot of 5.26 acres in size into the KLSD extension area, will not cause a substantial adverse environmental impact and issued a Negative Declaration in accordance with SEQRA.

**IT IS, on this 23<sup>rd</sup> day of January, 2013 ORDERED**, that the extension of the KLSD extension area is hereby established as the boundaries are finally determined in the Map, Plan and Report as duly filed and accepted by the Town Board, a copy of said Map, Plan and Report is attached hereto and incorporated herein; and be it

**FURTHER ORDERED** that the Town Clerk shall duly record a copy of this ORDER in the office of the Sullivan County Clerk within 10 days of the adoption hereof, and when so recorded this ORDER shall be presumptive evidence of the regularity of the proceedings for the extension of the KLSD extension area, the construction of the improvement described in the Map, Plan and Report and of all other actions taken by the Town Board in relation thereto.

The adoption of the foregoing was duly put to a vote, on motion of Councilwoman Denise Frangipane, seconded by Councilwoman Vicky Simpson and adopted upon a roll call vote as follows:

Bernie Cohen	Voting	aye
Lillian Hendrickson	Voting	aye
Vicky Simpson	Voting	aye
Denise Frangipane	Voting	aye
Daniel Sturm	Voting	aye

Duly adopted by 5 ayes, 0 nays the 23rd day of January, 2013.

Effective Date: This ORDER shall take effect on the date of adoption.

**Resolution to Authorize Town Supervisor to Execute a Grant Agreement for an Engineering Grant for the KLWWTP**

**Resolution of the Town Board of the Town of Bethel  
Town Supervisor to Execute Grant Agreement**

**Whereas**, the Town of Bethel applied for an Engineering Planning Grant for the Kauneonga Lake Sewer District Wastewater Treatment Plant Upgrade project under the Consolidated Funding Application process; and

**Whereas**, the NYS Department of Environmental Protection and the NYS Environmental Facilities Corporation have selected the Town of Bethel to receive up to \$24,000 for the Engineering Planning Grant through the New York Clean Water State Revolving Fund program; and

**Whereas**, the Town of Bethel must designate an Authorized Representative for the project.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Supervisor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town of Bethel's obligations under the Engineering Planning Grant Agreement.

Motion by Bernard Cohen to approve the resolutions, seconded by Lillian Hendrickson put to a vote and carried 5-0.

**Resolution Authorizing a 20% Local Match for the KLWWTP Engineering Grant**

**Resolution of the Town of Bethel Town Board  
Authorizing and Appropriating of Local Match**

**Whereas**, the Town of Bethel applied for an Engineering Planning Grant for the Kauneonga Lake Sewer District Wastewater Treatment Plant Upgrade project under the Consolidated Funding Application process; and

**Whereas**, the NYS Department of Environmental Protection and the NYS Environmental Facilities Corporation have selected the Town of Bethel to receive up to \$24,000 for the Engineering Planning Grant through the New York Clean Water State Revolving Fund program; and

**Whereas**, the Town of Bethel must provide matching funds in the amount of 20% of the total project cost.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Bethel authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Kauneonga Lake Sewer District Wastewater Treatment Plant Upgrade project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Town Supervisor shall not exceed \$6,000 based upon a total estimated maximum project cost of \$30,000. The Town Supervisor may increase this local match through the use of in kind services without further approval from the Town of Bethel.

Motion by Denise Frangipane to approve the resolutions, seconded by Vicky Simpson, put to a vote and carried 5-0.

**Resolution Determining a Type II Action under SEQR for the KLWWTP Engineering Grant**

**Resolution of the Town of Bethel Town Board to Issue a Determination under SEQR as a Type II Action**

**Whereas**, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; and

**Whereas**, Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQR review. They do not require preparation of an EAF, a negative or positive declaration, or an EIS. Any action or class of actions listed as Type II in 617.5 requires no further processing under SEQR; and

**Whereas**, based on NYSDEC experience, and on court decisions, 617.5(c)(11) the extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list is a Type II action; and

**Whereas**, based on NYSDEC experience, and on court decisions, 617.5(c)(7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls is a Type II action; and

**Whereas**, the upgrade facilities of the Kauneonga Lake Wastewater Treatment Plant are both extensions of the water and sewer treatment system and are less than 4,000 square feet of gross floor areas.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Bethel hereby determines that the proposed Kauneonga Lake Sewer District Wastewater Treatment Plant Upgrade is a Type II action in accordance with 6 NYCRR Sections 617.5(c)(11) which constitutes the extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list is a Type II action; and 617.5(c)(7) which constitutes the construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls and is therefore not subject to review under 6 NYCRR Part 617.

Motion by Vicky Simpson to approve the resolution, seconded by Denise Frangipane put to a vote and carried 5-0.

**Designate Delegate for the NYS Assoc. of Towns Annual Meeting**

Motion by Denise Frangipane to designate Lillian Hendrickson as a Delegate to the NYS Association of Town Annual Meeting, seconded by Bernard Cohen.

**Resolution approving the Tax Pledge Agreement with Crawford Library**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL  
APPROVING THE FORM OF TAX PLEDGE AND COLLECTION  
AGREEMENT**

**WHEREAS**, on August 9, 2012, the qualified voters of the Ethelbert B. Crawford Public Library District (the "Library") approved a referendum for a proposition authorizing the issuance of bonds to finance the Library's facility improvement project (the "Library Project"); and

**WHEREAS**, the proposition also authorized the Library to assign to the Dormitory Authority of the State of New York (the “DASNY”) the annual tax levied on the real property located in the Library necessary to pay the debt service on bonds issued by DASNY on behalf of the Library; and

**WHEREAS**, NY Public Authorities Law Section 1680(33) (“PAL §1680(33)”) authorizes and permits the Town of Bethel to pay the amount of all taxes levied and collected for Library purposes, including the annual tax approved by the voters to pay debt service on the Library Project, to DASNY or its designee, the Bank of New York Mellon (the “Trustee”); and

**WHEREAS**, DASNY has requested that the Town Board of the Town of Bethel (the “Town Board”) approve the form of Tax Pledge and Collection Agreement (the “Agreement”), attached to this resolution, which effectuates the statutory grant of authority found in PAL §1680(33); and

**WHEREAS**, DASNY has further requested that the Town Board authorize the Town Supervisor to take certain other actions deemed necessary in connection with the execution and delivery of the Agreement and related documents;

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of The Town of Bethel hereby approves the form of Tax Pledge and Collection Agreement (the “Agreement”) attached hereto, or an version of the Agreement that is substantively similar thereto, which Agreement is among the Town of Bethel, the Ethelbert B. Crawford Public Library, the Town of Forestburgh, the Town of Thompson, DASNY, and the Trustee. Said Agreement, in accordance with PAL §1680(33), authorizes and permits the Towns of Forestburgh, Thompson and Bethel to pay the amount of all taxes levied and collected for Library purposes, including the annual tax approved by the voters on August 9, 2012, to the Trustee to be used to pay debt service on the bonds issued to finance the Library’s facility improvement project; and be it

**FURTHER RESOLVED**, the Supervisor of the Town, acting on behalf of the Town, is hereby authorized to execute and deliver the final form of the Agreement, such document to be made available for public inspection at the Office of the Town Clerk. The Supervisor is hereby authorized to take any and all other reasonable actions necessary to achieve the purposes contained in the Agreement and to execute and deliver all other related documents necessary and incidental to the Agreement; and be it

**FURTHER RESOLVED**, that the action contemplated by this resolution is a Type II action under the State Environmental Quality Review Act in accordance with 6 NYCRR 617.5 (19) and is precluded from environmental review because PAL §1680 (33) compels the Town to pay the amount of all taxes levied and collected for Library purposes to the Trustee designated by the Library and the assignment of such taxes by the Town is a ministerial act; and be it

**FURTHER RESOLVED**, this resolution shall take effect immediately.

Motion by Town Board member Lillian Hendrickson, seconded by Town Board member Vicky Simpson and adopted upon a roll call vote as follows:

	AYE	NAY
Bernard Cohen	X	
Denise Frangipane	X	
Lillian Hendrickson	X	
Victoria Simpson	X	
Daniel Sturm	X	

Duly adopted by 5 ayes, 0 nays the 23<sup>rd</sup> day of January, 2013.

**Amend lease for Dr. Duggan Community Center to include Library**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
AUTHORIZING AN AMENDMENT TO  
THE LEASE OF CERTAIN REAL PROPERTY  
AND MAKING A NEGATIVE DECLARATION UNDER SEQRA**

**WHEREAS**, in 2010 the Town Board of the Town of Bethel (the “Town”) entered into a five-year lease agreement, with a five-year option, (the “Lease”) with the Monticello Central School (the “School District”) to lease a portion of the former Dr. Cornelius Duggan Elementary School Building (the “Dr. Duggan School”) for Town purposes including a Youth Center, Literacy Center, Justice Court, Administrative Offices and Meeting Room; and

**WHEREAS**, it appears that the Town desires to lease an additional 1400 square feet of space located at the Dr. Duggan School in addition to the 3600 square feet set forth under the Lease for a total of 5,000 square feet of leased space under the amended leasehold estate; and

**WHEREAS**, the additional space to be leased consists of the balance of the former school library not already a part of the leasehold estate. The additional space will be utilized by the Town for an expansion of existing activities conducted at the Dr. Duggan School, including needed space for Justice Court personnel and the Town’s Youth Group. A copy of the proposed amendment to the Lease (the “Lease Amendment”) is attached hereto; and

**WHEREAS**, the real property subject to the Lease Amendment is located at 3460 Route 55, White Lake, New York.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Bethel, has reviewed the terms and conditions in the attached Lease Amendment and approves the same under the power and authority granted to it by NY Town Law §§ 64 and 220; and be it

**FURTHER RESOLVED**, that the Town Board authorizes the Town Supervisor to sign the attached Lease Amendment on behalf of the Town, or a version that is substantially similar thereto, as well as any other documents reasonably necessary to consummate the amendment of the Lease, to carry out the Town’s obligations under the Lease and Lease Amendment, to expend the funds set forth as consideration in the Lease and Lease Amendment as well as necessary maintenance and repair costs, and to put the leasehold estate to the use as provided in this Resolution, the Lease and the and Lease Amendment; and be it

**FURTHER RESOLVED**, that the action contemplated under this Resolution is an unlisted action under the State Environmental Quality Review Act (“SEQRA”) and the Town determines that it will undertake uncoordinated review for SEQRA purposes; and be it

**FURTHER RESOLVED**, based upon the short Environment Assessment Form (EAF) reviewed by the Town Board, the Town Board makes the findings contained in the therein, which EAF is attached hereto and incorporated herein, and determines that there will be no significant impact to the environment and issues a negative declaration; and be it

**FURTHER RESOLVED**, that this resolution is a Negative Declaration under SEQRA and the information required by 6 NYCRR § 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, its attachments and the SEQRA documents be filed with the Town Supervisor and provide a copy to any person who has requested a copy hereof; and be it

**FURTHER RESOLVED**, that pursuant to NY Town Law §§ 82 and 90 that within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the Sullivan County Democrat, a newspaper published in Sullivan County having general circulation in the Town of Bethel, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Bethel, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Motion by Councilwoman Vicky Simpson, seconded by Councilwoman Lillian Hendrickson and adopted upon a roll call vote as follows:

Bernie Cohen	Voting
Lillian Hendrickson	Voting
Vicky Simpson	Voting
Denise Frangipane	Voting
Daniel Sturm	Voting

Duly adopted by 5 ayes, 0 nays the 23<sup>rd</sup> day of January, 2013, subject to a permissive referendum.

Effective Date: This Resolution shall not take effect until thirty days after its adoption or as otherwise provided in § 91 of the NY Town Law.

**NEGATIVE DECLARATION**

The Lead Agency:

**TOWN OF BETHEL TOWN BOARD**  
3454 Route 55  
PO Box 300  
White Lake, New York 12786

Contact Person:

Daniel Sturm, Supervisor  
3454 Route 55  
PO Box 300  
White Lake, New York 12786

Telephone Number: (845) 583-4350

A Description of the Action:

The action consists of an amendment to an existing lease.

SEQRA Classification: Type II.

The Potential Environmental Impacts:

No potential significant environmental impacts are present and an environmental impact statement will not be prepared.

The Location of the Action:

The action consists of an amendment to existing lease by increasing the leasehold estate from approximately 3,600 square feet to approximately 5,000 square feet. The lease governs a portion of a former elementary school building, known as the Dr. Cornelius Duggan Elementary School, located at 3460 Route 55, White Lake, New York.

**Resolution to Introduce Local Law #1 of 2013 and set public hearing**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
TO INTRODUCE LOCAL LAW NO. 1 OF 2013  
AND SCHEDULE A PUBLIC HEARING**

**WHEREAS**, the Town of Bethel is a participating member of The Multi-Municipal Task Force, which Task Force consists of the Towns of Tusten, Cochection, Bethel, Callicoon, Delaware, Highland, Lumberland and Rockland (collectively, “the MMTF”), all being located in Sullivan County, New York; and

**WHEREAS**, the MMTF engaged Whiteman, Osterman & Hanna, LLP (“WOH”) and Delta Engineers & Architects, P.C. (“Delta”) to develop a proposed local law and road preservation program, respectively (collectively, the “Local Road Preservation Program”), to be considered for enactment and administration in each of the MMTF member Towns for the purpose of preserving their respective town highways; and

**WHEREAS**, this Resolution introduces Local Law No. 1 of 2013 which, if enacted, will establish Chapter 251 of the Town Code entitled the “Road Use and Preservation Law”; and

**WHEREAS**, enactment and administration of any such local law would be considered an Unlisted Action for purposes of the State Environmental Quality Review Act (“SEQRA”), Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. § 617 et seq.; and

**WHEREAS**, the member Towns determined to act as Co-Lead Agencies for the SEQRA review of the proposed Local Road Preservation Program and determined that the adoption of laws for the preservation and restoration of roads may have a significant impact on the environment requiring the preparation of a draft generic environmental impact statement (“DGEIS”) for the proposed legislation and, thereafter, published notice of its positive declaration in the Environmental News Bulletin; and

**WHEREAS**, the MMTF, with the assistance of Delta and WOH, prepared and submitted to each of the MMTF and each member Town a draft Scope to guide the preparation of the DGEIS; and

**WHEREAS**, notice of scoping was published in The River Reporter, the Sullivan County Democrat and the Environmental Notice Bulletin, and public comment on the draft Scope was accepted in person at a public scoping session held on July 22, 2010, and in written form through August 2, 2010; and

**WHEREAS**, no involved or interested agency comments, or public comments were received by the MMTF or member Towns on the draft Scope and each of the member Towns of the MMTF received a copy of the Final Scope for the DGEIS and adopted the same; and

**WHEREAS**, the member Towns as Co-Lead Agencies accepted the DGEIS as complete in June 2011 and held a public hearing thereon on June 30, 2011 to hear comments from all members of the public for and against the proposed Local Road Preservation Program; and

**WHEREAS**, the member Town of Bethel as Co-Lead Agent adopted the DGEIS as the Final Generic Environmental Impact Statement on July 26, 2012; and

**WHEREAS**, the advisory committee established by the Town to review the proposed local law prepared by WOH undertook such review together with the Attorney for the Town, and determined that it required revision prior to its presentation to the Town Board so as to better address the needs of the Town as well as assure that such law, if adopted, would conform with the requirements of controlling state statutes. A copy of the final version of introductory Local Law No. 1 of 2013 is attached hereto.

**NOW THEREFORE, BE IT RESOLVED**, that a public hearing on introductory Local Law No. 1 of 2013, as required by Municipal Home Rule Law §20(5), shall be scheduled for March 13, 2013 at 7:45 PM, which public hearing shall be conducted at the Dr. Duggan Community Center and proper notice of the public hearing shall be given; and be it

**FURTHER RESOLVED**, that a copy of the introductory Local Law No. 1 of 2013 shall be forwarded to the Sullivan County Department of Planning and Environmental Management for review and recommendation in accordance with New York State General Municipal Law §239-m(3)(a)(vi); and be it

**FURTHER RESOLVED**, that this Resolution shall become effective when adopted.

Motion by Town Board member Vicky Simpson, seconded by Town Board member Denise Frangipane and adopted upon a roll call vote as follows:

	<u>AYE</u>	<u>NAY</u>
Bernard Cohen	X	
Denise Frangipane	X	
Lillian Hendrickson	X	
Victoria Simpson	X	
Daniel Sturm	X	

Duly adopted by 5 ayes, 0 nays the 23<sup>rd</sup> day of January, 2013.

**Resolution to Adopt a Final Order for the White Lake Spa Sewer Extension**

At a meeting of the Town Board of the Town of Bethel, Sullivan County, NY, on the 23<sup>rd</sup> day of January, 2013, sitting as the Kauneonga Lake Sewer District Board.

In the Matter of the

Extension of the Kauneonga Lake Sewer District in the Town of Bethel, Sullivan County, New York, pursuant to Article 12-A of the Town Law, by adding an additional 4.7 acres of land

**FINAL ORDER  
APPROVING THE  
EXTENSION OF A  
SEWER DISTRICT**

**WHEREAS**, the Town Board of the Town of Bethel (“Town Board”), convened as the Kauneonga Lake Sewer District board, is creating an extension of the Kauneonga Lake Sewer District (“KLSD”) by adding an additional 4.7 acres of land to the KLSD for the White Lake Mansion project; and

**WHEREAS**, the Map, Plan and Report, dated April 25, 2012, prepared in connection with the proposed extension to the KLSD has been duly filed in the office of the Town Clerk, which Map, Plan and Report identifies the parcel to be included in the extended KLSD that will be benefited by the KLSD improvements and provides a description of the improvements and the cost thereof, which will be borne solely by the petitioner seeking the district extension; and

**WHEREAS**, the Town Board conducted a public hearing on August 22, 2012 during which the Town Board solicited and accepted oral and written comments from the public, including interested and involved agencies;

**WHEREAS**, at the conclusion of the public hearing duly closed on August 22, 2012, the Town Board determines that information contained in the Map, Plan and Report, the comments of the Town Engineer and the substantive comments received at the public hearing appropriately assembled relevant and material facts to allow the Town Board to make the findings contained in this Resolution; and

**WHEREAS**, on September 12, 2012 the Town Board adopted a resolution (the “Resolution”) (i) approving the extension to the KLSD as the boundaries were finally

determined in the Map, Plan and Report and the construction of the improvement and the providing of the services as set forth therein in accordance with the terms and conditions contained in an Order adopted by the Town Board on the 11<sup>th</sup> day of July, 2012 and (ii) issuing a negative declaration under SEQRA; and

**WHEREAS**, said Resolution determined that (a) the notice of hearing was duly published and posted as required by law, and is otherwise sufficient; (b) all the property and property owners within the proposed extension of the KLSD extension area are benefited thereby; and (c) all the property and property owners to be benefited by the KLSD extension area improvements are included within the limits of the proposed extension of the KLSD extension area; and

**WHEREAS**, that pursuant to NY Town Law Article 7 and § 209-e that within ten (10) days from the date of the Resolution the Town Clerk posted and published the notice required by NY Town Law Article 7 and § 209-especifying, in part, that the Resolution was adopted subject to a permissive referendum; and

**WHEREAS**, a certificate has been prepared by the Town Clerk and duly filed with the Sullivan County Clerk that provides that the time has expired for the filing a petition requesting that the matters addressed in the Resolution be submitted to a referendum of the property owners of the proposed KLSD extension area and no such petition has been filed; and

**WHEREAS**, under the authority granted by Town Law § 209-f(2) the Town Board adopts this Order.

**IT IS, on this 23<sup>rd</sup> day of January, 2013 ORDERED**, the extension of the KLSD extension area is hereby established as the boundaries are finally determined in the Map, Plan and Report, dated April 25, 2012, as duly filed and accepted by the Town Board; and be it

**FURTHER ORDERED** that the construction of the improvement and the providing of the services as set forth in the Map, Plan and Report are hereby approved; and be it

**FURTHER ORDERED** that the Town Clerk shall duly record a copy of this ORDER in the office of the Sullivan County Clerk within 10 days of the adoption hereof, and when so recorded this ORDER shall be presumptive evidence of the regularity of the proceedings for the extension of the KLSD, the construction of the improvement described in the Map, Plan and Report and of all other actions taken by the Town Board in relation thereto.

Motion by Councilwoman Denise Frangipane, seconded by Councilwoman Lillian Hendrickson and adopted upon a roll call vote as follows:

Bernie Cohen	Voting	aye
Lillian Hendrickson	Voting	aye
Vicky Simpson	Voting	aye
Denise Frangipane	Voting	aye
Daniel Sturm	Voting	aye

Duly adopted by 5 ayes, 0 nays the 23rd day of January, 2013.

Effective Date: This ORDER shall take effect on the date of adoption.

**Bethel Agriculture Committee**

Ms. Frangipane announced that Bethel Ag Committee meetings will be held on the 3<sup>rd</sup> Wednesday at 6:30 p.m. and the next meeting will be February 20<sup>th</sup>

Robert Doherty  
Robert Franklin

Susan Brown Otto  
Jennifer Young

**January 23, 2013**

**Regular Meeting**

Lowell Feldman  
Robert Yakin  
Fred Michel  
Carol Malek

David Slater  
Denise Frangipane  
Danielle Gaebel  
David Biren

**Comments**

Mrs. Hendrickson thanked the road use/law committee for all their hard work, they did a great job.

Mrs. Simpson announced the scholarship recipients – Emily Morey, Rachel Deppa and Cassie Thelman.

David Biren asked about purchasing fuel oil and propane as a cooperative.

Mr. Sturm announced that the Smallwood Post Office property owner is appearing before the Bethel Justice Court on January 28<sup>th</sup> and hopes to have a remedy by the next Town Board meeting. Ms. Frangipane asked if the Town could apply the property maintenance code to the parking lot.

Nita Bott, Brittman Road, indicated across the street the new house does not have a ditch; the water is running into her house; highway department has come twice and said nothing they can do.

**Adjournment**

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

Respectfully submitted,

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Rita J. Sheehan, Town Clerk