

The 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: Lillian Hendrickson
Vicky Simpson
Bernard Cohen
Denise Frangipane

The meeting was opened with the Pledge of Allegiance.

Presentation #1: Allyson Whitney 5K

Gabrielle Scott, co-founder Allyson Whitney Foundation, was present to discuss the Allyson Whitney Foundation 5K and Wellness Fair on May 11th. Registration 7:30 A.M. Walk starts at 10:00 A.M. Last year they raised \$50,000; 450 walkers and guests. Registration is available on line. Mr. Sturm welcomed the AWF 5K back to Bethel and was very happy to have them return.

Presentation #2: Bethel Lions Club – Diabetes Awareness

Irene O’Leary, Bethel Lions Club, was present to share Diabetes Awareness. Today is Diabetes Awareness Day. Mrs. O’Leary distributed a book marker from Lions Club International with risks, warning signs and prevention.

Junkyard License Renewal Reports

Building Department has submitted Junkyard License renewal reports for the following locations:

William Ross, Martin Lane - motion by Vicky Simpson to receive, file and approve, second by Lillian Hendrickson, put to vote and carried 5-0.

Joel Shapiro, West Shore Road - motion by Denise Frangipane to receive, file and approve, second by Bernie Cohen, put to vote and carried 5-0. Ms. Frangipane commented that every junkyard should look like Shapiro’s.

Irma Lyman, Route 55 - motion by Bernie Cohen to receive, file and approve, second by Lillian Hendrickson, put to vote and carried 5-0.

Joan Yeomans, Horseshoe Lake Road - permit motion by Vicky Simpson to receive, file and approve, second by Lillian Hendrickson, put to vote and carried 5-0.

Cecil Hendrickson, Gabriel Road - motion by Vicky Simpson to receive, file and approve, second by Denise Frangipane, put to vote and carried 4-0 with Mrs. Hendrickson recusing herself.

Public Hearing 7:45 p.m. Otero/Milagro Unsafe Structure SBL #14-1-17.7

Motion by Bernie Cohen to open public Hhearing for Otero/Milagro unsafe structure SBL #14-1-17.7, seconded Vicky Simpson, put to vote and carried 5-0. Town Clerk read legal notice. No public comments were heard. Motion by Denise Frangipane to close public hearing, second by Bernie Cohen, put to vote and carried 5-0.

Review bid results for Gabriel Road Culvert Project :

Sealed bids were received and publicly opened and read at the Town Clerk’s Office on March 25th at 2:30 pm. with Glenn Smith present as follows:

<u>Vendor / Contractor</u>	<u>Bid Amount</u>
NGS Construction	\$63,400.00
Poley Paving	\$68,113.00

Sullivan Co. Paving	\$95,713.45
Gary Meyers Excavating	\$72,106.80
Leeward Construction	\$147,550.00
R and H Gorr	\$73,801.00

Correspondence has been received from Glenn Smith recommending awarding the Gabriel Road culvert project to the low bidder NGS Construction in the amount of \$63,400. Motion by Bernie Cohen to receive and file, seconded by Vicky Simpson, put to vote and carried 5-0.

Mr. Sturm commented that Gabriel Road has been closed since 2005. There were two 100-year floods in 2005. It took 2 years to get the DEC permit. The money is available in Highway Fund balance. The Town has made a commitment to open the road. Motion by Vicky Simpson to accept low bid of \$63,400.00 and award to NGS Construction, seconded by Denise Frangipane, put to a roll call vote and adopted 5-0 as follows:

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

The work can not start until May 1, 2013.

Correspondence from Boyd Road residents :

Correspondence has been received from Boyd Road residents David Tullock, Pamela Weadick, William Boyd, Marie Boyd, Joe Dinatale, and Susan Dinatale, regarding the condition of their road and requesting that the road be made longer and a turn-around for town maintenance trucks. Motion by Vicky Simpson to receive and file, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Motion by Denise Frangipane for response from Highway Department on cost, time frame, and recommendation, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Seek sealed bids for surplus equipment:

Several departments have requested to seek sealed bids online with Auctions International for surplus equipment. Motion by Vicky Simpson to approve sending items out to bid with Auctions International, seconded by Denise Frangipane, put to vote and carried 5-0 as follows:

- 1) 1997 Ford F-150 (Building Department)
- 2) 2003 Ford Crown Victoria (Constables)
- 3) 2002 Dodge Pick-Up (Highway)
- 4) 1971 Oshkosh Plow Truck (Highway)
- 5) 1978 International Paystar (Highway)
- 6) 1990 Ford 8000 (Highway)
- 7) 1974 Lord C-300 Model 1552 Screening Plant portable (Highway)
- 8) 1996 Monroe 6-yd. sander Serial #96-08-5493 (Highway)
- 9) 2006 Tarco 2-yd. hydraulic sander (Highway)

Approve the SC Multi-Jurisdictional Hazard Mitigation Plan

Correspondence has been received from Sullivan County Planning and Environmental Management with a sample resolution to adopt the Sullivan County Hazard Mitigation Plan.

WHEREAS, Sullivan County with the assistance from Barton and Loguidice, P.C. has gathered information and prepared the Multi-Jurisdictional Hazard Mitigation Plan Update for Sullivan County, New York; and

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan Update for Sullivan County, New York has been prepared in accordance with the Disaster Mitigation Act 2000 and Title 44 Code of Federal Regulations (CFR), Part 201 and;

WHEREAS, Title 44 CFR, Chapter 1, Part 201.6 (c)(5) requires each local government participating in the preparation of a multi-jurisdictional Local Mitigation Plan or Plan Update to accept and adopt such plan; and

WHEREAS, the Town of Bethel will consider the Sullivan County Hazard Mitigation Plan during the implementation and updating of local planning mechanisms, and will incorporate the hazard assessment date, hazard vulnerabilities, and mitigation actions in these mechanisms, where applicable,

WHEREAS, the Town of Bethel has reviewed the plan and affirms that the Plan will be updated no less than every five years.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Bethel, as a participating jurisdiction, adopts the Multi-jurisdictional Hazard Mitigation Plan Update for Sullivan County, New York, dated October 2012, and resolves to execute the actions in the Plan.

ADOPTED this 27th day of March, 2013 on a motion by Councilwoman Denise Frangipane, seconded by Vicky Simpson, with 5 ayes and 0 nays.

The sample resolution was modified by removing the paragraph that states the town has made the plan available for its residents to comment.

Order to remedy, remove or repair unsafe structure at SBL #14-1-17.7:

The owners, Lilia Otero and Luz Otero Milagro, appeared at this point of the meeting and indicated they do not speak English. Motion by Denise Frangipane to table until the April 10th Town Board meeting, seconded by Vicky Simpson, put to vote and carried 5-0. Mr. Sturm asked if they could meet in the Building Department tomorrow with a Puerto Rican translator; both owners agreed.

Approve 2013 Bethel Woods Traffic Management Plan

RESOLUTION TO ADOPT AN ORDER OF THE TOWN BOARD OF THE TOWN OF BETHEL TO REGULATE AND RESTRICT VEHICLE TRAFFIC WITHIN CERTAIN AREAS OF THE TOWN BETWEEN MAY 1, 2013 AND SEPTEMBER 30, 2013 ON SPECIFIED DATES AND AT SPECIFIED TIMES

WHEREAS, the Town Board of the Town of Bethel created the PA - Performing Arts Center Development District within an area of approximately 634 acres to facilitate the approval and construction of a performing arts center and related uses near and around the original site of the 1969 Woodstock Music and Arts Fair Festival; and

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

WHEREAS, Bethel Woods Center for the Arts will commence operation of its 2013 Pavilion performance season on May 1, 2013; and

WHEREAS, a Traffic Management Plan has been prepared for Bethel Woods Center For the Arts which recommends the implementation of certain vehicle traffic restrictions on certain roads for events in excess of 6,000 attendees; and

WHEREAS, the Town Board of the Town of Bethel concurs with the recommendations contained in the Traffic Management Plan; and

WHEREAS, to promote sound government and to further the health, safety and welfare of persons and property within the Town and in accordance with the authority vested in the Town, including but not limited to applicable provisions of the Vehicle and Traffic Law, the Town Board of the Town of Bethel adopts this Order.

NOW THEREFORE BE IT RESOLVED THAT THE TOWN ADOPTS THE FOLLOWING ORDER, and it is hereby

ORDERED, that the Town Board of the Town of Bethel establishes motor vehicle traffic restrictions on the following roadways in the manner and at the locations, dates and times set forth on Schedule "A" annexed hereto:

- Hurd Road
- West Shore Road
- New York State Route 17B
- New York State Route 55
- Perry Road
- Happy Avenue;

and be it further

ORDERED, that the Supervisor of the Town of Bethel is hereby authorized to request the NY Department of Transportation to provide that there shall be no parking, stopping or standing of any motor vehicle, except those vehicles on official business, along both sides of NYS Route 17B from a point 800 feet east of its intersection with NYS Route 55 to its intersection with Perry Road during the Category B concert events described in the attached Schedule A; and be it further

ORDERED, that signs and markings shall be posted on all affected roads and highways affected by this Order to be displayed on the dates and at the times set forth in Schedule A giving notice of the restrictions set forth in this Order including signs indicating "No Parking," "No Standing," "No Stopping," and "One Way" as may be appropriate; and be it further

ORDERED, that vehicles in violation of the no parking, stopping or standing restrictions set forth in Schedule A may be removed from the roadway and stored at a site designated by the Supervisor of the Town of Bethel and reasonable charges for the removal and storage of such motor vehicles shall be paid by the owner/operator of such motor vehicles, said charges shall be paid prior to the release of such motor vehicle to the owner/operator thereof; and be it further

ORDERED, that any person violating any terms or conditions of this ORDER shall be guilty of a violation pursuant to the Vehicle and Traffic Law/or the Penal Law of the State of New York, punishable by such fines and penalties as prescribed therein, said fines and penalties shall be in addition to the costs of any motor vehicle towing and storage charges set forth herein above; and be it further

ORDERED, that the provisions of this ORDER shall not affect any powers conferred upon any police officer to regulate motor vehicle and pedestrian traffic or to exercise his/her powers under the Vehicle and Traffic Law §1602 regarding the closure of roads and exercise of emergency powers; and be it further

ORDERED, that by delegation of the Town Board of the Town of Bethel, the terms of this ORDER regarding restrictions of vehicle traffic may be revised and further amended by the Supervisor of the Town of Bethel (and in his absence, any other member of the Town Board) during the dates and times set forth in Schedule A as traffic

conditions may require to preserve the health, safety and welfare of persons and property within the Town or to impose greater or lesser vehicle restrictions in the event anticipated attendance rises above or drops below category A attendance thresholds as those thresholds are defined in Schedule A; and be it further

ORDERED, that in the event that any provision of this ORDER is declared to be invalid or unconstitutional, such declaration shall not affect the validity of the ORDER as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional; and be it further

ORDERED, that this ORDER shall take effect immediately upon its adoption by the Town Board of the Town of Bethel.

Motion by Councilwoman Vicky Simpson to adopt Resolution and Order, seconded by Councilman Bernie Cohen, duly adopted this 27th day of March, 2013 upon a roll call vote with 4 ayes, 0 nays and Ms. Frangipane recusing herself as follows:

Daniel Sturm	aye
Bernard Cohen	aye
Lillian Hendrickson	aye
Victoria Simpson	aye

Approve Tax Settlement Stipulation – Benedict Versaci and Loren Versaci

Tax Settlement Stipulation has been received upon the recommendation of Town Attorney Robert McEwan and Town Assessor Marguerite Brown.

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF SULLIVAN

BENEDICT VERSACI and LOREN VERSACI,

Petitioners,

- against -

THE ASSESSOR OF THE TOWN OF BETHEL, and BOARD
 OF REVIEW OF THE TOWN OF BETHEL,

Respondents,

STIPULATION OF
 SETTLEMENT

Index No. 2097-2011
 RJI No. 52-31981-2011

to review certain real property assessments for the year 2011 under
 Article 7 of the Real Property Tax Law.

WITNESSETH:

WHEREAS, a Notice of Petition and Petition was heretofore filed to review certain assessments which were fixed and imposed by the Town of Bethel (“Town”) on certain premises owned by the Petitioners and located in the Town; and

WHEREAS, the description of the Petitioners’ property as set forth on the final assessment roll of the Town for the assessment year 2011 (2011/12 School Tax; 2012 Town and County tax) was as follows:

Section / Lot / Block	Full Value 2011 Final Roll
24.-1-40.4	\$636,000
24.-1-34.1	\$209,200
24.-1-34.2	\$ 43,500
24.-1-34.3	\$ 50,500

WHEREAS, the parties have reached an agreement as to the manner in which all pending matters at issue concerning the assessment fixed and found on the above described property for the: assessment year 2011 is to be resolved and compromised in accordance with this Stipulation of Settlement (“Stipulation”) by which said assessment is to be adjusted and reduced without the necessity of further litigation;

NOW, IT IS HEREBY STIPULATED AND AGREED, by and between the Petitioners and Respondent as follows:

1. That the above-entitled action challenging the final assessment roll of the Town for the assessment year 2011 (2011/12 School Tax; 2012 Town and County tax) be amended and reduced so that the assessed full value of the Petitioners' property on the final assessment roll for 2011 shall be as follows:

Section / Lot / Block	Amended and Reduced Value
24.-1-40.4	\$525,000
24.-1-34.1	\$200,000
24.-1-34.2	\$ 27,000
24.-1-34.3	\$ 30,000

2. That the Assessor of the Town and the Treasurer of Sullivan County shall make or cause to be made upon the proper books and records and on the assessment roll of the Town and County, the entries, changes and corrections necessary to conform said assessment for the assessment year 2011 to such amended and reduced value.

3. That there shall be audited and allowed and paid to Petitioners by the Town, the County of Sullivan and the Monticello Central School District the amounts, if any, paid by Petitioners as taxes on the original assessment in excess of what the taxes would have been if said assessment had been made as amended and reduced by this Stipulation. Notwithstanding anything herein to the contrary, Petitioners have not filed an appeal of their taxes for any tax year subsequent to the 2011 tax year and shall receive refunds for the 2011 tax year only. So long as refunds are made by the taxing jurisdictions within thirty (30) days of service of the Order implementing the terms of this Stipulation, such refunds may be made without interest. All refunds contemplated by this Stipulation shall be made payable to the order of “Shawn Law Offices, as attorneys for Petitioners”.

4. That an Order implementing the terms of this Stipulation be entered without further notice.

5. That upon compliance with the foregoing the above proceedings be discontinued and withdrawn without costs or disbursements by either party against the other.

Motion by Bernie Cohen to approve, second by Lillian Hendrickson, put to vote and carried 5-0.

Notice of Liquor License –The Local Table and Tap

Notice of Liquor License application has been received from Watts Cooking, LLC d/b/a The Local Table and Tap, 3 Horseshoe Lake Road, Kauneonga Lake. Motion by Vicky Simpson to receive, file, approve and grant 30-day waiver, second Lillian Hendrickson, put to vote and carried 5-0.

Bethel Ag Committee Next Meeting 4/17

Ms. Frangipane announced that the next Bethel Ag Committee meeting is set for April 17th. They will be meeting with Liberty Farm Committee to combine efforts in plan.

Adjournment:

Motion by Lillian Hendrickson, seconded by Vicky Simpson, put to vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk