

The October 22, 2014 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
Dawn Ryder
Bernie Cohen

Others present: Robert McEwan

The meeting was opened with the Pledge of Allegiance.

Building Department Monthly Report for September

Building Department report for the month of September has been filed.

2014 Fees: \$6350 2013 Fees: \$3761

2014 Monthly Construction \$839,500 2013 Monthly Construction \$156,000

Total 2014: \$3,881,500 Total 2013: \$3,926,400

Motion by Mrs. Simpson to receive and file, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Request to attend Wastewater Coagulation and Flocculation Training

Correspondence has been received from Jim McBride, Sewer Plant Operator, requesting to attend the Wastewater Coagulation and Flocculation training course on December 10, 2014 in Hurleyville, NY. Motion by Lillian Hendrickson to approve, seconded by Bernie Cohen, put to vote and carried 5-0.

Approve out-of-district sewer user contract with BFE Mgmt.

Contract with BFE Management Corp. (Dunkin Donuts developer) has been signed and is ready for Town Board approval. BFE Management is developing the former Bank of America building located at 1459 Route 17B, White Lake (SBL #34-3-1) into a Dunkin Donuts. The agreement is for an out-of-district user contract of the Kauneonga Lake Sewer District. Ten-year agreement renewable by both parties. Motion by Lillian Hendrickson to approve, seconded by Vicky Simpson, put to a roll call vote and carried 5-0 as follows:.

Bernie Cohen	Voting	x
Lillian Hendrickson	Voting	x
Dawn Ryder	Voting	x
Vicky Simpson	Voting	x
Daniel Sturm	Voting	x

Correspondence from Bethel Planning Board re: LL #2

Correspondence has been received from the Town of Bethel Planning Board recommending adoption of Local Law #2. Motion by Vicky Simpson to receive and file, seconded by Lillian Hendrickson, put to vote and carried 5-0.

M239 response from SC Div. of Planning & Env. Mgmt

M-239 response has been received from the Sullivan County Division of Planning and Environmental Management indicating the local law will have a positive inter-community impact. Motion by Vicky Simpson to receive and file, seconded by Bernie Cohen, put to vote and carried 5-0.

SC Farmland Protection Plan Public Workshop

Mr. Sturm announced the Sullivan County Farmland Protection Plan Public Workshop will be held on November 3rd at 6 p.m. at Cornell Cooperative Extension. Motion by Lillian Hendrickson to receive and file, seconded by Vicky Simpson, put to vote and carried 5-0.

7:45 p.m. Proposed Local Law #2-2014

Motion by Dawn Ryder to open Public Hearing at 7:45 p.m., seconded by Vicky Simpson, put to vote and carried 5-0. Town Clerk read Public Hearing notice.

Mr. McEwan reviewed the changes to the Code Ch. 345.

Jeryl Abramson read a prepared statement as follows:

First, I would like to thank this board for the great time and consideration given to the much needed changes to the town's camping and zoning codes. I am aware of how complex and arduous it was to clarify the ambiguous and contradictory codes that have existed for far too long.

However, there are still some points that I believe may be cause for confusion in the future. Like you, I am hoping to clear up all ambiguities before the final stroke of the pen.

As we are all aware the town's zoning laws had remained without change for decades in spite of the obvious issues at hand. In 2009, the town, with the assistance of an outside consultant, took great pains at great expense to the taxpayers, to carefully rezone the town. Along with the rezoning, new zoning districts were created. Again, this was with great forethought. The town created a Commercial Gateway zone along 17B specifically to preserve the nature of our rural community while addressing the needs of commercial development. To this end, certain activities were restricted from acceptable special uses, among them were outdoor recreational uses and camping.

Tonight, just a few short years after the complete overhaul of our zoning codes, you are about to reverse that restriction and open those activities to any town zone whether it be commercial, industrial, agricultural or residential, without oversight.

Tonight, activities that were only recently intentionally omitted from allowable activities in specific zones will now be welcome everywhere in town. After tonight, if a commercially zoned property has a commercial business on it's grounds, in any zone, it is no longer required to go before the planning board if it is estimated that no more than 200 people will be in attendance.

"any use qualifying as an eating and drinking place may conduct an occasional or temporary commercial outdoor recreational facility as an accessory use without undergoing separate site plan review for that accessory use provided that there shall be less than 200 patrons in attendance at any given time."

The way this language is crafted allows an accessory use to otherwise indoor facilities without clear definitions, conditions or compliance with health and safety standards. There is no mechanism for accounting for attendance. How is attendance calculated? Does the 200 patrons include restaurant patrons or only outdoor attendees? The parameters seem loosely defined in this code.

Additionally, coupled with the new camping laws, a temporary stage may be on one parcel with limitless camping on an adjoining parcel thereby increasing the attendance significantly while still not having to declare their adherence to the law. This loophole needs to be closed in order to not create undue competition among those

businesses that have a permanent eating establishment and those that have temporary eating establishments at virtually the same type of venue. The way this language is crafted would enable a bar or restaurant to piggyback a camping venue on an adjoining property without conditions of compliance since they never have to go before the public. Those of us with temporary eating establishments are required to go before the public, taking greater time and expense in order to comply with conditions which, at least at this juncture, only appear to apply to me.

The board also neglected to address another concern that I raised at the last public comment session. The use of an outdoor stage at an eating and drinking place for 60 hours is not clearly defined. The 60 hour rule by the board of health applies to camping, not stages. It is not clear from the definition when the 60 hours begins or ends. Technically, the way it is currently stated, the stage can remain up and available for use for months at a time as long as the actual use is for 60 hours or less. This will basically allow outdoor theatre, without compliance, enforcement or public input, all summer and beyond. The intention of this addition to the code seems unclear.

Without mandating a site plan review for all businesses to present to the planning board you deny the public the right to be heard or even informed of outdoor recreational activities that might impact their routines. The public is denied the right to raise it's concerns or be apprised regarding traffic control, sanitation, noise, environmental impact, and risk. This board will be sanctioning an accessory use of a property without demanding proof of adequate liability insurance naming the town as additionally insured. These are indoor facilities that were, prior to tonight, not even zoned for the activities that after tonight will have no input or oversight from the public.

I'm sure it is not this board's intention to show favoritism in any way or to disenfranchised the public. Therefore, I respectfully request that you consider my concerns before you bang the gavel on these proposed changes.

No further comments were heard.

Motion by Vicky Simpson to close Public Hearing 8:55p.m., seconded by Lillian Hendrickson, put to vote and carried 5-0.

Resolution to declare negative declaration Local Law #2-2014

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

**RESOLUTION DETERMINING SIGNIFICANCE UNDER SEQRA WITH
RESPECT TO AMENDMENTS OF THE TOWN CODE
CHAPTER 345 (Zoning)**

WHEREAS, the Town Board of the Town of Bethel (“Town Board”) adopted legislation to establish a zoning code which code appears at Chapter 345 of the Town Code of the Town of Bethel (the “Town Code”); and

WHEREAS, the Town Board has determined that revisions to Chapter 345 (Zoning) of the Town Code are desirable and necessary; and

WHEREAS, on July 24, 2014, the Town Board introduced Local Law No. 2 of 2014 to amend the Town Code as heretofore indicated; and

WHEREAS, the Town Board, which declared itself to be lead agency under SEQRA by resolution dated August 13, 2014, determined that the revisions to the Town Code (hereafter, the “action”) are subject to the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, “SEQRA”) and determined further that the proposed action is a type 1 action under SEQRA; and

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

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

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

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

FURTHER RESOLVED, 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 be filed with (a) the Supervisor of the Town of Bethel, (b) the lead agency, (c) any involved agencies, and (d) any person who has requested a copy; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

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

		AYE	NAY
Bernie Cohen	Voting	x	
Lillian Hendrickson	Voting	x	
Dawn Ryder	Voting	x	
Vicky Simpson	Voting	x	
Daniel Sturm	Voting	x	

Duly adopted by 5 ayes, 0 nays the 22nd day of October, 2014.

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 Chapter 345 (Zoning) of the Town Code. The Amendment of Chapter 345 is necessary to conform certain subsections of that Chapter

to the amendment of Chapter 120 (Camping) of the Town of Bethel Code. The amendments also address site plan review requirements, non-conforming use and other definitions, and occasional and temporary commercial outdoor recreation uses within the Town of Bethel.

SEORA Classification: Type 1.

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:

As set forth in proposed Local Law No. 2 of 2014, which proposes amendments to the Chapter 345 (Zoning) of the Town Code, nontransient campgrounds and recreational vehicle parks may be approved in RD, RD-R, PA, FC and AG Districts as special uses. Transient campgrounds and occasional or temporary commercial outdoor recreational facilities will be permitted in any zoning district, subject to site plan review and approval. Camping will be similarly regulated on a Town-wide basis.

Mr. McEwan noted that changes can be made if needed to SEQR form. Mr. McEwan reviewed Part 1, Part 2 and Part 3 of the Short Form

8:15 p.m. 2015 Preliminary Budget

Motion by Lillian Hendrickson to open public hearing for 8:15 p.m., seconded by Vicky Simpson, put to vote and carried 5-0.

Mr. Sturm read the following statement:

Challenges = 2% tax cap, very little flexibility. Retirement went up slightly from this year's actual amounts. Generally up \$14,000, Highway up \$13,500. The Sewer retirement is up slightly. Health Insurance is going up anywhere from 2-7%, although most other plans are going up higher.

Revenues are very flat. Slightly higher than last year but we are keeping up with the Budgeted amounts. Salt and Equipment are going up. Fuel prices are flat and seem to be going down. Good news is that we are careful with our spending in all departments. We did add a new and needed court clerk this year and a new full time sewer employee last year. They have been the only 2 full-time employees since 2008 other than replacement highway workers. We made Health Insurance changes in 2009 where new employees co-pay for family plans. This helps keep our insurance costs for the Town down. As our current employees retire and new ones are hired the Town will be saving money. We will be in even better shape long term. Lighting district is even with last year; no increases. Sewer districts no increase in rates. Bethel Woods arrangement has them paying a little more this year than last year. This helps our existing sewer district users.

Very few tax certiorari challenges this year as opposed to other years. No cuts to seniors or youth programs; which are exceptional.

Bare-bones – no frills budget. We will be fiscally strict and conservative, while seeking out new ways to save money. (For example: The Green Committee is always hard at work looking at ways to conserve and save on Town energy.) NYSERDA did a new audit and we are awaiting the results. Paving more high way too. We added enough money for a couple of part timers as needed for that, snow removal and machinery. We also included what is needed for additional training, safely and have no additional bonds started for next year. One General bond is expiring in 2015 but we need one new smaller one for December required leachate system repairs. Once again we are under the tax cap as required. There will be a great amount of savings on sand once we get through the December period.

Caution: Our Town is in good financial shape. However, the State needs to provide meaningful property tax reform. Where? Everyone pays a fair share. They also need increased State aid to Local Municipalities and real state mandate relief. This allows us to lower our costs and fund local services which are becoming more difficult to sustain. It will continue to get harder as the State imposes additional burdens without new sources of revenue.

Bill Boland – Tax District #2 (Bethel Volunteer Ambulance Corp.) 2014 Budget \$56,800; 20 years of taxes that now equal over \$1 Million dollars. 40% response rate is unacceptable. Town owns building. Town can repeal resolution to establish tax district and adopt resolution to review each year. Promises have been made in past to upgrade services; need to be more professional, place is booming. Refuse budget request, repeal creation of district.

Charles Stackhouse, Captain Bethel Volunteer Ambulance Corp., respond to 80% calls; volunteers doing the best work we can. This summer mass casualty; 1 fatality, 8 injured, Hatzolah medic came but not Mobil Medic. They were at Bethel Woods. There are two new EMT's. Volunteers always welcome. Mobil Medic is on automatic dispatch with 911 Monday – Friday.

No further comments

Motion by Vicky Simpson to close Public Hearing, seconded by Bernie Cohen, put to vote and carried 5-0.

Adopt 2015 Budget

Mr. Sturm - we stayed under tax cap. BVAC budget is a pass through. If the Town Board ever considered repealing district; it should be up to voters in District.

Motion by Vicky Simpson to adopt 2015 preliminary budget as the adopted budget, seconded by Lillian Hendrickson, put to a roll call and adopted 5-0.

Bernie Cohen	Voting	x
Lillian Hendrickson	Voting	x
Dawn Ryder	Voting	x
Vicky Simpson	Voting	x
Daniel Sturm	Voting	x

Resolution to set standard work day

Be it resolved, that the Town of Bethel hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

<u>Title</u>	<u>Standard Work Day</u>
Tax Collector	6
Town Clerk	6
Councilperson	6
Town Supervisor	6
Town Justice	6
Highway Superintendent	8
Heavy Equipment Operator	8
Court Clerk	8
Laborer	8
Mechanic	8
Deputy Town Clerk	6
Highway Foreman	8
Animal Control Officer	6
Highway Clerk	6

Wastewater Treatment Operator	8
Assessor Clerk	6
Assessor	6
Bookkeeper/Conf. Secretary	6
Sewer laborer	8
Code Enforcement Officer	6
Constable	6
Planning & Zoning Secretary	6
Transfer Station Attendant	8
Recreation Director	6

The resolution will be posted at Town Hall for 30 days then filed with the State.

Motion by Lillian Hendrickson to approve, seconded by Bernie Cohen, put to vote and carried 4-0. Mrs. Simpson was not present during vote.

Resolution to declare November as Pancreatic Awareness Month

**Proclamation Declaring the Month of November as
 “Pancreatic Cancer Awareness Month” in the
 Town of Bethel, County of Sullivan, State of New York**

WHEREAS in 2014, an estimated 46,420 people will be diagnosed with pancreatic cancer in the United States and 37,660 will die from the disease;

WHEREAS pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States and is projected to become the second by 2020;

WHEREAS pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just six percent;

WHEREAS when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups;

WHEREAS approximately 2540 deaths will occur in New York in 2014;

WHEREAS there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years;

WHEREAS the Recalcitrant Cancer Research Act was signed into law in 2013, which calls on the National Cancer Institute to develop a scientific framework, or strategic plans, for pancreatic cancer and other deadly cancers which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

WHEREAS it will be very difficult to leverage the opportunities that come out of the scientific framework developed as result of the Recalcitrant Cancer Research Act unless sustained and adequate funding is provided to the National Institutes of Health and National Cancer Institute; and

WHEREAS the Pancreatic Cancer Action Network is the national organization serving the pancreatic community in the town of Bethel in the County of Sullivan in the State of New York and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS the Pancreatic Cancer Action Network and its affiliates in the in the town of Bethel in the County of Sullivan in the State of New York support those patients currently

battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS the good health and well-being of the residents of in the town of Bethel in the County of Sullivan in the State of New York are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it

RESOLVED that the Supervisor Daniel Sturm designate the month of November 2014 as ***“Pancreatic Cancer Awareness Month”*** in the Town of Bethel, County of Sullivan, State of New York.

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

Grant Award from Senator Bonacic re: \$50,000 Facilities Grant for Town Pool

Correspondence has been received from Senator Bonacic announcing that the Town is being awarded a \$50,000 Municipal Facilities Capital Program Grant for refurbishment of the town swimming pool. Motion by Vicky Simpson to receive and file, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Motion by Vicky Simpson to send letter of appreciation to Senator Bonacic, seconded by Bernie Cohen, put to vote and carried 5-0.

Local Law Discussion

Mr. Sturm - site plan was in all districts; except eating and drinking establishments. Permanent stage needs to go to Building Dept.

Mrs. Ryder - prepared letter to Town Board and Council to remove section 7, section 8 and 3.

Mr. Sturm explained it is the discretion of the Planning Board to hold Public Hearing if site plan has major changes.

Mrs. Simpson has confidence in Planning Board.

Mrs. Hendrickson asked if anyone wanted to speak about Public Hearing waiver. Only one person spoke at Public Hearing and not about Public Hearing waiver.

Resolution to Adopt Local Law #2-2014

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL
TO ENACT A LOCAL LAW TO AMEND
THE TOWN CODE CHAPTER 345**

WHEREAS, the Town Board of the Town of Bethel (“Town Board”) heretofore adopted a Zoning Code under the authority of the NY Town Law § 261, which Zoning Code appears as Chapter 345 of the Town Code of the Town of Bethel (the “Town Code”); and

WHEREAS, on July 24, 2014, the Town Board introduced Local Law No. 2 of 2014 to amend Town Code Chapter 345 (Zoning); and

WHEREAS, the Town Board provided due notice of a public hearing for Local Law No. 2 of 2014 by publishing timely notice of the public hearing in a newspaper of general circulation in the Town of Bethel; and

WHEREAS, on August 27, 2014, the Town Board conducted a public hearing during which comments were presented and received in connection with the proposed amendment of Chapter 345 of the Town Code; and

WHEREAS, based upon the comments received during the public hearing, the Town determined to amend proposed Local Law No. 2 of 2014; and

WHEREAS, the Town reintroduced Local Law No. 2 of 2014 on September 23, 2014, a copy of which is attached hereto and incorporated herein; and

WHEREAS, the Town Board provided due notice of a second public hearing for Local Law No. 2 of 2014, as reintroduced, by publishing timely notice of the public hearing in a newspaper of general circulation in the Town of Bethel; and

WHEREAS, on October 22, 2014, the Town Board conducted a second public hearing during which comments were presented and received in connection with the proposed amendment of Chapter 345 of the Town Code; and

WHEREAS, on October 22, 2014, the Town Board issued a negative declaration under SEQRA finding that there would be no significant adverse impacts on the environment as measured against the criteria for determining significance under 6 NYCRR § 617.7(c); and

WHEREAS, the Town Board forwarded a copy of the proposed Local Law No. 2 of 2014 to the County of Sullivan Division of Planning and Environmental Management (“Division of Planning”) in accordance with General Municipal Law §239-m; and

WHEREAS, by correspondence dated October 16, 2014 the County Planning Department stated its opinion that the proposed action will have positive inter-community impacts and recommends approval; and

WHEREAS, the proposed action was referred to the Town of Bethel Planning Board for its review and recommendation in accordance with Town Code §345-65; and

WHEREAS, by correspondence dated October 16, 2014 the Town of Bethel Planning Board reported that it recommended the proposed amendments to the Zoning Code.

NOW THEREFORE, BE IT RESOLVED, that Local Law No. 2 of 2014, amending Chapter 345 of the Town Code of the Town of Bethel is hereby adopted; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

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

		AYE	NAY
Bernie Cohen	Voting	X	
Lillian Hendrickson	Voting	X	
Dawn Ryder	Voting		X
Vicky Simpson	Voting	X	
Daniel Sturm	Voting	X	

Duly adopted by 4 ayes, 1 nays the 22nd day of October, 2014.

Town Board Comments

Mrs. Hendrickson from beginning has always thought the Highway Superintendent should be appointed. Why does non-working foreman take truck home? It should be working foreman. Sewer Department should take truck too. After last meeting Mrs. Hendrickson asked Town Supervisor and Town attorney to answer this question.

Robert McEwan - Highway equipment vs. Town equipment. Opinion from State Comptroller Town Law Section 64-3 – gives Town Board authority; Highway Law

Section 144-2 – gives Highway Superintendent authority. Town Board may not tell Highway superintendent Section 64-1.

Mrs. Ryder – Highway Superintendent has discretion and should know what his men are doing with equipment. Standing by Highway Superintendent's decision.

Mr. Cohen - follow law but if it creates hardship it's a problem.

Mrs. Simpson pointed out that This truck was supposed to be for errands, etc.

Mr. Crumley disagrees (not this truck) wanted a 4 cylinder for errands.

Mrs. Simpson – 1 ton should not be used for errands

Mrs. Hendrickson - should be a working foreman taking home truck. Sewer should take home truck in an emergency.

Mr. Crumley - cited Highway Law and it's his decision and that foreman gets to take truck home. Mr. Crumley stated it is common practice across the state

Barry Kula – conflict in law; other Towns Foreman's take truck home.

Mr. Sturm - difference of opinion in this matter.

Mr. McEwan – write Mr. Crumley a letter if after investigation you find not using for Highway purposes, then Supreme Court.

Mr. Crumley not taking while on vacation, sick time, etc.

Mrs. Hendrickson wants on-call person to take truck home.

Mrs. Simpson – wants assurance truck will be available if he is not using it.

Mrs. Ryder – need to investigate first.

Adjournment

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

Respectfully submitted,

Rita J. Sheehan, Town Clerk