

The September 28, 2017 Town of Bethel regular Board meeting was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Duggan Community Center meeting room.

Council members present: Vicky Simpson
 Lillian Hendrickson
 Bernie Cohen
 Dawn Ryder

The meeting was opened with the Pledge of Allegiance.

Duggan School Update

Mr. Sturm discussed the Duggan school update. The entire Town of Bethel Town Board attended the Monticello Central School Forum and Board meeting on September 27, 2017.

Cathleen Crumley, Monticello School Board Member, explained that the school board voted on option #2 of the project which included the reopening of the Dr. Duggan Elementary School (Pre-K-6th Grade) pending upgrading all the elementary schools. There will be a public vote on December 19, 2017 for the capital improvement bond.

Mr. Sturm and the entire Board thanked Cathleen and all those on the school board for their hard work and dedication on this project.

Monthly Report – August

| | |
|----------------------------|--------------|
| 2017 August Fees: | \$ 10,067. |
| 2016 August Fees: | \$ 5,620. |
| 2017 Construction Totals: | \$1,294,500. |
| 2016 Construction Totals: | \$5,493,250. |
| 2017 Construction to date: | \$4,822,150. |

Motion by Mrs. Ryder to receive and file Building Department Report as submitted. Seconded by Mr. Cohen, put to a vote and carried 5-0.

2018 RAM 3500 Onondaga County Contract #7974

Mr. stated that the Town of Bethel Highway received a mini bid on the NYS Vehicle Market place from Robert Green Truck Division, Rock Hill, NY. Robert Green's price came in at \$48,983.22. Therefore, I am asking this Board to reject the mini bid received from which is a 2018 RAM 3500 with cab, chassis and service box.

Motion by Mrs. Simpson to reject the mini bid received from Robert Green Truck Division, Rock Hill, NY through the NYS Vehicle marketplace as quoted (2018 RAM 3500 with cab, chassis and service box) in the amount of \$48,983.22.

Now I am asking the Board to approve a bid for a 2018 RAM 3500 truck on the Onondaga County Contract #7974 with cab, chassis and regular pickup box in the amount of \$40,370. Next year we will replace the box with a service box. (Note: this truck will come through Robert Green Truck Division, Rock Hill, New York).

Motion by Mr. Cohen to approve the purchase of a 2018 RAM 3500 pickup truck with a regular box which is on the Onondaga County Contract #7974 (will come through Robert Green Truck Division, Rock Hill, NY). Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Resolution to authorize JCAP Grant 2017-2018 application

RESOLUTION AUTHORIZING THE SUBMISSION OF A 2017-2018 JUSTICE COURT ASSISTANCE PROGRAM GRANT APPLICATION FOR FUNDING THROUGH THE STATE OF NEW YORK UNIFIED COURT SYSTEM

WHEREAS, the Town of Bethel has received notification from the Justice Court Assistance Program making funds available to Town and Village Justice Courts by the NYS Legislature and,

WHEREAS, Article 21-B allows for municipalities to apply for funding up to the maximum amount available for the purposes of enhancing the justice courts' ability to provide suitable and sufficient services to the community, and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Bethel Town Board:

1. Authorizes the submission of such grant application for funding and to provide any additional information as may be required;
2. Requests that at least one Town Justice must sign the original application and the Town Supervisor for submission to the NYS Office of Court Administration;
3. That one (1) certified copy of this Resolution be prepared and be included with the grant application as required and be sent to:

Justice Court Assistance Program
New York State Office of Court Administration
187 Wolf Road, Suite 103
Albany, NY 12205-1138

Motion by Mrs. Ryder, Seconded by Mrs. Simpson, Motion carried 5-0

Adopted the 28th day of September, 2017.

Seek sealed bids for pond#1 dredging

Mr. Sturm stated that there is money in the Sewer Fund to cover the cost of dredging pond #1. Motion by Mrs. Hendrickson to seek sealed bids for dredging pond #1 located at the Kauneonga Lake Sewer Plant. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Seek sealed bids for aeration pond #1 rehabilitation

Mr. Sturm stated the need for aeration of pond #1 rehabilitation. Motion by Mrs. Hendrickson to seek sealed bids for the aeration/rehabilitation of pond #1 located at the Kauneonga Lake Sewer Plant. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Public Hearing 7:45 p.m. – Bethel Hideaway Campground Noise Permit Revocation

Mr. Sturm asked the Town of Bethel Town Clerk, Rita Sheehan, to read the legal notice as printed in the Sullivan County Democrat, official paper of the Town of Bethel dated September 19, 2017.

Mr. Sturm stated that the public hearing was in regards to August 18 – August 21, 2017, excessive noise at Bethel Hideaway Campground Resort, 106 Fulton Road, Ferndale, New York 12734 a violation of the Town of Bethel noise permit.

Mr. Sturm reviewed the Town of Bethel Town Code Chapter 220-noise and asked this Board to issue a revocation of the noise permit.

Motion by Mrs. Simpson to recess the regular Town of Bethel Town Board meeting and enter into the public hearing at 7:45 p.m.. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Mr. Sturm read the following correspondence sent to the Town of Bethel complaining about the excessive noise from Bethel Hideaway Campground Resort at 106 Fulton Road, Ferndale, New York 12734 regarding August 18-21, 2017.

- #1 Letter from Patricia McArthur, 118 Bushville Swan Lake Road, Ferndale, New York 12734.
- #2 Letter Dated September 19, 2017 from Patricia J. Kowalczyk, 265 Stanton Corner Road, Ferndale, New York 12734.
- #3 Letter dated September 27, 2017 from Mr. & Mrs. Thomas Lum, 288 Bushville-Swan Lake Tr 6, Swan Lake, New York.

Mr. Sturm stated before anyone gets up to speak, that anything you say may, can and will be used in court if needed.

Mike Clark – 25 Fulton Road. The noise was detrimental, totally unacceptable until 3 a.m.

Nicholas Ivanoff – 25 Fulton Road. It was 18 hours of non-stop excessive noise. He tapped on the mic to simulate the base. It was not fair. The glass on the door was shaking.

Keith Smith, 14 Fulton Road. I use to run that campground. Most weekends the noise was ok. This particular weekend it was unacceptable. 52 phone calls from area residents.

Donald Sherwood, 157 Bushville Swan Lake Road. The music was so loud, even with the television turned up high. The music went on after midnight. My puppy cowered in the corner. I never heard anything like that.

Arlene Krasnoff, 85 Bushville Swan Lake Road. After listening for two days I finally came and observed how loud the music was. Arlene said that Patricia Kowalczyk called her and Patricia could hear the music across the valley, unbelievable the bass. No one wants to shut them down, but that was not music. It just continued. They didn't turn it down or stop. It started before 10 a.m. day after day. We should not have to leave our property to get away from the noise. They must do something about the speaker system.

Mike Clark - No one wants to see anyone get hurt. It is not a campground, it was a concert setting.

Jennifer Colaiacomo - (read from a prepared statement) I apologize to the residents and to this Board. I am embarrassed and ashamed. We took an opportunity to deliver a cash flow; it is a money pit, tax bill, business expenses, etc. It brought in a lot of people from different areas. 20 out of 26 weekends.

We have 140 campsites and expanding campsites. We agree it was excessive they took over the premises. We worked side-by-side, with BJ all weekend, onsite Thursday, Friday, Saturday and Sunday. BJ left on Sunday and I texted her after that. Communicated with local authorities. Defecation, graffiti all over campground. She complete agrees and apologizes. It was a constant battle with them turning down the music. We have a lot we can offer this town; wants to reset relationship. No complaints the past two years. Going forward want to be in good standing with community. This was not a good fit and bad business decision. Can vow to town, community and neighbors will not ever do this again.

Frank VanLeeuwen, owner. This was a battle for Jennifer and I to come back as a family oriented campground. We have multiple text messages from the people running

this festival to turn it down. BJ, Dan and Constables would show up and they would turn it up then you would leave and they would turn it back up. Screed bathroom doors closed and brought in port-a-potties, graffiti, kicking in walks, took a toll on the seasonal campers. Festival people were in control of where to put people and let them that's when we lost control. Ran over pipes, water main issue. We did not run this festival. We leased the property. We had no control over the volume. Apologized to community. Gentleman who ran festival left in the middle of the night and stopped payment on the check and burned us for with \$15,000. Some tickets were written to the festival people and tickets were dismissed for seasons I don't understand. But I am going after them for breach of contract, were suppose to fix bathrooms, fix ruts, clean up garage. We were not paid a dime. Constables showed up and held one representative at bay and state police said we can not hold him for non-payment it is a civil matter. Going back in front of judge in Bethel going after them to recoup something out of this. We made enemies with the neighbors and upset town, that is what we got out of this. Asking for your leniency and let us operate, won't ever happen again. Never had any other complaints. I think permeant revocation is a little harsh. Had Woodsbash weekend prior and to complaints; 30 bands in 3 days and had zero issues. Two heroin overdoses the drugs that came in were unbelievable.

Steve Martinez - head of security for the festival. Officials would come in and the music would get turned down. Officials would leave and music would go right back up.

Frank VanLeeuwen again we apologize, it was misled to us exactly how this was going to go. Tried to do now camping, doing a lot of activities with the children. A lot of business comes from Bethel Woods, and we make recommendations for kayaking, restaurants, we shuttle back and forth. We try to do everything we can do to do it right.

Julie Caruso – I am a resident of Liberty and live only 7 miles away from the campgrounds. I am also a seasonal resident at the campgrounds since last August. Working with frank and Jen side by side with the festival. , telling them to turn it down. They did not want to hurt anybody. It is wonderful there, fell in love when I took a tour. We booked one week last August and never left. It is the best place ever, friend, family the kids have a ball.

Motion by Mrs. Hendrickson to close the public hearing at 8:15 p.m. and reopen the regularly scheduled Town of Bethel Town Board meeting. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Revocation of 10/7/2017 Bethel Hideaway Campground Noise Permit

Mr. Sturm the entire incident is under complete legal review and can not comment any further and will be resolved through the courts. On behalf of the residents who spoke tonight. We are responsible for the issuance of the noise permit and we take it very seriously. There were numerous permits issued for the season there is one left for October 7, 2017. Mr. Cohen asked the name of the officers who showed up. Mrs. Hendrickson received a call from a friend near the area and must have called 7 times. You need to investigate the people you are renting to. Mrs. Simpson commented that you won't be denied a noise permit as long as we don't get complaints, and there were numerous, have to agree we can't have it. Mrs. Ryder had two years without complaints, we have laws for a reason and we need to stand behind the rules and revoke the last permit.

Motion by Mrs. Simpson to revoke the October 7, 2017 noise permit date issued to the Bethel Hideaway Campground Resort, 106 Fulton Road, Ferndale, New York 12734. Seconded by Mrs. Hendrickson, put to a vote 5-0.

Local road detour proposed by NYS Dept. of Transportation

WHEARAS, the New York State Department of Transportation (“NYSDOT”) proposes the construction, reconstruction, or improvement of such highway being identified as PIN 9036.25 – NY Route 17B/NY Route 55 East Intersection Improvements

S.H., 986 located in Sullivan County and within the geographical jurisdiction of the Town of Bethel, and

WHEREAS, NYSDOT does not officially require a detour resolution with the Town per Chapter 25, Article 3, & 42 of the New York State highway Law for rerouting local traffic on the Town’s roads, NYSDOT will pursue a detour resolution with the Town so that traffic pattern is identified and documented with the Town, and

WHEREAS, NYSDOT proposed to utilize Mattison Rd and Schultz Rd for local traffic detour during the period of construction for Stage 4 as shown on attached Contract Plan Sheets WZD-04 & WZP-21, and

WHEREAS, NYSDOT will provide traffic control devices to the above mentioned Town roads as shown on attached Contract Plan Sheets WZD-04 & WZP-21, and

NOW, THEREFORE BE IT RESOLVED: that the Town agrees that this detour resolution consists of detour resolution and Contract Plans Sheets WZD-04 & WZP-21, and

NOW, THEREFORE BE IT RESOLVED: that the Town Board does hereby authorize the NYSDOT to utilize the above mentioned roads as a detour for local traffic during the period of construction.

BE IT FURTHER RESOLVED: that the Town of Bethel Supervisor has the authority to sign, with the concurrence of the Town Board, any and all documentation that may become necessary as a result of this project as it relates to the Town of Bethel, and

BE IT FURTHER RESOLVED: that the Clerk of the Town of Bethel is hereby directed to transmit five (5) certified copies of the foregoing resolution to the NYSDOT.

Moved by: Mrs. Lillian Hendrickson
Seconded by: Mrs. Vicky Simpson
Vote: Carried 5-0

Resolution to contract with TARA for spay/neuter of cats in 2018

RESOLUTION TO AUTHORIZE THE TOWN OF BETHEL TO ENTER INTO AN AGREEMENT WITH THE ANIMAL RIGHTS ALLIANCE (T.A.R.A.) TO PROVIDE FUNDING FOR THE SPAY AND NEUTERING OF CATS IN THE TOWN OF BETHEL TO PROTECT THE HEALTH SAFETY AND WELFARE OF TOWN RESIDENTS

WHEREAS, the Town of Bethel is aware that there is a feral cat problem within the Town and the increase in number of these feral cats poses a threat to the town residents’ health, safety and welfare;

WHEREAS, The Animal Rights Alliance (hereinafter “T.A.R.A.”) is an entity that comes once per month to various towns, including the Town of Thompson, and provides the service of spaying or neutering cats and can does same for the Town of Thompson residents at a discounted rate pursuant to an agreement; and

WHEREAS, presently T.A.R.A. charges \$75.00 per spay or neuter, but has agreed to enter into an agreement with the Town of Bethel to provide this service at a reduced rate of \$50.00 per spay or neuter to Town residents, with the Town having the option of supplementing a portion of the fee on their own volition; and

WHEREAS, the Town of Bethel, in order to protect the health, safety and welfare of its residents, would like to assist in controlling the feral cat population within

the Town and would like to enter into an agreement with T.A.R.A. to provide these services at a discounted rate and will also agree to provide a portion of the fee to offset part of the cost to town residents and thereby take affirmative action to control the feral cat population within the Town.

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Bethel that:

1. The Supervisor of the Town of Bethel is hereby authorized to execute an agreement with T.A.R.A. to provide spay and neutering services on a monthly basis at a cost of \$50.00 per cat for Town of Bethel residents and collected by the Town of Bethel. Said agreement subject to review and approval by the Attorney for the Town; and
2. That the Town of Bethel authorizes and appropriates a maximum of \$2,000.00, representing \$20.00 per cat, to supplement and offset the costs for residents of the Town to have their cat spayed or neutered. Accordingly the Town will supplement the first 100 casts to receive this service at a rate of \$20.00 per cat until the allocated funds are used up. The \$20.00 supplement shall be limited to two cats per household per calendar year and shall only be available to Town residents. The \$20.00 shall not be available to commercial enterprises, whether for profit or not for profit.

Moved by: Mrs. Simpson, Councilperson
 Seconded by: Mrs. Ryder, Councilperson

| Roll Call Vote: | | <u>AYE</u> | <u>NAY</u> |
|------------------|-------|------------|------------|
| Mrs. Simpson | voted | X | |
| Mrs. Hendrickson | voted | X | |
| Mr. Cohen | voted | X | |
| Mrs. Ryder | voted | X | |
| Mr. Sturm | voted | X | |

Adopted on the 28th day of September 2017.

2018 Budget Discussion and set work session

Mr. Sturm asked the Board members if October 3, 2017 at 6 p.m. at the Town Hall be agreeable for a work session on the 2018 budget.

Motion by Mrs. Hendrickson to set 2018 Budget Work Session on October 3, 2017 at 6 p.m. at the Town of Bethel Town Hall. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Correspondence from Erin Lynch, Confidential Secretary/Bookkeeper

Motion by Mr. Cohen to receive and file letter dated September 20, 2017 from Erin Lynch submitting her resignation from the Town of Bethel effective October 4, 2017 as Confidential Secretary/Bookkeeper. Seconded by Mrs. Simpson, put to a vote and carried 5-0. Mr. Sturm wished Erin well as she is relocating to Long Island.

Motion by Mrs. Ryder to post an ad in the Sullivan County Democrat for Confidential Secretary/Bookkeeper to the Town Supervisor. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Adopt-A-Road application – The Rubin Family, Silver Lake Road

Motion by Mrs. Hendrickson to receive, file and approve letter dated September 29, 2017 from Stan Rubin (The Rubin Family) requesting to adopt-a-road – Silver Lake Road, Swan Lake, New York. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

NYS State Comptroller 2016 Fiscal Monitoring Report

Mr. Sturm reported on the fiscal stress monitoring system status notification from the NYS State Comptroller's office. Mr. Sturm was happy to report that the Town of Bethel's 2016 AUD (annual financial report) was 5%.

Motion by Mrs. Simpson to receive and file 2016 NYS State Comptroller annual financial report (fiscal stress) as submitted. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Correspondence from Darryl Yates, Constable

Motion by Mrs. Simpson to receive and file letter of resignation dated September 18, 2017 from Darryl Yates, Town of Bethel Constable. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Adjournment

There being no further business on the agenda, motion by Mrs. Simpson to adjourn. Seconded by Mr. Cohen, put to a vote, carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk