

The February 12, 2009 Town Board meeting was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Bethel Senior Center.

Council members present: Denise Frangipane
Vicky Simpson

Absent: Richard Crumley
Robert Blais

The meeting was opened with the Pledge of Allegiance.

Resolution of Respect

***Resolution of Respect
In Memoriam to***

***Harvey Goldberg
October 1, 1936 – January 30, 2009***

Whereas, Almighty God in his wisdom has seen fit to call from our midst one of our public officials who served the Town of Bethel with honor and dignity, ***Harvey Goldberg***, and

Whereas, ***Harvey*** served the Town as a Volunteer for White Lake Water Patrol from 1990 until he was appointed as Navigational Officer in 2002, and

Whereas, during his years of service as a Volunteer and Navigational Officer he had diligently performed his duties for the welfare of the Town of Bethel and had always exhibited those qualities essential as a public servant; and

Harvey took his duties seriously and made sure the boater's, swimmer and watercraft operators abided by the laws, followed the rules and were safe and he will always be remembered for his diligence in performing his duties, and

Now Therefore Be it Resolved, that the Town of Bethel Town Board and Office of the Constabulary expresses their most sincere sympathy at the passing of ***Harvey Goldberg*** on January 30, 2009, and extends their condolences to his wife, Muriel, his two daughters; Robin and Donna, his 6 grandchildren, family and friends and in respect of his memory cause this Memorial Resolution to become a part of the official minutes of the Town of Bethel and to be published in the Sullivan County Democrat.

Dated: February 12, 2009

Presentation – Hess Corporation

Todd Louchs, Hess Corp. (not affiliated with MEOA). This is a 3-year contract. NYSEG owns meters and wires

Mr. Sturm Dan sought advice from the County Department of Sustainability, and they gave this program the thumbs up.

#14 Approve 3-year contract with Hess for purchase of electricity

Motion by Mrs. Simpson to approve contract, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Hendrickson Junkyard License Renewal

Mr. Sturm advised this need to be referred to the Building Department for an inspection. Motion by Ms. Frangipane to receive, file, and authorize Building

Department to conduct an inspection, seconded by Mrs. Simpson, put to a vote and carried 3-0.

Richard Yeomans Junkyard License Renewal

Motion by Mrs. Simpson to receive, file, and authorize Building Department to conduct an inspection, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Irma Lymar Junkyard License Renewal

Motion by Mrs. Simpson to receive, file, and authorize Building Department to conduct an inspection, seconded by Ms. Frangipane, put to a vote and carried 3-0

Jose Lema Junkyard License Renewal

Motion by Ms. Frangipane to receive, file, and authorize Building Department to conduct an inspection, seconded by Mrs. Simpson, put to a vote and carried 3-0.

Monthly Statement of Supervisor – December

Supervisor’s Monthly statement has been received. Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Liquor License Renewal for Goshen Gourmet 2, Inc. at Bethel Woods

Motion by Mr. Sturm to receive and file, seconded by Mrs. Simpson, put to a vote and carried 3-0. Motion by Mrs. Simpson to approve and waiver 30-day notice, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Correspondence from Marilyn and Doreen Brennan re: Drumm Street

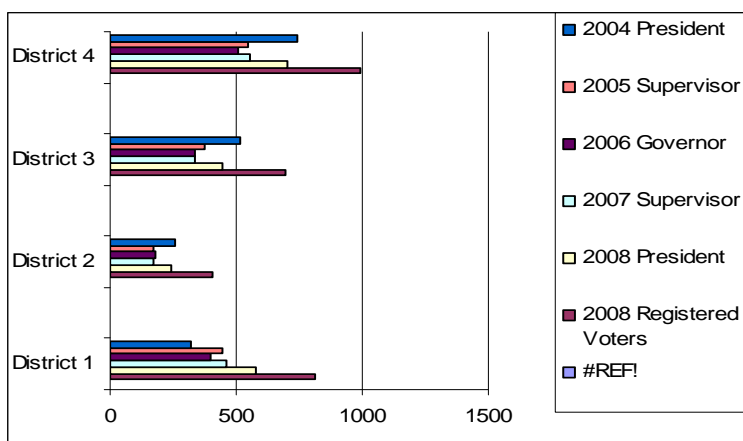
Correspondence has been received from Marilyn and Doreen Brennan about the condition of Drumm Street and asked for it to be paved. Motion by Ms. Frangipane to receive and file, seconded by Mrs. Simpson, put to a vote and carried 3-0.

Mr. Lilley advised the NOH has been sold to Frank Retzl and recommends letter to Mr. Retzl to consider the Town to re-acquire the property or for him to repair road. Mr. Lilley advised we could try and take it back.

Motion by Mrs. Simpson to send Mr. Retzl a letter for him to fix before we try and take back, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Correspondence from Town Clerk – Election District Consolidation

Correspondence has been received from the Town Clerk on a recommendation by the S.C. Board of Elections to consolidate Election District #2 into #4. Motion by Mrs. Simpson to receive and file and to send to Town Party Chairs, seconded by Ms. Frangipane, put to a vote and carried 3-0.



Prepared by Rita J. Sheehan, Bethel Town Clerk

	2008	2008	2007	2006	2005	2004
	Registered Voters	President	Supervisor	Governor	Supervisor	President
District 1	810	580	458	399	442	322
District 2	404	244	174	179	173	256
District 3	692	445	338	333	374	516
District 4	991	701	554	505	548	744

Cancel 2/26 Town Board Meeting

Motion by Ms. Frangipane to cancel the February 26th Town Board meeting, seconded by Mrs. Simpson, put to a vote and carried 3-0.

#15 Set Special Meeting

Mrs. Simpson suggested special meeting Wednesday, February 25th at 5:00 p.m. Motion by Mrs. Simpson to set special meeting on February 25th, seconded by Ms. Frangipane for purposes of discussion. Ms. Frangipane suggested adjusting the time to 5:30. Motion by Mrs. Simpson to hold a special meeting on Wednesday, February 25th at the Senior Center 5:30 p.m., seconded by Ms. Frangipane, put to a vote and carried 3-0. Ms. Frangipane stated she was glad we are doing this. Mr. Sturm announced that Mr. McEwan, Mr. Sorensen, Mr. Shuster, and Kim Shaw will be present to discuss the zoning changes.

Approve voting delegate for the Annual Assoc. of Towns Conference

Motion by Ms. Frangipane to approve Mr. Crumley as voting delegate for Association of Towns Annual meeting, seconded by Mrs. Simpson, put to a vote and carried 3-0.

#16 Agreement with Gerry Foundation for NYSERDA Matching Grant

Correspondence has been received from the Gerry Foundation regarding the NYSERDA matching grant. The Gerry Foundation is offering to match the one-half of the \$23,360. subject to the terms and conditions as set forth in the correspondence. Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 3-0. Motion by Mrs. Simpson to approve agreement, seconded by Ms. Frangipane, put to a vote and carried 3-0.

#17 Salaries and Appointments - Donna Davis

Fran Foster, Town Bookkeeper, pointed out that Donna Davis was not part of the re-organizational meeting and needs appointment and salary set. Motion by Mrs. Simpson to appoint Donna Davis as Transfer Station Attendant at a rate of \$10.00, seconded by Ms. Frangipane, put to a vote and carried 3-0.

#18 Ferndale Adult Health Drug and Alcohol Testing Contract

Ferndale Adult Health Drug and Alcohol Testing Contract has been received for approval as follows:

Dot & Non DOT Drug Screening Lab and MRO Services

SAMHSA certified lab. With MRO services – Testing - \$45
Breathe Alcohol Testing - \$50 per test/confirmation \$20
Laboratory Collection - \$15.00

Post Accident \$95/hour – 2 hour minimum

Management of Random Drug Screening Program

Randomized selection of employees and report to company
Certificate of completion letter for DOT if needed
\$80 annual administration fee per employee/year
(includes random BAT and drug testing)

Dot required drug and alcohol training and policy. \$250 Company agrees to provide a male supervisor when a direct observation is needed. Dot Required drug and alcohol training and policy \$250.

Motion by Ms. Frangipane to approve contract, seconded by Mrs. Simpson, put to a vote and carried 3-0.

Building Dept. Monthly Report

Mr. Sturm announced that the Building Department report is down 17% from January 2008. January 2009 fees collected \$2,486. Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Bethel Motor Speedway - Application for Renewal Permit

Renewal application has been received from Joanne and David Rocket to operate the Bethel Motor Speedway. Motion by Mrs. Simpson to receive, file and send to Building Department for report, seconded by Ms. Frangipane, put to a vote and carried 3-0. Mr. McEwan pointed out that the Town now has a noise law and the Speedway will have to fill-out an application.

#19 Resolution to accept Map, Plan, and Report for Takourian Sewer Extension

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL
AUTHORIZING THE ACCEPTANCE OF THE MAP, PLAN AND REPORT FOR
EXTENSION OF THE KAUNEONGA LAKE SEWER DISTRICT**

WHEREAS, the Town Board of the Town of Bethel, Sullivan County, New York, convened as the Kauneonga Lake Sewer District board, (the “Town Board”) is in receipt of a petition, accompanied by part one of a short-form EAF, seeking an extension of the Kauneonga Lake Sewer District to accommodate certain lands and premises contained in a four-lot subdivision known as the Takourian subdivision; and

WHEREAS, the Town Board has duly caused to be prepared a map, plan and report for the extension of the Kauneonga Lake Sewer District (“KLSD”) and it appears that the Takourian subdivision consists of two lots currently located in the KLSD and two lots that are not located in the KLSD; and

WHEREAS, upon review of the Petition and part one of the short form EAF, the Town Board has determined that the project is subject to the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, “SEQRA”); and

WHEREAS, the Town Board has compared the Petition and the short form EAF to the thresholds for classifying this action as set forth in 6 NYCRR §§ 617.4 and determined that the extension of the KLSD constitutes an Unlisted action pursuant to SEQRA; and

WHEREAS, pursuant to SEQRA, the Town Board desires to act as the Lead Agency for the Project under SEQRA and to conduct a coordinated SEQRA review of the proposed action with all Involved Agencies; and

WHEREAS, the Involved Agency for this action is the New York Department of Health; and

WHEREAS, SEQRA requires the Town Board to distribute the EAF and a copy of the Petition to all Involved Agencies and notify them that a SEQRA lead agency must be agreed upon within 30 calendar days from the distribution of these documents;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, convened as the Kauneonga Lake Sewer District board, authorizes the acceptance of the map, plan and estimate duly prepared by Glenn L. Smith, PE, Consulting Engineer, P.C., engineers licensed by the State of New York, and the same shall be filed with the NY State Department of Health, the Town Clerk, and available for review by the public; and be it

FURTHER RESOLVED, that the ORDER attached to this RESOLUTION is hereby adopted and the Town Supervisor is hereby authorized to executed the same in the name of the Town Board; and be it

FURTHER RESOLVED, that the Town Board declares its intent to serve as lead agency under the New York State Environmental Quality Review Act; and be it

FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to circulate a Lead Agency designation letter to any Involved Agencies together with a distribution package including the EAF and the Petition.

Motion by Mrs. Simpson to approve resolution accepting Map, Plan and Report, seconded by Ms. Frangipane, put to a vote and carried 3-0.

#20 Order to Adopt Plan

At a meeting of the Town Board of the Town of Bethel, Sullivan County, NY, on the 12th day of February, 2009, 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

**ORDER ACCEPTING
MAP, PLAN AND
REPORT**

WHEREAS, a map, plan and report, dated January 2, 2009, has been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Bethel, relating to the extension of the Kauneonga Lake Sewer District (“KLSD”) in said Town; and

WHEREAS, such map, plan and report will be duly filed in the Bethel Town Clerk’s Office for public inspection; and

WHEREAS, said map, plan and report was prepared by Glenn L. Smith, PE, Consulting Engineer, P.C., a competent engineering firm duly licensed by the State of New York, which map, plan and report set forth the boundaries of the proposed extension and a general plan of the said system and a report of the proposed method of operation; and

WHEREAS, said map, plan and report describes all proposed facilities together with the location and general description of all public works required, including lands and easements to be acquired and improvements proposed, which improvements include the installation of infrastructure allowing all four lots in a four lot subdivision to connect with

the existing sewer district; and

WHEREAS, the boundaries of the proposed district extension, as revised, are particularly described in attachment 6 of said map, plan and report, a copy of which is attached hereto as Exhibit A and incorporated herein; and

WHEREAS, the district extension area improvements will be paid entirely by the owners of the real property in question who shall be fully responsible for said costs with no cost and expense to the KLSD; and

WHEREAS, the owners of the real property in question shall convey to the KLSD all necessary easements, rights-of-way, and improvements to the KLSD upon completion of the improvements; and

WHEREAS, the estimated costs to the typical one family home located in the proposed district extension area is \$573.00 annually in sewer rents consisting of operation and maintenance costs and debt service payments; and

WHEREAS, the estimated amount of costs to a property owner to hook up to the sewer main is \$40.00 per linear foot.

Motion by Ms. Frangipane to approve, seconded by Mrs. Simpson, it is hereby

ORDERED, that the Town Board of the said Town of Bethel shall accept the map, plan and report as prepared by Glenn L. Smith, PE, Consulting Engineer, P.C. as provided in accordance with the terms and recitations contained in this ORDER.

The adoption of the foregoing was duly put to a vote and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NAYS</u>
Robert Blais, Councilman		Absent
Richard Crumley, Councilman		Absent
Denise Frangipane, Councilman	X	
Victoria Simpson, Councilman	X	
Daniel Sturm, Town Supervisor	X	

The Order was thereupon declared duly adopted.

Monthly Audit of Bills

<u>Fund</u>	<u>Amount</u>	<u>Check #'s</u>
General	\$1,519,390.38	23978 – 24074
Highway	\$ 244,170.05	4039 – 4082
Sewer	\$ 41,494.99	1206 – 1232
Sewer Ext.	\$ 17,947.41	1092 – 1093
Sewer Rehab	\$ 4,313.10	1094
KL Light District	\$ 3,545.08	596 – 597
Planning & Zoning	\$ 1,105.00	1069 – 1070
John Driscoll Sch.	\$ 1,000.00	(2008) #1004 – 1005
Capitol Projects Leachate System	\$ 154,985.95	992 and 1001
Capitol Projects Landfill	\$ 6,497.47	2093
JP Morgan	\$ 123,861.00	192049921

Motion by Mrs. Simpson to approve monthly audit of bills as presented, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Landfill Closure State Assistance Application

Glen Smith, P.E. was present and announced that the leachate pump station for the landfill closure is completed. A final check needs to be done when the snow breaks.

Mr. Sturm mentioned that on-half the cost is reimbursable by the DEC.

#21 Landfill Closure State Assistance Application Resolution

Resolution authorizing the submission of an application for State assistance for landfill closure pursuant to Title 5 of Article 54 and Title 4 of Article 56 of the New York State Environmental Conservation Law

WHEREAS, Town of Bethel herein called the “Municipality” has hereby determined that certain work, as described in the State assistance application and any amendments thereof, herein called the “Project,” is desirable and in the public interest; and

WHEREAS, Title 5 of Article 54 and Title 4 of Article 56 of the Environmental Conservation Law authorized State assistance payments to municipalities for closure of municipal landfills by means of a written agreement and the Municipality deems it to be in the public interest and benefit under this law to apply therewith;

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

1. That, Daniel Sturm, Town Supervisor is directed and authorized as the official representative to act in connection with any application between the Municipality and the State and to provide such additional information as may be required;
2. That one (1) certified copy of this Resolution be prepared and sent to the Director, Division of Solid & Hazardous Materials, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7250, together with the application; and
3. That this Resolution takes effect immediately.

Motion by Ms. Frangipane to approve, seconded by Mrs. Simpson, put to a vote and carried 3-0.

#22 Sterling Environmental Well Monitoring Contract for landfill closure

Motion by Mrs. Simpson to approve, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Task	Baseline Event	Routine Event (per Event)
1. Water Quality Monitoring	\$2,095	\$2,000
2. Explosive Gas Survey	\$ 420	---
3. Laboratory Analyses (8 samples)	\$2,810	\$1,475
4. Data Evaluation, Letter Report Preparation & NYS DEC Annual Report	\$2,380	\$2,325
TOTAL :	\$7,705	\$5,800

#23 Resolution to transfer funds from Escrow account to General Fund and to change name of Escrow account

Correspondence has been received from Fran Foster, Town Bookkeeper, regarding a Bank of America 1988 escrow account #0054790012032 in the amount of \$7,352.72. Mrs. Foster is requesting to transfer the funds to the General Fund and to change the name of the bank account from Town of Bethel Escrow Account to *Town of Bethel 17B Sewer Escrow Account*.

The original escrow account was for a \$5,000 for the Santapaola/Albanese Subdivision SBL #53-1-38.27 (Muldoon Road). Mrs. Foster has checked with the Town

Attorney and Accountants and they have advised the money belongs to the Town. Town Clerk advised she will check her files for an agreement. Mrs. Foster commented she check her files and did not find anything.

Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 3-0. Ms. Frangipane asked if the Town can create a reserve fund. Mrs. Foster replied that according to the State Comptroller the funds should be given to the General Fund. Mr. McEwan suggested putting funds into the Highway Fund.

Motion by Mrs. Simpson to approve transferring funds into General Fund and to change name of escrow account, seconded by Ms. Frangipane, put to a vote and carried 3-0.

#24 Bid Award for KLSD Contract #1A – Pump Stations

The following bids were received for Contract #1A – Pump Stations:

1.	Eastern States Construction	\$1,174,200
2.	Sullivan County Paving	\$ 988,500
3.	Darlind Group	\$ 975,000
4.	C.A. Phillips Construction	\$ 967,000
5.	Gardner Excavating	\$ 883,000
6.	Jett Industries	\$ 874,000

Jett Industries is the lowest responsible bidder. Therefore, E & H recommends that contract #1A be awarded to Jett Industries for the amount of \$874,000.

Motion by Mrs. Simpson to award bid to Jett Industries for \$874,000, seconded by Ms. Frangipane, put to a vote and carried 3-0.

#25 Bid Award for KLSD Contract #1B – Force Mains

The following bids were received for Contract #1B – Force Mains:

1.	Eastern States Construction	\$647,875
2.	C.A. Phillips Construction	\$458,390
3.	Osterhoudt Excavating	\$369,665
4.	Gardner Excavating	\$348,430
5.	Boyce Excavating	\$336,710
6.	Sullivan County Paving	\$329,600

Sullivan County Paving is the lowest responsible bidder. Therefore, E & H recommends that Contract #1B be awarded to Sullivan County Paving for the amount of \$329,600.

Motion by Ms. Frangipane to award bid to Sullivan County Paving for \$329,600, seconded by Mrs. Simpson, put to a vote and carried 3-0.

#26 Bid Award for KLSD Contract #2 - Electrical

The following bids were received for Contract #2 – Electrical:

1.	John Schmidt	\$214,960
2.	Ray S. Pantel, Inc.	\$194,800
3.	Harry F. Rotolo	\$191,986
4.	Raw Power	\$180,300
5.	Hudson Valley	\$154,444
6.	Tri-Co Electric	\$134,395

Tri-Co Electric is the lowest responsible bidder. Therefore, we recommend that Contract #2 be awarded to Tri-Co Electric for the amount of \$134,395.

Motion by Mrs. Simpson to award bit to Tri-Co Electric, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Liquor License Renewal for Swan Lake Golf Course

Liquor License Renewal for Swan Lake Golf Course has been received. Motion by Mrs. Simpson to receive and approve, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Discussion on establishment of a Length of Service Award Program (LOSAP) for Bethel Volunteer Ambulance Corp.

Mr. Sturm has received a request from the Bethel Volunteer Ambulance Corp. to adopt a resolution authorizing a Length of Service Award Program (LOSAP) for its volunteers. Mr. Sturm noted that in 2008 60-75% of calls are being answered as compared to 2006 when they were at 11%.

Jonathan Hyman asked if the (BVAC) house was in order.

Mr. McEwan reported that the money goes to State and the BVAC will supply records to Town as part of the rules.

#27 Resolution authorizing the establishment of a Length of Service Award Program (LOSAP) for Bethel Volunteer Ambulance Corp.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL
AUTHORIZING THE ESTABLISHMENT OF A VOLUNTEER AMBULANCE
WORKER SERVICE AWARD PROGRAM**

Date: February 12, 2009

In the matter of establishing a
Service Award Program for
active volunteer members of
the *Bethel Volunteer Ambulance Corp.*

Whereas, a proposal has been made to establish a Service Award Program for active volunteer members of the Bethel Volunteer Ambulance Corp.

Now, Therefore, Be It Resolved That:

Section 1 The Town Board of the Town of Bethel, as authorized by Article 11-AAA of the New York State General Municipal Law, in its capacity as the governing body of the Town of Bethel, hereby creates a Service Award Program for the eligible members of the Bethel Volunteer Ambulance Corp. to become effective on January 1, 2009.

Section 2 The type of program shall be a Defined Benefit Plan as described in Article 11-AAA.

Section 3 Under the proposed Defined Benefit Service Award Program, Bethel Volunteer Ambulance Corp. Active Riding Members shall have the opportunity to earn pension-like and pre "Entitlement Age" death and disability benefits. The pension-like benefit, shall be a lifetime monthly "Service Award" payment, with payments beginning to eligible participating volunteer ambulance workers upon application, after attainment of age 65, the Entitlement Age. The monthly Service Award payment shall be equal to \$20 (\$240 per annum) for each year of Service Award Program service credit earned. When a Participant dies after attaining a vested status in the program but before monthly Service Award payments have effectively commenced, a death benefit shall be payable to the Participant's designated beneficiary (or estate if no beneficiary is designated). The death benefit shall be actuarially equivalent to the Participant's earned Service Award

and shall be based on his or her earned service credit at the time of death. When a Participant shall become totally and permanently disabled before Service Award payments effectively commence, a disability benefit shall be payable. The disability benefit shall be actuarially equivalent to the Participant's earned Service Award based on his or her earned service credit at the time of application for payment of the disability benefit.

Section 4 A year of Service Award Program service credit shall be earned by an Active Riding Member of the Bethel Volunteer Ambulance Corp. for each calendar year after 2008 during which the member earns at least 50 "points" for participating in volunteer ambulance worker activities under the rules set forth in the attached written Service Award Program "Point System". Such Point System must be in accordance with Article 11-AAA of the New York State General Municipal Law. The Town Board reserves the right to amend the attached rules as provided in General Municipal Law § 219-1(9)(b). The Town Board retains all rights to review and refine the establishment of the list of award beneficiaries as provided in General Municipal Law § 219-m(10).

Section 5 Up to five years of service credit may be earned under the Point System by a volunteer ambulance worker for service prior to 2009 and after 2003. To be eligible to earn credit for such service, the Bethel Volunteer Ambulance Corps and each eligible volunteer must comply with the requirements of General Municipal Law § 219-m(12).

Section 6 Should a Participant continue to be an Active Riding Member of the Bethel Volunteer Ambulance Corp. after attaining age 65 and having begun to be paid monthly service award payments, he or she shall continue to have the opportunity to earn service credit under the Point System. The additional monthly payments Service Award earned during a calendar year after the calendar year of attainment of the Entitlement Age and payment commencement, shall commence to be paid as of the January 1 in the next succeeding calendar year.

Section 7 In accordance with Article 11-AAA of the General Municipal Law, the Town of Bethel shall be the Service Award Program "Sponsor" and the New York State Comptroller or his designee(s) shall be the administrator(s) and/or Trustee(s) of the Town of Bethel Volunteer Ambulance Worker Service Award Program.

Section 8 The total 2009 annual cost, payable in 2010, of funding the Town of Bethel Volunteer Ambulance Worker Service Award Program benefits is estimated to be approximately \$34,900 or approximately \$1,600 per ambulance worker, including the cost of administration. The estimated annual cost to administer the program for 2009 is approximately \$2,700. The total annual cost for current ambulance workers is expected to decrease by approximately \$11,000 after 5 years when the cost of Service Awards earned for volunteer ambulance service before 2009 shall be fully paid.

Section 9 The cost of service awards earned for volunteer ambulance service before 2009 shall be scheduled to be paid by the Town of Bethel in five consecutive annual payments of approximately \$11,000, or the equivalent thereof, with the first payment to be made during calendar year 2010.

Section 10 All provisions of the Town of Bethel Volunteer Ambulance Worker Service Award Program shall be in accordance with: Article 11-AAA of the General Municipal Law as amended from time to time; the applicable rules and regulations for Service Award Programs promulgated by the New York State Comptroller; applicable rules and regulations adopted by the Town Board as may be permitted by statute, and, with this Resolution.

Section 11 Pursuant to NY General Municipal Law § 219-1(6) not more than fourteen (14) days prior to March 19, 2009, the date of a referendum to be conducted hereunder, 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 proposition to be conducted by 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. Said referendum shall occur not less than thirty (30) and not more than ninety (90) days after the adoption of this Resolution.

The appropriate officers of the Town of Bethel are authorized to and shall take the necessary actions to carry out this resolution.

Motion by Councilwoman Ms. Frangipane, seconded by Mrs. Simpson and adopted upon a roll call vote as follows:

	AYE	NAY
Robert Blais		Absent
Richard Crumley		Absent
Denise Frangipane	X	
Victoria Simpson	X	
Daniel Sturm	X	

Effective Date: This Service Awards Program authorized by this Resolution shall not take effect until its adoption by referendum as provided in § 219-1 of the NY General Municipal Law.

**SERVICE AWARD PROGRAM IMPLEMENTATION RULES
TOWN OF BETHEL
BETHEL VOLUNTEER AMBULANCE CORPS**

A year of ambulance service shall be credited under a service award program for each calendar year, beginning with the year in which the program is adopted, in which a volunteer ambulance worker accumulates at least fifty points from the categories listed below. Except for approved retroactive service, points shall be granted for activities performed after the effective date of the program in accordance with the following, which shall be applied on a consistent and uniform basis.

A. Training courses: twenty-five points maximum.

(i) Courses under twenty hours duration: one point per hour, with a maximum of five points.

(ii) Courses of twenty to forty-five hours duration: one point per hour for each hour over initial twenty hours, with a maximum of ten points.

(iii) Courses over forty-five hours duration: fifteen points per course.

For purposes of this paragraph, the term “training course” shall mean a course of instruction having a prescribed topic and syllabus. Points for a training course shall be awarded only upon the successful completion of the course, and submission of written proof thereof to the Town Board, and only in the year in which the course is successfully completed.

B. Drills: twenty points maximum.

One point per minimum two hour drill. For purposes of this paragraph, the term “drill” shall mean a skills practice or skills training session related to emergency medical service.

C. Elected or appointed position: maximum points set forth per title.

- Captain – 15 points
- Lieutenant (2) – 10 points
- President – 15 points
- Treasurer (2) – 10 points
- Secretary – 10 points
- Vice President – 5 points

The award of points is conditioned upon completion of one year term in one of the listed elected or appointed positions.

D. Participation in ambulance company responses: twenty-five points for responding to at least ten percent (10%) of the calls dispatched.

E. Attendance at meetings: twenty points maximum.

Participants must attend a minimum of six meetings annually. Credit given for official meetings of the Bethel Volunteer Ambulance Corps only.

F. Attendance at Funerals: ten points maximum.

Participants will earn one point per funeral attended. Attendance credit shall be limited to the funerals for former officials and employees of the Town of Bethel, members of the Bethel Volunteer Ambulance Corps, and other such funerals as may be designated in writing by the Town Supervisor.

In computing credit for those volunteer ambulance workers who also serve as a paid employee of the Town of Bethel, credit shall not be given for activities performed during the individual's regularly assigned work periods. A participant whose ambulance service is interrupted by full-time extended obligatory military service or by a single voluntary enlistment not to exceed four years in the armed forces of the United States shall be considered on military leave. During such period of military leave, the participant shall receive fifty points for each full year of military service, prorated for military service of less than a year.

G. Record Keeping.

The Bethel Volunteer Ambulance Corps shall keep accurate attendance records for each meeting, drill or training it conducts and require each participant to sign in at the commencement of the event. The Bethel Volunteer Ambulance Corps shall keep accurate meeting minutes, which shall include the names of all participants, including all officers, in attendance. The Bethel Volunteer Ambulance Corps shall keep accurate election results for the election of its officers. All such records shall be written and available to the Town Board upon submission of the approved list for service credit. Each claimant shall provide an annual signed certification as follows:

I, [name of volunteer] certify that the amount of service points claimed is true and correct, that the amount claimed is actually due me, and I understand that the Town of Bethel will rely on the accuracy of this certification to award service points under the Bethel Volunteer Ambulance Corps Service Award Program.

H. Developing the Approved List for Service Credit.

The president of the Bethel Volunteer Ambulance Corps shall submit to the Town Board a list of all volunteer members, certified under oath, which shall identify those volunteer members who have qualified for credit under the award program for the previous year. Such list shall be submitted annually by March thirty-first or otherwise as provided in the rules and regulations of the state comptroller and shall be accompanied by such membership records and records of point accumulations as the governing board may require to substantiate the accuracy of the list. Notwithstanding the provisions of this subdivision a volunteer ambulance worker may request that his name be deleted from said list as a "participant". Such request for deletion shall be in writing and shall remain effective until withdrawn in the same manner.

The Town Board shall review the list of each ambulance company and may delete the name of any person who was not a volunteer ambulance worker during the preceding calendar year or the name of any volunteer ambulance worker who did not earn fifty points during the preceding calendar year or whose point accumulation has not been adequately documented. Thereafter, the Town Board shall approve the list and return a

copy of the list to the Bethel Volunteer Ambulance Corps and forward a certified copy of the approved list to the program administrator.

Upon receipt of the approved list, the Bethel Volunteer Ambulance Corps shall post the list at its principal headquarters for at least thirty days. A volunteer ambulance worker whose name does not appear on the approved list shall have the right to appeal within thirty days of posting of the list. The appeal shall be in writing and mailed to the Town Clerk, and the Town Board shall investigate the appeal. The decision of the Town Board shall be subject to judicial review pursuant to article seventy-eight of the civil practice law and rules.

#28 Correspondence Shuster

Correspondence has been received Shuster Associates regarding the Delaware Riverkeeper letter of February 5th on their comments to the DGEIS. The Delaware Riverkeeper is suggesting that the entire site of the former Smallwood Golf Course be included in the proposed Forest Conservation District due to its sensitive nature. Mr. Shuster comments that the specific site featured should be addressed during review of specific development plans when submitted and therefore recommends no change to the Draft Scope Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Ms. Frangipane mentioned that the wetlands section was not identified in the text of that section on page 4 section 2.

Motion by Ms. Frangipane to add the wetlands wording to page 4 section 2, seconded by Mrs. Simpson, put to a vote and carried 3-0.

#29 Resolution to accept Draft Scoping for Zoning Law as Final

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL ACCEPTING THE FINAL SCOPE UNDER SEQRA WITH RESPECT TO THE PROPOSED AMENDMENT OF CHAPTER 345 "ZONING" AND CHAPTER 300 "SUBDIVISION OF LAND" OF THE TOWN CODE OF THE TOWN OF BETHEL

WHEREAS, the Town Board of the Town of Bethel ("Town Board") has introduced a local law to provide a comprehensive amendment to its duly enacted Zoning Code, which Zoning Code appears as Chapter 345 of the Town Code of the Town of Bethel (the "Zoning Code"); and

WHEREAS, the Town conducted public hearings with regard to appropriate amendments to the Zoning Code, sought advice and received recommendations from a duly appointed zoning review committee and a separate duly appointed planning board procedures committee with regard to necessary and appropriate amendments to the Zoning Code; and

WHEREAS, the Town requested comments from the Town of Bethel Planning Board, which comments have been duly reported to the Town Board; and

WHEREAS, the Town Board seeks to amend Chapter 345 "Zoning" of the Town Code to implement fully the intent of the Town's Comprehensive Plan; and

WHEREAS, the Town Board also needs to make minor changes to the subdivision law to implement fully the new zoning code and seeks to amend Chapter 300 "Subdivision of Land" of the Town Code; and

WHEREAS, the Town Board assumed lead agency status for the purposes of environmental review under the State Environmental Quality Review Act ("SEQRA") and determined that the proposed action was a type I action under SEQRA regulations

with the potential for at least one significant adverse environmental impact and needs to analyze said potential significant adverse impacts and evaluate reasonable alternatives thereto as required by 6 NYCRR 617.7 and that a draft generic environmental impact statement be prepared; and

WHEREAS, the Town has prepared and submitted a Draft Scope for the proposed legislation for review by the Town Board, Planning Board, involved and interested agencies and the public and the Town Board established a 15 day public comment period, which comment period has now expired; and

WHEREAS, the Town Board has carefully considered all relevant public comments regarding the draft scope and determined that no such comments warrant revision of the draft scope and has submitted the same for acceptance as the final scope.

NOW THEREFORE, BE IT RESOLVED, that the Town Board, acting as lead agency in accordance with 6 NYCRR § 617.8, determines that the proposed final scope properly identifies the potential for the following significant adverse impacts on the environment:

- More rapid utilization of land due to increased lot sizes in certain districts leading to a possible increase in disturbance of natural resources;
- Possible impacts to groundwater supplies and road infrastructure due to expansion of the RS District into areas currently designated for lower density;
- Possible increase in housing costs due to larger lot area requirements; and
- Change in population capacity of the Town due to modification of density standards; and be it,

FURTHER RESOLVED that the scope attached to this resolution shall be the final scope for the proposed legislation; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted. Motion by Mrs. Simpson, seconded by Councilwoman Denise Frangipane, and adopted upon a roll call vote as follows:

	AYE	NAY
Robert Blais		Absent
Richard Crumley		Absent
Denise Frangipane	X	
Victoria Simpson	X	
Daniel Sturm	X	

Duly adopted by 3 ayes, 0 nays the 12th day of February, 2009.

Correspondence Bethel Planning Board

Correspondence has been received from the Bethel Planning Board recommending the adoption of the Zoning Code amendments. Motion by Ms. Frangipane to receive and file, seconded by Mrs. Simpson, put to a vote and carried 3-0.

#30 Resolution objecting to the proposed closure of the Dr. Cornelius Duggan Elementary School

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
OBJECTING TO THE PROPOSED CLOSURE
OF THE DR. CORNELIUS DUGGAN ELEMENTARY SCHOOL**

WHEREAS, the Town Board of the Town of Bethel (“Town Board”) has been advised by the Monticello Central School District that it intends to close one public elementary school in the school district and that the Dr. Cornelius Duggan Elementary School (“Duggan Elementary School”) has been identified as one of two possible candidates for closure; and

WHEREAS, the Duggan Elementary School is the only elementary school located within the geographic borders of the Town of Bethel, one of the largest towns in area located in the County of Sullivan and the Monticello Central School District; and

WHEREAS, it appears that the students currently attending the Duggan Elementary School will have to attend elementary school in the Village of Monticello if the Duggan Elementary School is closed necessitating the transporting of nearly all such students by bus; and

WHEREAS, the Duggan Elementary School has long been a center of the community for the Town of Bethel and its closure would have cultural, educational, and economic impacts upon the residents of the Town of Bethel.

NOW THEREFORE BE IT RESOLVED that the Town Board objects to the closure of the Duggan Elementary School until such time as the Monticello Central School District undertakes and publishes an independent and comprehensive impact study to determine:

(i) the effects to the business community, the real estate values, and on the underprivileged population,

(ii) the impact on the social fabric of our community,

(iii) a cost/benefit analysis that includes any projected cost savings by the proposed school consolidation, which analysis must include increased transportation costs and impacts upon traffic,

(iv) alternate sources of revenue, including short-term, low cost borrowing,

(v) impacts upon the emotional and physical health of students compelled to travel long distances to school daily, and

(vi) most significantly, the impact on the quality of education our children receive; and be it

FURTHER RESOLVED that the Town Board objects to the finalization of any plan to close the Duggan Elementary School until such time as the Monticello Central School District forms an advisory committee to oversee the study and the interpretation of the impact study in accordance with the recommendation contained in NY Education Law § 402-a (1) *Procedures for Closing a School Building*. The cited statute provides, in part, that the board of education “at least six months in advance of a proposed school closing, ... [is] hereby authorized and recommended to establish an advisory committee on school building utilization to investigate the educational impact of such a closing”; and be it

FURTHER RESOLVED, that any advisory committee formed by the Monticello Central School District prepare an educational impact statement that addresses the factors compelled by statute which shall include, but not be limited to:

(a) the current and projected pupil enrollment, the prospective need for such building, the ramifications of such closing upon the community, initial costs and savings resulting from such closing, the potential disposability of the closed school;

(b) possible use of such school building for other educational programs or administrative services;

(c) the effect of such closing on personnel needs, and on the costs of instruction, administration, transportation and other support services;

(d) type, age and physical condition of such building, outstanding indebtedness, maintenance and energy costs, recent or planned improvements for the building, and such building's special features;

(e) ability of the other schools in the affected district to accommodate pupils if such school building closes; and

(f) possible shared utilization of space in such school building during or after regular school hours, as permitted in section four hundred fourteen of the Education Law; and be it

FURTHER RESOLVED that any advisory committee formed by the Monticello Central School District consist of a representative sample of citizens from the Town of Bethel; and be it

FURTHER RESOLVED that the Town Board objects to the finalization of any plan to close the Duggan Elementary School until such time as Monticello Central School District officials responsible for implementing school closure plans meet with the Town Supervisor and members of the Town Board to discuss the school closure issue; and be it

FURTHER RESOLVED that upon adoption hereof a copy of this Resolution be delivered promptly to the Superintendent of Schools for the Monticello Central School District, and to all interested parties on the attached list.

On a motion by Councilwoman Victoria Simpson, seconded by Councilwoman Denise Frangipane, and put to a vote with 3 ayes and 0 nays, the Town Supervisor declared this resolution was adopted.

Motion by Mrs. Simpson to invite Dr. Michel to Town Board meeting, seconded by Ms. Frangipane, put to a vote and carried 3-0.

#31 Correspondence Community United Methodist Church

Correspondence has been received from Community United Methodist Church requesting a reduction in the quarterly sewer charge since they are low users. Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 3-0. Mr. Sturm wants to review and suggest tabling until March 12th.

Motion by Ms. Frangipane to table, seconded by Mrs. Simpson, put to a vote and carried 3-0.

Extension of Time Warner Cable to Airport Road.

Correspondence has been received from the S.C Partnership announcing that Time Warner Cable has put in a work order to complete the infrastructure for high-speed internet service to the Airport Road area. Motion by Mrs. Simpson to receive and file, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Ron Borella asked if the Town Board could send a letter to Time Warner Cable for service to his Burr Road. Town Clerk suggested that everyone on that road and in the area to write a petition.

Motion by Mrs. Simpson to send Time Warner Cable a letter for Burr Road, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Public Comment

Marcia Salton thanked Terri Lynch for all her hard work at the Transfer Station.

February 12, 2009

Audit Meeting

Mary Ann Burke commented on the letter to the DEC that discussed two access points. She hoped the 3 new people on board since 2002 will encourage 2 access points and public access.

Bob Barrett stated it is ironic to him about tax situation, will be in shortfall if Chapin assessments drop. Mr. Barrett commented that if the Town Board took this action 2 years ago, you might not have this problem with water today. Six years ago the Planning Board had no attorney and today their attorney advises public access must be researched before preliminary approval. He added that the letter to the DEC is now on right track and he was glad it took place. Mr. Barrett suggested sending the DEC letter to Monticello Central School Board. Town Clerk advised she will send out to their attorney tomorrow.

Adjournment

Motion by Mrs. Simpson to adjourn, seconded by Ms. Frangipane, put to a vote and carried 3-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk