

The Town of Bethel Town Board meeting of April 14, 2010 was called to order by Supervisor Daniel Sturm, Town Supervisor, at 7:30 p.m. at the Bethel Senior Center.

The meeting was opened with the Pledge of Allegiance

Council Members Present: Robert Blais
Vicky Simpson
Denise Frangipane
Richard Crumley

Others Present: Rob McEwan, Atty. for the Town

20-year Service Award - Ron Weiss, Ken Taylor & Jim McBride

Certificate of 20-years of service were awarded to Ronald Weiss, Heavy Equipment Operator, Jim McBride, Sewer Superintendent, and Ken Taylor, Heavy Equipment Operator (Mr. Taylor was not present). Town Clerk Rita Sheehan started this recognition program 3 years ago and pointed out that Mr. Weiss' family including his sister (Terri), mother (Meddie), father (Roland), and uncle (Marvin) have over 150 years of combined years of service to the Town.

Approve 2010 Road Restrictions for Bethel Woods

RESOLUTION TO ADOPT AN ORDER OF THE TOWN BOARD OF THE TOWN OF BETHEL TO REGULATE AND RESTRICT VEHICLE TRAFFIC WITHIN CERTAIN AREAS OF THE TOWN BETWEEN JUNE 1, 2010 AND SEPTEMBER 30, 2010 ON SPECIFIED DATES AND AT SPECIFIED TIMES

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

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

WHEREAS, Bethel Woods Center for the Arts will commence operation of its 2010 Pavilion performance season on June 18, 2010; and

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

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

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

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

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

Hurd Road, West Shore Road, New York State Route 17B, Perry Road, Happy Avenue; and be it further

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

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

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

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

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

ORDERED, that by delegation of the Town Board of the Town of Bethel, the terms of this ORDER regarding restrictions of vehicle traffic may be revised and further amended by the Supervisor of the Town of Bethel (and in his absence, any other member of the Town Board) during the dates and times set forth in Schedule A as traffic conditions may require to preserve the health, safety and welfare of persons and property within the Town or to impose greater or lesser vehicle restrictions in the event anticipated attendance rises above or drops below category C attendance thresholds as those thresholds are defined in Schedule A; and be it further

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

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

Motion by Councilman Robert Blais to adopt Resolution and Order, seconded by Victoria Simpson, duly adopted this 14th day of April 2010 upon a roll call vote as follows:

Daniel Sturm	aye
Robert Blais	aye
Richard Crumley	aye
Victoria Simpson	aye
Denise Frangipane	aye

Audit of Monthly Bills

<u>Fund</u>	<u>Amount</u>	<u>Voucher #</u>
General	\$1,789,808.88	#25062 – 25125
Highway	\$ 26,527.59	#4582 – 4628
Sewer	\$ 33,823.59	#1583 – 1605
Sewer Ext.	\$ 261,585.32	#1145 – 1148
Sewer Rehab	\$ 2,987.00	#1025 – 1026
KL Light Distr.	\$ 2,389.75	#621 – 622
Planning & Zoning	\$ 1,114.00	#1102
John Driscoll Scholarship	\$ 500.00	#1007

Motion by Mrs. Simpson to approve monthly audit of bills, seconded by Ms. Frangipane, put to a vote and carried 5 – 0.

Bid Results for Bucket Truck

Sealed bids were received and public open and read at the Town Clerk’s Office on April 8, 2010 at 2 p.m. with Dina Sturm and Marge Brown present. One bidder sent two Sealed bids as follows:

#1 Vehicle Specifications

Year: 1999
 Make: IHC
 Model: 4700 Chipper Dump Truck
 Miles: 98,833
 Engine: 7.3L International Diesel
 Transmission: 5 Speed Manual
 Front Axle: 10000
 Rear Axle: 19000

Bid Price: \$36,450

#2 Vehicle Specifications

Year: 2000
 Make: GMC
 Model: C7500
 Miles: 73948
 Engine: CAT 3126 Diesel
 Horsepower: 210
 Transmission: Eaton Manual 6-Speed
 Front Axle: 12,000 LBS.
 Rear Axle: 21,000 LBS.

Bid Price: \$39,450

Motion by Mr. Blais to approve bid for 2000 GMC bucket truck in the amount of \$39,450 subject to current inspection for truck and boom, all maintenance records, and operators manuals, seconded by Mr. Crumley, put to a vote and carried 5 – 0.

Building Department Monthly Report for March

Motion by Mr. Crumley to receive and file Building Department March Report, seconded by Mr. Blais, put to a vote and carried 5 – 0.

Total Revenue March 2010 \$3,690.00

Construction Cost Year-to-Date 2010	\$1,499,500
Construction Cost Year-to-Date 2009	\$3,061,000

Naming of private roads – Infinity Estates

Whereas, there exists a private roadway off Route 17B on private property owned by 1341 Route 17B LLC located at Tax Map #37-1-23, and

Whereas, this private roadway will serve more than three structures as their primary ingress and egress, and

Whereas, the owner of the roads has approved the naming of these private roadways as depicted on the attached subdivision plat to be now known as the following:

Infinity Estates

Now Therefore Be It Resolved, the Town of Bethel Town Board on April 14, 2010 hereby approves the naming of these private roads.

Motion by Mrs. Simpson approve, seconded by Mr. Blais, put to a vote and carried 5 – 0.

Public Hearing 7:45 p.m.: Proposed Local Law #1 of 2010 to amend Chapter 345

Motion by Ms. Frangipane to open public hearing, seconded by Mr. Blais, put to a vote and carried 5 – 0. Town Clerk read legal notice.

Mr. McEwan explained this law is stricter than the State Law. Town Board will have to petition from the NYS Division Codes Council for approval to adopt this law.

Motion by Mrs. Simpson to close Public Hearing, seconded by Mr. Blais put to a vote and carried 5 – 0.

Naming of private roads – The Swan in Swan Lake

Whereas, there exists a private roadway off Route 55 on private property owned by located at Tax Map #8-1-68 and 8-1-83, and

Whereas, this private roadway will serve more than three structures as their primary ingress and egress, and

Whereas, the owner of the roads has approved the naming of these private roadways as depicted on the attached subdivision plat to be now known as the following:

**Zurick Circle
Milano Drive
Moritz Road
Arosa Court
Vienna Drive
Geneva Drive
Paris Court**

Now Therefore Be It Resolved, the Town of Bethel Town Board on April 14, 2010 hereby approves the naming of these private roads.

Motion by Mr. Crumley to approve, seconded by Mr. Blais, put to a vote and carried 5 – 0.

Correspondence from Russell Asnes regarding Carbon Monoxide Investigation

Correspondence from Russell Asnes thanking the Building Department for during Mrs. Gettel's professional assessment of their home during a Carbon Monoxide Investigation. Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 5 – 0.

Town Clerk's Monthly Report – March

Motion by Ms. Frangipane to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5 – 0.

Total State, County & Local Revenues:	\$3,884.89
Total Local Shares Remitted:	\$3,729.99
Total Non-Local Revenues:	\$154.90

Liquor License Renewal – Swan Lake Golf & Country Club

Liquor License Renewal has been received from Swan Lake Golf & Country Club. Motion by Mr. Blais to receive, file and approve, seconded by Mr. Crumley, put to a vote and carried 5 – 0.

Liquor License Renewal – Friend's Pub

Liquor License Renewal has been received from Friend's Pub. Motion by Mr. Blais to receive, file and approve, seconded by Mrs. Simpson put to a vote and carried 5 – 0.

Adopt Negative Declaration for Proposed Local Law #1 of 2010

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

**RESOLUTION DETERMINING SIGNIFICANCE UNDER SEQRA WITH
RESPECT TO AN AMENDMENT OF THE ZONING CODE**

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, the Town Board has determined that revisions to its Zoning Code are desirable and necessary; and

WHEREAS, the Town prepared a long form Environmental Assessment Form (“EAF”) for the proposed action, which EAF has been fully reviewed by the Town Board; and

WHEREAS, upon review of the EAF, the Town Board, which declared itself to be lead agency under SEQRA by resolution dated March 10, 2010, 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 compared the EAF to the thresholds for classifying this action as set forth in 6 NYCRR §§ 617.4 and determined that the project constitutes a Type 1 action pursuant to SEQRA; and

WHEREAS, the proposed action was referred to the Sullivan County Division of Planning and Community Development (“County Planning Department”) pursuant to Sections 239-m and 239-n of the General Municipal Law; and

WHEREAS, by correspondence dated April 12, 2010, the County Planning Department stated its opinion that the proposed action may have some adverse inter-community impacts based upon a determination that the proposed legislation dealing with seasonal dwelling unit/commercial may be more appropriate in another section of the Town Code; and

WHEREAS, in the event that the recommendation of the County Planning Department is viewed as a modification or disapproval of this proposed action, the Town Board will be prepared to adopt Proposed Local Law No. 1 of 2010 by a vote of a majority plus one of all the members thereof; and

WHEREAS, the proposed action was referred to the Town of Bethel Planning Board for its review and recommendation in accordance with Town Code § 345-48; and

WHEREAS, by a resolution of the Town of Bethel Planning Board adopted on the 13th day of April, 2010, it recommended the enactment of the proposed amendment to the Zoning Code.

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 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, that the findings made by the Town Board under its SEQRA review of the Zoning Code Amendments adopted under Local Law No. 1 of 2009 are not significantly altered by the action herein taken; 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) all involved agencies, and (d) any person who has requested a copy; and be it

FURTHER RESOLVED, that a copy of the Negative Declaration attached to the resolution be published in the *Environmental Notice Bulletin* as required by 6 NYCRR § 617.12(c); and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

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

	<u>AYE</u>	<u>NAY</u>
Robert Blais	X	
Richard Crumley	X	
Denise Frangipane	X	
Victoria Simpson	X	
Daniel Sturm	X	

Duly adopted by 5 ayes, 0 nays the 14th day of April, 2010.

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 the Town Zoning Code.

SEQRA Classification: Type I.

The Potential Environmental Impacts:

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

The Location of the Action:

The action consists of minor amendments to the Town Zoning Code. These amendments would eliminate the introductory paragraph found at Town Code § 345-27(D)(4), which requires that multi-family residential uses shall have either direct frontage on a County or State Highway or safe and convenient access to such a road without passing through a single-family residence neighborhood. The action also consists of an amendment of the Zoning Code so that Town Code sections 345-27(D)(2)(b) and 345-27(D)(12)(c) are brought into compliance with the NY State Uniform Fire Prevention and Building Code. Finally, the action consists of an amendment of Town Code sections 345-5 and 345-19(A) to provide for a revision to the requirements for the permitting and inspection of seasonal dwelling units.

M-239 Proposed Local Law #1 of 2010

Mr. Sturm read the County Planning M-239 response which recommends putting this amendment to the Town Code under unsafe structures. Motion by Mr. Blais to override M-239, seconded by Mrs. Simpson, put to a roll call vote as follows:

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

Duly adopted by 5 ayes, 0 nays the 14th day of April, 2010.

Adopt Proposed Local Law #1 of 2010

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
ADOPTING A LOCAL LAW TO AMEND CHAPTER 345 “ZONING”
OF THE TOWN CODE OF THE TOWN OF BETHEL**

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, in December 2006 the Town of Bethel adopted a Comprehensive Plan and Local Law No. 5 of 2006, which although Local Law No. 5 of 2006 implemented certain revisions to the Zoning Code, the Town had not adopted appropriate and necessary Zoning Code revisions and amendments to implement fully the aims, intents and plans embodied in the Comprehensive Plan for certain zoning districts in the Town; and

WHEREAS, the Town subsequently conducted a lengthy review to determine all necessary and appropriate amendments and revisions to the Zoning Code for the AG (Agricultural), RS (Residential Settlement), R-17B (Rural Gateway) and the creation of the RD (Rural Development) and the F-C (Forest Conservation) districts; and

WHEREAS, the Town Board then introduced Local Law No. 1 of 2009 to amend the Town's Zoning Code, and on January 28, 2009 determined that the proposed action was a Type I action under the State Environmental Quality Review Act ("SEQRA"), and established itself as lead agency for SEQRA review purposes; and

WHEREAS, the Town Board, acting as lead agency under SEQRA, completed all of its obligations under SEQRA and adopted a positive findings statement permitting the Town Board to enact Local Law No. 1 of 2009 containing the proposed amendments to the Zoning Code; and

WHEREAS, Local Law No. 1 of 2009, adopting the amendments to the Zoning Code, was enacted on June 24, 2009; and

WHEREAS, the Town Board subsequently adopted local laws making minor amendments to the Zoning Code as part of its continuing evaluation process of the Zoning Code; and

WHEREAS, in conformance with the Comprehensive Plan the Town seeks to eliminate a requirement for the approval of multifamily residential uses, which requirement, found at section 345-27(D)(4) of the Zoning Code, provides that multifamily residential uses shall have either direct frontage on a County or State Highway or safe and convenient access to such a road without passing through a single-family residence neighborhood; and

WHEREAS, it appears that several minor provisions of the Zoning Code are more stringent than certain requirements contained in the NY State Uniform Fire Prevention and Building Code and the Town Board determines that it is in the best interest of the Town to amend the Zoning Code by deleting section 345-27(D)(2)(b) and section 345-27(D)(12)(c), so that the Zoning Code is no more stringent than the NY State Uniform Fire Prevention and Building Code; and

WHEREAS, it appears that section 345-19(A) of the Zoning Code, which section requires the registration and permitting of certain seasonal dwelling units offered for lease or other temporary use under license, is also more stringent than the NY State Uniform Fire Prevention and Building Code; and

WHEREAS, the Town Board seeks to amend sections 345-5 and 345-19(A) of the Zoning Code to keep the material portions of section 345-19(A) of the Zoning Code more stringent than the NY State Uniform Fire Prevention and Building Code and to seek permission from the NY State Code Council to adopt the more stringent requirements; and

WHEREAS, attached hereto is a copy of Proposed Local Law No. 1 of 2010 enacting the amendments to the Town of Bethel Zoning Code, which was introduced on March 10, 2010; and

WHEREAS, the Town Board provided due notice of a public hearing regarding the terms of Proposed Local Law No. 1 of 2010; and

WHEREAS, on April 14, 2010, the Town Board conducted a public hearing during which comments were presented and received in connection with the proposed amendment of the Zoning Code as set forth in Proposed Local Law No. 2 of 2010; and

WHEREAS, on April 14, 2010, 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. 1 of 2010 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 April 12, 2010, the Division of Planning stated its opinion that the proposed action may have some adverse inter-community impacts based upon a determination that the proposed legislation dealing with seasonal dwelling unit/commercial may be more appropriate in another section of the Town Code; and

WHEREAS, the proposed action was referred to the Town of Bethel Planning Board for its review and recommendation in accordance with Town Code § 345-48; and

WHEREAS, by a resolution of the Town of Bethel Planning Board adopted on the 13th day of April, 2010, it recommended the enactment of the proposed amendment to the Zoning Code.

NOW THEREFORE, BE IT RESOLVED, that Proposed Local Law No. 1 of 2010, amending the Zoning Code of the Town Code of the Town of Bethel is hereby adopted as numbered Local Law No. 2 of 2010; and be it

FURTHER RESOLVED, in the event that the recommendation of the Division of Planning is viewed as a modification or disapproval of this proposed action, the Town Board hereby adopts Local Law No. 2 of 2010 by a vote of a majority plus one of all the members thereof; and be it

FURTHER RESOLVED, within thirty days of the effective date of this Resolution, the Town shall file a report of the final action it has taken with the Division of Planning, which report shall set forth that Local Law No. 2 of 2010 is was adopted because the Town (i) believes that the seasonal dwelling/commercial use permit requirement is appropriately included in the Zoning Code and (ii) does not believe that said Local Law will result in any inter-community impacts, adverse or otherwise. Further, the Town Board will review whether to amend the Town Code section setting forth Construction Code requirements to include similar requirements as set forth in this amendment to the Zoning Code; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

Motion by Town Board member Richard Crumley seconded by Town Board member Victoria Simpson and adopted upon a roll call vote as follows:

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

Duly adopted by 5 ayes, 0 nays the 14th day of April, 2010.

Amend Bethel Vol. Amb. Corp. LOSAP Guidelines

Penflex has recommended amendments to the current Length of Service Award Program (LOSAP) Guidelines for the Bethel Volunteer Ambulance Corp. (BVAC) which have been approved by BVAC. The purpose is to coincide with General Municipal Law. Motion by Mr. Blais to approve amendments, seconded by Mrs. Simpson, put to a vote and carried 5 – 0.

Approve BVAC 2009 LOSAP Data Request Package

**RESOLUTION OF THE TOWN OF BETHEL TOWN BOARD
APPROVING THE 2009 SERVICE AWARD PROGRAM POINTS FOR
THE BETHEL VOLUNTEER AMBULANCE CORP.**

WHEREAS, the Town of Bethel as the governing sponsor of the Bethel Volunteer Ambulance Corp. (BVAC) Service Award Program on March 31, 2010 has received the 2009 list of members who have earned service credit, and

WHEREAS, the Town Board at their April 14, 2010 meeting has reviewed and approved the 2009 service credit list.

NOW THEREFORE BE IT RESOLVED, the Town Board has directed the Town Clerk to certify the attached list and forward to the BVAC so they may include in the PenFlex Data Request Package (DRP).

Authorize Agreement with Sullivan County for Clean-Up Day

**RESOLUTION OF THE TOWN OF BETHEL TOWN BOARD TO AUTHORIZE
PARTICIPATION IN THE 2010 COUNTY MUNICIPAL CLEAN-UP**

WHEREAS, the Town of Bethel will be participating in the 2010 municipal cleanup to improve the appearance of Sullivan County, and

WHEREAS, the County of Sullivan has set guidelines and regulation for the Town's who are participating in the program, and

WHEREAS, the Town of Bethel Town Board is desirous of participating and has authorized the Town Supervisor to signed any and all necessary agreements with the County of Sullivan.

NOW THEREFORE BE IT RESOLVED, that the Town of Bethel will conduct their annual spring clean up on Saturday, May 1st and Sunday, May 2nd 2010.

Motion by Robert Blais to approve resolution, seconded by Victoria Simpson and adopted on the 14th day of April, 2010 with 5 ayes and 0 nays.

Mr. Sturm mentioned we will containers.

Resolution to Introduce Proposed Local Law #2 of 2010

Mr. McEwan explained we are not changing State Ag. District only changing Town Zoning.

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
TO INTRODUCE A LOCAL LAW TO AMEND CHAPTER 345 "ZONING"
OF THE TOWN CODE OF THE TOWN OF BETHEL**

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, in December 2006 the Town of Bethel adopted a Comprehensive Plan and Local Law No. 5 of 2006, which although Local Law No. 5 of 2006 implemented certain revisions to the Zoning Code, the Town had not adopted appropriate and necessary Zoning Code revisions and amendments to implement fully the aims, intents and plans embodied in the Comprehensive Plan for certain zoning districts in the Town; and

WHEREAS, the Town subsequently conducted a lengthy review to determine all necessary and appropriate amendments and revisions to the Zoning Code for the AG (Agricultural), RS (Residential Settlement), R-17B (Rural Gateway) and the creation of the RD (Rural Development) and the F-C (Forest Conservation) districts; and

WHEREAS, the Town Board then introduced Local Law No. 1 of 2009 to amend the Town’s Zoning Code, and on January 28, 2009 determined that the proposed action was a Type I action under the State Environmental Quality Review Act (“SEQRA”), and established itself as lead agency for SEQRA review purposes; and

WHEREAS, the Town Board, acting as lead agency under SEQRA, completed all of its obligations under SEQRA and adopted a positive findings statement permitting the Town Board to enact Local Law No. 1 of 2009 containing the proposed amendments to the Zoning Code; and

WHEREAS, Local Law No. 1 of 2009, adopting the amendments to the Zoning Code, was enacted on June 24, 2009; and

WHEREAS, Local Law No. 1 of 2009, adopting the amendments to the Zoning Code, was enacted on June 24, 2009; and

WHEREAS, the Town Board subsequently adopted local laws making minor amendments to the Zoning Code as part of its continuing evaluation process of the Zoning Code; and

WHEREAS, the Town Board has been requested by the owner of a parcel of land, commonly known as SBL #18-1-43.1 on the tax map for the Town, to amend the official zoning map for the Town so that said parcel of land would be located in the RD zoning district. Said parcel of land is currently located in the AG zoning district but adjacent to the RD zoning district; and

WHEREAS, in conformance with the Comprehensive Plan the Town seeks to amend the zoning map for the Town by altering the boundary line of the RD zoning district so as to include the parcel of land commonly known as SBL #18-1-43.1, on the tax map for the Town; and

WHEREAS, it appears that the land to be affected by the proposed change in the tax map is located in Sullivan County Agricultural District No. 1; and

WHEREAS, this Resolution introduces Proposed Local Law No. 2 of 2010 which, if enacted, will amend Chapter 345 of the Town Code by alteration of the official zoning map for the Town; and

WHEREAS, the action contemplated by this Resolution is subject to the State Environmental Quality Review Act (“SEQRA”) and the Town will seek to act as lead agency for environmental review purposes.

NOW THEREFORE, BE IT RESOLVED, that a public hearing on the Local Law shall be scheduled for May 26, 2010 at 7:45 p.m., which public hearing shall be conducted at the Town of Bethel Senior Citizens Center and proper notice of the public hearing shall be duly given; and be it

FURTHER RESOLVED, that a copy of the introductory Local Law No. 2 of 2010 and a copy of the revised Zoning Map shall be forwarded to the Town of Bethel Planning Board for its review and recommendation in accordance with Town Code § 48-2.B; and be it

FURTHER RESOLVED, that a copy of the introductory Local Law No. 2 of 2010 and a copy of the revised Zoning Map shall be forwarded to the Sullivan County Department of Planning and Environmental Management, along with a full statement of the proposed action, for review and recommendation in accordance with New York State General Municipal Law § 239-m; and be it

FURTHER RESOLVED, that a copy of the introductory Local Law No. 2 of 2010 and a copy of the revised Zoning Map shall be forwarded to the Sullivan County Agriculture and Farmland Protection Board for its review and comment; and

FURTHER RESOLVED, that the Town Board of the Town of Bethel intends to become lead agency under SEQRA and provide notice of its intent to any other involved agencies; and be it

FURTHER RESOLVED, that the SEQRA materials prepared in support of Local Law No. 1 of 2009 shall be evaluated for recommendation of whether this action may be evaluated by an Environmental Assessment Form or an Environmental Impact Statement and the appropriate document shall be prepared and delivered to the Town Board for review and consideration; and

FURTHER RESOLVED, this Resolution shall become effective when adopted.

Motion by Town Board member Richard Crumley, seconded by Town Board member Robert Blais, and adopted upon a roll call vote as follows:

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

Duly adopted by 4 ayes, 1 nays the 14th day of April, 2010.

Notice of Liquor License Application for Dancing Cat Distillery

Liquor License application notice has been received for the Dancing Cat Distillery Notice. Motion by Mr. Blais to receive, file and approve, seconded by Mrs. Simpson, put to a vote and carried 5 – 0.

Waive 30-day notice for Dancing Cat Distillery Liquor License

Included in the liquor license application notice was a request to waive the municipal 30-day notice requirement. Motion by Ms. Frangipane to waive the 30-day notice requirement, seconded by Mr. Blais put to a vote and carried 5 – 0.

Appoint Adult Representatives to the Youth Board

The Youth Board has received two letters of interest for adult representatives and is recommending same. Motion by Mrs. Simpson to appoint Barbara Putzer and Edmond Buscemi as Adult Representatives to the Youth Board seconded by Mr. Blais, put to a vote and carried 5 – 0.

A Youth representatives for Sullivan West is still vacant..

Appoint employees to the Homework Helper Program

Motion by Mr. Blais to appoint homework helpers to the new program established at the Dr. Duggan School, seconded by Mrs. Simpson, put to a vote and carried 5 – 0.

Five (5) Homework Helpers – 2 hours per week at \$8.00/hr – through April 30th
Amanda Inlfeldt, Jennifer Browne, Shawn Comfort, Jamie DiLeo and Allison Browne.

Resignation of Kathy Hector as Co-Director

Letter of resignation has been received from Kathy Hector, Youth Co-Director. Motion by Mrs. Simpson to accept letter of resignation from Kathy Hector, seconded by Ms. Frangipane, put to a vote and carried 5 – 0.

Motion by Ms. Frangipane to send letter to Kathy thanking her for all her service, seconded by Mr. Blais, put to a vote and carried 5 – 0. Mrs. Simpson will present vacancy to Youth Board.

Request to seek sealed bids for Liquid Aluminum Sulfate

Sewer Department is requesting to seek sealed bids for 4,000 gallons of liquid aluminum sulfate. Motion by Mr. Blais to seek sealed bids, seconded by Ms. Frangipane, put to a vote and carried 5 – 0 as follows.

4,000 gallons commercial grade liquid aluminum sulfate 48% meeting American Water Works Association B403-03 for potable water. Delivered to Kauneonga Lake Waste Water Treatment Plant at 3626 Route 55, Kauneonga Lake, NY 12749. Quote as price per gallon delivered.

Request to attend Annual NYS Tax Collector's Training Seminar

Debra Gabriel, Tax Collector, is requesting to attend the annual NYS Association of Tax Receivers and Collectors training seminar in Lake Placid on June 13-16th. Motion by Mr. Blais to approve, seconded by Ms. Frangipane, put to a vote and carried 5 – 0.

Correspondence from Brenda Monahan - regarding her mailbox

Correspondence has been received from Brenda Monahan regarding the continual damage to her mailbox by the Highway Department. Motion by Mr. Blais to receive and file, seconded by Ms. Simpson, put to a vote and carried 5 – 0.

Correspondence Bethel Lions Club – Tree Memorial

Correspondence has been received from the Bethel Lions Club requesting to plant a tree in memory of Elmer Brucher, Fred Albrecht, Sr. and Alvin Lilley as part of their annual beautification project. Motion by Ms. Frangipane to approve, seconded by All, put to a vote and carried 5 – 0.

No Parking/No Standing on Old White Lake Turnpike

Mr. Blais mentioned that there is a parking problem on Old White Lake Turnpike out by the Camp Manheim and signs need to be posted for parking only on one side.

Town Clerk noted that she needs the distance from the nearest intersection or house number to post the signs and for the No Parking/Standing order to be in effect.

Motion by Mr. Blais for Highway to post No Standing/No Parking after the description of the footage has been filed with the Town Clerk, seconded by Mrs. Simpson, put to a vote and carried 5 – 0.

Seek Sealed Bids for Mowing

Mr. Sturm requested that the Town Board seek sealed bids for mowing the town properties. Motion by Mr. Crumley for one package, need insurance, seconded by Mr. Blais, put to a vote and carried 5 – 0.

Gabriel Road Discussion

Bill Thelman, Gabriel Road, commented that the Highlands was developed 3 years ago now building first house. Was a dirt road from his house to end. Bad winter tore up road. Now black topped from Highlands to his house. It needs to be sealed. Taggart Road to black top ends – road is gone. Needs grading to remove black top that is gone. In the 2005 flood closed road. Thelman's let the Highway Dept. to use his property for a turn around. Mr. Thelman is asking for the turn around to be moved from his front yard.

Mr. Thelman asked are we fixing the dam and road or making dead-end? What are we doing? Fix it or close it. Mr. Thelman stated we need a plan even if it is a long range plan. Mr. Sturm commented that we need to address grading, the sign and turn-around with Highway. Mr. Sturm stated this is the most complex issue that he has faced. Mr. Sturm stated there are five agencies dealing with pond, buildings, funding, permits and suggested to include Bill at next meeting. Mr. Blais suggested to a make cul-de-sac at end.

Motion by Ms. Frangipane, to install a dead-end sign on Gabriel Road as a temp measure and to make a cul-de-sac, seconded by Mr. Blais, put to a vote and carried 5 – 0.

Naming of Right-of-Way to Dr. Duggan School

Mr. Crumley suggested naming the entrance to the Dr. Duggan School after PFC Jason M. Kropat who was killed in action. Motion by Mr. Crumley to name right-of-way to Dr. Duggan School as PFC Jason M. Kropat Drive, seconded by Mrs. Simpson, put to a vote and carried 5 – 0.

Adjournment

Motion by Mrs. Simpson to adjourn, seconded by Ms. Frangipane, put to a vote and carried 5 – 0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk