

The Town Board meeting of March 10, 2010 was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Bethel Senior Center.

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

The meeting was opened with the Pledge of Allegiance

Moment of Silence: PFC Jason Kropat – Killed In Action

Mr. Sturm asked everyone to remain standing in honor and memory of PFC Jason M. Kropat who was killed in action during the war in Afghanistan. Kropat served with the 101st Airborne Division.

Keith Rumsey, S.C. VFW Commander, was present and asked that the Town Clerk leave a blank page in minutes in memory of PFC Jason Kropat who was killed in action on March 9, 2010. Mr. Rumsey also asked that the flags remain at half-staff for 30 days.

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

#33 Proclamation to declare May 1st Silver Star Banner Day

**PROCLAMATION OF THE TOWN OF BETHEL, SULLIVAN COUNTY, NEW YORK
TO SUPPORT MAY 1ST AS SILVER STAR BANNER DAY**

WHEREAS, the Town of Bethel has always honored the sacrifice of the men and women in the Armed Forces and

WHEREAS, the Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star (Service) Banner and Flag and

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star(Service) Banners to the wounded and their families, and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this Country with Silver Star (Service) Banners, Flags and care packages, and

WHEREAS, the Silver Star Families of America's sole mission is that every time someone sees a Silver Star (Service) Banner in a window or a Silver Star (Service) Flag flying, that people remember the (sacrificed) for this Nation and

WHEREAS, the people and Town of Board of the Town of Bethel wish that the sacrifice of so many in our Armed Forces never be forgotten

NOW THEREFORE, I, Daniel Sturm, Town Supervisor of the Town of Bethel, on behalf of Town of Bethel Town Board do hereby proclaim my appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members. I hereby declare May 1st "***Silver Star Banner Day***" the permanent and official day to honor the wounded and ill Soldiers of the Town of Bethel.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Bethel in the State of New York this 10th day of March in the year 2010.

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

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IN MEMORY OF

PFC JASON M. KROPAT

April 10, 1984 - March 9, 2010

Presentation: Retirement Plaque for Raymond Neuenhoff, Town Constable

The Town Board presented Raymond Neuenhoff with a retirement plaque for his thirty years of service. The plaque was hand carved and painted with the Constable patch that Mr. Neuenhoff designed.

Approve Monthly Audit of Bills

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

<u>Fund</u>	<u>Amount</u>	<u>Voucher #</u>
General	\$517,744.79	24993-25061
Highway	\$155,043.16	4550-4581
Sewer	\$ 80,989.56	1564-1582
Sewer Extension	\$ 88,659.92	1141-1144
Sewer Rehab	\$ 10,775.00	1024
KL Light District	\$ 3,418.65	618-620
Planning & Zoning	\$ 166.25	1101
John Driscoll Scholarship	\$ 500.00	1007

#34 Approve Purchase of Chevrolet 3500 HD Truck for Sewer Dept.

Motion by Mr. Blais to approve purchase of new 2009 4WD Chevy Silverado 3500 on OGS state contract # PC63529 for \$39,804.32 from Robert Green Chevrolet, seconded by Mr. Crumley put to a vote and carried 5 – 0.

Junkyard License Renewal – Yeomans

Motion by Ms. Frangipane to authorize Building Dept. to conduct inspection for Yeomans junkyard license renewal, seconded by Mr. Blais put to a vote and carried 5 – 0.

#35 Public Hearing 7:45 p.m. Bethel Motor Speedway License Renewal

Motion by Mr. Crumley to open Public Hearing, seconded by Mrs. Simpson, put to a vote and carried 5-0. Town Clerk read legal notice.

Joe Graff, owner, Bethel Motor Speedway, opened two years ago, needed alot of work and had to improve situation and address concerns. Operate six days a year if you count the minutes he is open. Average car goes around the track in 16 seconds, 28 times a night, 72 minutes a night. Joe thanked the Town Board for all their support.

John Fradenburgh, Lynn Drive - biggest problem was loud speaker in pits, started out pretty good last year, the drivers only need to be called once and if you don't make the heat your scratched. Dust control a little better. Why not use a chalk board to schedule the heats?

Lynden Lilly - track has brought in a lot of revenue.

Marietta Van Fradenburgh, Lynn Drive - main concern is the fumes, not anti-track, but the noise is the noise.

Paige LaPolt, new racer, 4 cyl. class, good for Town, gives youth something to do. Ms. Lapolt is also a 3rd generation racer.

Marietta - rules keep getting broken, wants it down in black and white.

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

#36 Approve Community Capital Assistance Program Grant Agreement

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
AUTHORIZING THE ACCEPTANCE OF A COMMUNITY CAPITAL ASSISTANCE
PROGRAM GRANT AND THE EXECUTION OF A GRANT AGREEMENT**

WHEREAS, it appears that the Town of Bethel has made application for a Community Capital Assistance Program grant and awarded by the New York State Dormitory Authority in the amount of \$50,000; and

WHEREAS, it appears that the application submitted by the Town has been accepted under the Community Capital Assistance Program and the Town is eligible to receive the grant funds for the purposes set forth in the application, which are limited to park renovations, including the installation of curbing, lighting and playground equipment; and

WHEREAS, attached to this Resolution is a grant reimbursement agreement between the Town and the New York State Dormitory Authority and which agreement, among other things, establishes the administration of the grant and the expenditure of grant funds (the "Agreement") ; and

WHEREAS, the Town of Bethel Town Board declares itself to be the lead agency for the purposes of environmental review under State Environmental Quality Review Act ("SEQRA") for the action contemplated by this Resolution.

NOW THEREFORE, BE IT RESOLVED, that the Town of Bethel hereby accepts the Community Capital Assistance Program grant referenced in this Resolution for the purposes set forth in the Agreement; and be it

FURTHER RESOLVED, the Supervisor of the Town of Bethel is hereby authorized to sign the Agreement on behalf of the Town Bethel and deliver said Agreement to the New York State Dormitory Authority and to complete any remaining tasks required for the receipt of the grant funds and implementation of the Agreement; and be it

FURTHER RESOLVED, that the Town of Bethel is authorized to conduct the necessary work and purchase the described equipment and materials in conformance with and as provided in the Agreement; and be it

FURTHER RESOLVED, that the execution and delivery of the Agreement is an unlisted action under SEQRA and in accordance with the findings contained in the short form environmental assessment form, there will be no significant environmental impacts resulting from this action and this Resolution will act as a Negative Declaration under SEQRA.

Motion by Councilwoman, Denise Frangipane, seconded by Councilman Robert Blais, and adopted upon a roll call vote as follows:

Robert Blais	Voting	aye
Richard Crumley	Voting	aye
Vicky Simpson	Voting	aye
Denise Frangipane	Voting	aye
Daniel Sturm	Voting	aye

#37 Resolution to Introduce Proposed Local Law to Amend Zoning Text

**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, 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 provides 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; 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), a portion of section 345-27(D)(4) 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, this Resolution introduces Local Law No. 1 of 2010 which, if enacted, will amend Chapter 345 of the Town Code; and

WHEREAS, the action contemplated by this Resolution 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 the Town Board herby finds that the elimination of the introductory paragraph found at Town Code § 345-27(D)(4), which provides 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, would be consistent with the Town of Bethel Comprehensive Plan; and be it

NOW THEREFORE, BE IT RESOLVED, that the Town Board herby finds that the amendment of the Zoning Code so that certain sections thereof are brought into compliance with the NY State Uniform Fire Prevention and Building Code would be in the best interests of the Town and consistent with the Town of Bethel Comprehensive Plan; and be it

FURTHER RESOLVED, that the Town Board herby finds that the amendment of sections 345-5 and 345-19(A) of the Zoning Code to provide for the regulation of seasonal dwelling units, which regulation is more stringent than the NY State Uniform Fire Prevention and Building Code, would be in the best interests of the Town and consistent with the Town of Bethel Comprehensive Plan; and be it

FURTHER RESOLVED, that a public hearing on the Local Law shall be scheduled for April 14, 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. 1 of 2010 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. 1 of 2010 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 Town Law § 239-m; and be it

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 all other involved agencies and a short form EAF shall be prepared; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

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

Robert Blais, Councilman	aye
Richard Crumley, Councilman	aye
Denise Frangipane, Councilman	aye
Victoria Simpson, Councilman	aye
Daniel Sturm, Town Supervisor	aye

#38 Bid Results for Removal of Unsafe Structures at Simcha Leisure Estates #8-1-4.1

Sealed bids were received and publicly opened and read out loud on February 24, 2010 at 2 p.m. at the Office of the Town Clerk with BJ Gettel and Gregg Semenetz present. The following sealed bids were received:

Contractor	Amount
Carnesi	60,000
Decker	29,700
J. Hughson	13,850

M & K's	37,320
Meckle	87,395
Gary Myers	58,164
Sabinsky	60,950
Woodbourne	46,600
Rockbusters	24,399
Werlau	58,490
E & T	43,250
MidWest	46,000

#39 Award Bid for Unsafe Structures

Motion by Mr. Blais to award bid to J. Hughson in the amount of \$13,850., seconded by Mr. Crumley put to a vote and carried 5 – 0. Town Clerk will send copy of bids results to property owner by certified mail.

Approve Attendance at 2010 Town Clerk’s Conference

Town Clerk Rita Sheehan is requesting to attend the 28th annual NYS Town Clerk’s Association Conference in Saratoga Springs on April 25th – 28th. Ms. Sheehan will be rooming with Town of Delaware Clerk to offset the cost. The total package including all seminars, all meals and room for three nights is \$489. that has been allocated in the Clerk’s budget. Motion by Mr. Blais to approve request, seconded by Mrs. Simpson, put to a vote and carried 5 – 0.

Town Clerk’s Monthly Report – February

Total State, County & Local Revenues:	\$4,014.70	
Total Non-Local Revenues:		\$ 238.46
Total Local Revenue:		\$3676.24

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

Building Department Monthly Report – February

February 2010 =	\$1,536.00
February 2009 =	\$2,073.00
Feb. 2010 Construction Costs =	\$163,000
Feb. 2009 Construction Costs =	\$376,000

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

#40 Accept Real Property for Town Highway Purposes on Jaketown Road

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
ACCEPTING A CONVEYANCE OF REAL PROPERTY**

WHEREAS, Bethel Land Partners, LLC is the owner of four parcels of real property in the Town of Bethel known on the Town of Bethel tax map as Section 20, Block 1, Lots 4.26 (0.053 acres), 4.27 (0.975 acres), 4.28 (0.034 acres), and 4.29 (2.303 acres)(hereafter, the “Subject Parcels”); and

WHEREAS, it appears that the Subject Parcels are owned by Bethel Land Partners, LLC and are part of a residential subdivision known as the Jaketown Subdivision, which subdivision

was approved by the Town of Bethel Planning Board on August 21, 2006 and which subdivision map was duly filed with the Sullivan County Clerk on August 22, 2006, and

WHEREAS, the approved Jaketown Subdivision map requires, among other things, the dedication of the Subject Parcels to the Town of Bethel; and

WHEREAS, it appears that the one of the Subject Parcels consists of land lying in the right-of-way for Gabriel Road, a Town highway, and three of Subject Parcels consist of land lying in the right-of-way for Jaketown Road, also a Town highway; and

WHEREAS, the Town is willing to accept dedication of the four Subject Parcels and a description of each parcel is set forth in an Exhibit attached hereto and incorporated herein by reference; and

WHEREAS, the actions undertaken by the Town under this Resolution are governed by the SEQRA process undertaken in the approval of the Jaketown Subdivision by the Town of Bethel Planning Board, which acted as lead agency, and the current actions authorized by this Resolution are a type II action under the State Environmental Quality Review Act per the requirements of 6 NYCRR § 617.5(c)(19) and no additional environmental review is necessary.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethel, accepts the dedication of the Subject Parcels referenced herein and as set forth in the attached Exhibit under the power and authority granted to it by Town Law § 64; and be it

FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to sign any documents and undertake any acts on behalf of the Town necessary to permit the transactions described herein.

The adoption of the foregoing was duly put to a vote, on motion of Councilman Richard Crumley, and seconded by Councilman Robert Blais and upon roll call, as follows:

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

On a vote 5 ayes and 0 nays, the Town Supervisor declared this Resolution was adopted.

#41 Approve GASP 45 Consulting Contract

AON has submitted a proposal for an actuarial analysis of postretirement benefit liability. The purpose is to provide an actuarial analysis of the Town of Bethel liability for post-retirement benefits other than pensions and the reporting of these costs under the GASB accounting standard number 45. Motion by Ms. Frangipane to approve contract in the amount of \$2,500 seconded by Mr. Blais, put to a vote and carried 5 - 0.

Correspondence - Town of Thompson Zoning Board Notice

Correspondence has been received from the Town of Thompson Zoning Board regarding a variance application for Randolph Peers on Coopers Corner Road to construct a horse shed.

Motion by Mrs. Simpson receive and file, seconded by Mr. Blais put to a vote and carried 4-1 with Mr. Sturm voting no.

#42 Approval of Bethel Motor Speedway License Renewal

1) **Grandstands:** Motion by Mrs. Simpson for grandstand to open whenever, seconded by Ms. Frangipane, put to a vote and carried 5-0.

2) **Gates:** Motion by Mr. Crumley for pit gates to open at 3 p.m. with conditions to unload with no unreasonable noise, seconded by Ms. Frangipane, put to a vote and carried 5-0.

David Rocket, track operator, commented that if you open gates late the traffic backs up into the road. If it is a problem, need to come back to Town Board.

Mr. Graff would like a tight permit with no gray areas. If the “unreasonable noise” language makes it in, they can get a ticket for the noise. Mr. Graff has a decibel machine and has always been in compliance. Mr. Graff would like a long term permit, then he can make the capital improvements to move pits and parking lot to opposite sides of the track.

3) **Race Times:** Motion by Mrs. Simpson for racing to start at 5:00 p.m. and stops at 11:00 p.m., seconded by Mr. Crumley, put to a roll call vote as follows:

Ms. Frangipane	aye
Mr. Blais	aye
Mr. Crumley	aye
Mrs. Simpson	aye
Mr. Sturm	aye

4) **Noise Permit:** Noise permit will be same as last year; lower volume on announcements. Mr. Graff mentioned that they turned the speakers towards the track. Mr. Blais there is less noise in pits

5) **Racing Dates:** First race 4/24 (last year 4/18), 4/17 practice run

Motion by Mrs. Simpson to approve practice run date of 4/17 with first race on 4/24 and last date of 10/3 with a reserved rain date of 10/17 & 10/18 and if rains those dates reserve of 10/30 and 10/31, seconded by Mr. Crumley, put to a roll call vote as follows:

Ms. Frangipane	aye
Mr. Blais	aye
Mr. Crumley	aye
Mrs. Siimpson	aye
Mr. Sturm	aye

At this point of the meeting, Marietta VanFradenburgh and Marcia Schuberth left the meeting.

6) **Bandolero Race:** Youth Program one or twon Saturdays per month, 3:00 p.m. to 5:00 p.m. Same day as regular races. Mr. Sturm if there is a problem we will bring it up again.

Motion by Mr. Blais to approve Bandolero Races 1one or 2 Saturdays per month from 3 – 5 p.m. on regular race days, seconded by Mrs. Simpson, put to a vote and carried 5-0.

#43 Approval renewal contract with Sterling Environment for Well Monitoring

	Baseline Event	Routine Event (per Event)
1. Water Quality Monitoring	\$1,995	\$1,950
2. Explosive Gas Survey	\$ 400	---
3. Laboratory Analyses (8 samples)	\$2,835	\$1,380
4. Data Evaluation, Letter Report Preparation and NYSDEC Region 3 Annual Report (prepared in 4 th Quarter)	\$2,525	\$2,410
TOTAL:	\$7,755	\$5,740

Motion by Mr. Blais to approve renewal contract, seconded by Ms. Frangipane put to a vote and carried 5-0.

#44 Goetz – Old White Lake Tpke.

Tom Goetz representing the owner, Maria Goetz, Old White Lake Turnpike, is requesting a Zoning change request from Agricultural (AG) to Rural Development (RD). This will enable Mr. Goetz to move his auto repair shop from one side of the road where the single family residence is to the other that is vacant land. This would have been allowed last year prior to Local Law #1-2009 adopted on June 24, 2009 amending the zoning. Ms. Frangipane commented that she does not want to set up precedent for zoning change requests.

Motion by Mr. Crumley for Mr. McEwan to draft a local law, seconded by Mr. Blais put to a vote and carried 4-1 with Mr. Sturm voting no. Mr. Sturm stated the request should go to the Zoning Board of Appeals first.

#45 Matz – Hurd ‘n Parks Road

Mr. Matz, property owner, Murphy Road and Mt. Hope Road is requesting a Zoning change request from Rural Development (RD) to Residential Settlement (RS). This will enable Mr. Matz to construct a multi-family dwelling as affordable housing.

Mrs. Frangipane commented that this use was never allowed; different than earlier request, bad precedent. Ms. Frangipane suggested sending to the Zoning Board of Appeals. Zoning was Rural Farm (RF) with no multiple housing prior to Local Law #1-2009 adopted on June 24, 2009 amending the zoning..

Motion by Ms. Frangipane to send to Zoning Board Appeals for a use variance, seconded by Mr. Crumley put to a vote and carried 4 – 1 with Mr. Blais voting no.

Denise Frangipane	yes	
Robert Blais		no
Richard Crumley	yes	
Vicky Simpson	yes	
Daniel Sturm	yes	

Authorize Annual Clean-Up Day and Establish Guidelines

2010 Clean-Up Rules May 1st and 2nd

Tires – Six free per household. After that \$1.00 each.

Bulk Waste – couches, chairs, rugs, outdoor and indoor furniture, tables, carpet, yard toys, mattresses, etc. go into the bulk waste container. **FREE**

Refrigeration Units – Reduced to \$5.00 each (refrigerators, freezers, air-conditioners, etc.)

Computers, Computer Monitors, T.V.’S, And Fluorescent Bulbs: – Free!! Must be placed in separate container, see attendant for assistance!

Metal: B-B-Q grills, water heaters, chairs, shelving, empty propane tanks, clothes dryers/washing machines, bicycles, pipes, swing sets, lawnmowers. **Free All Year!**

Empty Paint Cans Only: Metal goes in metal pile. Plastic #1 through #7 recycle with plastics. If you have paint cans with paint, remove the lid, place in sunshine away from children, pets, and water to evaporate paint then dump can for **FREE!**

Salvation Army Bins for clothes and small items – **Free all Year!**

Recyclables: #1 through #7 plastic (check the bottom of container), tin, glass, newspaper, cardboard are free all year and go in separate receptacles. Plastic and tin can be placed in one receptacle together. **Free all Year!**

Car Batteries, Used Car Oil Free All Year: Must be placed in proper containers

NO household garbage – must pay regular fee – prepay and save!

NO Construction or Demolition materials of any kind!

County will have a separate Hazardous Waste (paint, poison, et.) Clean-up day in June!

RESOLUTION 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 Mrs. Simpson to approve guidelines, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Correspondence Jim Kelly

Jim Kelly, Lt. Brender Hwy, read a letter he prepared regarding filling of sand barrels, replacement of mailboxes, thanking the Town for the safety equipment upgrade, sanding and plowing of all firehouses and churches, and how proud he is to work with a great bunch of men. Motion by Ms. Frangipane to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0.

Country Club Property Owners Assoc. Liquor License Renewal

Notice has been received from Country Club Property Owners Assoc. for their liquor license renewal. Motion by Mrs. Simpson to receive and file, seconded by Mr. Crumley, put to a vote and carried 5-0.

#46 Resolution of Support for NY's Farmland Protection Program

RESOLUTION URGING THE NEW YORK STATE LEGISLATURE TO SUPPORT THE STATE'S FARMLAND PROTECTION PROGRAM AND ENVIRONMENTAL PROTECTION FUND

WHEREAS, agriculture is a significant contributor to New York's economy; and,

WHEREAS, farms provide jobs, support local businesses and are part of industry sectors that have a \$23 billion economic impact annually in New York; and,

WHEREAS, farms comprise 7 million acres of land in New York, roughly 25% of the state's land base; and,

WHEREAS, farmers have a strong track record of pro-active environmental stewardship in New York; and,

WHEREAS, rapidly changing economic conditions threaten the future viability of New York's agricultural industry; and,

WHEREAS, 26,000 acres of farmland are developed each year in New York; and,

WHEREAS, the State of New York established a Farmland Protection Program in 1992 to assist towns and counties in developing and implementing local agricultural and farmland protection plans; and,

WHEREAS, over \$3 million has been awarded by the Farmland Protection Program to 50 counties and 52 towns to assist in the development of local agricultural and farmland protection plans; and,

WHEREAS, the Farmland Protection Program has awarded more than \$173 million to help farmers, local governments and land trusts permanently protect 74,000 acres on 303 farms; and,

WHEREAS, demand for Farmland Protection Program funding has been strong due to the program's popularity, with a record 181 farms seeking \$156 million in state funding to protect 49,500 acres in 2008; and,

WHEREAS, funding for the Farmland Protection Program is allocated from the state's Environmental Protection Fund (EPF), a dedicated fund whose principle funding source is a state Real Estate Transfer Tax (RETT); and,

WHEREAS, the Governor and State Legislature must take steps this year to protect New York's valuable farmland and strengthen the future for farms across New York; now, therefore, be it

RESOLVED, that the Town of Bethel does hereby urge state lawmakers to support New York's farmers, the state's agricultural economy and protection of valuable farmland by supporting funding for the Farmland Protection Program and Environmental Protection Fund; and be it further

RESOLVED, that the Town of Bethel does hereby oppose drastic cuts to the Farmland Protection Program and Environmental Protection Fund, as outlined in the Governor's FY 2010-11 Budget Proposal; and, be it further

RESOLVED, that the Clerk of the Town of Bethel is hereby directed to forward copies of this resolution to Governor David Paterson, Senate Republican Leader Dean Skelos, Senate Democratic Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assemblywoman Gunther and State Senator Bonacic, and the American Farmland Trust.

Motion by Councilman Richard Crumley to adopt resolution, seconded by Councilwoman Denise Frangipane, put to a vote and carried 5-0.

Draft Submission for Town Board Review of Bethel Farmland Protection Plan

Mr. Sturm announced that the Bethel Farmland Protection Plan was ready for Town Board review and comments and asked the Town Board to review by next month's meeting.

#47 Appoint Highway Safety Committee

Motion by Mr. Crumley to appoint Jim Kelly and Rob Bonnaci to enforce highway workers wearing safety equipment and to bring it to Town Board's attention if the highway employees are not complying, seconded by Ms. Frangipane, put to a vote and carried 5-0.

#48 Approve Increase in Salary for Bookkeeper/Confidential Secretary

Mr. Crumley stated that Erin Lynch has been employed for 7 months and she is doing a very good job, is courteous and she deserves a raise of \$1,200 yr. Motion by Mr. Crumley to approve, seconded by Mr. Blais, put to a vote and carried 5-0.

#49 Adopt Amended LOSAP Rules for BVAC

The Length of Service Program administrator is recommending certain amendments to the Bethel Volunteer Amb. Corp. Length of Service Award Program to be more inline with the New York State General Municipal Law as follows:

Section 1 - Service Credit

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: Points are awarded for officers as follows and no more than 25 points may be earned in this category in any one calendar year by volunteers who hold more than one office.

- 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: 25 points for responding to at least the percentage of calls shown in the chart below:

Total of number of ambulance company calls during year:

	0-499	500-999	1000-1499	1500 or more
Minimum percentage:	10%	7.5%	5.0%	2.5%

E. Attendance at meetings: One point per meeting; maximum 20 points per year: meeting must be an official Bethel Volunteer Ambulance Corp meeting all volunteer members are expected to attend or a meeting of committee members of a standing committee.

F. Miscellaneous Activities. Maximum 15 points per calendar year. Participation in inspections, funerals, wakes and other activities covered by the volunteer ambulance workers benefit law and not otherwise listed in this point system – one point per activity.

G. Tours of Duty. A maximum of 20 points per calendar year for serving tours of duty. 1/6th of a point is earned for each hour of tour of duty served.

H. Points awarded while disabled (NYS General Municipal Law required provision). In the event that a volunteer ambulance worker is either totally and temporarily disabled or partially and permanently disabled as certified by the workers' compensation board or other competent authority approved by the state comptroller, and the disability occurs during the course of service as a volunteer while actively engaged in providing line-of-duty services as defined in the volunteer ambulance workers benefit law, the volunteer shall be credited with five points for each full month of such disability; provided, however, such volunteer shall cease to be credited with such line of duty disability points after attaining the entitlement age.

I. 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.

Section 2 - 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.

Section 3 - 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.

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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.

Adopted: February 12, 2009

Amended: March 10, 2010

Adjournment

There being no further business, Mr. Mr. Blais moved to adjourn the meeting, seconded by Ms. Frangipane, put to a vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk