

The September 23, 2020 Town of Bethel regular Town Board meeting was called to order by the Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Dugan Community Center meeting room.

Council members present: Vicky Simpson
Lillian Hendrickson
Bernie Cohen

Council member phoned in: Dawn Ryder
(via conference call due to being on state mandated quarantine for travelling to a high-risk state)

Attorney for the Town: Karen Mannino

The meeting was opened with the Pledge of Allegiance.

Moment of Silence – Constable Darryl B. Yates

Resolution In Memoriam to Darryl B. Yates, Town Constable

*Resolution of Respect
In Memoriam to*

*Darryl B. Yates
January 7, 1967 – September 16, 2020*

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, **Darryl B. Yates**, and

Whereas, Darryl, was actively employed by Town of Bethel as a Town Constable; and

Whereas, during his years of service he served the Bethel Community and residents with honor, dedication and high values. He was well-respected in the community by his peers; and

Whereas, Darryl was a devoted family man to his wife, Judy, and his daughter Diana. He will always be remembered for his support of our many community events and programs where he worked hard to keep us safe always stepping up to be involved. **Darryl** was friendly, caring and kind towards others; and

Now Therefore Be it Resolved, that the Town of Bethel Town Board express their most sincere sympathy at the passing of **Darryl B. Yates** on September 16, 2020, and extends their condolences to his 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: September 23, 2020

Daniel Sturm, Town Supervisor
Rita J. Sheehan, Town Clerk
Bernard Cohen, Councilman
Lillian Hendrickson, Councilwoman
Dawn Ryder, Town Councilwoman
Victoria Simpson, Councilwoman

Charles Stackhouse asked the Town Board to retire Darryl's Badge #111 and car #75. Mr. Sturm said it is a great idea and the Town Board all agreed.

Motion by Mrs. Simpson to approve the retirement of badge #111 and car #75. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Authorize purchase of 2018 Bomag BW177DH Roller

The Highway Department requests the purchase of a new 2018 Bomag BW177DH-5, CAB,66" single drum 14,551 pound roller with a 25,179 pound force. Serial #101586041238. Stock #C037066. Mr. Sturm noted that we will be using the fund balance and operating budget to purchase, no bonding.

Total cost of	\$148,493.
Sourcewell Discount (28.5%)	-42,321.
Freight and Misc.	2,150.
Less (May-Sept Rental Fee)	<u>-15,600</u>
Total purchase price	\$ 92,722

Motion by Mr. Cohen to approve the purchase of a new 2018 Bomag roll in the amount of \$92,722.

Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Mrs. Ryder asked why are we buying the roller instead of renting? Mr. Sturm stated that we rented the roller for five (5) months this summer for a cost of approximately \$20,000. so over a ten year period we would have to use 365 days a year.

Approve 2020-2021 County Snow and Ice Contract

Letter received from Sullivan County, Division of Public Works dated 9/14/2020, regarding the 2020-2021 Snow Control Agreement via Resolution 380-18. The County of Sullivan will pay the amount of \$6,185.13 per centerline mile for two lane highways and \$9,277.70 for three lane highways for the contract year July 1, 2020 – June 30, 2021. The amount of \$5,350.14 (\$6,185.13 reduced by 13.5%) per the agreement with the Sullivan County Legislature for the Town Sand Mine on Ballard Road.

**RESOLUTION OF THE TOWN OF BETHEL TOWN BOARD TO APPROVE A
CONTRACT AMENDMENT FOR THE 2018 – 2021
COUNTY SNOW AND ICE CONTRACT REMOVAL**

WHEREAS, the county of Sullivan and the Town of Bethel entered into contract for Snow and Ice control on County Roads from July 1, 2018 through June 30, 2021.

WHEREAS: the contract states the Town will be paid the amount Sullivan County received from the State of New York for snow and ice control on state highways the previous snow and ice season; and

WHEREAS, said section of the Highway Law of the State of New York requires the approval by resolution of each of the legislative bodies of such Towns;

NOW, THEREFORE, BE IT RESOLVED, that the County of Sullivan pay the amount of \$5,350.14 (\$6,185.13 reduced by 13.5%) per centerline mile for two lane highways to the Town for the contract year July 1, 2020 – June 30, 2021. (See Exhibit C of the 2018-2021 Snow and Ice Contract.

Motion by Mrs. Ryder to approve the Sullivan County 2020-2021 snow and ice contract.

Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Authorizing the submission of a 2020-2021 Justice Court Assistance Grant Application

Notification received from the Justice Court Assistance Program making funds available to the Town to apply for funding up to the maximum amount available for the purposes of enhancing the justice courts' ability to provide suitable and sufficient services to the community.

RESOLUTION AUTHORIZING THE SUBMISSION OF A 2020-2021 JUSTICE COURT ASSISTANCE PROGRAM GRANT APPLICATION FOR FUNDING THROUGH THE STATE OF NEW YORK UNIFIED COURT SYSTEM

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

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

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

1. Authorizes the court to apply for JCAP grant funds in the 2020-2021 grant cycle and to provide any additional information as may be required;
2. Requests that at least one Town Justice must sign the original application and the Town Supervisor for submission to the NYS Office of Court Administration;
3. That one (1) certified copy of this Resolution be prepared and be included with the grant application as required.

Motion by Councilman Bernard Cohen
Seconded by Councilwoman Lillian Hendrickson
Adopted the 23rd day of September, 2020.

Request to post speed limit signs on Murphy Road.

Phone request from Mr. Louis Hocesvar to post speed limit signs on Murphy Road.

Motion by Mr. Cohen to forward Mr. Hocesvar request to the county and state for appropriate disposition. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Yasgur Road Campground request to modify 2020 noise permit

Request from Jeryl Abramson to modify the existing noise permit for 2020. Add the date: October 6 – October 8, 2020 till 1 a.m. There have been no complaints over the past few years.

Motion by Mr. Cohen to modify the 2020 noise permit by adding October 6 - October 8, 2020 until 1 a.m. Seconded by Mr. Hendrickson, put to a vote and carried 5-0.

Request to modify Brew II Liquor License and waive 30-day wait

The applicant Brew II, Inc, 1568 Route 17B, White Lake, New York has requested to waive the 30-day waiting period.

Motion by Mrs. Hendrickson to approve Brew II, Inc. request to waive the 30 day period. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Adoption of 2020 Workday Resolution

Motion by Mrs. Hendrickson to table the adoption of 2020 workday resolution. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Resolution to authorize for Incorporation of a Waterworks Corp. for The New Sunflower, LLC and Keily, LLC.

Attorneys Jay Zeiger, Kalter, Kaplan, Zeiger & Forman, was present representing the Waterworks Corp.

Mrs. Ryder asked under 1.4 – expansion – does this allow for more units? Jay Zeiger – no, property is maxed out. Mrs. Ryder – questioned the escrow. Mr. Zeiger indicated that it is estimated at \$5,000 for 1 year operating expenses. Karen Mannino stated it for the Town's protection. If the Town steps in money will go to the Town.

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL APPROVING
A WATERWORKS AGREEMENT WITH
KEILY LLC AND THE NEW SUNFLOWER LLC**

WHEREAS, the Town Board of the Town of Bethel (the "Town Board"), upon filing of a petition by Keily LLC and The New Sunflower LLC, has previously granted municipal consent for the formation of a waterworks corporation in accordance with Article 4 of the NY Transportation Corporations Law (hereafter "TCL") by resolution, dated March 25, 2015; and

WHEREAS, the waterworks corporation and agreement is in furtherance of a residential site plan for 14 condominium units (the "Project") approved by the Town of Bethel Planning Board (the "Planning Board") for real property known on the Town of Bethel tax map SBL 40.-1-6 and 40.-1-7.1; and

WHEREAS, in order to complete the Project the Town Board must authorize execution of a Waterworks Agreement; and

WHEREAS, it appears the Planning Board has designated itself as lead agency for environmental review of the Project in accordance with 6 NYCRR 5617.6 and determined that the site plan application is an "unlisted action" under the State Environmental Quality Review Act ("SEQRA") and all SEQRA action has been completed.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the waterworks agreement as between the Town and Keily LLC and The New Sunflower LLC; and

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute said agreement as approved by the Attorney for the Town.

Motion by Councilman Bernard Cohen
Seconded by Councilwoman Lillian Hendrickson
Adopted the 23rd day of September, 2020.
Put to a vote and carried 5-0.

Re-appoint James Crowley to the Board of Assessment Review

Motion by Mr. Cohen to re-appoint James Crowley to the Board of Assessment Review Board for a five (5) year term, 10/1/2020-9/30/2025.

Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Request from Bethel Motor Speedway to add 2 Saturday events

Letter dated 9/18/2020 from George Van Arsdall, Jr., General Manager, Bethel Motor Speedway is requesting to modify the current permit to allow two more dates on the schedule during the month of October. All October 10th and October 24th, afternoon shows, gates open at 12 pm with racing ending by 8 pm.

Motion by Mrs. Simpson to receive and file letter from dated 9/18/2020 Bethel Motor Speedway requesting to modify the current permit. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Motion by Mrs. Hendrickson to approve the modification of the current and allowing October 10th and October 24th afternoon shows, gates open at 12 pm with racing ending by 8 p.m. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Correspondence from Eagle Creek re: access road to Toronto Res.

Letter dated 9/18/2020 from W. Neal Simmons, Eagle Creek Hydro Energy, regarding the gravel access road to the Toronto Reservoir.

“Eagle Creek fully acknowledges that it has a perpetual easement over the gravel road for the purpose of providing the general public access to the East Toronto Recreation Access Area (a boat launch area). However, the road is owned by Woodstone Development and the residents living along the road and within Chapin Estate and the road is intended primarily for access to their residences. The responsibility for road maintenance is that of Woodstone Development and its residents; however, in exceptional circumstances Eagle Creek has provided some maintenance to the portion of the road that provides access to the recreation area.

We would like to note that the road was resurfaced in May 2020 and the road remained in good condition through June. In July, after heavy precipitation, Eagle Creek added and graded approximately 200 tons of crushed rock along the road, and filled forming potholes. In July, Eagle Creek was able to clear a plugged culvert that was causing localized flooding. Eagle Creek will continue to cooperate with Woodstone Development on the regular maintenance of this access road to ensure safe public access to the recreation area. We inspected the access road to the recreation area as recently as yesterday and found it to be in good condition.

Eagle Creek considers itself to be a member of the Bethel and surrounding area community and strives to be a good neighbor.”

Motion by Mrs. Simpson to receive and file letter from Eagle Creek, dated 9/18/2020. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Set 2021 Budget Work Session

Mr. Sturm stated that the Bethel Town Board will be holding a budget work session on October 7, 2020 at 6 p.m. at the Town of Bethel Town Hall.

Waive PB & ZB Training requirements

The Planning and Zoning Boards are requesting that the Town Board waive the requirement for four-hour training for the year 2020-2021 due to the COVID-19.

Motion by Mrs. Simpson to waive the four (4) hour training for both Planning and Zoning Boards. Seconded by Mr. Cohen, put to a vote, and carried 5-0.

Bid Results for removal of unsafe structure at 21 E. Corwin

Bids received from the following bidders:

- | | | |
|--------------------------------------|------------------|-----------|
| 1. Bronze Contracting, LLC for | | \$31,500. |
| 2. LCP Group, Inc. for | \$31,500. | |
| Less discount of multiple demolition | <u>\$ 2,500.</u> | |
| Total Cost of | | \$29,000. |

Motion by Mrs. Hendrickson to award the LCP Group, Inc. the demolition for removal of the unsafe structure at 21 E. Corwin. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Correspondence The Civic Assoc. of Smallwood, NY

Letter dated 9/23/2020 from the Civic Association of Smallwood thanking the Town for staging another great fireworks event at the Smallwood beach on Labor Day weekend.

Motion by Mr. Cohen to receive and file letter dated 9/23/2020 from the Civic Association of Smallwood. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Public Comment

Matt Goldsmith thanked the Town of Bethel Town Board for Darryl’s resolution but the Town Board should have been at his funeral. Charles Stackhouse also thanked the Town Board on retiring Darryl’s Badge #111 and his car #77 adding the sentiments of Mr. Goldsmith about attending Darryl’s funeral. Mr. Stackhouse and Mr. Goldsmith asked why the Town Board members (except Bernie Cohen) were not at Darryl’s funeral service. Mr. Sturm indicated he was out of town and did call Mrs. Yates to express his sympathy. Mrs. Hendrickson stated her husband was in the hospital. Candice passionately spoke about how much Darryl cared about the town and community, fighting blight and drugs and it is a great loss to the town. She informed the Town Board that there were hundreds of people from all over the County at Darryl’s funeral that did not know him. The Town Board all agreed losing Darryl is a shock and great loss to the town and community.

Adjournment

There being no further items on the agenda, Mrs. Simpson moved to adjourn the Town of Bethel Town Board meeting. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan
Bethel Town Clerk