

The December 9, 2020 Town of Bethel Regular Town Board Meeting was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Duggan Community Center meeting room.

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

The meeting was opened with the Pledge of Allegiance.

### **Audit of Bills**

<b><u>Funds</u></b>	<b><u>Amount</u></b>	<b><u>Check #'s</u></b>
General Fund	\$79,480.68	9742-9796
Highway Fund	\$70,436.46	2750-2775
Kauneonga Lake Sewer District	\$24,254.21	2135-2151
Kauneonga Lake Light District	\$ 2,420.92	1058
Planning & Zoning Escrow	\$ 3,683.75	1234

Motion by Mrs. Simpson to approve audit of bills. Seconded by Mr. Cohen, put to a vote and carried 5-0.

### **Supervisor's Monthly Report**

Mr. Sturm reported the general fund year to date:

#### Revenue:

Safety inspections are \$79,000, up almost 80%.  
Recreation is down due to limited numbers due to COVID-19.  
Transfer Station revenue is up 39%, collected over \$85,000 to-date.  
Interest and earnings are up. We constantly monitor and move accordingly.  
Bail is down \$30,000. We hope to catch up.  
Donations are ok.  
2<sup>nd</sup> Quarter Mortgage Tax is down, 2% overall.

#### Expenses:

We are 10% below Year-to-Date.  
102% of Town Budget.  
81% spent, last year was 93%

#### Highway: has more revenue

Highway Department sold off old equipment.  
There was an insurance recovery  
The Highway Department did more in chip money  
Highway has spent 92% of the budget  
After we do budget modifications it will be 82%

Motion by Mr. Cohen to receive and file the Supervisor's Monthly Report as submitted. Seconded by Mr. Hendrickson, put to a vote and carried 5-0.

### **Correspondence – Country Club POA – West Shore Drive No Parking**

Mr. Sturm a letter dated 11/12/2020 from the Country Club Property Owners Association, Inc., Kauneonga Lake, NY regarding parking on West Shore Drive. A meeting was held with Mr. Sturm and Mr. Bonnaci and are now requesting that no parking on the odd side of West Shore Drive from West Shore Road to Lakeview Road in White Lake Homes. Motion by Mrs. Hendrickson to receive, file letter and approve No Parking Order. Seconded by Mr. Cohen, put to a vote and carried 5-0.

**Town Clerk’s Monthly Report**

Total fees for November, 2020	\$8,728.82
State Share	\$1,693.97
Town Share	\$7,034.85

Motion by Mr. Cohen to receive and file the Town Clerk’s report as submitted. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

**2020 General Code Municipal Clerks Honor Roll**

Mr. Sturm read a letter and certificate congratulating Rita Sheehan, Bethel Town Clerk, the 2020 Municipal Clerks Honor Roll hosted by General Code recognized an individual Municipal Clerks for a job well done. Motion to receive and file correspondence. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

**2020 Budget Modifications:**

Sewer Fund:

Acct Code	Title	Debit	Credit
8130.4	Sewage & Disp .4		160,000.00
9710.7	Serial Bond Int		5,751.00
9050.8	Unemployment		4,771.79
8130.1	Sewage & Disp .1	76,000.00	
9060.8	Health Insurance	50,000.00	
9710.6	Serial Bonds Principal	\$44,522.79	
		\$170,522.79	\$170,522.79

General Fund:

Acct Code	Title	Debit	Credit
1620.1	Town Hall Personnel .1		\$5,500.00
7180.4	Special Rec Pool .4		\$6,000.00
7989.4	Cultural Series		\$22,500.00
9060.8	Health Insurance	34,000.00	
		\$34,000.00	\$34,000.00

Highway Fund:

Acct Code	Title	Credit (rev)	Credit
Da 3501	State aid Consolidated Hwy	253,442.73	
DA5112.4	Perm Improve Hwy Contr.		253,442.73
		\$253,442.73	\$253,442.73

Acct Code	Title	Debit	Credit
5110.1	Maint of Streets .1		\$19,527.75
5130.2	Machinery equipment .2		\$108,658.00
5110.4	Maint of Streets	\$128,185.75	
		\$128,185.75	\$128,185.75

Motion by Mrs. Simpson to approve budgetary transfers between fund account codes. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**Appointment to the SC Fire Advisory Board**

Motion by Mrs. Hendrickson to receive and file letter dated 11/30/2020 from the Kauneonga Lake Fire Co. recommending the appointment of Chief Peter Maltese to the County Fire Advisory Board and to approve appointment. Seconded by Mr. Cohen, put to a vote and carried 5-0.

**Intermunicipal Agreement with Monticello School District, County of Sullivan and Town of Forestburgh**

**RESOLUTION TO AUTHORIZE THE TOWN OF BETHEL TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF SULLIVAN IN RELATION TO THE PENDING TAX CERTIORARI PROCEEDINGS INVOLVING PARCELS OWNED BY EAGLE CREEK HYDROPOWER LLC**

**WHEREAS**, the Town of Bethel (hereinafter “Town”) has been served with a Tax Certiorari proceed by Eagle Creek Hydropower, LLC (hereinafter “Eagle Creek”) with respect to numerous parcels in the Town of Bethel relating to their hydroelectric facility; and

**WHEREAS**, Eagle Creek has filed tax certiorari proceedings against the Town of Forestburgh with relation to the same hydropower facility; and

**WHEREAS**, the County of Sullivan and the Monticello Central School District have moved to intervene in this matter and said motion has been granted by the Court; and

**WHEREAS**, the parties have agreed to share expenses in the defense of this tax certiorari proceedings; and

**WHEREAS**, the County of Sullivan requires that all parties execute an Intermunicipal Agreement authorizing the sharing of expenses and defense of this tax certiorari proceeding.

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

1. The Supervisor of the Town of Bethel is hereby authorized to execute an intermunicipal agreement with the County of Sullivan, Town of Forestburgh and Monticello Central School District to authorize the sharing of expenses with respect the Eagle Creek Tax Certiorari proceedings.

Moved by Councilperson Vicky Simpson  
Seconded by Councilperson Lillian Hendrickson

<u>Roll Call Vote</u>	<u>AYE</u>	<u>NAY</u>
Mrs. Simpson	Yes	
Mrs. Hendrickson	Yes	
Mr. Cohen	Yes	
Mrs. Ryder	Yes	
Mr. Sturm	Yes	

Adopted on the 9<sup>th</sup> day of December, 2020.

A Inter-municipal Agreement dated 1/20/2020 is entered into by and between the County of Sullivan, the Town of Bethel, the Town of Forestburgh and the Monticello Central School District. The IMA details the duties and obligations of the County, the School and the Towns in regard to the County, the School and the Towns sharing the costs for the appraisal fees associated with a tax certiorari proceeding commenced by Eagle Creek Hydropower, LLC (the Litigation). Refer to the IMA for parcels of real property involved.

The County shall be responsible for the payment of 33.3% of the appraisal fees.  
The School shall be responsible for the payment of 33.3% of the appraisal fees.  
The Towns shall each be responsible for 16.67% of the appraisal fees.

All parties agree and consent to retain the services of George E. Sansoucy, PE, LLC to provide appraisal services in regard to the Litigation.

All parties they have had the opportunity to review this IMA with their attorney and prepared to comply with all their respective obligations.

### **Seek sealed bids for Forest Reserve Comfort Station**

Mr. Sturm, I would like to ask the Board to re-bid this project. We do have a \$100,000 grant (DANSY Grant) for this project from Senator Jen Metzger, and although we have committed funds above that (which includes in-kind services) I think we can do better than the \$166,500 bid we have received so far. It is a comfort station/information center which will enhance our offerings and recreational opportunities currently available to all of our residents at the Forest Reserve in Smallwood. We would like to complete this project in the Spring/Summer of 2021. The Forest Reserve and Dog Park are great assets, and have been a great selling point when people have decided to move here. A good positive improvement that just keeps getting better.

Motion by Mrs. Hendrickson to re-bid (seek sealed bids) for the Forest Reserve Comfort Station. Seconded by Mr. Cohen, put to a vote and carried 5-0.

### **Correspondence from Smallwood Civic Association**

Motion by Mrs. Hendrickson to receive and file letter dated 12/9/2020 from the Smallwood Civic Association thanking the Town of Bethel for the town's effort in making their Halloween Trick or Treat lake walk a success. Seconded by Mr. Cohen, put to a vote and carried 5-0.

### **Discussion on Proposed Local Law #1-2020**

Mr. Sturm stated. - As we have been discussing throughout the last eleven months of the pandemic, there has been a high rate of interest in both residences and commercial projects here in Bethel. The rate of construction activity is way up to close to 12 million dollars in which is the highest we have had in over eleven years or more. Real estate is booming all over Bethel residences and vacant land. This is just one of new project opportunities that are going to be coming to the Town in the next few months. For the reasons stated I think this can be a great project for the Town. It can provide economic development, increase the tax rolls, which helps all of our taxpayers and most importantly it is in keeping with our stated Town Goals of a "clean and green environment," ECO Friendly Environment, but it's also very restrictive (by design like a minimum of 20% conservation easement and no more than 2% building coverage. It includes sustainable Ag components, and will further protect the Ag-Zone from incompatible development. Our job tonight, is to consider adding this use as allowable in the Ag District, which would lead this local law introduced, and the review by the Planning Board for the law, and of course a public hearing hopefully next month on the law. If approved, it will then be subject to a rigorous site-plan and special use permit review process and public hearing on the actual project at the Planning Board meeting, of which I have great faith in our Planning Board engineers, attorney's, planning board members to do a great inclusive review. I think we can do this, and it can be a great addition to the Town. I am thankful that they have chosen Bethel for this opportunity.

Mary Beth Bianconi, Delaware Engineering Firm, and Mark Baez, Sullivan County Partnership, gave a brief overview of the project (Rural Eco-Tech Retreat).

It will be a tech retreat on Segar Rosenberg Road.  
No more than 50 overnight guests and not open to the public.  
It will be two-week maximum stay only.

It is a 125-acre minimum parcel area.  
Maximum of 2% building coverage.  
Setbacks -300 ft. minimum front yard setback; 100 ft. rear yard setback;  
100 ft. minimum side yard setback.  
Maximum building height is 35 ft.  
Emergency access road to main facilities  
Single centralized guest parking area  
Retreat units shall not be converted into permanent dwelling units  
Will use native plantings  
Provide 20% minimum conservation easement  
Minimize the impacts on undisturbed land and development within  
wetlands, streams, etc.  
Incorporate green roofs  
Utilize renewable energy  
Employ green storm-water infrastructure and employ an eco-friendly wastewater system.

Mrs. Ryder asked how many cabins, etc? Mary Beth - 42 cabins and 1 one central common building.

Mr. Sturm will check with the Town Attorney to see if we need to file Local Law with Sullivan County Farmland Protection Board.

**Introduce Proposed Local Law #1-2020 and set Public Hearing**

**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**, the Town Board has been advised by the Sullivan County Partnership for Economic Development that there is serious interest in the creation of a Rural Eco-Tech Retreat in the Town of Bethel; and

**WHEREAS**, the proposed Rural Eco-Tech Retreat would represent positive economic development in the Town of Bethel that would have a positive impact on the tax rolls of the Town while also embracing environmentally friendly development; and

**WHEREAS**, this Resolution introduces Proposed Local Law No. 1 of 2020 which, if enacted, will amend Chapter 345 of the Town Code by amending 345.5 to include a definition of “Rural Eco-Tech Retreat”, would enact Section 345-34.2 to allow for Rural Eco-Tech Retreats in the AG District and would amend the Bulk and Use Tables; 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 and provides notice of its intent to any other involved agencies; and be it.

**FURTHER RESOLVED**, that a public hearing on the proposed introductory Local Law shall be scheduled for January 27, 2021 at 7:45 p.m. which public hearing shall be conducted at the Dr. Duggan Community Center, Meeting Room, 3460 Route 55, White Lake, NY 12786 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 2020 and a copy of the revised Zoning District Regulations 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 2020 and a copy of the revised Zoning District Regulations 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 the SEQRA materials prepared in support of proposed introductory Local Law No.1 of 2020 shall be prepared and delivered to the Town Board for review and consideration; and

**FURTHER RESOLVED**, this Resolution shall become effective when adopted.

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

**Resolution to Authorize a Grant Application for Culvert Pipe Funding**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
AUTHORIZING THE COMPLETION OF AN APPLICATION FOR A STATE  
AND MUNICIPAL FACILITIES PROGRAM GRANT FOR THE  
REPLACEMENT OF A CULVERT CARRYING THE OUTFLOW OF  
MOUNTAIN LAKE UNDER PINE GROVE ROAD IN THE HAMLET OF  
SMALLWOOD IN THE TOWN OF BETHEL, FOR THE EXPENDITURE OF  
LOCAL FUNDS AND THE EXECUTION OF A GRANT AGREEMENT**

**WHEREAS**, the Town of Bethel is making application for a State and Municipal Facilities Capital Program Grant to be awarded by the Dormitory Authority of the State of New York (hereinafter “DASNY”) in the amount of \$125,000 (the “Grant Application”); and

**WHEREAS**, it appears that the Grant Application submitted by the Town has been received and is waiting authorization for the issuance of the grant funds for the purposes set forth in the Grant Application, which is for the replacement of a culvert carrying the outflow of Mountain Lake under Pine Grove Road in the hamlet of Smallwood, in the Town of Bethel (hereafter the “Project”); and

**WHEREAS**, the Town of Bethel is willing to make the necessary commitment to provide the municipal share of funding for the Project in the event that the Grant Application is approved; and

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

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Bethel hereby authorizes the Town Supervisor to complete any necessary Grant Application requirements in order to secure the funds provided by the State and Municipal Facilities Grant Program for the purposes identified in the Grant Application or this Resolution; and be it

**FURTHER RESOLVED**, that the Town of Bethel hereby commits to provide funds in an amount yet to be determined as the Town’s contributory share for the completion of the Project, said funds to be provided from the Town’s Highway Fund; and be it

**FURTHER RESOLVED**, that the Supervisor of the Town of Bethel is hereby authorized on behalf of the Town of Bethel to negotiate, sign and properly deliver any agreements received by DASNY or other State agencies related to the Grant Application or funding for the Project and to complete any remaining tasks and execute and deliver any necessary documents required to complete the Grant Application, receive the grant funds and implement any necessary agreements; and be it

**FURTHER RESOLVED**, the Town Supervisor is hereby authorized to expend funds in excess of the municipal share of the grant award if necessary, to complete the Project; and be it

**FURTHER RESOLVED**, that the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQRA”) (6 NYCRR 617.5 [b][1] & [2] and [c] [2]) and no further environmental review pursuant to SEQRA is necessary; and be it

Mr. Sturm stated that the Hon. Aileen Gunther has secured a \$25,000 grant towards this project and we might bond the project.

**FURTHER RESOLVED**, that this resolution shall be come effective immediately upon its passage.

Motion by Mr. Cohen to proceed with the grant application process for the culvert pipe under Pine Grove Road. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

**Cancel 12/23/2020 Town Board Meeting**

Motion by Mrs. Simpson to cancel the December 23, 2020 Town of Bethel Town Board meeting. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**Set 2021 Town Board Re-Organizational Meeting 1/6/2021 7:30 p.m.**

Motion by Mrs. Hendrickson to set January 6, 2021 at 7:30 p.m. as the Town of Bethel Town Board Re-Organizational Meeting. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

**Town Board Comments**

Mrs. Hendrickson thanked everyone for coming and wishing everyone a safe and healthy New Year.

Mrs. Simpson commented that the tree in the town square looks great.

Mr. Cohen – I would like a letter sent to the Bethel Highway Department and Bethel Woods for re-stringing the lights at the Town Square. Town Clerk added that herself and Dan Gettel set-up the lit candy canes and lights around the town square and Mr. Gettel should receive a thank-you as well. She added that she has been setting up the lights and hanging the wreath on the Veterans’ monument since 1992.

Mrs. Ryder wished everyone Happy Holidays.

Mr. Sturm asked to send Daniel Cunningham a thank-you for helping with the lights at the town square tree.

**Adjournment**

There being no further items on the agenda, motion by Mr. Cohen to adjourn the December 9, 2020 Town of Bethel Town Board meeting. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Respectfully submitted,

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Rita J. Sheehan, Town Clerk