

The regularly scheduled Town of Bethel Town Board meeting was called to order by Supervisor, Daniel Sturm at the Dr. Duggan Community Center at 7:30 p.m.

The meeting opened with the Pledge of Allegiance.

Council members present: Vicky Simpson
Lillian Hendrickson
Dawn Ryder

Council member absent: Bernie Cohen

Attorney for the Town Present: Karen Mannino

Building Department Monthly Report

December 2016 Revenue	\$3,599.00
December 2015 Revenue	\$2,449.00
2016 Construction Total	\$7,492,250.00
2015 Construction Total	\$7,423,900.00

Request to attend NYSBOC school classes

Request from BJ Gettel, Enforcement Officer to attend the Tri-County Chapter of NYSBOC schools on the following dates. Cost savings to the Town is \$6,000. This is part of the continuing education required by the NY State to remain certified as a Code Enforcement Officer. She is also one of the co-chairpersons coordinating these schools and conferences.

- February 22, 2017 – class
- March 6, 2017 – 2017 Conference
- March 22, 2017 – class
- April 4, 2017 – conference
- April 21, 2017 – class
- September 27, 2017 – NYSBOC Conference
- October 4, 2017 – class
- November 8, 2017 – conference

Motion by Mrs. Hendrickson to approve the request from BJ Gettel to attend the NYSBOC classes and conferences as listed above. Seconded by Mrs. Simpson, put to a vote and carried 4-0.

Junkyard License Renewal Applications

Motion by Mrs. Hendrickson to receive, file request from Ross, Seven-X Motors, Lyamar, Yeoman’s and Hendrickson for junkyard renewal application and to forward to the Building Department for an inspection report. Seconded by Mrs. Ryder, put to a vote and carried 4-0.

Notice of Public Hearing – T/O Liberty Comprehensive Plan

Motion by Mrs. Ryder to receive and notice dated January 8, 2017 from Town of Liberty, notice of town board public hearing on draft generic environmental impact statement (DGEIS) comprehensive plan update and local law updating the zoning code. Public hearing scheduled for February 27, 2017, 7:00 pm, at the Liberty High School Auditorium, 125 Buckley Street, Liberty, NY. Seconded by Mrs. Simpson, put to a vote and carried 4-0.

Correspondence NYS Dept. of Health – re: Tribunal Hearing

Motion to receive and file letter dated January 12, 2017 from NYS Dept. of Health rescheduling Administrative Tribunal hearing to February 17, 2017. Government Center. Seconded by Mrs. Ryder, put to a vote and carried 4-0.

Correspondence from Alzheimer's Association

Motion by Mrs. Hendrickson to receive, file and approve request for a fundraiser for Alzheimer's Assoc. on February 11, 2017 at the Dr. Dugan Community Center. Note – no food or drinks and clean up the gym when finished. Seconded by Mrs. Ryder, put to a vote and carried 4-0.

Correspondence Allyson Whitney Foundation

Motion by Mrs. Simpson to receive and file e-mail dated requesting permission to host the Allyson Whitney Foundation Race on May 13, 2017. Seconded by Mrs. Hendrickson, put to a vote and carried 4-0.

Public Hearing: 7:45 p.m. – Proposed LL #1-2016 Solar Law

Motion by Mrs. Hendrickson to recess the regular Town of Bethel Town Board meeting and enter into the scheduled public hearing set for 7:45 p.m. Seconded by Mrs. Ryder, put to a vote and carried 4-0.

Dina Sturm read the legal notice as published in the Sullivan County Democrat as the designated official newspaper for the Town of Bethel.

Karen Mannino, Attorney for the Town, read the local law.

Comments from Karen Mannino, Attorney for the Town

The Proposed Local Law regarding certain solar energy systems was first introduced in December when this Public Hearing was scheduled. This local law is intended to advance and protect the public health, safety and welfare of the Town of Bethel. Specifically it is intended to promote environmentally sound local energy generation, to take advantage of a safe, abundant, renewable and non-polluting energy resources, to decrease the cost of energy to owners of property within the town, to decrease the use of fossil fuels thereby reducing the carbon footprint in the Town and to enact legislation consistent with the policies of the State regarding renewable energy.

The local law primarily focuses on small scale and large scale solar energy generating systems. Small scale systems are those intended for use on the parcel upon which they are located and are deemed as accessory use subject to certain requirements as set forth in the law. Small scale systems are subject to site plan review of the Code Enforcement Officer and may in certain circumstances be referred for planning board review. Consistent with the Town's support of farming, any small scale system to be used on farmland is exempt from referral to the planning board.

Large scale systems are those used to produce electricity for off-site sale or consumption. Large scale systems are a special use and are subject to site plan requirements, minimum design standards and abandonment and decommissioning requirements. As a special use, large scale systems require planning board approval. Large scale systems are also required to perform a full environmental assessment as provided by the New York State Environmental Quality Review Act.

This proposed local law represents extensive work on the part of the Town Supervisor, Town Board and Green Committee. Having presented the proposed local law last month, it was submitted to the County Planning Department as well as the Town Planning Board for their comments. Many of those comments have been incorporated as track changes in a track changes version that will be available for inspection. The Town would like to take this opportunity to thank all those involved for their time and dedication.

Persons who spoke:

Susan Brown Otto – I am speaking in capacity as a resident, not a Planning Board member. Concerned about the decommissioning of solar panels and the components that make up the solar panels that was included in the Town of Delaware law, this language was shared with the Town of Bethel and am I correct that this language was not included? There were a few track changes but not a lot on the version of the law on the town website, 239 review provided was on 1/12/2017 and none of the changes were incorporated.

Dan Sturm - we introduce local law on 12/14/16 and made it public, since then we have had suggested edits, one from Planning Board and one from Sullivan County Planning. The town website version has not been changed. Eight minor edits, that the town board will discuss tonight then they will be published on the town website. Susan Brown Otto - will there be another public hearing. Mr. Sturm - will hear comments tonight; may keep hearing open or make changes. If any changes are made they will be made here, the document will be then uploaded to the web.

Susan Brown Otto - What about Town of Delaware? Susan Brown Otto you are not incorporating any of it? Decommission and composition of the panels. Dan lets hear your comments, we did review to Delaware and there are suggested edits. Mrs. Otto - there may be some included?

Mrs. Otto - one of the issues of the materials making the panels up but what happens down the road and the panels are abandoned from a aesthetic standpoint, like the dishes, the panels are a lot harder to get rid of them. Do we have adequate protection to decommission them, bonding, language and make sure we are not stuck looking at these ugly. We need language in now.

Mr. Sturm - as far as I am concerned our law is state of the art. It is in there. Km decommission is in the law that is on the website, decom requirements, large scale for site plan review, a surety that would have to be posed prior to site plan approval. Engineer recommendation, project would have to make a proposal that deems the surety amount and type is appropriate and approved by town board. There is a relevy requirement in the law for the expenses if the town had to decommission. Mrs. Otto – can't get a surety for fifteen years. Karen Mannino - can do escrow.

Mrs. Otto – fifteen year solar tax exemption – opting out of taxing solar properties. Freemont and Cochection have not made this decision, another town maybe voting the same way. Is there an estimate on the loss of revenue for these projected projects. Mr. Sturm - a preliminary calculation. We felt strongly to opt out and assess solar rays is a clear sign that the town is not doing everything it can to encourage solar in our town., it is pennies. Mrs. Otto – what about large scale.

Mr. Sturm – there is a mandatory pilot. Mrs. Otto - still a difference between pilot and full assessment. Mr. Sturm - can still do a full pilot. Mrs. Otto - last year a number of people had been contacted with large tracts of land by these companies.

Mrs. Otto - zoning board of appeals was not asked to comment on the law. Mr. Strum – town code only requires Planning Board review.

Mrs. Otto - Cornell website states if someone has an ag assessment and they convert to solar they will loose their ag assessment

Mrs. Otto – on page four of the rules they talk about qualified solar installer is that term defined? Is there licensing. Mrs. Sturm– definition is in there.

Mrs. Otto - thank you.

Jeffrey Allison - My name is Jeff Allison, and I am a member of the Bethel Green Committee which assisted the town in drafting this legislation. Our committee's goal is to help the town and its residents:

- Reduce energy consumption,
- Save money,
- Reduce fossil fuel consumption
- Reduce our carbon footprint

Participation in both the NYS Climate Smart Communities and the NYSEDA Clean Energy Communities programs will aid the town in these goals, but it will also help the town qualify for and receive grant funding for major energy saving projects.

This new solar law coupled with the streamlined solar permit which Bethel has already adopted are very important first steps. Once a final law is passed we will turn our attention to helping educate the residents about solar and how they can best proceed to install solar for their home or business use. We will make available information about tax incentives, loan agreements and other factors that can make solar power affordable and achievable.

Right now, New York State is undertaking significant change in how it generates and delivers energy. Reforming the Energy Vision (REV) is Governor Andrew M. Cuomo's strategy aimed at building a next-generation energy system that is clean, resilient, and affordable for all New Yorkers. His aggressive Clean Energy Standard commitment will require 50% of New York State's electricity to be sourced from renewable energy sources by 2030.

With our new solar law Bethel becomes part of this statewide initiative.

Concerning the Draft Solar Law here are a new comments:

- This solar law is essential before solar development activity can move forward efficiently and best protect the town, its residents, farms and farmers and our businesses.
- This law as drafted helps ensure that appropriate solar projects can be undertaken in all of our zones.
- This law protects our residents by carefully defining projects and sets our appropriate approval processes based on each type of project.
- For individual residents and farmers wanting to generate electricity for their own use the procedures are easy and without un do burden.
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- For larger commercial operations the procedures are reasonable, based on state guidance and approved by the Bethel Planning Board.
- This solar law protects residents but at the same time helps incentivize solar development by having solar projects for residents and businesses designed to supply on-site energy needs to NOT increase their real estate taxes for 15 years. Commercial ventures will participate in a PILOT program effectively paying increased property taxes.

Our committee spent many months looking at the NY State model law and other communities solar laws. We believe this law balances needed protection with the desire to welcome solar into the Town of Bethel. We look forward to its passage and moving forward with implementation and other projects.

Karen London – along with Jeffery I serve as co-chair on the Bethel Green Committee. I would like to thank Supervisor Sturm and full Town Board for their support and green committees work. We aim to make town cleaner and greener in accordance with state programs and adopting this solar law is the first step. We were very lucky in our committee and Sturm asked for us to review and prepare this law. The model law had just come out. The model solar law was the work of the NYS planning and working group which was a very large collection of representatives from across state country, industry and planning and zoning experts. They reviewed practices from across the country and NY specific solar policies under Governor Cuomo. The model law was accompanied by in-depth explanation for the reasoning for each provision and to alter if

that did not suit your municipality. We benefited from this research which took many, many months and the experts of our only solar law

We gave considerable thought into customizing to be most appropriate for Bethel. The model law is 8 pages, our law is 19. One example model law did not require roof top or ground installations have a site plan review. We decided three tiers of review. We subjected ground installation to require site plan or a full planning board review except for farmland. Farmland is only subject to code enforcement. Our law also has a more stringent review for large scale. 6 pages address large scale ground mounted installations, need more scrutiny. This was also to address special protective measure, fencing, year round landscape, herbicides, maintenance to term of installation, and extensive provision for decommissioning including

Our law eases the way and hopefully encourages, residents, small business and farmers to harness the benefits of solar energy for their own use, facilitates and allows for large solar projects in our town but with more scrutiny and special permit process. Establishes appropriate balance we are looking for.

Thanked Karen Mannino to make our law that much better.

Susan Brown Otto – thank Karen London and Jeffrey Allison for all their time. Before you vote to see what these changes are. Mr. Sturm – we are not adopting tonight.

Marcia Salton - very much in support of solar and wind that will decrease our carbon footprint. Has solar has improved recently due to the lack of sunlight here? Mr. Sturm – great improvement.

Steven Metts – if we are going to be against things, we need to be for things, a recent study in Amherst University at MA. This area will warm much more rapidly than the globe as a whole and will warm faster than any other U.S. region. Will warm by 50% faster than the rest of the planet, the US will reach a 2 degrees Celsius warming than the rest of the globe, our region needs to move quickly and onto renewables, ethical, moral, right for planet. If we drive out anywhere from this area; solar panels are all across the landscape, appreciate you doing so.

Mark Carper – SC Division of Planning Management, conducted 239 for this law. This law is thoughtful and progressive, very supportive and addressed a lot of issues relating to character of town. Some benefits materials have become more efficient, has become cheaper, there is some pollution caused from manufacturing, no leaching on site. Thank you for your efforts.

Wendy Robinson - I am also a member on the green committee and support the law. The board was a little unpopular when we passed the ban on fracking, this is a great response. Some of the farmers were unhappy and this law makes up for that . this will help the farmers make more productive use of their farms under other circumstances. I applaud a mission and a primary motivating factors. I am aware of the budgetary matters and every time we pay an attorney it comes out of the budget. We had a change in attorneys during the process, there was a transition period. Thanks to Karen London, I can not describe the amount of work she put into this project, love and care and her being an attorney, she put in an unbelievable number of hours. And deserves the credit for saving the town a lot of money. Thanked Karen Mannino for picking up the ball and picking up the speed so quickly and moving this forward. Very much in favor and appreciate the board time and effort for moving this forward.

John Regan - Cypress Creek renewables, would like to say it is comprehensive and reasonable and have been tracking solar code development in the state and this is the best.

Leah Maidenbaum – thanked the board and very proud, I want my children to have a cleaner future and to move away from fossil fuels.

Vicky Simpson – thanked Lillian, Dawn, Dan, Jim Crowley, Wendy, Tom for everything. Karen and Jeff, I can not speak how much you have done, you spearheaded. This is the warmest year on records. Getting warmer than we can every imagine. My grandson asks what he can do; get on a committee with like-minded people, make changes on a local level.

Lillian two things I am very proud no fracking came to town and to pass this solar law. I know how hard you worked.

Mr. Sturm read for the record written comments that were submitted:

1 - Steve Simpson - Page 3 – Solar Energy System: On section C part (1) Roof Mounted Solar Energy Systems, we should include the verbiage from section C part (2) Small Scale Ground Mounted Solar Energy Systems. “This definition shall not prohibit the sale of excess electricity pursuant to state authorized net metering regulations.”

Page 4 – Section D part (1) Qualified Installations, where it now states that “Any system installed by a homeowner must be inspected”..., this should be changed to state: “Any system installed by a qualified solar installer and/or homeowner must be inspected”... In addition, the statement “if connected to the State’s electric transmission system grid” from the same paragraph should be changed to: “if connected to the local electric utility system grip”...

The last change is in Section D part (2) Governmental Approval, where the lines states...” have provided all permissions and approvals necessary”..., a change should be made so it reads, “...” have provided all permissions, approvals and required inspections necessary”...

2- Larysa Dyrszka - I read the information from Bethel Concerned Citizens with interest. Having read the attachment, I am supportive of the law as described, and which I understand the Green Committee, under your leadership, has worked on for quite a long time in order to be accurate, fair and thorough. Health concerns (a recent hip replacement) prevents me from attending town board meetings regularly, but I wanted to send this brief note in support of the Bethel Solar Law.

3 – Bob Krause - I wholeheartedly support your position of making it easier for individuals and companies to utilize solar in Bethel. Thank you for your efforts in this area.

4 – Phillip Jacobs – Solar Farms, don’t want it in Bethel, no way.

5 – Jeffrey Kittay - I am unable to attend tomorrow night’s meeting, but want to voice my wholehearted support for the proposed solar law. Please do your best to see it through.

6 – Karen and Marc Bushell - We are e-mailing to affirm that we appreciate and support the Board’s thoughtful and responsible efforts to go forward with Solar energy possibilities. Unfortunately, we will not be at the town meeting on January 25, 2017.

Motion by Mrs. Simpson to close the public hearing and re-enter the regular Town of Bethel Town Board meeting with the authorization to receive written comments through February 7, 2017. Any new edits will be available on the website by Friday, at least in writing if Rita is not in. Seconded by Mrs. Hendrickson, put to a vote and carried 4-0.

Correspondence from TOB Planning Board

Motion to receive and file letter from the Town of Bethel Planning Board dated January 13, 2017 stating the Planning Board recommendation is to adopt proposed Solar Law #1-2016. Seconded by Mrs. Ryder, put to a vote and carried 4-0.

M-239 Response from SC Planning

Motion by Mrs. Hendrickson to receive and file letter dated January 10, 2017 from Sullivan County Div. of Planning and Environmental Management, Freda C. Eisenberg, Commissioner. The Division has reviewed the materials submitted and supports clean energy development, and based on the anticipated positive impacts to the community character, land use compatibility and improvement to public convenience and governmental efficiency, approves this action.

Discussion Solar Law Edits

Mr. Sturm reviewed the proposed edits to the proposed local law: Roof mounted systems, language changes, abandonment – restoration of property, (page 11) small scale ground mounted on adjoining property owned by same owner, code reflected bulk and use table, and large scale requirement of lease. Motion by Mrs. Simpson to approve edits, Seconded by Mrs. Hendrickson, put to a vote and carried 4-0.

Resolution to appoint and reappoint Internal Green Team Members

Resolution of the Town of Bethel, Sullivan County, New York to appoint members to the Bethel Internal Green Team as part of the Climate Smart Community Pledge

Whereas, the Climate Smart Community Certification Manual encourages local governments to create an internal green team and involve staff members from all relevant departments in the climate action planning and implementation process, for developing both a government and community climate action plan; and

Now, therefore be it resolved, that the Town of Bethel Town Board hereby reappoints members to the Bethel Internal Green Team:

- Vicky Simpson, Chairwoman**
- Dawn Ryder, Town Board Member**
- Rita J. Sheehan, Town Clerk**
- Michael Collins, Sewer Superintendent**
- BetteJean Gettel, Code Enforcement Officer**
- Patrick Cunningham, Highway Superintendent**

Further Resolved, that the Town of Bethel Town Board hereby appoints the following new member to the Bethel Internal Green Team:

- Christopher Cunningham**

And Be it Further Resolved, that the Bethel Internal Green Team shall meet at least 3 times per year, prepare agendas and minutes, and advance its mission to support the development and implementation of energy efficiency, climate action, and sustainability strategies.

Motion by Hendrickson to approve the resolution, seconded by Mrs. Ryder, put to a vote and carried 5-0.

Resolution to appoint and reappoint Bethel Green Committee Members

RESOLUTION OF THE TOWN OF BETHEL TOWN BOARD TO APPOINT MEMBERS TO THE TOWN OF BETHEL GREEN COMMITTEE

WHEREAS, in July 2013, the Town Supervisor designated an advisory committee comprised of local officials and community members to consider the Town's participation in the NYS Department of Environmental Conservation's "Climate Smart Communities" initiative, its adoption of this pledge, and additional measures that the Town could take to increase its environmental sustainability and lead the community by example;

WHEREAS, the following members are reappointed to the Bethel Green Committee

Vicky Simpson
Jeffrey Allison
Karen London
Dawn Ryder

Jennifer Young
Wendy Robinson
Tom Wasserman

WHEREAS, the following member is appointed by the Town Supervisor:
Christopher Cunningham

Motion by Mrs. Hendrickson to adopt resolution, seconded by Mrs. Simpson and duly adopted 5-0 on the 25th day of January, 2017.

Authorize sealed bids for Smart USA Electric Vehicle

Motion by Mrs. Simpson to authorize sealed bids for a Smart USA Electric Vehicle. Seconded by Mrs. Hendrickson, put to a vote and carried 4-0.

Bethel Motor Speedway License Renewal

Bethel Motor Speedway has submitted a renewal letter for 2017 to operate the pre-existing race track at 361 Horseshoe Lake Road, White Lake, NY. They are requesting an additional Thursday and another Sunday, and a start time of 4 p.m.

Motion by Mrs. Hendrickson to receive and file letter dated January 10, 2017 and e-mail dated January 12, 2017 and set public hearing date of February 8, 2017 at 7:45 p.m. Seconded by Mrs. Ryder, put to a vote and carried 4-0.

Correspondence from NYS Parks, Rec and Historic Preservation

Motion by Mrs. Ryder to receive and file letter dated January 13, 2017 from the NYS Parks, Recreation and Historic Preservation indicating that the Woodstock Music Festival Site: West Shore, Hurd, Best & Perry Roads, Bethel, NY 12720 has been recommended be listed on the NYS Register of Historic Places and nominated to the National Register of Historic Places. Seconded by Mrs. Simpson, put to a vote and carried 4-0.

Correspondence from Keith Schmidt Re: Spectrum Expansion

Motion by Mrs. Hendrickson to receive and file correspondence dated January 19, 2017 from Keith Schmidt, Mt. Hope Road, regarding Spectrum expansion in the Town of Bethel. (Including parts of the FCC's approval of the Merger that is relevant to new build outs). Seconded by Mrs. Simpson, put to a vote and carried 4-0.

Correspondence from Rita Sheehan re: Spectrum Expansion

Motion by Mrs. Hendrickson to receive and file correspondence dated January 23, 2017 from Rita Sheehan regarding the expansion of Spectrum (Time Warner Cable) on Mt. Hope Road, Lake Drive, and Jim Stephenson Road. Seconded by Mrs. Ryder, put to a vote and carried 4-0.

Adjournment

Motion by Mrs. Simpson to adjourn the town board meeting. Seconded by Mrs. Hendrickson, put to a vote and carried 4-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk

January 25, 2017

Regular Meeting