

TOWN BOARD
OCTOBER 11, 2000

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor
George Lenhardt, Councilman
Doris M. Davis, Councilman
Daniel G. Plummer, Councilman
Susan Burns, Councilman
Kathleen A. Newkirk, Town Clerk
Bernard Kaplowitz, Esq., Town Attorney

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Supervisor Fuller welcomed everyone to a regular meeting of the Town Board of the Town of Bethlehem.

The first item was a presentation by Mr. Edward Kleinke representing the Rural Land Owners regarding the Land Use Planning Reference Resource. Supervisor Fuller noted back in 1997 the LUMAC Task Force presented to the Town Board their final plan and it was to be known as the Master Plan. In the meeting, the Board suggested that it be known as the Land Use Planning Reference Resource and that was how the plan was to be used from that day forward.

The Supervisor noted a Committee was appointed and included Mr. John Flanigan, Mr. George Lenhardt, Mr. Ted Putney, Mr. Gino Minshell, and Mr. John Mead. The Supervisor said they were asked to come back with their recommendations and concerns with the plan so that the Board can try and get together and resolve some of the differences. She said when it comes to changing zones in the plan, that can only be done by a public hearing.

Supervisor Fuller noted this was the beginning and introduced Mr. Kleinke who represented the landowners for the presentation. Mr. Edward Kleinke presented the information gathered and compiled by the landowners for presentation to the Board. The concepts were presented and Mr. John Mead asked that Mrs. Sheila Powers read the notice that was sent by the landowners. The Rural Landowners wished the Town Board to accept this document to be used as an additional tool for planning in the rural portions of Town.

Mr. Kleinke said during the last couple years there has been a lot of dialogue and discussion about parts of the community that have been called rural and parts where the activities are primarily agriculturally oriented, including farming. The lands which are being discussed are lands owned, in many instances, for generations and for the most part the people have a real heritage here, according to Mr. Kleinke. He explained that the term agricultural uses has a much wider range of activities than most people understand. He said agriculture is a large part of the economy in Albany County and in the Town. Note was made that agricultural uses do not demand municipal services and, therefore, there is no burden on the community. He said it is important for everyone to understand. He said the previous presentation was a couple sheets with concepts on them including agricultural residences and issues of conservation and river front development. He said these were the beginnings of the thinking process about the relationship of the agricultural lands to their role in the community. He said in the most recent material that was distributed, the fold-out shows the concepts they started out with and the changing information with graphics and an article on the planning approach.

Mr. Kleinke read the definition of agricultural business which means the employment of real property for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or feeding including but not limited to

grazing, breeding, managing, selling or producing livestock, poultry or fur bearing animals or honey bees or by dairying and the sale of dairy products by any other horticultural, floricultural use, viticultural use, aquaculture, hydroponics, silvaculture, animal husbandry, or any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines, including but not limited to providing riding lessons, training clinics, and schooling shows and other on-farm niche marketing promotional activities. He said that is a real mouth full but rightfully so, agriculture is really a lot of things. He said agriculture is more than the farms, the silos, the dairy cows grazing in the pastures. He said that is true, it is agriculture but it is a lot of other things as included in the definition.

Mr. Kleinke discussed the acreage being used for agriculture uses at this time. He said some of the lands come under the agricultural district program. He also noted the number of farms has reduced, however, the number of farms is increasing at this time.

Agriculture is a growing industry and they is an important part of the economy. He said the statistics from the census and from the Cooperative Extension year book validate that concept.

Mr. Kleinke proceeded to show slides relating to the proposed planning reference material, including riverfront development. He noted there is significant river front development/activity area. He said they have talked about accessing the Hudson River and having recreation oriented development and river oriented business. Mention was made of a hotel conference center, public docking and restaurants. He said when thinking about it, the Town is blessed because of the significant coastline of riverfront.

Mr. Kleinke noted there was also discussion of development of traffic patterns and taking a look at the highway system for transportation of agriculture products to market. A look was also taken at the environmental issues and how these might be addressed and noted there are many regulations in place to protect the areas. Hamlet and village traditional centers were discussed by the Rural Landowners Group and the historical nature of the rural areas are important to continue they feel. Natural resources should be allowed to be utilized within the context of the NYS Department of Environmental Conservation regulations.

Mr. Kleinke said they finally talked about encouraging and promoting rural architecture. He said this is a little different than the farmstead design because it has a relationship seen along the rural highways in farmhouses and this type of design should be encouraged in the future. They feel this addresses the homes fitting into the character and setting of the area.

Mr. Kleinke said these are the goals set out in discussion and determined to be valid as a resource for the Town's utilization in the future. He said included are some mapping tools, along with information from a GIS systems tag that allowed them to do some of the computer mapping which was displayed. He said this allows a showing of existing conditions and being able to relate them all in a more meaningful way in the planning process. He mentioned what they propose is a Resource Based Density and proceeded to give information regarding this density proposal.

Mr. Kleinke noted the Rural Landowners believe that this material provides a planning process approach that has a lot of viability and touches a lot of the issues related to the people who live in the rural part of the community. He said they hope this material can be used in the future as part of the consideration of any land use zoning in that area of the Town.

Information was given regarding services, revenues and taxes. Mr. Kleinke had information from a variety of entities and noted how this information is

important. He distributed information sheets to the Board noting cost of services and costs of every dollar of revenue.

Mr. Kleinke said there is a significant amount of Albany County agricultural resources. He said there are 45,000 acres in Albany County which are in agricultural districts and noted the closest parcel of land in the agricultural district is Verstandig's which is diagonal from the Town Hall. He said agricultural uses are all around the Town of Bethlehem. Mr. Kleinke thanked everyone for their patience in letting him present the information.

Supervisor Fuller thanked Mr. Kleinke. She said the Town Board just received this, noting Mr. Plummer is brand new to this and Ms. Burns has not been involved in this from the start. She said it is going to take some time for everyone to look at the information. She said on a personal note, she certainly appreciated all the hard work that went into this presentation. She said the Task Force was very important because those who are truly impacted by the plan were going to be represented. She said the arrival to this point is personally appreciated by her.

The Supervisor asked if there were any questions or comments. Questions were raised regarding the agricultural districts. Mr. Kleinke noted it is State authorized and administered to by the County and people petition to have their property included in it. He said he thinks that every 7 years it is reviewed and updated. He said when the property is committed to it, it is committed for a duration and in return for that there are some benefits in terms of assessment and tax. He said if the owner opts out of the agricultural district, there is a penalty paid. Question was raised as to whether this was an incentive to keep agricultural use on land. Mr. Kleinke said there is an economic incentive to be a participant which is important. He said he thinks there is benefit to be gained by having lands incorporated into the agricultural district.

Question was asked as to other uses being done with this agricultural designation. Mr. Kleinke said the qualification for being in the agricultural district is that it is a working farm and there is an income threshold that is a part of the qualification but he did not know how much beyond that you could go. Mrs. Powers noted generally speaking you can go beyond that use because it is not exclusive that way but inclusive. The parameters for being included are that you make \$10,000 a year and that you have 10 acres, according to Mrs. Powers. She said if you have less than 10 acres, you have to make \$50,000 a year but that is to get an agricultural land use value assessment, not to be included in the agricultural district. She said to be included in the agricultural district the requirements are very much less harder to arrive at. Now, rather than having what used to be all properties contiguous in order to be in an agricultural district, this is no longer true. Properties can skip creeks, rivers, towns, political subdivisions basically and still be in the same agricultural district, according to Mrs. Powers. She said there has been a real effort and changes made which took effect in 1997 but there were substantial changes in the law that altered how that was to be administered. She said the intent in the rewording of the law was to encourage new forms of agricultural production and to give support and lend assistance to those who prefer to be in agricultural production. She said it is not just a matter of a program in which you get a land tax abatement by any stretch of the imagination. She said in the first place it encourages one in certain kinds of things and provides certain protections.

Mrs. Powers said it is a very important law to those who practice agriculture. She said in terms of the Town, generally speaking, Agriculture and Markets does not get in the way of municipalities unless it clearly simply does not understand it and then, of course, they would step out and let the municipality know what the intent of the law was and why some laws would be unwise because they would get in the way of this agricultural district.

Comment was made that the Town would want to maintain the flexibility so you could keep the designation. Using \$10,000 as an example, comment was made that an individual who owns the property does not have to work the land, it can be

rented. Mrs. Powers said this was correct. This is true in the Town of Bethlehem in particular, it was stated. Mrs. Powers noted this was true in many areas.

A resident residing in South Bethlehem added that the importance of agriculture is that it is an environmentally positive function. All the so called pollutants are absorbed that everyone is concerned about, it was noted. It was further stated that the more and better agriculture that we have, the better the environment will be. Supervisor Fuller thanked the resident.

Supervisor Fuller again thanked Mr. Kleinke. He said they would be happy to sit down and review this information with the Board in the future. Supervisor Fuller said she thinks he will be asked to do that but first the Board needs to review and study this information. She said she certainly does not have any problem with this being accepted as another reference resource for the Town of Bethlehem. She said it is really all about changing zoning from this point forward. She said it is something Councilman Lenhardt has brought to the Board's attention on several occasions and that is where this will have to begin.

Supervisor Fuller thanked everyone for attending.

The next item was a request regarding enclosure of an existing deck at premises 20 Eton Drive, Slingerlands, PRD Eastmont. Supervisor Fuller said the application sited that a similar one was installed on Meadowbrook Drive. She said there had been a lengthy discussion regarding the previous request and the decision was to have the requests come back to the Town Board.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the enclosure of an existing deck at premises 20 Eton Drive, Slingerlands, NY, in the Planned Development District Eastmont, owned by Mrs. A. Langlitz. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: None.

The next item was a request from Chief of Police, Richard LaChappelle, for acceptance of resignation of a Telecommunicator, effective October 14, 2000. Supervisor Fuller noted Mr. Mack was leaving the Town of Bethlehem to take a position as a correction officer with the Albany County Sheriff's Department.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to accept the resignation of Telecommunicator, Jason C. Mack, effective October 14, 2000. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: None.

The following item was a request from Commissioner of Public Works, Bruce Secor, for approval of setting of public hearing regarding Grievance Day for the 2001 Sewer Tax Rolls.

The following resolution was presented for adoption:

WHEREAS, 2001 Assessment Rolls have been prepared for the Bethlehem Sewer District and it is necessary to hold a public hearing with reference thereto,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hold a

public hearing with reference thereto, at 7:30 p.m. on Wednesday, the 8th day of November 2000, at the Bethlehem Town Hall, and,

BE IT FURTHER RESOLVED, that the Town Clerk be, and she hereby is authorized and directed to publish a notice of such hearing in THE SPOTLIGHT, a newspaper published in Albany County and having a circulation within the Town of Bethlehem, on the 25th day of October 2000.

All interested persons and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

The foregoing resolution was presented for adoption by Mrs. Davis, seconded by Ms. Burns and was duly adopted by the following votes:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The next item was a request from Bruce Secor, Commissioner of Public Works, for authorization of the Supervisor to sign an agreement with Independent Wireless One for installation of an antenna on the water tank, 504 Elm Avenue, Delmar. The Supervisor explained the water tank is located south of Feura Bush Road and noted the fee would be \$15,000 per year for 5 years.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to authorize the Supervisor to sign an agreement with Independent Wireless One for installation of an antenna on the water tank, 504 Elm Avenue, Delmar. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: None.

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of award of bid for one (1) compactor transfer trailer to the low bidder, Steco, Division of Blue Tee Corporation, Enid, Oklahoma.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the award of bid for one (1) compactor transfer trailer to the low bidder, Steco, Division of Blue Tee Corporation, Enid, Oklahoma at a bid price of \$48,892. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: None.

The next item was a request from Administrator, David Austin, Parks & Recreation Department, for approval of appointment of seasonal personnel.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the appointment of Seasonal Personnel as follow:

Recreation Supervisor II at a rate of \$6.50 pre hour

John F. Gluchowski
7 Keats Common
Slingerlands, NY 12159

Daniel C. Tripp
P.O. Box 545
Slingerlands, NY 12159

Kathryn J. Whyte
13 LaGrange Road
Delmar, NY 12054.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: None.

The following item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds for Haswell Farms Subdivision – Phase 5.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the acceptance of deeds for highway and easement purposes for Haswell Farms Subdivision – Phase 5 from RSR Associates, Delmar, NY as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: None.

The next item was to acknowledge receipt of the 1999 Annual Report from the Police Department. The Supervisor thanked Chief LaChappelle and noted the Town Board appreciates receiving the information. She said it is always good to see the reduction of crime ever present in the Town of Bethlehem.

The following item was to acknowledge receipt of Conditional Approval of Final Plat for the Meadowview Subdivision, Wemple Road, Glenmont from the Planning Board for information purposes.

Supervisor Fuller asked if anyone wished to address the Board. No one addressed the Board.

The Supervisor asked for a motion to adjourn to Executive Session to discuss a personnel matter.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve adjourning to Executive Session to discuss a personnel matter. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: None.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to adjourn the regular Town Board meeting at 8:45 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: None.

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.