

TOWN BOARD  
OCTOBER 13, 2004

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 5:30 p.m.

PRESENT: Theresa Egan, Supervisor  
Daniel Plummer, Councilman  
George Lenhardt, Councilman  
Thomas Marcelle, Councilman  
Tim Gordon, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Egan invited everyone to join in the pledge of allegiance. She welcomed everyone to the meeting. She welcomed the PIG classes back. She asked if anyone had any comments about the items on the agenda.

Mrs. Lisa Evans, resident, commented on the Hudson River hamlet concept. Briefly, she said, they have great concern of the development of the size that is being planned in an area that has natural beauty. She said natural beauty that cannot be found in other places of the Hudson River. She said she hoped that the Town in their planning with the coastal authority looks at planning at preserving the natural beauty rather than developing it. She said they fully support public access, greater use, more people enjoying the beauty of the Hudson River but they are very concerned about 1600 residences and all the other. She said she wanted to go on record that there are a lot of people in her area that are concerned and appreciate the Board listening.

Supervisor Egan thanked Mrs. Evans and asked if anyone else wished to address the Board.

Mr. Robert Jasinski, Bender Lane, noted the Board has improvement to the Bender Lane pump station and asked on the improvement if Bender Lane will be closed. He stated he lives on there and it is getting to be a problem with the one way put down at the end of Bender Lane. He said he goes 4 or 6 miles around and now if he cannot exit Bender Lane because of the construction, he would like the Board to take that into consideration. Supervisor Egan asked Mr. Jasinski to hold the comments in regard to this matter should be done at the public hearing so it can be on the public record. Mr. Jasinski said this was okay and thanked her.

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Supervisor Egan said the first item on the agenda was to approve the Town Board minutes of September 8, 2004.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the Town Board minutes of September 8, 2004 as presented. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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The next item was a presentation by The Saratoga Associates. Mr. Michael Welty of Saratoga Associates came forward to present an up-date on the planning efforts. Mr. Welty thanked Supervisor Egan and passed out an update of where the comprehensive planning process is at this time and where it is headed. He reviewed the current status of the planning process. He noted they have done some preliminary work analyzing the Zoning Code with a revised version being done at

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this time. He said they have created a draft vision statement for the community looking out 15 or so years into the future and some goals statements beyond that. He said they are preliminary but he wanted to share them.

Mr. Welty said there is still a busy agenda going forward. He said it is only going to get busier because of all that has to be done over the next couple months. He said coming up in the next couple weeks the community survey will be mailed. He said 1600 randomly selected residents of the Town will receive them. The return of the survey is to be 2 weeks, according to Mr. Welty, October 29. He said they will be talking about results of the survey in November. He said the survey is to help expand on their understanding of the community's desires. He said they have had great attendance at the public meetings. He also noted they are very pleased with the response from the community.

Mr. Welty noted there will also be a much smaller survey, farm and rural land survey, which will be mailed after the October 21<sup>st</sup> focus group to approximately 200 to 250 of the largest land owners in the Town to get a better sense of how they view the future in terms of the use of their properties.

Mr. Welty said November 18; there will be another town-wide public meeting to talk about some of the emerging concepts. He said they are really turning the corner in the planning process.

Mr. Welty said to remind everyone the schedule of completion continues to move pretty quickly, noting they are getting into the thick of things now. He said they expect to have a preliminary draft plan at the end of December and a final draft perhaps with a hearing by the committee in January of next year. He said he thought the draft would be ready by February to be given to the Town Board.

Mr. Welty reminded everyone that it is the Town Board that is ultimately responsible for deciding whether to adopt or not adopt or amend the draft plan that the committee creates. He said staying engaged in the process as they move forward over the next few months will be critical. He said there is a lot that is going on. He said there is a minimum required process that the Town Board will also have to undertake in the form of public hearings. He said that will be followed by adopting the plan and ultimately implementing the plan. He said the goal is to have the plan create enough interest and to the degree possible agreement about the direction that the community wants to move forward in and implementing the plan is the next step. He said the plan is not an end in itself; it is the beginning of more positive work in the community.

Mr. Welty said in the most recent of the workshops, first the trails, greenway and recreation focus group, they had an incredible turnout for the meeting. He said they would describe the meeting as generally positive. He said they wanted to make sure they addressed some of the people's concerns right up front. He said in the discussion they wanted to make sure they recognized that there are very legitimate concerns that need to be understood as they talked about these topics. He said everyone has to understand what private property ownership means. He said there is certainly concern about things like trespassing on private land, which has been a problem in some areas of the community. He said they want to make sure everyone understands what private property is and what it means. He said it is not open just for the public use just because it is open land or undeveloped land.

Mr. Welty said they also want to emphasize the kind of opportunities for the future that the programs need to work with willing landowners. He said the willing landowner is the key when they talk about programs that are looking to encourage conservation of all or some portion of property and so forth. Willing landowners are necessary when you want to talk about public access opportunities on private land, he said.

Mr. Welty mentioned that they talked about a lot of techniques that are available. He said clustering or conservation subdivisions, incentive zoning, were things that were viewed as the kinds of effective techniques and fair to landowners and developers and to the public at large in achieving the goals. He said there was a lot of support for creating a network of open lands and has some vision of what this network could be in this plan. He said they talked about the linear corridors in the community, things like the water line. He said right now there is a real problem in some instances because currently trespassing is taking place on these lands. He said when you think about opportunities in the future, you should think about some of the corridors and formalizing some of the arrangements to the degree that that is possible. He said that presents more work down the line to do but certainly a very significant opportunity to enhance the public's ability to move throughout the community.

Mr. Welty said there is also the need for more education with regard to opportunities for land stewardship and about respecting private property rights. He said there was agreement that there is a need for more regional coordination in a lot of the efforts. Also discussed was enhancement of existing recreational facilities and the possibilities of privately owned recreational opportunities.

Mr. Welty said the commercial design focus group meeting was a good discussion but not as large a group. He said significant input was received and the agreement of some kind of design standard or guideline in the commercial districts. He said discussion was set up to discuss 3 different scales of commercial districts. He said they were at a smaller scale in each of the hamlets; more medium scale neighborhood commercial along Delaware Avenue which can connect residential neighborhoods on either side of the road and be a focal point; and at the larger scale or the big box scale as seen at Walmart's and Lowe's. He said they wanted to talk about design at each of these scales. He noted different things are appropriate at each of the scales.

There was also a discussion about mixed uses and this must be explained clearly in the plan, according to Mr. Welty. He said there was some caution noted about requiring a bland repetition of the same design elements everywhere in the Town recognizing that Selkirk is not Glenmont is not Delmar and so forth. He said again there is a lot of support for having some standards and they can be high but they need to be clearly articulated. He said expectations need to be clear.

Mr. Welty said the last item is a work in progress and noted the Board has received this. He said it is a draft of the vision statement and community goals. He said suggestions from the last committee meeting have not been reflected in this draft. He said the vision statement talks about the community in the year 2020. He again encouraged everyone to continue to be involved and interested.

Councilman Plummer asked when the information will be converted to draft specific code changes and when will that be aired out and reviewed. Mr. Welty said they have been focusing on some of the procedural elements in the Zoning Code to make sure the code is brought up to date with State statutes. He said that has all been pretty well ironed out at this point. He said now as they enter the recommendation stage of the plan making is about ½ step back they will be starting to make the zoning work in concert with the recommendations. He said they expect at the committee level in November and December to be developing the draft plan and then in December and January they will be moving into the zoning drafts with the committee and then the Board will receive all these things in February. He said the schedule is pretty tight and pretty together with just the zoning following just a little behind the plan recommendations as it should.

Councilman Plummer asked when they receive it in February if it will still be considered a work in progress or are they trying to get that done before the Board receives it in February. Mr. Welty said when the Board receives it in February; it will be the recommendations of the committee. He said it is then the Town Board's to consider and make revisions to and so forth. He said ideally what

they want to see happening between now and then is frequent feedback loops. He said they would like to get drafts to the Board in advance of that informally so the Board can look at them and ask questions. He said in this way the Board will be involved in the evolution of each of the drafts. He said he thinks that is important because the Board does not want to be in a situation where you get to February and it is all new. Councilman Plummer agreed.

Councilman Plummer asked what the survey was going to include. Mr. Welty said it is a full range of question types. He said it is a little bit about how things are working today and most of it is focused on some of the policy directions that the plan could take. He said they have a pretty good idea of what the issues are and that has been discussed pretty broadly at this point. He said in terms of the issues there are a lot of ways the Town could decide to move. He said the focus of the questionnaire is really on some of the options for the future. He said it is about 8 pages total; multiple-choice kind of fill in the bubbles and it is going to 1600 randomly selected residents using the election roles and the property roles. He said they need to be reasonably comfortable with the statistical validity of the survey 400 responses. He said 25 percent is what they are looking for. He said they expect to do much better than that in Bethlehem.

Councilman Plummer asked about some specific questions. Supervisor Egan said the one question that came to mind for her was would you be willing to contribute \$25 to \$50 per year that would be set aside in a dedicated fund to buy open and rural land. She said that is one of the questions and this was one of the issues that came out. Mr. Welty said they should probably get the Board a copy of the questionnaire. They all agreed this would be helpful. Mr. Welty said it is to be mailed out on Friday and next week responses should be received.

Councilman Plummer asked if the rural landowners will be asked the same questions. Mr. Welty said they may get this survey but the other questionnaire is focused a little differently and it is a little bit more about how they view the future use of their land. It includes information about how the land is being used now and what they would want to see in the future, according to Mr. Welty. He said it is 2 pages front and back, recognizing that in a sample of the population they are not going to hear very much from the rural landowners. He said they wanted to go beyond what the community survey as a whole will tell them and get a little more information from them.

Councilman Plummer inquired about the rural landowners survey and whether it was going to all who have been identified. Mr. Welty said they have used the tax roles to identify the 200 or 250 largest properties. Councilman Plummer asked that a copy of that survey also be given the Board Members. Mr. Welty said sure, noting it is still being refined between now and the October 21<sup>st</sup> focus group. He said as soon as it is in final form they will send it to the Board Members.

Councilman Marcelle asked in regard to the survey who selected the 1600 people to receive it. Mr. Welty said they did, Saratoga Associates. Mr. Marcelle further asked how they were selected out. Mr. Welty said they combine the lists, eliminate duplicates and assign a number and then all of one number or a combination of numbers is selected out to be used. He said it is a simple way to pick out without looking at who is being selected. Mr. Marcelle asked about the list was organized to assign the numbers. Mr. Welty said the list was an alphabetical listing and the numbers were assigned. Mr. Marcelle said it would make a big difference if it was done geographically. Mr. Welty agreed and said it was not it was the Town wide roles alphabetically.

Councilman Marcelle noted the Board Members have from time-to-time canvassed the residents and run on certain issues, said if they were just handed a draft in February than Saratoga Associates asking for some input along the way. He said looking at this, he sees people with well-defined views and all have run on well defined views as to what should happen and it seemed to him that as this is

done, there would be discussion with the Town Board Members. Mr. Welty said that was correct.

Supervisor Egan said the other thing is that they tried very hard to advertise everything that was going on. She said there have been a lot of nights spent here at Town Hall. She said they are very worthwhile exercises because in addition to what they hear going door-to-door; it has been interesting to hear from other people who have not been spoken with. She said in addition to that, there is going to be the presentation of the recommended draft plan to the Board Members. She said certainly prior to the February date there will be working sessions. She said the Monday night meetings which are open to the public and certainly to all Board Members are available again to hear in what direction things are going. She said she and Mr. Leveille have spoken about the best way to keep the Board Members informed. She said they recently sent emails to everyone. She said that is the input they need as this goes forward. She said certainly at any time, they will avail themselves to the schedules to bring the Members up-to-date and as it becomes formulated in a written document, it will be circulated.

Supervisor Egan said she wanted to be clear that the BPAC working group will have to have a public hearing prior to the time the Town Board officially gets anything. She said prior to that time between the focus groups, the Monday morning meetings, the emails and anything available, they would be more than happy and as indicated provide to the Town Board Members anything at any point in time. She said as they go through this, she just got the preliminary revisions to the zoning code in regard to the processes and how they will be done. She said she has no problem giving those but they have to be careful because they go through many renditions as Mr. Welty has indicated. She said they have been through many working drafts on this stuff to this point. She said they need the input back also.

Councilman Plummer said the most important thing the Board Members can have is the code changes that are being suggested even if they are in draft form because that is ultimately what they are going to have to vote on. Supervisor Egan said the Board will vote on 2 things, the plan itself and the code. She said she wants to be careful because she does not want to get the horse before the cart. She said you have to have the plan before you can enact the zoning and said it is a half step behind the plan. Councilman Plummer asked what code changes she was referencing. Supervisor Egan said right now it is just the processes, site plan approval, special use permits, things like this. Mr. Welty said all the things that are pretty much boiler plate kind of things. He said the real substance of it is how the zoning relates to the recommendations of the plan. He said the zoning is nothing more than one tool the Board has to implement what the plan is trying to accomplish.

Councilman Marcelle said certainly this has been on the public's radar screen. He said he thinks the process is 2 step, one being the data gathering which is critical and the other part is the recommendations or government part of the plan. He said his point is not that the community has not had full input but it is his experience there are 2 classes of folks in any town – the class who are highly motivated who attend these things that this is a mission in their life and they deeply care -- but there is another class of people who are working day-to-day taking care of their kids and certainly are aware that there are problems in Town, they want solutions, they reviewed the moratorium as a complete halting of the erection of any building structure in Town forever and ever but who care deeply but do not participate for a host of reasons. He said he is suggesting because of this, the Board has a different set of data and responsibilities and all he is suggesting so that the Board does not get in February and run into a failure because the problem is so divisive that the whole thing winds up failing of not being able to work things out. He said not that he anticipates that but he does not hope that but that is just a little bit what Mr. Plummer was noting earlier. He said to absorb some of these things as they come is better. Mr. Welty said that is understood and he thinks one of the reasons why they think the survey is so important is that it gives information. He

says they have gotten a lot of the same faces at the meetings and they value the perspective and the endurance but the survey does recognize that there are a lot of people who have not yet been in touch with the process and it gives them another way to make sure that they are pretty close to the mark as they come closer to their recommendations. He said they look forward to sharing those results also.

Supervisor Egan suggested that as anyone has concerns or if you are aware of an issue out there, the earlier we share that with Mr. Welty and Saratoga the better. She encourages everyone to share any and all information with them because it would help the process. Councilman Marcelle noted he had met with Mr. Leveille previously and would like this to go as smoothly as possible.

Supervisor Egan thanked Mr. Welty.

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HEARING BEGAN: 5:45 p.m.

SUPERVISOR EGAN: Kathy, could you read the call of the meeting.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on October 13, 2004 at 5:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Stop Intersections in the Enclave and Dutch Mills Subdivision, Selkirk..

All parties in interest 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 the Town Clerk's office at 439-4955, Ext. 183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
KATHLEEN A. NEWKIRK, CMC,RMC  
TOWN CLERK

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State of New York)  
County of Albany )

LIZA CLINE of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 29<sup>th</sup> day of September 2004.

/s/ Liza Cline

Sworn to before me this 29<sup>th</sup> day of September 2004.

/s/ Sharon A. Doldo

Notary Public, Albany County

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STATE OF NEW YORK)  
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on September 29, 2004, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this  
13<sup>th</sup> day of October 2004.  
/s/ Nancy Karins Mendick  
Notary Public

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The motion was made by Mr. Plummer and seconded by Mr. Marcelle to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of

Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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SUPERVISOR EGAN: Okay. Again, this is in regard to putting stop sign in the Enclave and Dutch Mills subdivisions in Selkirk. The Town had contracted with Creighton Manning Engineering to conduct a study of the entire area and to submit proposal for traffic control at various intersections. So, what is on right now, the recommendation from Creighton Manning is to go to three-way intersections Ashgrove Lane at Chesterwood Drive, direction north; Ashgrove Lane at Silver Creek Drive, direction east; Silver Creek Drive at Chesterwood Drive, direction north; Harvest Ridge Road at Ashgrove Lane, direction north; Ivywood Drive at Harvest Ridge Road, direction east; Ivywood Drive at Silver Creek Drive, direction east; Crescent Creek Way at Harvest Ridge Road, direction west; Silver Creek Drive at Crescent Creek Way, direction east; Holly Mill Road at Crescent Creek Way, direction west; Brian Ridge Place at Holly Mill Road, direction west; and Stony Brook Drive at Holly Mill Road, direction east. Also four-way intersections at Stony Brook Drive at Holly Mill Road, direction north and south; and Ivywood Drive at Harvest Ridge Road, direction east and west.

Creighton Manning also looked at the Hasgate Drive – Forsten Drive intersection which is controlled currently by a stop sign on Forsten at Hasgate. We received various inquiries and petitions from residents in regard to that particular intersection. It is Creighton Manning’s recommendation after studying the intersection that the current traffic control is adequate and they are not recommending any additional controls.

So, at this time if anyone has any public comment with respect to this matter, we ask you to come forward.

MR. LAMMLEY: Hi. Good evening. My name is Bob Lammley and I live at the Enclave and I’m sorry, Theresa, but you are rattling over those quickly and I did not have time to see it.

SUPERVISOR EGAN: Sure.

MR. LAMMLEY: Maybe I am just speaking off my cuff but in the last 10 years I’ve witnessed a couple fatalities... traffic fatalities at intersections that didn’t have at that time the proper signals or traffic signs. After the fatalities the proper signals were put in place. Right now I live at the intersection of Ivywood and Harvest. It is a very busy intersection. I don’t know if the traffic pattern that was studied by whoever studied them gave that information but I don’t want to see a third fatality in my lifetime.

And, I was wondering could you check once again at my intersection. Is there going to be a four-way?

SUPERVISOR EGAN: For the Ivywood –Harvest Ridge Road, it is a three-way “T” intersection in the easterly direction. Gregg.

MR. LAMMLEY: What is a three-way “T” at a four-way intersection?

SUPERVISOR EGAN: We have Mr. Sagendorph and someone from Creighton Manning.

MR. LAMMLEY: I don’t understand, I’m sorry.

SUPERVISOR EGAN: Okay. We’ll have the engineer explain it.

MR. JOHNSON: Good evening. My name is Tom Johnson, Senior Traffic Engineer at Creighton Manning Engineering. For the intersection in question at Ivywood and Harvest Ridge, we recommend a two-way stop sign. Stop sign controlled on Ivywood, no stop sign control on the Harvest Ridge.

MR. LAMMLEY: That was the concern I had. Giving a two-way stop on Ivywood I think will create future problems... further problems because right now without any stop signs the cars on Harvest Ridge do slow down. Knowing now that they don’t have to slow down because there is going to be stop signs from Ivywood approaching Harvest, the cars are going to speed by at a speed faster than the posted speed. I maintain... or we maintain our neighborhood that a four-way stop sign would be better. Otherwise, cars are just going to zip by without even coming to a slow speed at that intersection and there are loads and loads of children. We may not have a traffic accident with vehicles but we will have a pedestrian accident and I don’t think we want another one. I know I don’t. Thank you.

COUNCILMAN MARCELLE: Can I just ask our expert a question? What time of the day do we do these traffic studies and how do you account for pedestrians in a particular and children playing after school or playing in the summer and things of that nature?

MR. JOHNSON: We took traffic counts at the a.m... where it is typically called the a.m. and p.m. peak hours to get an idea of what the traffic flows are out there at the intersection. And, they were in the morning between 7 to 9, one hour between that time and one hour between 4 and 6. We also have gone out several times, made field visits to look at the situation, the environment surrounding the intersection and such. We’ve done that, I believe, 3 times. So, we take all that into consideration. We didn’t just do it in the early morning or late in the afternoon. We’ve done it throughout the day at various times.

COUNCILMAN MARCELLE: During the week days?

MR. JOHNSON: Yes, that was when it was done.

COUNCILMAN MARCELLE: School in session, school out of session?

MR. JOHNSON: The traffic counts were conducted out of session in August.

COUNCILMAN MARCELLE: And, how did you account... or did you account for kids? Did you take a population of kids in the neighborhood or number of bikes going through the intersection or anything of that nature?

MR. JOHNSON: Just visual inspection when we went out and visited the site.

COUNCILMAN MARCELLE: How many times did you do that?

MR. JOHNSON: Three times.

COUNCILMAN MARCELLE: And, did you... were there any numbers kept or...

what were the observations made I guess?

MR. JOHNSON: No pedestrian crossings at that time.

COUNCILMAN MARCELLE: And, what time of day was that?

MR. JOHNSON: I don't have the specific times but they were in the morning and afternoon.

COUNCILMAN MARCELLE: I mean... here's what my general concern... cause we had an issue with this over in another subdivision where a dog was hit and some kids were jumping on grass. Even though the traffic study came back negative, I think a legitimate point is... is especially and I know the neighborhood, it's like most of these new developments in Bethlehem, they are populated with small children. And, when I say small, certainly up to the high school age which probably isn't small but you know, the ones I worry about are the second graders through eighth graders riding their bikes or chasing a dog or chasing a Frisbee and some... without really looking at what that pedestrian population is, I tend to feel kind of uncomfortable with results that say we don't need traffic safety devices.

MR. JOHNSON: Well, we didn't say we don't need traffic safety devices, we recommended installing them on the side road approaches to which we are indicating as Ivywood Drive.

COUNCILMAN MARCELLE: Right.

MR. JOHNSON: We just don't recommend the installation of a four-way intersection, that's correct.

MR. LAMMLEY: But, don't you find cars traveling on Harvest are not going to slow down as much now knowing they don't have to because of the oncoming lanes will definitely stop?

MR. JOHNSON: We do not believe that will happen. We did a speed study on Harvest Way, they were less than 30 miles per hour. The narrow streets within the subdivision help keep the speeds down.

MR. LAMMLEY: Okay, thank you, well we agree to disagree. So, that's my belief and I hope the Town Board looks at overriding this suggestion and puts a four-way stop in before another vehicle fatality occurs. Thank you, thank you.

SUPERVISOR EGAN: Thank you, Mr. Lammley. Sir.

MR. SPENCER: Yea, I'm Jake Spencer a Bethlehem high school student. About every morning before I go to school I take my Dad over to that part of the development Forsten, through Ivywood, Harvest and all that and between about 7 o'clock, 6:50 all the way up until 8 o'clock, the traffic gets a little bit congested but not too bad. But, um a couple mornings people blow right through the stop signs, you know, like they are not even there sometimes. And, as for pedestrians, yes, some kids do wander down there but most of them do get off the road. But, as in for stop signs that's just about it, people do ignore some of them.

SUPERVISOR EGAN: Thank you very much, Mr. Spencer.

COUNCILMAN MARCELLE: Do we have stop... are there sidewalks along Harvest?

MR. JOHNSON: There is a sidewalk not throughout the development on all sides on all the roads but there is a specific sidewalk that winds its way through the neighborhood on certain roads.

COUNCILMAN MARCELLE: Do you know what it is on Harvest by any chance?

SUPERVISOR EGAN: Gregg.

MR. SAGENDORPH: It's on the west side of Harvest.

COUNCILMAN MARCELLE: It's all on... the full length of Harvest?

MR. SAGENDORPH: The entire length of Harvest.

SUPERVISOR EGAN: Do we have any other public comment in regard to the traffic signalization as recommended by Creighton Manning?

MR. ROONEY: I'm just curious...

SUPERVISOR EGAN: State your name.

MR. ROONEY: Oh, my sorry.

SUPERVISOR EGAN: That's okay.

MR. ROONEY: My name is Mike Rooney. I'm a Bethlehem Central high school sit in. I'm just curious as to what would be the disadvantage of having a four-way stop as opposed to... I mean is just because it's unnecessary or....?

MR. JOHNSON: Yes. We feel that a four-way stop is often installed for speed control and installation of four-way stop when it is not expected, people do blow through them when they don't anticipate them or when it's not warranted which creates another safety issue of people who see a four-way stop on the side road, see the car coming down the mainline thinking that they are going to stop when they are supposed to and then they don't. So, that's a safety issue on that side.

MR. ROONEY: Okay, thank you.

SUPERVISOR EGAN: Any further comments in regard to the signalization in the Enclave area as recommended? Anything else?

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to close the public hearing at 6:15 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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Town Clerk

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Supervisor Egan asked if the Board wished to take action on the proposed local law.

Councilman Plummer indicated he has been over in the area and knows the area and thinks the recommendations are positive and he is prepared to support them. He said he thinks the intersection of Ivywood and Harvest should continue to be monitored and if it is a problem, consider doing something different later. He said he is prepared to vote for the recommendations proposed.

Councilman Lenhardt said he would echo what Councilman Plummer said. He said he understands the concept of through traffic and what is trying to be done. He said he certainly is prepared to accept the recommendations, however, he would like that intersection to be monitored as well. He said if it appears that a four-way is necessary, he would certainly support that recommendation.

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Councilman Gordon said he supports the recommendations but would very much like Bob Lammley to come back and let the Board know his observations.

Councilman Marcelle said he supports this in regard to what it does. He said he thinks it should go farther and he appreciates the idea of monitoring it. He said knowing the age demographics there he has concerns. He said if it was a larger concern, there would probably be more from the neighborhood present. He said those are his feelings.

Supervisor Egan added that Town Hall is receptive to anyone talking about stop signs and issues. She said she calls the Police Department when someone is concerned. She said she knows the traffic control and traffic safety people are very receptive about going down and monitoring and putting markers on and things like that. She said as recommended she is also prepared to pass this recommendation and if there continues to be problems, she would be sensitive to that and go through it and review it.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the adoption of Local Law No. 8 of 2004 to amend the Code of the Town of Bethlehem to permit Stop Intersections in the Enclave and Dutch Mills Subdivisions, Selkirk. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.  
Noes: Mr. Marcelle.  
Absent: None.

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Hearing began: 6:15 p.m.

SUPERVISOR EGAN: Okay, we're going to move on to the 6 o'clock public hearing in regard to the improvements to the Delaware Avenue and Bender Lane Pump Stations. Our Town Clerk, quite aptly, indicated that I can ask for a motion to wave the reading since it is lengthy but move to indent it.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to wave the reading of the Notice of Public Hearing. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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RESOLUTION PURSUANT TO SECTION 202-B OF THE TOWN LAW  
OF THE STATE OF NEW YORK ADOPTED AT A REGULAR MEETING  
OF THE TOWN BOARD OF THE TOWN OF BETHLEHEM, HELD AT THE  
TOWN ALL, 445 DELAWARE AVENUE, DELMAR, NEW YORK,  
ON THE 22<sup>ND</sup> DA OF SEPTEMBER 2004

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The Town Board of the Town of Bethlehem has heretofore-established The Bethlehem Sewer District, which includes the Wastewater Treatment Plant along with an extensive collection system and lift station facilities.

A map, plan and report dated August 2004 has been prepared in a manner and detail as determined by the Town Board regarding the proposed improvements and replacement of old pump stations in the collection system.

The map, plan and report titled "Bethlehem Sewer District – Delaware Ave and Bender Lane Pump Station Improvements, August 2004", has been filed in the Town Clerk's office in the Town of Bethlehem.

The map, plan and report were prepared by Barton & Loguidice, P.C., competent Engineers, Licensed by the State of New York, describing the proposed

new facilities, a general plan of construction, estimated cost of the project and method of financing.

The proposed method of financing the cost of the improvements consists of the issuance of general obligation serial bonds of the Town with amortization of principal over a period of 30 years.

The maximum amount proposed to be expended for the proposed improvements is the sum of Eight Hundred Thousand Dollars (8090,000.00).

The map, plan and report describing the proposed facilities are on file in the Town Clerk's office for public inspection.

The Town Board is desirous of conducting a public hearing regarding the proposed improvements and wishes to give notice thereof by publication and posting as prescribed.

On a motion of Mr. Lenhardt and seconded by Mr. Marcelle, it is hereby **RESOLVED AND ORDERED** that the Town Board of the Town of Bethlehem shall meet and hold a public hearing at the Town Hall, 445 Delaware Avenue, Delmar, New York at 6 p.m. on the 13<sup>th</sup> day of October, 2004 to consider the aforesaid plan and report and to take such action thereon as is required or authorized by law.

The adoption of the foregoing Resolution and Order was put to a vote, the result of which is set forth opposite the name of each Board Member voting thereon.

DATED: September 22, 2004

Theresa Egan – Aye  
Daniel Plummer – Aye  
George Lenhardt – Aye  
Thomas Marcelle – Aye  
Tim Gordon – Aye  
Members of the Town Board  
Town of Bethlehem

- - -

State of New York)  
County of Albany )

LIZA CLINE of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 29<sup>th</sup> day of September 2004.

/s/ Liza Cline

Sworn to before me this 29<sup>th</sup> day of September 2004.

/s/ Sharon A. Doldo  
Notary Public, Albany County

- - -

STATE OF NEW YORK)  
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on Sept. 29, 2004, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this  
13<sup>th</sup> day of October 2004.  
/s/ Nancy Karins Mendick  
Notary Public

- - -

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to

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indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

- - -

SUPERVISOR EGAN: Okay, so at this time, as we move forward and actually before we commence the public hearing, we need to adopt the resolution as a Town being lead agency in regard to this project. It is a project that we've discussed several times in the past in regard to improving the pump stations at the Delaware Avenue and Bender Lane sites. Mr. Leveille, as well as, Mr. Wickham are here, as well as, the consultants to answer any questions. But, at this time, I would first ask for a motion to adopt the resolution appointing the Town as the lead agency in this particular matter.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the Town Board being lead agency in regard to the Improvements to the Delaware Avenue and Bender Lane pump stations. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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I will be signing the Part II of the EAF at this point in time. Okay, public hearing, do I have anybody who would like to be heard in regard to this particular matter?

Chuck, you need to come to the mike.

MR. WICKHAM: Well, we're currently doing these particular lift stations, they are basically 30 years old. But, to give a quick overview, we do have 39 lift stations throughout the Town.

LADY IN AUDIENCE: Could you speak louder, we can't hear you.

TOWN CLERK NEWKIRK: Get closer to the silver mike.

MR. WICKHAM: We currently have 30 lift stations throughout our Town. These particular stations are approximately 30 years old and they're just causing us major problems for upkeep and maintenance and so on. We're working on these. In addition, we also have our consultant working on an additional project of reviewing the remainder of our lift stations. And, so we're not coming back to the Board every few months with more of the same problems over and over we thought maybe it would be a better project to do all at once.

To answer Mr. Jasinski's question regarding if we are going to close Bender Lane or not. If that's necessary it should only be for brief periods of time to unload equipment, move equipment in and out, large concrete structures and that type of thing. But, basically, the road is going to be open.

That's it in a nutshell.

SUPERVISOR EGAN: Thanks. Do you have any further questions, Mr. Jasinski? I didn't mean to cut you off before I just wanted to make sure that you were on the public record.

MR. JASINSKI: No, that just about answers it. My concern is a couple things and Mr. Leveille and the Highway Superintendent have both been very good. The pump station because you're putting all this money into it and everything else and Bender Lane does not have a sewerage system from the Swift development down to the pump station. I've talked to Mr. Leveille and I know he is looking into it which I thank him very much. But, I'm concerned with the pump station itself whether there will be a lateral or something in case he does bless me with a Christmas gift.

SUPERVISOR EGAN: Well, maybe not in 2004 but...

MR. JASINSKI: But, if there is some kind of a lateral that has to be put in at this time. I would also mention that where the creek crosses the road where that culvert is and everything else, I mean if you are going to work on the area and on the road and everything else, I'm sure our Highway Superintendent and Mr. Leveille can get together and in some way maybe look into what will take place with that culvert because it is a narrow, very dangerous spot. And, that's why I was concerned about closing the road. I thank you for your time.

SUPERVISOR EGAN: Thank you, Mr. Jasinski. Anyone else want to be heard in regard to these improvements. Okay. Motion to close the hearing.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon at 6:30 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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Town Clerk

Supervisor Egan asked if there were any questions or if anyone was ready to move the improvements to the Delaware Avenue and Bender Lane Pump Stations. The following resolution was presented regarding SEQR.

A meeting of the Town Board of the Town of Bethlehem, Albany County, New York was convened in public session at the Town Hall in the Town of Bethlehem, New York, on October 13, 2004 at 5:30 o'clock p.m., local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

PRESENT:

Theresa Egan	Town Supervisor
Tim Gordon	Board Member
George Lenhardt	Board Member
Thomas Marcelle	Board Member
Daniel Plummer	Board Member

ABSENT: None.

TOWN STAFF ALSO PRESENT: James Potter, Esq., Town Attorney

Kathleen A. Newkirk, CMC, RMC, Town Clerk

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The following resolution was offered by Mr. Gordon, seconded by Mr. Marcelle, to wit;

RESOLUTION DETERMINING THAT AN ACTION TO UNDERTAKE CERTAIN CAPITAL IMPROVEMENTS TO THE DELAWARE AVENUE AND BENDER LANE PUMP STATIONS IS A “TYPE II ACTION” AND NO FURTHER ACTION IS REQUIRED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT.

WHEREAS, the Town of Bethlehem (the “Town”) is undertaking a project (the “Project”) consisting of the following: the undertaking of capital improvements to the Delaware Avenue and Bender Lane pump stations, the capital improvements to consist of the replacement of such stations and related equipment, including necessary site work and the acquisition and installation of equipment, machinery and apparatus (hereinafter referred to as "purpose") for the foregoing purpose (the “Project”); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”), and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations”), the Town desires to determine whether the Project may have a “significant effect on the environment” (as said quoted term is defined in the SEQR Act and the Regulations) and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Town in determining whether the Project may have a significant effect upon the environment, the Town has reviewed (1) the Project with Barton & Loguidice, P.C. (the “Town Engineers”) and (2) the scope of the Project as described in the form Scope of Proposed Project prepared by the Town Engineers; and

WHEREAS, pursuant to the Regulations, the Town has examined the form Scope of Proposed Project in order to make an initial determination as to the potential environmental significance of the Project; and

WHEREAS, the Project appears to constitute a “Type II Action” (as said quoted term is defined in the Regulations), and therefore no environmental impact statement or any other determination or procedure under the Regulations is necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF BETHLEHEM AS FOLLOWS:

Section 1. Based upon an examination of the form Scope of Proposed Project, the Town makes the following findings with respect to the Project:

(A) The Project consists of the following: the undertaking of capital improvements to the Delaware Avenue and Bender Lane pump stations, the capital improvements to consist of the replacement of such stations and related equipment, including necessary site work and the acquisition and installation of equipment, machinery and apparatus (hereinafter referred to as "purpose") for the foregoing purpose (the “Project”).

(B) The Project consists of the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, which constitutes a “Type II Action” as defined under Section 617.5(c)(2) of the Regulations.

Section 2. Based upon the foregoing, the Town makes the following findings and determinations with respect to the Project:

(A) The Project constitutes a “Type II Action” (as said quoted term is defined in the Regulations) under Section 617.5(c)(2) of the Regulations.

(B) Therefore, the Town hereby determines that no environmental impact statement or any other determination or procedure is required under the Regulations.

Section 3. The Town Supervisor of the Town Board of the Town is hereby directed to file a copy of this Resolution with respect to the Project in the office of the Town.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Theresa Egan	VOTING	<u>    Aye</u>
Tim Gordon	VOTING	<u>    Aye</u>
George Lenhardt	VOTING	<u>    Aye</u>
Thomas Marcelle	VOTING	<u>    Aye</u>
Daniel Plummer	VOTING	<u>    Aye</u>

- - -

Supervisor Egan next asked for a motion to approve the project.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the project for improvements to the Delaware Avenue and Bender Lane Pump Stations. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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Supervisor Egan said the next item was the bond resolution. She noted it was prepared by Joe Scott and sets forth the funding provisions in regard to the types of bonds.

A meeting of the Town Board of the Town of Bethlehem, Albany County, New York was convened in public session at the Town Hall in the Town of Bethlehem, New York, on October 13, 2004 at 5:30 o'clock p.m., local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

PRESENT:

Theresa Egan	Town Supervisor
Tim Gordon	Board Member
George Lenhardt	Board Member
Thomas Marcelle	Board Member
Daniel Plummer	Board Member

ABSENT: None.

TOWN STAFF ALSO PRESENT: James Potter, Esq., Town Attorney

Kathleen A. Newkirk, CMC, RMC Town Clerk

The following resolution was offered by Mr. Gordon, seconded by Mr. Marcelle, to wit;

BOND RESOLUTION DATED OCTOBER 13, 2004

A RESOLUTION AUTHORIZING THE UNDERTAKING OF CAPITAL IMPROVEMENTS TO THE DELAWARE AVENUE AND BENDER LANE PUMP STATIONS, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$800,000 OF THE TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Bethlehem, Albany County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the undertaking of capital

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improvements to the Delaware Avenue and Bender Lane pump stations, the capital improvements to consist of the replacement of such stations and related equipment, including necessary site work and the acquisition and installation of equipment, machinery and apparatus (hereinafter referred to as "purpose") for the foregoing purpose. The maximum cost of said purpose will not exceed \$800,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$800,000 of said Town, hereby authorized to be issued therefore pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Should the assessments upon benefitted real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has determined that the improvements to the Delaware Avenue and Bender Lane pump stations constitute a Type II action that will not have a significant impact on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is not subject to permissive referendum pursuant to Section 35.00b.1.(2) of the Local Finance Law and this resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Theresa Egan	VOTING	<u>Aye</u>
Tim Gordon	VOTING	<u>Aye</u>
George Lenhardt	VOTING	<u>Aye</u>
Thomas Marcelle	VOTING	<u>Aye</u>
Daniel Plummer	VOTING	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

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Supervisor Egan noted there was one other item and that was to go out to bid for the construction work. The following resolution was offered by Mr. Lenhardt and seconded by Mr. Gordon:

WHEREAS, the Town desires to advertise for bids for the furnishing of all labor and material necessary for the construction of the Delaware Avenue and Bender Lane Pump Station Improvements, Contracts 1A and 1B, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 20th day of October, 2004 and that bids be received up to 3:00 p.m. on the 10th day of November, 2004 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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Supervisor Egan thanked everyone.

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The next item was a request from Town Planner, Jeffrey Lipnicky, for approval to hire consultant regarding the DEIS Review for Harbor at Beacon Point.

Supervisor Egan said this matter was on the last agenda and was tabled. She said there is a recommendation that the Chazen Companies be chosen as the independent consultant on the Town's behalf in regard to this. Councilman

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Plummer noted he had to recuse himself from this item because of a conflict. Supervisor Egan acknowledged this and asked for a motion for approval of the hiring of the consultant, Chazen Companies.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the hiring of Chazen Companies, Poughkeepsie, New York regarding the DEIS review for SEQR for the Harbor at Beacon Point as requested by Town Planner, Jeffrey Lipnicky. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Lenhardt, Mr. Gordon.  
Noes: None.  
Abstain: Mr. Plummer, Mr. Marcelle.  
Absent: None.

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The following item was a request from Supervisor Egan for approval of an annual stipend for Mark Platel. Supervisor Egan explained that with the unexpected loss of Kevin Shea in January of 2004 and the Deputy Building Inspector's absence, Mark Platel has been acting. She said in dedication of his stepping up and no questions asked, she is requesting approval of an annual stipend of \$9,000 with the increase retroactive to February 1, 2004.

The motion was made by Ms. Egan, seconded by Mr. Lenhardt to approve an annual stipend of \$9,000 per year with the increase retroactive to February 1, 2004 for Assistant Building Inspector, Mark Platel, who has performed all duties of the Building Inspector in the Building Department as requested by Supervisor Egan. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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Supervisor Egan thanked Mr. Platel noting they would not have been able to operate the department without him.

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The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of appointment of seasonal personnel.

The motion was made Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as follow:

Recreation Instructor III - \$10.00 per hour

Christopher G. Braga  
Clarksville, NY 12041

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Recreation Supervisor I - \$6.55 per hour

Melissa Mooney  
Guilderland, NY 12084

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Recreation Supervisor II - \$8.10 per hour

Theresa M. Smith  
Glenmont, NY 12077

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The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

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Noes: None.  
Absent: None.

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The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of acceptance of reimbursement of cost related to dock sections at boat launch at Henry Hudson Park.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve acceptance of reimbursement of costs related to dock sections at the boat launch at Henry Hudson Park in the amount of \$8,965 as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Nos: None.  
Absent: None.

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The following item was a request from Chief of Police, Louis Corsi, for approval of acceptance of donations totaling \$750.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to accept the following donations as requested by Chief of Police, Louis Corsi:

\$250.00 – Bethlehem Community Church  
and  
\$500.00 – Construction and General Laborers Local Union 190.

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Nos: None.  
Absent: None.

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The next item was a request from Engineering Division, DPW, Senior Engineer, Randall Passman, for approval of amendment to the Building Project Approval for proposed grading change for Terramere-Tennyson Common. Town Planner, Jeffrey Lipnicky noted there are 2 items in the packet. He said one is a draft Negative Declaration and the other is a draft approval document amendment, noting there was 1 change on the approval document. He said under paragraph 2.1, third line down, the first word is graded and it should read graded for afterwards, for the geotechnical engineer, etc.

Supervisor Egan asked if there were any questions. Councilman Marcelle asked if this affects or potentially affected any of the residents. Mr. Lipnicky said he did not believe anyone is moved into this circle at this time. He said ABD was in attendance. Tom Andres of ABD said at this point this is not affecting any of the residents. He said there are no houses built in the area and they are trying to get this done prior to any of the building. He said the proposal is to remove retaining walls that were shown in the initial design. Upon review as the project has moved forward over the last few years, he said, it became very obvious that the walls should not be directly against the side of the road and they were immediately behind one of the units, within 10 feet. He said the proposal regrades the areas so that they are grass slopes as opposed to retaining walls right along the side of the road and right next to the unit.

Supervisor Egan asked if there were any other questions. Councilman Lenhardt said he had technical question. He said Mr. Davis, who is a Geotechnical Engineer, has taken this, reviewed it and indicated removal of the walls and putting in slopes is okay. He asked if something is not okay down the road because this

change has been made, is the Geotechnical Engineer responsible and liable at that point. Town Planner Lipnicky said he has his stamps on the plans and he would be. Mr. Lipnicky said Town Attorney Potter could address this but if something were to happen the Town would probably be drawn into it as well.

Councilman Marcelle said this issue was at the Planning Board and asked if this was approved by the Planning Board. Mr. Lipnicky said originally, noting this particular proposal did not go back to the Planning Board. Councilman Marcelle asked why that was. Mr. Lipnicky said the regulations do not specify that it has to go back to the Planning Board. He said sometimes this Board has sent it back when it was major changes to the plans, other times with minor changes, it has not been sent back. He said in this particular one, it is staff's view both the Planning Department and the Engineering Division that this is not in the nature of another major change. Councilman Marcelle further asked if the staff was okay with this change. Mr. Lipnicky said they were.

Supervisor Egan asked if there were any further questions. There were none.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve an amendment to Building Project Approval No. 29, Amendment Number 4, Terramere, as requested by Senior Engineer, Randall Passman, Department of Public Works. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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The next item was a request from George Leveille, Commissioner of Public Works, for approval to set a public hearing for Grievance Day for the 2005 Sewer Tax Rolls. Could advertise October 27, 2004 and hold public hearing November 10, 2004 at 5:45 p.m.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve setting a public hearing for November 10, 2004 at 5:45 p.m. for Grievance Day for the 2005 Sewer Tax Rolls as requested by Commissioner of Public Works, George Leveille. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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Supervisor Egan said before finishing, she reminded everyone that October 14, 2004 there was a focus group meeting for the Route 9W Corridor. She invited everyone to attend. She also noted on October 21, 2004 at 7 o'clock at Town Hall is the agriculture and rural property focus group. She said the more that is presented, the better it helps Saratoga Associates to form its recommendations.

Supervisor Egan thanked BPAC, the Department Heads and all the employees at Town Hall who she knows they have been asking a lot from. She said they do appreciate it and recognize probably not as much as Mr. Lenhardt, since he has been through it, it is a time consuming and difficult process. She said she is confident that we will get to the end of this.

Supervisor Egan noted there has not been any sightings of large cats here in Town in the last couple weeks. She said if there are any further sightings she will be sure that everyone is notified.

Supervisor Egan said update on the Canadian Pacific path, Canadian Pacific wants to remind everyone that it is still trespassing if you are on the site. She said

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she understands the County is in its second round of appraisals right now in the hope that they can reach a purchase price to get this concluded.

Supervisor Egan said we have not heard anything from the EPA regarding the dewatering siting. She said they continue to attend the meetings and staying in touch with EPA.

Supervisor Egan said as referenced earlier, the Beacon Harbor project continues to move forward. She said at this time, the consultant for the Town has been appointed and the Planning Department can move forward with that and the SEQR process.

The Supervisor said the plan for the Elsmere Avenue/Delaware Avenue proposed new CVS site has hit the Planning Department and is starting to meander its way through that. The Supervisor said there is discussion in regard to what they have heard about the focus groups and how that corner wants to look but again, the Planning Department has that.

Supervisor Egan said the Board is in budget season which is a nice way to transition from the Town Board meeting and move into the budget workshop.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 6:44 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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Town Board