

TOWN BOARD  
OCTOBER 24, 2007

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 6:00 p.m.

PRESENT: John H. Cunningham, Supervisor  
Daniel Plummer, Councilman  
Samuel Messina, Councilman  
Kyle Kotary, Councilman  
Joann V. Dawson, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Cunningham welcomed everyone to a regular meeting of the Bethlehem Town Board and invited them to join in the pledge of allegiance. Councilman Messina lead the pledge of allegiance. The Supervisor thanked Councilman Messina.

The Supervisor noted there was a new speaker system in the house with a resident expert monitoring the volume and feedback. He said there may be some adjustments needing to be done. He asked for everyone's patience while the system is set up.

The Supervisor asked for public comment on agenda items. Mrs. Capone noted he did not mention there is no more wiring here. She asked about the Assessor and whether he would be here until January or does it take place right now. Supervisor Cunningham said the new Assessor will be appointed this evening. He said Mr. Leafer will remain on the payroll through his retirement date which is January 11, 2008. Mrs. Capone asked if the details will be given on the new Assessor. The Supervisor said he would.

Mrs. Capone asked if there was a Delaware Avenue Committee. Supervisor Cunningham said there was not a committee at this time. Mrs. Capone said there is still 1 percent cost of living, asking why there is 2 ½ being given. Supervisor Cunningham said the information will be given with the public hearing but noted 3 percent is the cost of living increase being budgeted. Mrs. Capone said since he did not know it, the senior citizens got \$25 per month cost of living increase. So, you know, all the budget but it is the seniors that have to pay for it. She said the Board gets raises but the senior citizens do not get it. She said they are staying at the same as it was 10 years ago. She noted the Board has to think of ways to appease the senior citizens. She noted Mr. Jennings said he would never cut the benefit for the retiree. She said they are the people who have helped build this Town. Supervisor Cunningham thanked Mrs. Capone.

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Mr. M. David Leafer next spoke noting the Board is being asked to take up the approval of the new Assessor. He said 3 or 4 years ago when he started to formulate the idea that he would be retiring and when he would be retiring, one of the primary goals was to ensure that the Town would have someone who would be able to lead it into the future. He said he has known Ms. McVee for a long time as an Assessor, a fellow professional. He said she is just that and is very good. He told Mrs. Capone she will not be disappointed. He said tonight he thinks the Board will be doing a very good thing toward moving the assessment function of the Town of Bethlehem forward by voting to approve Pat's appointment in favor of her coming on as Assessor.

Mr. Leafer said it has been a great 15 years, noting he has loved every minute of it or almost every minute but he has enjoyed working with the Town employees, getting the office with the idea that whoever walked through that door would be treated the same as anyone else who walked through that door with fairness and equity and looking for fairness and equity in our assessment system.

He said Ms. McVee is of the same ilk noting she will be doing the same thing and she has great PR skills. He said for the public, if you are around, stop in and meet her.

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Ms. Linda Jasinski said the background of the new Assessor has not been given but from what she has been able to find, she currently has a real estate license and she would think that selling real estate and being the Assessor in the Town would have some conflicts. She said there is probably a lot of information going through the Assessor's office that she will be privy to even if it is public information she would see it on a daily basis. She said she would think there should be ruling that this is not a conflict or interest or ask her to surrender her license. She thanked the Board.

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Mr. Robert Jasinski said let's see how this new system works. He said he was after Terri Egan what 3, 4 years ago to get a new system. He said he thinks he would have donated to that one. Supervisor Cunningham said by the end of tonight they may figure out why Ms. Egan did not.

Mr. Jasinski said he concurs with his daughter believing Ms. McVee's license is good until 2009 so it would be probably something she would not want to give up but in the position, including her work with Caldwell Banker which has offices in our Town, he would also request that she some way put her license in limbo or something else. He called upon the Board to require this because the Board has always been forthright with everything and he believes that they will agree with him on this.

Mr. Jasinski said there is a public hearing on the Bethlehem budget inquiring if they will be able to speak on it during the budget. Supervisor Cunningham said it is a public hearing and everyone can come up and make comment on the budget. He said that is the portion that you get to do that.

Mr. Jasinski thanked the Board. Supervisor Cunningham thanked Mr. Jasinski.

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The next item was to approve the Town Board minutes of September 26, 2007 and October 10, 2007.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the Town Board minutes of September 26, 2007 and October 10, 2007 as submitted. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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Time: 6:15 p.m.

**SUPERVISOR CUNNINGHAM:** Next we will open the public hearing on the 2008 Tentative Town of Bethlehem Budget.

The reading of the call of the hearing was waived with direction 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: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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**TOWN CLERK NEWKIRK:**

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

NOTICE OF PUBLIC HEARING  
UPON PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN that the Preliminary Budget for the fiscal year beginning January 1, 2008 has been completed and filed in the Office of the Town Clerk at the Town Hall, 445 Delaware Avenue, Delmar, NY where it is available for inspection by any interested person during office hours.

NOTICE IS FURTHER GIVEN that the Town Board of the Town of Bethlehem will meet and review said Preliminary Budget and hold a public hearing thereon, at the Town Hall, Delmar, NY at 6:15 p.m. on the 24th day of October 2007 and that at such hearing any person may be heard in favor of or against any item or items therein contained.

Disabled individuals who are in need of assistance in order to participate should contact the Town Clerk's office at 439-4131. Advanced notice is requested, and

BE IT FURTHER RESOLVED, that pursuant to Section 108 of the Town Law, the proposed salaries of the following officers are hereby specified as follows:

Supervisor	\$102,779
Councilmen (each)	13,561
Town Clerk	66,466
Superintendent of Highways	91,786
Receiver of Taxes & Assessments	59,473

and

BE IT FURTHER RESOLVED, that such Notice shall be published once in the following newspapers: THE SPOTLIGHT, the official newspaper of the Town on October 17, 2007 and the TIMES UNION, an Albany newspaper, on October 17, 2007.

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

Dated: September 26, 2007

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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 the attached Legal Notice was published in the Town's legal newspaper, The Spotlight, on October 17, 2007 and that I posted the Notice of Public Hearing on October 17, 2007 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 17th  
day of October, 2007.

/s/ Collen A. Hummel

Notary Public

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SUPERVISOR CUNNINGHAM: And, before we start, I just want to make a couple comments. This year the budget has been a challenge because the economic factors that we are facing show us that although our expenses continue to increase, most of our revenue streams -- sales tax and mortgage tax -- which are primary revenue streams will probably remain flat thorough 2008. So, in conjunction with the Town Board, we went through 6 public meetings to review the budget. We met with all the department heads. We discussed issues in each department, things that they requested be funded. We talked about prioritization and we worked very hard to come back to what we believe is a very sound budget for 2008.

The budget is going to be for \$37,625,000 and represents an increase over last year's spending of approximately 4 percent. In conjunction with that, we will be increasing the Town tax levy by approximately 2 ½ percent. That's the equivalent

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of \$.06.17 per thousand increase over last year's spending. And, overall our Town tax will be \$2.53 per thousand assessed value on your homes. That will be after this budget is approved should it get approved on November 14<sup>th</sup>.

Some of the expenditures that we had to look at when we were going forward were... we had some significant increases in the cost of equipment and supplies – copper increased 13 percent; chlorine which we use for not only processing our drinking water but for our pool facilities increased by 300 percent; some of our equipment... truck equipment has gone up in price by about 17 percent; we've seen increase in the cost of blacktop at 12 percent; road deicing, salt at 17 percent; and health insurance at about 8 ½ percent. So, given the fact that we have these economic factors that are pushing our expenses up at a significant rate, we were able to hold the tax levy increase this year 2 ½ percent.

So, I just want to thank all the Board members for working with me. This is the first budget... Town budget that I put together and it was an interesting process and I appreciate both Judi's help and the Town Board's help in going through this. Plus, all the Town department heads and residents who chimed in with their information and so I just want to ask if any of the Board Members have a comment they'd like to make before we go to the public comment section.

COUNCILMAN KOTARY: Yea, I would just also like to add a couple of points, also thank Supervisor Cunningham for in his first budget not only opening up the process, expanding the process. We had more meetings than ever before, we started earlier knowing that we were going to have a lot of difficult decisions to make. I think that at the end of the day, there's some talk about spending increases with regards to inflation. Really, the only thing we can look at are the costs that we have and as the Supervisor just said, many of the costs that we have have gone up dramatically – 300 percent, 28 percent, 18 percent – and we had to make a lot of decisions and I want to personally thank the department heads and all of the department employees for not only helping us make the difficult decisions but providing us with a lot of valuable information, thinking outside the box, finding creative ways.

You know, we've been trying to do things from improving energy costs. We've done a couple of programs, recent meetings, we've announced with NYSERDA and tried to find ways to do things more efficiently. In some ways it's maybe more IT and Jeff is here today with our new speaker system and in a lots of ways... we're putting things on line. We're trying to find efficiencies and that's really important to stress. So again, I want to thank the Supervisor and everybody else and I guess that's it.

SUPERVISOR CUNNINGHAM: Thanks. Joann, did you have anything?

COUNCILMAN DAWSON: I just want to add to Kyle's comments that in working with the departments I think it's not only important that we were able to maintain our tax levy at this level but also that we... at the same time, we are able to add some significant initiatives to our programs that are very much needed. And, hopefully we are continuing to put our emphasis on those programs and services that Town residents feel are important. I hope we will hear about some of those tonight.

SUPERVISOR CUNNINGHAM: Thank you. Do we have residents who would like to make comments on the budget?

MR. MORAN: I'm Norman Moran and I want to make a couple references to the Spotlight articles and in the Spotlight both Kyle and Sam stated that they didn't want to do any balancing of the budget on the backs of the employees so that's why they considered a 3 percent raise as being equitable, okay. I guess in that regard, the senior citizens in the Town here are getting a 2.3 percent increase in Social Security and their Medicare costs are going up anywhere from 10 percent to 30 percent. And, they have increased medical costs, they have all kinds of other charges and nobody seems to be worrying about them. And, when you talk about

holding the increase at 2.5, you didn't mention the fact that you are spending 2.5 million of surplus.

Sam and I met earlier this year and I mentioned the problem with the water pipes on Route 85 and other areas and the sewer problems and stuff like that and I asked him to get back to me on it and he never did. But, anyway, you are taking 1.... between last year and this year taking \$1.4 million out of the water fund to help balance last year's budget and this year's budget when you should have been taking that money and putting it into the pipes. Even your own Commissioner of water says that the infrastructure for sewage and for water pipes is bad. What are you going to do wait until you... the things collapse entirely, then you're going to come out with a 50 million dollar bond issue or something like that to fix it?

Nobody has any comments on that? I mean those are facts of life. And, you talk about the budget, total budget of \$34.6 million, \$20.4 million is for salaries and benefits. How much money are you spending for sub-contract?

SUPERVISOR CUNNINGHAM: I don't have an answer for that, Mr. Moran, at this point. I can get that for you.

MR. MORAN: It's in the budget.

SUPERVISOR CUNNINGHAM: I haven't memorized the budget.

MR. MORAN: You're budgeting \$12 million for that and that's a third of your budget roughly. And, on top of that, that leaves you with \$5 million to do everything else you are talking about – paving the roads, salting the roads and everything else. These are your figures, they're not mine. I took it directly out of the budget.

SUPERVISOR CUNNINGHAM: I'd have to verify those numbers, I don't know that they are correct or not, Mr. Moran, but...

MR. MORAN: Sure.

COMPTROLLER KEHOE: The contractors, I believe, you are referring to are contractual services which is a whole category within the budget and that includes some independent contractors – engineers, accountants – who do the audit.

MR. MORAN: Well, I understand that but that's \$12 million according to your budget.

MRS. KEHOE: But, that also includes electricity, the chemicals that Supervisor Cunningham spoke to.

MR. MORAN: Wait a minute, you're mixing apples and oranges here, okay.

MRS. KEHOE: Well, no, that is the category that the State Comptroller's office prescribes for us to report that.

MR. MORAN: That's mixing apples and oranges.

MRS. KEHOE: The detail line items are all in there so that there is full disclosure on what those amounts are.

MR. MORAN: I looked at that. I couldn't find who was getting the money for this, that... it's not broken down like that.

MRS. KEHOE: Okay. I'm happy to review the detail report and show you where those figures are. They're in there.

MR. MORAN: Okay, because that says that you are spending \$12.5 million for that.

MRS. KEHOE: And, if I can clarify too, on the \$1.4 million that's been used, showing as a use of fund balance in the water fund, part of that represents a transfer into the Capital Reserves which is used for infrastructure.

MR. MORAN: Well wait a minute, I'm looking at your figures, Judi.

MRS. KEHOE: Right, it is a use of the operating funds.

MR. MORAN: There's your figures there. If you want to transfer figures around to suit your own fancy, then I'll put it in a viewpoint where everybody can understand it, okay.

MRS. KEHOE: Yea, which is the \$1.4.

MR. MORAN: You know, I guess this is new math I guess. I'm used to the old math. But, the new math, you switch things around...

MRS. KEHOE: Okay, I'm happy to review it with you.

SUPERVISOR CUNNINGHAM: Okay, thanks. Do you have other comments, Mr. Moran?

MR. MORAN: No, I don't.

SUPERVISOR CUNNINGHAM: Okay, thank you.

COUNCILMAN MESSINA: Mr. Moran, since you mentioned me, I need to respond. First of all, I said nothing in the article about balancing on anyone's back. What I did say in the article is that the staff here is our most important resource, they are good for the Town of Bethlehem and I am pleased to support the 3 percent. On the water issue, which you and I did meet on and did have some coffee and probably a Danish together on, I said what we are doing is hitting these as we need to one at a time but I support moving forward comprehensively with our engineering staff to get a plan in place to get the money in place to solve the problem in the long run. We've not done that but we had that conversation.

MR. MORAN: You've been talking about this, Sam, for the past 3 years, okay. You know, when Theresa Egan was there, I used to talk to her about it and what did she tell me – oh well, we're talking to people along Route 85 and they won't let us put the pipes in and we'd have to go to eminent domain and we'd end up in the courts over it. So, therefore, they sit there and nobody does anything about them, okay. And, yet you can take \$1.4 million out of the water fund and spend it to balance the budget so that you people look better. And, that's the wrong thing to do. You don't spend surpluses that you don't really have because you have an infrastructure that is blowing apart and that's where the money ought to go and not to balance the budget.

SUPERVISOR CUNNINGHAM: Thank you, Mr. Moran.

COUNCILMAN KOTARY: This is not a question and answer period but since a couple of the comments Mr. Moran made were made earlier I will just address them real quickly and also since he mentioned me by name.

First of all, I'm proud to support a 3 percent cost-of-living adjustment for the employees. They have regularly had it and with regards to seniors and your retirement or Social Security, we can't vote on that. And, you know what if I could vote on it, I'd be happy to increase that as well and I recommend that you contact your Federal representatives because that is who does that. And, I would also say with regards to seniors, this Board has done everything within the law and everything as far as we know to extend State tax credits, not only to seniors, but veterans and several others and for those who have been to most if not all of our meetings, you know that to be the case. We've also supported the senior program and we have been able, again, through some very difficult decision making and

tightening our belts, we've been able to find enough money to put a senior staff position or to increase the capacity for senior staff.

In regards to the surplus and spending it down, you may have recalled several conversations and many discussions and I know Councilman Plummer and several others, have talked about what is an appropriate level for the balance fund. And, we've talked about the fact that we have had significant reserves much greater than the State Comptroller's recommended level, whether its 10 or 15 percent, the fact of the matter is we've as much as 20 and 30 percent and it is more than appropriate to use that for expenditures as opposed to further tax increases. So, it's not a smoke and mirrors, it's not a gimmick, it's not done to make anybody look good, it's actually fiscally responsible. And, the State Comptroller will tell you that additional funds that carrying much over 15 percent you basically have a choice, you can use money, which, in fact, is what we have done.

In terms of the infrastructure the infrastructure has suffered neglect for decades and it's a problem that we've been looking at – you're right for 3 years – we're only beginning to understand and again we've talked about several initiatives from going into the pipe – putting cameras into the pipes – and looking at different things and you are right, we do have an infrastructure situation that will require further investment. So that's just a couple of the issues that I wanted to address.

SUPERVISOR CUNNINGHAM: Thank you, thanks, Kyle.

MR. MORAN: Like I said, rather than take the money and send it to balance the budget, you should put it into the pipes. And, you know, I live in Slingerlands and I've had to have pipes replaced because of lime build up in my pipes, okay, even though I have a water softener there. And, that lime deposit is also building up in the pipes there so you are not going to be able to sleeve those pipes and those pipes are 80 or 90 years. And, you people ought to be doing something about replacing them as you go along rather... and use the surplus money that you got rather than spending it now and years down the road come out with a big bond issue to fix the pipes.

COUNCILMAN KOTARY: The fact is we are.

MR. MORAN: You're not fixing the pipes. You're spending the money for something else. Jack, do you think it's funny?

SUPERVISOR CUNNINGHAM: Mr. Moran, do you have further comments?

MR. MORAN: I don't appreciate your smile on your face.

SUPERVISOR CUNNINGHAM: Do you have any further comments, Mr. Moran?

MR. MORAN: If you want to talk seriously, I'll talk seriously with you. Don't laugh at me.

SUPERVISOR CUNNINGHAM: Thank you, Mr. Moran.

MR. JASINSKI: Good evening, Bob Jasinski. The budget has been talked over and everything so I'm just going to make a couple general statements. And, I don't like to see the General Fund be used, any of them, I don't like to see them go down. I don't envy your people in your positions that you are. You know, to criticize is so easy, to find solutions is so hard. I do caution the Town Board, whoever is here and you Jack that in the coming year with the way the financial ends are going, mortgages are down, new home sales are down for the county, the county is going to have to come up with money for their senior centers that they have plus for the old age home which is the wrong statement actually.

SUPERVISOR CUNNINGHAM: The County Nursing Home.

MR. JASINSKI: But, what I... I mean City Bank is down, the banks are down, J.P. Morgan, Bank of America. They are all loosing, the market they don't know what

is going to happen and I just caution you in the coming year on your spending that you try to keep it well within bounds and let's all hope that we get the money because it's all going to come back on all of us. Thank you very much.

SUPERVISOR CUNNINGHAM: If everybody would go buy a new house and a new car this year it would help us a lot.

MRS. CAPONE: I think that Mr. Moran was right but why do you let big buildings being built if the piping is not that hot. Now, at Verstandig they want to put all these unit there and it is a swamp to start with. So, what are we going to do with the pipes?

SUPERVISOR CUNNINGHAM: Verstandig's property... that development hasn't been approved yet, so I don't know all the details on that.

MR. STEWART: My name is William Stewart. Me and my wife bought a house about 4 years ago down in Selkirk. We like the area a lot.

SUPERVISOR CUNNINGHAM: Can you just step back from the microphone just a... yes, that's great.

MR. STEWART: Like this. Okay. And, the taxes just keep going up and going up and going up. What are you going to do to prevent the taxes from going up? Are you going to cut spending? Cause I mean people are going to wind up loosing their homes and they are going to end up leaving the area. And, it's just... it's getting ridiculous.

SUPERVISOR CUNNINGHAM: And, I agree and I made a comment when I first did the budget that I understand that people... even though the Town tax is small in proportion to other taxes that you are paying that everybody pays out of the same wallet and so it is an expense to you no matter who you are paying it to.

MR. STEWART: Yes.

SUPERVISOR CUNNINGHAM: The Town is in the unfortunate situation of having to provide services that are not profitable in the marketplace. So, for example, there is not business that can go out there and build roads or build sewers or build waters. Those services cost money and they cost... some of the costs to provide those services are outside of our control. So, to the degree that we can control those expenses we do, where we can't control those expenses we need to look to the community to support that. And, that is generally the way this process works. So, I truly appreciate where you are coming from, I've been a resident of this Town for many, many years also and I pay taxes as well and I see my cost going up as well.

MR. STEWART: I mean is there plans coming forward that you are going to try to get business in here to lower our... this base or something because this is...

SUPERVISOR CUNNINGHAM: Yes, we have put in a comprehensive plan, 18 months ago we did a comprehensive plan. We are reviewing that comprehensive plan. We've just approved the VISTA Technology Park which is starting development over in Slingerlands. We are encouraging growth along the Route 9W corridor between Feura Bush Road and Route 32 and we are encouraging growth wherever we can to help underwrite the tax base to the residential tax payer. One of the things that was recognized back in 2004 when Terri Egan came into office was that our tax base was underwritten... the majority of our tax base was underwritten by the residential tax payer. It's disproportional and we need to encourage commercial growth and that is what we've been working towards for the last 18 months to 2 years. Unfortunately, it's taken us 350 years to get here... 300 years to get here. It's not going to change overnight but we do have a direction and we are working towards it.

MR. STEWART: So, in the mean time, before the Vista park and... you know, I mean there is little business that has gone up – Panera Bread, Staples and all that –

and that's got to help a little bit but before you get to Vista park and some of the other stuff, what are we going to do to cut taxes before all that happens?

SUPERVISOR CUNNINGHAM: We continue to manage the expenses as best we can and at the same time provide services to the community.

MR. STEWART: That doesn't sound too good. Gonna be a lot of people leaving.

SUPERVISOR CUNNINGHAM: Mr. Moran.

MR. MORAN: Another comment. I've got a copy of the report that was made up on what resources... or what revenues we're going to get out of the Vista program. And, according to this item that was made up by Vista's people, it said that the corresponding... they give you a total figure... \$2.4 million over 20 years to the Town and \$50.8 million to the School District. Okay. And, they say that corresponds to an average annual contribution of \$124,000 in taxes for the Town and \$2.5 million to the school district. That \$124,000 won't even pay your salary and benefits okay. And, this Vista thing has always been a big item, everybody's talked about it. This is a great thing. \$124,000, I don't see where that's great. \$2.5 million to the schools, the schools will either spend that or the State will come along and cut their State aid to the schools to compensate for that. So... and then, during meetings they talk about economic issues like maybe people moving in the area... when I addressed the traffic situation with the Vista people, they said well most of the people coming from out-of-town so the total effect on the Slingerlands area will be negligible because a lot of people will be coming in from Albany or down from Saratoga and that way and they'll come in 85 and go back out and get on 90 or wherever they are going to okay. So, everybody is always talking about this Vista but these are figures that they say. It's going to be \$124,000 a year in revenue and I don't know where that's... we spent so much money, we spent \$393,000 budgeted for George Leveille and his people and he returned \$124,000 in revenue. Goodbye.

MR. SCHEUERMANN: Good evening. Art Scheuermann candidate for Town Board. I've traveled 6 months of this Town and met many of its residents. The statements echoed by Mr. Stewart are correct. They don't want to see spending exceed the tax rates. What you may not know is that the consumer price index as reported just recently by the Department of Labor was only 1.9 percent for New York. So, we're spending almost double that in spending costs this year. Those spending costs are not going to be alleviated next year.

Now you talked about a lot of things with the General Fund. When I looked over the General Fund over the last 5 years, I noticed that spending increased 40 percent. The revenues into the General Fund only increased 15 percent. It is our job, your jobs, perhaps mine in 2 months to make spending decisions that will impact the taxpayers most. And that means making hard decisions and cutting spending where we have to. And, I am here to tell you that approximately 7,000 homes I visited, that's the issue that people are concerned with – they need the Town to make important decisions to cut spending so that it can keep the tax rates low. Thank you.

SUPERVISOR CUNNINGHAM: Thank you, Mr. Scheuermann. Are there other comments on the Tentative 2008 Town of Bethlehem budget. Now, can I have a motion to close the public hearing.

The motion was made by Mr. Messina, seconded by Mr. Kotary and passed by the following vote to close the public hearing at 6:40 p.m.:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for acceptance of donation from Bethlehem Tomboys valued at \$20,000 for the upgrade of Softball Fields 1, 2, and 3 at the Elm Avenue Park. Supervisor Cunningham noted that \$10,000 of this upgrade is a grant from Assemblyman Tim Gordon that he secured to help the Tom Boys.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the acceptance of a donation from Bethlehem Tomboys valued at \$20,000 for the upgrade of Softball Fields 1, 2 and 3 at the Elm Avenue Park as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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The following item was a request from Assistant Director of Economic Development and Planning, Michael Morelli, for the Town Board to recommend authorization for the Town Supervisor to sign a Memorandum of Understanding between the Town of Bethlehem and Capital District Transportation Committee for the Delaware Avenue Hamlet Enhancement Study. Supervisor Cunningham said this is the beginning of the process to create this committee to answer a question asked earlier in the evening. Mrs. Capone asked if Supervisor Cunningham was going to tell who is on the Committee. The Supervisor said as soon as they appoint people. He said this would go through the meeting.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the authorization of the Town Supervisor to sign a Memorandum of Understanding between the Town of Bethlehem and the Capital District Transportation Committee for the Delaware Avenue Hamlet Enhancement Study.

Councilman Messina said just a question on the perimeters, the dimensions of the study area. He asked if it was possible down the road to get this extended or broadened in terms of the corridor size as more analysis is done. Assistant Director Morelli said it is, noting the grant is for the area between Elsmere Avenue and Adams Street – about  $\frac{3}{4}$  of a mile, about  $\frac{1}{2}$  of that is zoned commercial hamlet and the other half is zoned hamlet, mixed use. He said from Elsmere Avenue to the Town line it is about 1.3 miles and what they would like to see if this Memorandum of Understanding is signed and this project moves forward, they could use that study to piggy back for Phase II which would be to conclude this study all the way out to the Town line. He said this grant study has awarded the estimated amount of \$75,000 for Elsmere to Adams Street.

Councilman Messina asked about the width of the corridor and if there is some flexibility in that also for moving off of Delaware Avenue. Mr. Morelli said for this portion of the study it also includes Hudson Avenue as well. He said there is a map with the Memorandum that shows the boundaries. He said the boundaries were defined in the grant application so they pretty much have to stick to that.

Supervisor Cunningham asked if there were any other questions for Mr. Morelli. He asked for a vote.

The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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The following item was a request from Assistant Director of Economic Development and Planning, Michael Morelli, to accept the Planning Board's recommendation that the Town Board amend the current Zoning along a portion of Van Dyke Road to a Planned Development District for the purpose of constructing a residential project for Senior Citizens. Also issue a Negative Declaration

Pursuant to Article 8 of the Environmental Conservation law and schedule a Public Hearing to solicit public comment on this application.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to set a public hearing for November 28, 2007 at 6:15 p.m. to consider amendment to the Code of the Town of Bethlehem, Section 128-13, Zoning Map, Town of Bethlehem, for Proposed Planned Development District, VanDyke Spinney, Van Dyke Road, Delmar. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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The following resolution was presented for adoption:

**RESOLUTION NO. 23**

**TOWN BOARD  
TOWN OF BETHLEHEM  
SEQR RESOLUTION**

**DETERMINATION OF SIGNIFICANCE/NEGATIVE DECLARATION  
APPLICATION TO ESTABLISH A PLANNED DEVELOPMENT DISTRICT  
VAN DYKE SPINNEY PROJECT  
VAN DYKE SPINNEY, LLC**

- WHEREAS, the Town Board of the Town of Bethlehem has received an application and Environmental Assessment Form (EAF) from Van Dyke Spinney, LLC to establish a Planned Development District (PDD) for lands which are located on Van Dyke Road; and,
- WHEREAS, the proposed amendment to the zoning district boundary would re-zone approximately 87.89 acres of the 91.87 acre parcel; and,
- WHEREAS, establishment of the PDD would amend the current zoning district designation on the parcel from Residence A to Planned Development District; and,
- WHEREAS, Section 128-40 of the Code of the Town of Bethlehem contains procedures for the establishment of a Planned Development District, and said procedures authorize the Town Board to establish such a District upon referral to, and recommendation of, the Town Planning Board; and,
- WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency may undertake, fund or approve an action until it has complied with the requirements of SEQR; and,
- WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(a), the Town Board at its meeting of August 23, 2006: (1) determined that the PDD application constituted an "action" subject to SEQR; (2) identified other involved agencies for the purpose of coordinated review; (3) made a preliminary classification of the project as an "Type I" action; (4) required a full Environmental Assessment Form to assist the lead agency in its determination of significance; and (5) determine whether the action is located in an Agricultural District; and,
- WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(b) the Town Board at its meeting of August 23, 2006 also initiated a coordinated review of the action, declared its desire and intent to be lead agency for SEQR review, and subsequently circulated the PDD application and full EAF to all involved agencies; and,
- WHEREAS, the Town Board at its meeting of August 23, 2006 also referred the PDD application to the Planning Board for a recommendation on both the application and on a SEQR Determination of Significance; and,
- WHEREAS, the Planning Board has reviewed and considered the PDD application, the full EAF and supporting materials submitted by the applicant, and comments on the application provided by the Town Department of Economic Development and Planning, the Town Engineering Division and Barton and Loguidice, the Town Designated Engineer (TDE) for this project; and,
- WHEREAS, the Planning Board, satisfied that its identified areas of environmental concern have been adequately addressed by the applicant, adopted a Resolution at its meeting of October 2, 2007, and said Resolution recommends that the Town Board issue a SEQR Negative Declaration with respect to the application and approve the rezoning from Residence A District to Planned Development District; and,
- WHEREAS, the Town Board has independently reviewed and considered the Planned Development District application, the Full Environmental Assessment Form

and supporting materials prepared by the Town Department of Economic Development and Planning, Town Engineering Division, Town Designated Engineer as well as comments received from involved agencies, addressing potential area of environmental concern in amending the PDD and constructing the proposed project; and,

WHEREAS, supporting materials include, but are not limited to, slope stability report, storm water pollution prevention plan, traffic impact study, Phase I environmental site assessment and a conceptual project plan which addresses site layout, utilities, storm water management, grading, landscaping, site lighting, location of federal wetlands, and other site development factors; and,

WHEREAS, the Town Board has concluded that the applicant has adequately addressed the identified areas of concern and will provide appropriate mitigation for the project;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby confirms that it is lead agency with respect to SEQR review of the Van Dyke Spinney, LLC application to establish a Planned Development District; and,

BE IT FURTHER RESOLVED,

that based upon its review of the PDD application, the full EAF and other supporting materials submitted by the applicant, the recommendations of the Town Planning Board, comments on the application submitted by the Town Department of Economic Development and Planning, Town Designated Engineer, Town Engineering Division and involved agencies, its own independent analysis of the application, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that approval of the Van Dyke Spinney, LLC application to establish a Planned Development District for the purpose of constructing up to 229 multi-family residence units for senior citizen living in separate buildings varying between two and ten unit buildings, constitutes an action which will not have a significant impact on the environment; and,

BE IT FURTHER RESOLVED,

that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that this determination is made in reliance on review of an application indicating a specific land use and conceptual project proposal for the subject parcel, and consequently, is made premised on the following:

1. the proposed action is located in Agricultural District No. 3 and, therefore, is subject to the provisions of the Agriculture and Markets Law.
2. that future development of the parcel be undertaken in a manner that is substantially consistent with the Concept Plan which has been presented to the Town and relied upon in its deliberations on the zoning amendment; and,
3. that a time limit of three years be established, running from the date of enactment of the rezoning, for commencement of construction on the parcel, and in the event that construction has not begun within said time period, that zoning of the parcel revert to its former designation, Residence A District; and,

BE IT FURTHER RESOLVED,

that the Town Department of Economic Development and Planning is hereby authorized and directed to file any and all appropriate notices of this determination so that the intent of this Resolution can be carried out; and,

BE IT FURTHER RESOLVED,

that this recommendation is based upon the following facts and conclusions:

A. Parcel and Project Description

1. The District will include 87.89 acres of the 91.87 acre parcel proposed to be rezoned to Planned Development District (PDD) from Residential A District. The remaining 3.98 acres will remain Residential A District. All lands abutting the site are within the Residential A District and consist primarily of single family residents, accessory buildings and active agricultural uses. Ranging from one to four miles from the site are several Planned Development Districts including Chadwick Square, Enclave, Dowerskill, Walden Fields, Elm Estates (Skycrest) etc.
2. In accordance with the goals of the Town's Comprehensive Plan, this project clearly identifies with several Comprehensive Plan initiatives. These include providing opportunities for the development of a variety of housing options to meet the needs of the increasingly diverse population, in particular the aging population, create a residential zoning district for this area and allow greater housing diversity.

3. A geotechnical analysis of the site was performed by the Applicant's consultants. There are many recommendations and recommended procedures to be followed for the construction of the project. A "safe setback line", as shown on the conceptual plans, was generally established for the site. The design and construction of the project will be required to follow all recommendations of these geotechnical reports. Included in the Conditions section of this resolution are some additional items regarding the geotechnical analysis.
4. The proposed action is not expected to have a significant effect on any protected water body. The Phillipin Kill, which is classified as a "C" water body with a water quality standard of "C", will be protected. There are no NYSDEC jurisdictional wetlands. There are 3.84 acres of ACOE jurisdictional wetlands and 0.24 acres of isolated wetlands on site. Up to 0.60 acres of total wetland impact are anticipated and appropriate wetland reclamation will be provided. Storm water runoff from the project will be treated and discharged in accordance with applicable NYSDEC guidelines.
5. The proposed project includes stormwater management facilities designed to meet the NYSDEC GP-02-01 requirements for treating stormwater quality and quantity. An erosion and sediment control plan (E&SCP), which prescribes construction-phase erosion and sediment controls, will be required as part of any site plan approval issued for the project. A conceptual stormwater pollution prevention plan (SWPPP) has been submitted with the application. The applicant is required to file a notice of intent (NOI) for project coverage under NYSDEC GP-02-01 following any site plan approval issued for the projects. NYSDEC also requires the owner of the stormwater facilities, through a legally binding maintenance agreement, to be responsible for long-term maintenance of the stormwater facilities throughout the lifetime of the project's facilities. It is expected that the facilities will be privately owned.
6. The proposed project will require the extension of the existing municipal water district. The project will connect to the town owned 12-inch main at the intersection of the Delmar By-Pass and Juniper Lane and will also loop into the existing 12-inch water main by the Bethlehem School Bus Garage. A new 10-inch main will be installed along Van Dyke Road to the development and extend beyond the development along Van Dyke Road to where the Phillipin Kill crosses the roadway. New water mains will be installed throughout the development to serve the units.
7. The project site is located partially within the Bethlehem Sewer District and will require the extension of the sewer district. The project will include a collection system throughout the development, new pump station and force main to discharge to the town owned Delaware Avenue pump station. Capacity improvements at the Delaware Avenue station will also be required to include this development at this station since the station does not have adequate reserve capacity.
8. The proposed subdivision is not anticipated to have any impacts on agriculture or viable farm enterprise or enterprises within Albany County Agriculture District No. 3, within the meaning of SEQR or Agriculture and Markets Law Section 304 (4) (a). The project is situated on approximately 87.89 acres of the 91.87 acre parcel which is located within Albany County Agricultural District No. 3. The project site is located in a developing residential area of the Town of Bethlehem, which has been proposed for moderate to high density residential use in the Comprehensive Plan adopted September, 2006.
9. The project site has no record of known occurrences of rare or state listed animals or plants, significant natural communities, or other significant habitats.
10. A Phase 1A literature review and Phase 1B field reconnaissance report were completed by Hartgen Associates in April 2006. Additional Phase II survey avoidance was recommended for several areas and was completed in October 2006 by Landmark Archeology. Per the Phase II report and SHPO review, the Applicant will avoid VDR-6 site and the Brandt-Oliver Historic Site and provide avoidance and preservation plans for both sites.
11. Trip generation information prepared for the project by the consultants indicates that the project will have minor impacts to the local road network operations due to an increase in delay. The Delaware Avenue intersection with Van Dyke Road will have a decreased but acceptable

level of service with revisions to signal timing and phasing plan. There are physical constraints and geometry deficiencies at the Van Dyke Road and Meads Lane intersection and the Applicant and Town are working cooperatively to determine improvements at this intersection. This issue is of particular concern of the Planning Board.

12. The proposed action will not have a significant adverse aesthetic impact. Landscaping and buffers will be provided along property lines and gateways to screen neighbors as needed.
13. The project will not have a significant adverse impact on noise levels or quality of air in the vicinity of the project site. Noise and air quality impacts associated with construction will be temporary and of short-term duration.

#### B. Evaluation of Potential Environmental Impacts

1. The project will not have a significant or long-term adverse impact on existing air quality. The Van Dyke Spinney project will have no impacts on the quality of air once construction is complete. During construction operations, the project will be subject to the normal dust and mud problems associated with such construction work. In that regard, all standard practices will be used to contain and minimize airborne emissions on and near the site.
2. The project will not have a significant or long-term adverse impact on land. The Van Dyke Spinney project will be concentrated on approximately thirty two acres in a large dormant cornfield that is relatively flat on the eastern side of Van Dyke Road. Areas containing environmental constraints, such as steep slopes, wetlands, and archaeological features have been identified and avoided. Due to the size of the project, construction will continue for more than one year. At this time, no plans are in place to break the project into phases, but the housing units may be constructed in a way to minimize the amount of open disturbances during construction.
3. The project will not have a significant adverse impact on protected streams. The Van Dyke Spinney project will be situated away from significant environmental features. The Phillipin Kill stream corridor, wetlands and surface will be protected. The site contains no NYSDEC regulated wetlands. The Phillipin Kill is the nearest classified stream and is classified as a "C" water body with a water quality standard of "C".
4. The project will not have a significant adverse impact on wetland resources. There are no wetlands on site that fall within the jurisdiction of the New York State Department of Environmental Conservation. The proposed roadways and housing units have been placed to minimize the disturbance to the existing wetlands. Total wetland impact is estimated at 0.60 acres. Preparations are being made for submission of the required permit application to the ACOE. An area has been provided for wetland reclamation, which will enhance the existing wetlands on the site.
5. The project will not have a significant adverse impact on stormwater. All flows will be maintained or reduced, no negative impacts are anticipated resulting from stormwater discharges. It should also be noted that, in response to Town and resident concerns, discharge points "D" and "E" will notice significant peak flow decreases to assist in prevention of soil erosion.

A preliminary design of the stormwater system indicates that the site will meet (and exceed) the minimum water quality standards at each discharge point. It should be noted that the WQv-Required for the P-5 practices proposed for this site are 50% of the WQv-Calculated.

The proposed system will be designed in accordance with the SMDM standards to include provisions for maintenance activities. The development and stormwater management system are proposed to be owned by a private owner/operator. In compliance with upcoming local legislation, the owner/operator will be required to enter into legal agreement with the Town for maintenance guarantee. Under this agreement, the facility owner will be legally obligated to maintain the system to defined standards, or fines may be imposed by the local municipality. A post-construction maintenance plan will be developed during the final design phase detailing the frequency and extent of maintenance activities.

6. The project will not have a significant or long-term adverse impact on existing noise levels in the vicinity of the project site. The land use does not involve the operation of heavy machinery or other activity that would produce a noticeable increase in outdoor noise levels. Any increases in such noise level would be construction related and of short-term duration. To minimize any such impacts, the applicant proposes to limit hours of construction on the project site to normal business hours of construction.

7. The project will result in a minimal increase in solid waste production. The project would entail the construction of 229 dwelling units.

8. The project will not result in a substantial increase in traffic volumes or create traffic congestion on area roadways. A Traffic Impact Study was conducted in November 2004, which projected traffic volumes to 2007. From this study, it was determined that the project will have minor impacts to the local roadway network operations characterized by an increase in delay. The intersection of NYS Route 443, Delaware Avenue with Van Dyke Road showed a decrease in Level of Service (LOS) in the Build condition, the intersection can operate with an acceptable LOS with a revised signal timing and phasing plan. With this improvement, all the associated intersections can operate with an acceptable LOS.

9. The project will not have a significant or long-term adverse impact on soils or steep slopes. A slope stability analysis and investigation for the including soil borings and site-specific slope stability analyses of the slopes was conducted. The existing slopes at the site appear to be marginally stable at most locations.

The soil borings performed at the site showed the existing soils to be predominately layered silt and clay soils that extended to at least the bottom of the borings at between 40 and 60 feet. These lower silt and clay soils are loose/soft. Preliminary analyses have indicated that slope setbacks of approximately 3.9:1.0 and 4.7:1.0 (H:V) will be required to provide an adequate factor of safety for global stability. The variation in the setback is dependent on the back calculated historic high groundwater levels and the location of streams at the base of the slopes.

The soil borings determined that the existing soils are predominately layered silt and clay soils that extend to at least the bottom of the borings at between 40 and 60 feet. Groundwater was found at 7 feet and 30 feet, with no signs of bedrock to 60 feet. These lower silt and clay soils are loose and soft.

Preliminary analyses have indicated that slope setbacks of approximately 3.9:1.0 and 4.7:1.0 (H:V) will be required to provide an adequate factor of safety for global stability. The variation in the setback is dependent on the back-calculated historic high groundwater levels and the location of streams at the base of the slopes. Based on the soils investigation, the setback requirements have been met and there will be no impact on the sloped areas.

10. The project will not have a significant or long-term adverse impact on vegetation or wildlife. The Van Dyke Spinney site has no record of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of the site. The NYSDEC has reviewed the site in accordance with the New York Natural Heritage Program databases with respect to an environmental assessment on March 13, 2007.

11. The project will not have a significant or long-term adverse impact on agricultural resources. The Van Dyke Spinney project will be constructed on agricultural land, consisting of a large cornfield that is currently dormant. The construction activity will require excavation and compaction of the soil on the site. The proposed construction activity would convert approximately forty five acres of dormant agricultural land to residential development. There is no plan to mitigate the construction activity, but the disturbance to the area will be minimized with the creation of open spaces, such as the interconnected interior greenway network of walking trails around the property.

12. The project will not have a significant or long-term adverse impact on archeological resources or historic properties. SHPO's response to the Phase II Report also stated that the existing Bradt-Oliver house is a contributing component of the Bradt-Oliver Historical Site. SHPO recommends that the site be eligible for the NRHP and should be avoided. SHPO has requested additional information on the structure, including detailed photographs of architectural and structural elements, keyed to a sketch of the floor plan. The New York State Historical Preservation Office (SHPO) has responded to the report project Phase II Report. SHPO considers VDR-6 pre-historical site eligible for National Register of Historic Places (NRHP) and recommended that this site be avoided and that an avoidance and preservation plan be prepared and submitted for SHPO to review.

The applicant will avoid VDR-6 site and provide an avoidance and preservation plan for the Bradt-Oliver house to SHPO as the project progresses. The site plan has been designed to avoid the Bradt-Oliver house. The applicants plan to provide the additional information on the Bradt-Oliver structure to SHPO and are currently requesting proposals for these architectural services. The site plan has been designed to avoid the Bradt-

Oliver house and minimize disturbance to the surrounding limits. The structure will be renovated to enhance the character of the senior citizen development and used in conjunction with its activities.

13. The project will not have a significant or long-term adverse impact on aesthetic resources. The Van Dyke Spinney project will not affect any aesthetic resources. The project's visible components will not eliminate or reduce the enjoyment of the aesthetic qualities of that resource. Scenic views will be enhanced with the establishment of the interconnected greenway network of walking trails and gazebos. Landscaping and buffering along the property lines will provide screening of the neighboring parcels.

14. The project will not have a significant or long-term impacts on open space resources. Approximately 72.89 acres of the parcel will remain as open space, primarily on the west side of Van Dyke Road.

An 8-foot wide asphalt multi-purpose path will be provided along the front of the eastern side of the development, so that in the future the Town could interconnect these nature trails to the existing multi-purpose path at the Delmar By-Pass. Additional easements would be required to connect this multi-purpose path to the Delmar By-Pass.

Van Dyke Spinney will include an interconnected interior greenway network of walking trails with a number of gazebos overlooking the many vistas on the property. The trails would hug the 50' setback along the neighboring properties along the northeast corner of the development.

15. The project will not have a significant adverse impact on the availability and use of energy. The proposed units (up to 229) will require additional energy demands for National Grid. Since the development will consist of dwelling units for senior citizens that range in size from 800 square feet to 1,400 square feet, the demands for energy should be less than conventional single family residential housing. Using energy-efficient appliances and fixtures could further mitigate the amount of energy used by the development.

16. The project will not have a significant adverse impact on public health and safety.

17. Review of the site in the field and with available environmental data revealed no other environmentally sensitive characteristic of the parcel, or issues that have not been addressed, or areas requiring further study.

On a motion by Mr. Plummer, seconded by Mrs. Dawson, and a vote of 5 for and 0 against, and 0 absent, this RESOLUTION was adopted on October 24, 2007.

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The next item is a request from Town Engineer, Erik Deyoe, for adoption of resolution to provide in-kind services and authorization for Supervisor to execute agreement for intermunicipal Storm Water Grant. The Supervisor noted this allows the Town to use in-kind services with the storm water work to participate in a storm water grant at the County level.

The following resolution was presented for adoption:

**Attachment B**  
**RESOLUTION NO. 24**  
**Municipal Resolution**

**Water Quality Improvement Projects and  
Nonagricultural Nonpoint Source Projects  
Municipal Resolution**

Resolution authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects.

WHEREAS, Town of Bethlehem

(Legal Name of Municipality)

herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a

contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY The Town Board  
(Governing Body of Municipality)

1. That John Cunningham, Supervisor,  
(Name and Title of Designated Authorized Representative)  
or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation
4. That this Resolution take effect immediately.

The foregoing resolution was adopted on a motion by Mr. Messina, seconded by Mrs. Dawson and passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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Following was a presentation of the Local Waterfront Revitalization Program status report by George Leveille, Director of Economic Development and Planning and Saratoga Associates.

Mr. Leveille said it was good to be here and start off by saying this is a brief update on the Local Waterfront Revitalization Program planning. He said this has been worked on for about a year and getting close to the recommendations and having a public meeting on November 7, 2007 at 7:00 p.m. to begin to start reviewing the recommendations. He said they plan on having the recommendations posted on the website by the beginning of next week to allow for at least a week prior to the meeting.

Mr. Leveille acknowledged the great work of the Advisory Committee, many of them in attendance at the meeting. He asked the members to stand – Ted Jennings, Ken Daves, Lisa Evans, Theresa Pellittere, Kathy Newkirk, Nan Lanahan and also the representative from the Department of State, Jamie Rappert. Supervisor Cunningham thanked everyone for their work on this, noting he appreciated it. He turned the floor over to Rob Holzman from Saratoga Associates who has been leading us. Supervisor Cunningham thanked Mr. Leveille.

Mr. Holzman said he was asked by the Committee and Mr. Leveille to give about a 10 to 15 minute update on the work being done on the LWRP – Local Government Revitalization Program. He said it will be brief and reiterated the information pertaining to the public meeting on November 7, 2007 at 7:00 p.m. including information on the work done thus far and the recommendations that are in the LWRP.

Mr. Holzman said this project has been worked on for about 1 year with about 9 representatives, meeting roughly on a monthly basis. He said it is a project that emerged from the comprehensive plan, a Tier I recommendation. He said the next level of detail includes an extensive look at the waterfront and the waterfront related areas and making land use recommendations and some investment recommendations for the community as a whole.

Mr. Holzman said the purpose of the LWRP itself is a program based on NYS Coastal Policies administered by the New York State Division of Coastal Resources, the Department of State. He said it is a basis for coordinating actions both at the State and Federal level and the community level as well for investments in the waterfront related areas. He said it is an important local program, local land use plan for waterfront and the waterfront related areas. He said what is important about the LWRP itself is that it provides a significant framework for the community itself to understand where investments need to be made in the waterfront and the waterfront related areas in order to encourage the type of development that the community wants to see as a whole.

Mr. Holzman said when they talk about development, that can be anything from commercial and real estate development to more passive development programs that might include things like protection of open space or parks and recreation investments that allow people improved access down to the waterfront areas.

Mr. Holzman said it is an important foundation also for funding applications when you move forward. He said some of the discussion was a little bit about some infrastructure investments that need to be made. He noted the LWRP itself does recognize the need for some of those investments made in the waterfront areas. He said investments made in things like parks, Henry Hudson Park is something they will be talking about in a few minutes and it is some recommendations related to the Henry Hudson Park.

Mr. Holzman said it is an important foundation for attracting additional funding sources from the different private foundation organizations that might be interested in things like open space protection, land acquisitions and things of that nature. He said it is really a comprehensive balanced approach to economic development within the waterfront and waterfront related areas and takes a more detailed look – drills down a little bit deeper than the comprehensive plan did.

Mr. Holzman said building this program where we are today involved a relatively fair amount of public input. He said the starting point for the Committee was really recommendations that were made in the comprehensive plan itself. He said the committee started on November 21<sup>st</sup> of last year and has been meeting for roughly a year and it has been almost on a monthly basis coming together. He said there were a number of email exchanges back and forth as well.

Mr. Holzman said on January 23<sup>rd</sup> the Committee had a community meeting. He said it was a meeting where the information presented what the LWRP was, some of the key findings in the waterfront areas and in the room, there were smaller working groups and maps on tables. He said this facilitated some discussion about what people's thoughts were about the ways in which the land use areas ought to be developed and some of the problems and concerns they had for the area and the opportunities they saw that could happen down in the waterfront areas. He said they came back again on March 6<sup>th</sup> and met with the development community and went through a focus group meeting where they specifically asked them about what their thoughts and concerns were about the waterfront areas and ways in which they could see development potential to happen in the areas. He said they came back on March 13<sup>th</sup> and had both sides of the spectrum – the development community and came back and met with interests from the Open Space Recreation Heritage Interpretation and the Natural Resource Protection people. He said both focus groups meetings were open to the public, also having special invite lists that the Director of Economic Development helped coordinate and worked with.

Mr. Holzman said in addition to that, there were a number of telephone interviews with a number of regional interests – the Port Authority, the Hudson River Valley Greenway, Scenic Hudson (who is been involved in many of the committee meetings – they show up for the public committee meetings – as well as neighboring communities like the Town of East Greenbush just across the river.

Mr. Holzman said everyone should have the framework plan that Mr. Leveille supplied to the Board. He said he took the recommendations that are in the LWRP itself and took almost 40 pages of information and crammed it onto this one graphic. He said the intent is to really give them a sense of the direction of where the LWRP is going and show what the framework plan is illustrating. He said a starting point for now is understanding where that is. He said as part of the process was to define the boundary point for where the focus study area is going to be. He said Bethlehem has roughly 10 miles of riverfront. He said a logical easy starting point for the north and south boundaries are the municipal boundaries. He said likewise going east into the Hudson River it is easy to call that municipal boundary also the ending point.

There was a lot of discussion about the western boundary, Mr. Holzman said. He said they started out at the 144 corridor, after doing some more detailed examination of the waterfront influenced and related areas, it was realized after having a meeting with Department of State and Mr. Rappert that the most logical ending point, as well as what they heard from the community, was the I-90 corridor itself. He said it fluctuated back and forth and went through probably a good number of 4 or 5 meetings where the boundary was refined and landed on the I-90 corridor as being the boundary. He said the reason they went so far is that because many of the areas are influenced by the water corridor itself. He said you get up on Clapper Road, Wemple Road, what they are calling the Taconic view shed and it provides some pretty dramatic views looking east out into the Taconic mountain range. He said Corning Hill area has some very interesting projects that could be included in the LWRP that could help advance some of the initiatives that area taking place.

Mr. Holzman said the graphic also shows what the vision statement is for the LWRP. He said the vision statement the way in which it was crafted was they took words from the community meetings that were held and he asked members of the community and the committee to give him the words that were most important about their vision about the future of the waterfront. He said they took those words and crafted, using those words, literally to develop the vision statement. He said it really comes down to a theme that was very consistent with what was learned through the comprehensive planning process and that was the call for a balanced approach to waterfront development. He said when they get into some of the details, it will be seen that there is some very logical breaking points where that balance naturally occurs and the land use patterns that are out there now.

Mr. Holzman said they developed on the right hand side, 6 categories of what they are calling value statements. He said the intent of the value statements is to become part of the tests when you have new projects or programs that come in for the Town Board, Planning Board for investments that are being made to test those ideas against the value statements in the way in which they are written. He did not go through reading them at the meeting. Mr. Holzman said they are intended to be a guide in making decisions when evaluating the different projects and programs as they come in.

Mr. Holzman said he would talk briefly about the districts that are defined on the framework plan. He said the Committee started out at a broad level of identifying 3 major categories – the south riverfront district, the central riverfront district and the north riverfront district. He said they then drilled into each of the districts and recognize there were other land use patterns within there that they were able to further refine and create sub-districts within each of the major categories. He said what is nice about the framework plan setup is it helps organize how the LWRP itself is organized and makes it easier for those who are using it to understand the types of projects and programs and policy recommendations that are made for the areas within the waterfront areas.

Mr. Holzman said beginning in the south riverfront area, what is essentially defined as Clapper Road to the north and head south to the municipal boundary and it comes across all the way over into the Hudson River. He noted the location of Henry Hudson Park and said it is an area largely described by that peaceful, bucolic nature, the rural character. It is defined by a number of the open spaces that are

created by the wetland areas, he said and it is a very undeveloped area and the recommendations that are made in the LWRP now works to encourage the continued evolution of protecting those natural open space bucolic features and building in program elements that allow people to have opportunities to interpret the heritage and the wetland features – the environmental features that are down in the south riverfront district. He also noted partnering with organizations like the Scenic Hudson group that is down there now currently buying up some of the land and creating opportunities for environmental interpretation, heritage interpretation.

Mr. Holzman said he was going to jump over the central district and look at the north riverfront district. He said this area is largely defined by the heavier industrial uses that are there, the Port in the north end of the district itself, Corning Hill has a different character as you climb up the escarpment and deep ravines in there. He said it recognizes opportunities particularly along the waterfront areas to create a more mixed use environment. He said to create an area that over time transitions from the heavy industry to more light industry uses including some project ideas like something here, called the Bethlehem Venture Center which is not specifically sited anywhere within the north riverfront area but it recognizes opportunities to create a campus like environment that builds on the tech valley initiative that is taking place now and providing opportunities for R and D facilities or business incubation or perhaps maybe even college outreach space for the local universities to come down, boat restoration, things of that nature. He said built into that is a trail network that allows for a lot of movement of people to get to the waterfront and just have a very mixed use environment.

Mr. Holzman said moving to the central riverfront district is an area that is most complicated area to understand and the most complicated to express in terms of what happens here. He said it is an area that transitions from the heavy more intense industrial uses that are taking place in the north riverfront down to the more calm, quiet open space bucolic feeling that you get in the south riverfront. It is an area that they strive to recognize the call for balance that the LWRP calls for, according to Mr. Holzman. He said the LWRP recognizes the fact that the Selkirk Bypass may come into that area and it may intersect with the Route 144 corridor. He said it outlines recommendations for how the character of development ought to be if the bypass is actually built. He said it also recognizes if the bypass is not build, what does that mean for this area and how then are some of the vast open spaces that are there now that are flat, how they might develop into the future. And, he said, it recognizes the need to find the balance to integrate open spaces and to provide for the newer technologies in terms of building design and terms of the environmental sustainability, site location of buildings and everything else that allows for people to still maintain that quiet, bucolic open space character of some of those areas but still allows for opportunities for economic growth and development in the central riverfront district.

Mr. Holzman said they talk about another site that has been talked about before and that is the Job Corps site itself. He said they link that with the Town-owned property that is just north of the Job Corps site on Simmons Road and they make a recommendation for a plan to be made integrating those 2 sites and creating more of a civic/cultural type of destination place along the riverfront that provides for meaningful connections to the water, provides for civic space in terms of trails and connections, interpretive opportunities. He said they talk about exploring the opportunity for creating some type of an artist colony, perhaps, that allows for artists to come in and display their work. He said they also talk about providing for a civic building that allows for gatherings, social gatherings, civic meetings, things of that nature. He said a good example, the model for this, is if you go down the road and look at Colonie, they have a very nice park there called the Crossings and that became a model for some of the thinking that went into this site here as we are talking about it today.

Mr. Holzman said Henry Hudson Park has a graphic which he will show and it is more detailed. He said part of the charge was to work with the landscaped architects to come up with a concept for how Henry Hudson Park might see some of its investment. He said right now it is the only meaningful public access point on the waterfront itself and working with the landscape architects and committee

and working closely with Mrs. Lanahan, they came up with a short term and long term recommendation for how the park might be reprogrammed to provide for more year-round use of the park itself. One concept right now, he said, is when you come down to the park the road pretty much takes you right along the edge of the riverfront itself and limits the amount of accessibility and space that you have to interact with the water. He said one of the recommendations is to pull the roadway back and create more of a winding road that creates more open space, more of a great lawn, kind of approach into the waterfront.

Mr. Holzman said there is some current discussion going on now for a monument to be located down in the park and they have recognized an opportunity to locate the monument again keeping consistent with the idea to make it more of a year-round destination. He said there is an opportunity to create a pavilion area that has a skating pavilion in the winter and some trails that might go through the woods for cross country skiing. They have also recognized an opportunity to put boat top car launching, kayaks type boats, with a sandy beach area right along the Vlooman Kill, Mr. Holzman said. He noted some additional ball field space is also possible to create activity throughout the year.

Mr. Holzman said that is a very, very quick summary of the recommendations that are in the LWRP right now. He said in terms of next steps or where do we go from here, they have some minor edits to make yet based on Committee input. He said the basic plan for the Henry Hudson Park is going to be refined a little bit more with some comments from Mrs. Lanahan. He said they have a community meeting on November 7 and come back out and discuss in more detail the recommendations that are made in the LWRP.

Mr. Holzman said as Mr. Leveille noted, the plan itself is going to be condensed down as opposed to having this 100+ page document. He said they will provide recommendations that are in Section 4 along with this graphic and the graphic for the Henry Hudson Park for public review in the Town Clerk's office, the Library and it will be posted on the website as well. He said once the public community meeting is held, they will be at a point where it is sent off to the Department of State and receive comments from them. He said it goes through a pretty extensive review process with the Department of State and in all likelihood when the comments are received back, the committee will meet and look at a mid-winter adoption of the LWRP itself. He said a lot of the heavy work has been done, now they are coming into the point where there is a need for review and comment at the next level. He said they will make those edits and then wait for the comments to come in.

Mr. Holzman said with that he would like to open it up for any comments or questions. Supervisor Cunningham said he did have a question, one of the things the Town has always been sensitive to and he has become more sensitive to is that there is a lot of talking about planning of the area and there is mostly privately owned premises. He asked how this would impact the property owners. Mr. Holzman said the LWRP itself, sets up a framework vision for what the community sees happening in the area. He said there is a consistency review period that any new development that takes place in this area would be required to go through a consistency review process. He said it does not create any additional burdens for the property owners but creates a new mechanism for the community at large to recognize the development potential down in the riverfront areas.

Mr. Leveille added that the consistency review and the policies that will be adopted by the Town to support this program really relate to development. So, he said developers really will be the ones looking at consistency with their plans with the recommendations and policies adopted as part of this. He said individual homeowners will not be directly affected. He said they can continue to do things with their properties and their homes as long as it is not major development. He said he thinks having a clear policy and direction from the Town about this corridor what the values are, will actually increase property values. He said it will make it clearer, more consistent development and activity in this corridor than could happen under more haphazard conditions. He said everyone should remember that 2 years ago a third of this corridor was not zoned. He said they have come from

zoning everything and now really refining that and putting a much more community imprint on the type of growth that might occur in this area.

Supervisor Cunningham asked if there were any other questions from the Board. Councilman Messina said he had 2 questions. The first one, he said, relates to the section about regional coordination. He said there are a lot of words and a lot of municipalities described in this, asking what the vision is of how this really will take place. Mr. Leveille said 2 key pieces to that – the first many key stake holders, including some of the committee members, are residents of the riverfront, literally live on the river, look across the river. He said certainly what happens on the other side of the river in another jurisdiction is important to us. He said they think ongoing communication between our community and those that adjoin us are critical and try to align the objectives for this area. Secondly, he said the river itself as an asset is impacted by things that occur other places and wind up floating by here. He said the dredging of the Hudson River in the years ahead, the combined effort of a number of communities to address the combined sewer outflow issue which affects the quality of the river – that is a major regional initiative – involves our stake in the river because that water makes its way to our shores. He said we need to think of our stewardship of this river in the context of its impact because it moves by other jurisdictions. He said we need to be in constant communication and we need to be a party of some of the conversations about cleaning up the combined sewers and be sure that we are on the same page as our neighbors across the river in terms of development activity on their shore.

Councilman Messina said the other question relates to a document in the process that was done by CACC as it looked at funding mechanisms and vehicles and he knows that the Local Waterfront Revitalization Program allows us, once it is approved by the Department of State, to have that credential out there in terms of seeking planning and development and implementation funds. He is interested in how we can bring back what CACC did to some of the solutions we might be facing down here. He asked Mr. Leveille if he sees appropriate connections between those two. Mr. Leveille said it is already really happening with Scenic Hudson's work in the southern section in acquiring up to a couple hundred acres. He said they have an interest in continuing that conversation. He said they are regular participants at the meetings and so they are one of those types of funding mechanisms that has been identified through the CACC that could be employed here as the Town moves forward and considers open space protection programming. He said they have identified some key areas that would be likely candidates for involvement in the program so there is a real interconnect.

Mr. Leveille said they really tried hard to connect not only with the work of the CACC but also the 9W Linkage Study. He said they have tracked alongside of them to make sure that the recommendations are intertwined and work together and they think they do. He said they have again considered what do they do, if in fact, there never is a bypass built that actually extends down to 144, they have tried to address that in the plan. Councilman Messina thanked Mr. Leveille.

Councilman Kotary asked how the LWRP ties into some of the other ongoing projects like the Selkirk Bypass, Job Corps and other things that are both actually in project form and are just in discussion form now. Mr. Leveille said the LWRP – many of the stakeholders in this district are concerned about what happens with those specific projects. He said they have vented those in their conversations and made recommendations about how to guide decisions related to development that might impact the Job Corps site or if the Selkirk Bypass is built. He said when you look at the detailed recommendations for the central section -- which is probably the more difficult of the 3 sections – it accounts for what if. If there is a bypass at some point in the future, Mr. Leveille said, how do we want to respond from land use point of view in this corridor. If there is no bypass, he said, how do we create economic value for the properties down there that are appropriate to be developed. He said he thinks there is a real interface. He said many of the same interested residents and stakeholders attend both meetings and participate. He said he thinks everyone will find that these are woven together very carefully with constant values and recommendations.

Councilman Kotary asked how this ties into the Comp Plan and Zoning and will there be potential changes or discussions. Mr. Leveille said there is really nothing here that they think would merit any kind of an amendment to either the Zoning or the Comp Plan. He said when the Town advances the next round of zoning amendments, there may be some suggestions in this corridor but there is no fundamental things that the adoption of the LWRP will require in terms of zone change or Comp Plan update. He said the Comp Plan was very specific about this corridor and this elevates it to another level and refines it to build more community support for this plan. He said it is another step toward the inevitability of this district being under development pressure at some point in the future.

Supervisor Cunningham asked if there were any other questions from the Board. There were none.

Mr. Leveille said again he just wanted to thank the Committee. He said this is a great committee and turned it over to the Supervisor. Supervisor Cunningham thanked all the residents that worked so hard on making this plan a reality. He said there was a lot of long discussions and varied opinions that came together to make this work. He said he really appreciates all the hard work and thanked Mr. Leveille for his leadership.

Councilman Kotary said he just wanted to mention the part of the LWRP, the Henry Hudson Park Master Plan and just thank Mrs. Lanahan and Mr. Leveille for their leadership on this. He said it is definitely one of our jewels and there is an opportunity to make it even better. He said he is really impressed with the design and likes the fact that there is consideration of moving the road back to create more green space. He said he was glad we are looking at better access for the kayak launch and some of the other things in addition to the possibilities of creating certain community spaces like an open air theater. He said he thinks this is wonderful. He said it is not only an opportunity to increase also recreation we use but also a very large and growing artistic community that often has to go outside our community to find space to put on their events. He said he knows that it is just sort of a place holder right now and it is open for discussion but he fully supports anything that we can do along those lines. He said it is again maximizing and it would be wonderful to have a beautiful open air theater down there. He said they focused on the LWRP but he thinks the Henry Hudson Park Master Plan is a very important part of this process. Supervisor Cunningham thanked Councilman Kotary.

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Supervisor Cunningham announced that if anyone has not been through the Slingerlands area that portions of the roundabouts have been open for about a week now. He said the road is still scheduled to open in the next couple weeks, noting as soon as the date is received they will post it on the website and make the information available on Channel 18.

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The Supervisor mentioned that Channel 18 is showing he believed on a 45 minutes cycle a video – about 10 minutes long – supplied from the State of Washington about how to negotiate a roundabout. He said it tells how to drive through a roundabout if you are in a vehicle, on a bicycle or a pedestrian. He said he has seen it and he thinks it is excellent and encouraged anyone in Town who is planning to drive on Route 85 to watch the video.

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Supervisor Cunningham asked if there were any comments on non-agenda items. A resident said this was for Mr. Leveille and the project. She said they live in an area where a developer wants to build some homes. She said things are not happening and they have a mess. All she wanted to say is that she hopes they have this in mind that if things do not go forward, do not leave a dump. She said she has been to meetings regarding electricity and water and all this different kind of stuff. She said we are putting a lot of stuff in Delmar and you need to be taking care of everybody not just what you want to do.

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Assistant Director of Economic Development and Planning, Michael Morelli, mentioned that the Delaware Avenue study will be extending north to Hudson Avenue and he wanted to mention that it extends south to Herber Avenue.

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Mr. Robert Jasinski said he wanted to stand up and address the Board about a couple items. He said the new Police Officer recently hired lives in East Greenbush and asked if there is a requirement for residency in Albany County or any residency in our Town. Supervisor Cunningham said the Town has no residency requirements for Town employees. Mr. Jasinski said he would suggest that some day the Chief of Police and the Board get together and see if it is feasible because they are talking about bad weather in the north and talking about travel time and emergencies how they will respond noting he hoped we do not have any emergencies but quite a few of the Police Officers live a distance. He said then the question comes up is he going to move here or is he going to turn around and stay there. Supervisor Cunningham said when he was in the County Legislature, Albany County had a residency requirement for employees and it became very burdensome for department heads to hire talented individuals when they did not live in Albany County. He said it has been his belief that talent does not necessarily live within the Town borders. He said it is a double edge sword, noting he understands exactly how he feels. He said their experience thus far has been that our officers have moved to the community because it is a great community. He said they realize it and move here. He said when they start to make that a requirement, it sometimes prevents us from bringing in the best talented people for these jobs.

Councilman Dawson said she seems to recall that the officer plans on moving to Bethlehem. Supervisor Cunningham said that was the previous officer. He said this last one did not make a commitment to moving. Mrs. Glassman said Officer Young is going to live in the Town. Supervisor Cunningham thanked Mrs. Glassman and that clarifies that.

Mr. Jasinski said he notices that lots of the police cars are at private homes sometimes. He said they are probably assigned a car like that one time I was – not here of course. He said the car can be taken under certain circumstances and he would imagine it would behoove the Town to look into how that is handled.

Mr. Jasinski said his other problem involves you, me and everybody here and that is political signs. He said this is the first year he has seen so many political signs being destroyed, taken down, stolen – use any one of the statements you want to. He said he recently had 2 signs for Mr. Goldstein, running for Legislature, taken down on my road, Bender Lane, thrown away, stepped on and he just hopes it is not something that is an ethnic type reprisal to somebody because of their Jewish faith. Supervisor Cunningham said he would hate to see that also. He said he can tell from his experience that political signs are open game in this Town. He said it seems everybody likes to do something to destroy them. He said you also have issues like along Route 32 when they mow, the State will come in and just take them out. Mr. Jasinski said he understands some of that but as the Supervisor knows, the signs do cost anywhere from \$4 to \$5 so it is quite an expenditure on the political expense. Supervisor Cunningham said he was singing to the choir. Mr. Jasinski said something may be a little blurb in the local paper or something that it is illegal to take them, destroy them or pick them up or anything. He thanked the Board. Supervisor Cunningham thanked Mr. Jasinski.

The Supervisor asked if there were any other comments this evening. Hearing none, the following motion was made.

The motion was made by Mr. Plummer and seconded by Mr. Messina to adjourn the regular Town Board meeting at 7:25 p.m. The motion was carried by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Town Clerk