

TOWN BOARD  
SEPTEMBER 12, 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  
Samuel Messina, Councilman  
Kyle Kotary, Councilman  
Joann V. Dawson, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney  
ABSENT: Daniel Plummer, Councilman

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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. The Supervisor asked Stacey Whitely to come forward. He said this is the 13<sup>th</sup> year of the Youth Court and he presented a Proclamation for Youth Court Month. He said the Town takes pride in joining with Bethlehem Youth Court and 1200 Youth Courts in 48 states, District of Columbia and Puerto Rico to celebrate National Youth Court month. The Supervisor thanked Mrs. Whitely for her leadership and the hard work she does.

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The Supervisor next welcomed the Bethlehem Central High School Participation in Government class. He said the next item was for public comment on agenda items.

Mr. Robert Jasinski said since the Supervisor welcomed the students, he welcomed the students also. The Supervisor said Mr. Jasinski is an example of participation in government. Mr. Jasinski said he hoped he could keep it up. He asked about the authorization to enter into a contract regarding Jolly Road and Glenmont Road. He said he is questioning these things because lots of it is only 1 line and did not know where everyone is going to go as far as the vote goes. He asked how much land and to whom it would be going. Supervisor Cunningham said he was going to go through each of the items in detail as they go through them.

Mr. Jasinski asked if there is any pay to the position of Town Historian. The Supervisor said there is. Mr. Jasinski next noted the request for creation of a noise ordinance task force – town-wide or specified area. He said we do have a diverse area in the Town of Bethlehem. Economic Development and Planning which he assumes the Town is aware of General Municipal Law 239-1-n which he is not and he could not find. He said the other is request from Town Planner for acceptance of application to establish Hamden Woods Planned Development District – what, who, where is Hamden Woods.

Supervisor Cunningham said they would go through all those details as the meeting goes on. Mr. Jasinski said he would hold them to it.

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The Supervisor asked if there were any other questions on agenda items. Mrs. Jennifer DeFranco and she spoke about the creation of a noise ordinance task force. She said she has done some research on and is very interested in getting a noise ordinance passed in Town. She said for anyone who has a problem with noise such as her family, it can have a serious effect on your quality of life and ability to enjoy your property. She said noise can also be used to annoy and harass. She said she would like to have objective rules in place and enforced and this will solve any future noise issues, she believes, in the Town.

Mrs. DeFranco said Bethlehem is the only city or town in the Capital District with a population greater than 20,000 which does not have a noise ordinance. She said, therefore, respectfully requests that the Board work toward passing a noise

ordinance. She said she would be available to volunteer on any committee. She thanked the Board. Supervisor Cunningham thanked Mrs. DeFranco.

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Ms. Linda Jasinski said she knows the Supervisor said he would explain each of these things as you go along but if they are not explained until the Board gets to them, they cannot make public comment on them during the comment period for the agenda items. Supervisor Cunningham thanked Ms. Jasinski.

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The Supervisor asked if there were other comments on agenda items. There were none so he moved forward.

The next item was to approve the Town Board minutes of August 22, 2007. The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the Town Board minutes of August 22, 2007 as submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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The next item was a request for authorization to enter into a contract to be prepared by the town attorney to sell surplus land parcel at Jolly Road and Glenmont Road for \$4,000.00. Supervisor Cunningham said this property is a piece of land that was abandoned by the State when Glenmont Road was moved and the parcel is a triangular piece of land that adjoins a parcel on Jolly Road. He said the resident has requested to purchase this land because they want to build a garage on their house and to have the proper setbacks they have to have additional land to their property. He said an appraisal was done to the property and the value was between \$4,000 and \$6,000. He said the property has no value to the Town of Bethlehem and there is nothing the Town could do with it except sell it. He said the easements will remain with the Town. He said there is no hindrance to the Town.

Questions were raised pertaining to this transaction including the name of the property owner which the Supervisor did not have and whether there are adjacent property owners. Supervisor Cunningham said the parcel goes up to Glenmont Road. Mr. Jasinski asked if they were the only ones that can really use it. Town Attorney Potter said this is a corner lot also and there is no other abutting owner.

The motion was made by Mr. Messina and seconded by Mr. Dawson to approve the Supervisor entering into a contract to sell surplus land parcel at Jolly Road and Glenmont Road for \$4,000. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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The following item was a request from Supervisor Cunningham for approval of appointment of Susan Leath, Selkirk, as Town Historian. The Supervisor said she has been recommended through the Bethlehem Historical Association and by former Town Historian, Joseph Allgaier. He said he met with Mrs. Leath who has excellent credentials and he thinks she will do an excellent job. He said they have talked about doing some outreach with the historical information. He said she has some great ideas.

Supervisor Cunningham did not have the salary for this position but Town Attorney Potter said he did not remember the exact salary. Comptroller Judith Kehoe noted the salary is \$2,600 per year.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the appointment of Susan Leath, Selkirk, New York as requested by Supervisor Cunningham. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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Supervisor Cunningham introduced Mrs. Leath and congratulated her.

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The next item was a request from Supervisor Cunningham for creation of a Noise Ordinance Task Force. The Supervisor said since he has come into office, from time-to-time he has had residents come and talk to him for various reasons regarding noise ordinances. He asked Councilman Messina previously to do some research on it and he reached out to members of the community, provided a lot of information. He said he has met with Mr. Messina and other Board Members about putting together a Task Force to look at the feasibility of a noise ordinance in Town. He said this is not to absolutely recommend a noise ordinance, it is to look at whether it is a good idea for the Town and if it is, to recommend a format for the noise ordinance.

The Supervisor said the Task Force will be made up of 1 Town Board Member that will serve as Chairman, 1 member of the Bethlehem Police Force, 1 member of the Code Enforcement Department and 2 representatives from the community itself. He said that is the structure of the Task Force.

The motion was made by Mrs. Dawson and seconded by Mr. Messina to approve the creation of a Noise Ordinance Task Force. The Supervisor asked if there was discussion.

Councilman Messina said he wanted to make a couple of comments. He said Mr. Jasinski has questions or comments but he too even though he researched this a little bit have not weighed in or made his own feelings or opinionated with respect to if it is appropriate yet. He said it certainly is appropriate to study. He said we are a quality community and we want to grow that way and this is what good communities are doing to ensure comfort of property use and also help. He said when he reached out to neighboring communities he found out that we are only one of two in the surrounding 20 of our population size. He said he also found out a lot of things about how these can be designed effectively without being a burden on the Police Department and our Building Department and indeed helping them.

Mr. Messina said Guilderland for instance told him that they had 100 times during 2006 that they invoked this and in all 100 cases by sending out a letter, there was voluntary compliance. He said to him that is good government and respect for landowners and people. He said he also notes for the Board and the people in attendance, last year's Police Department annual report showed about 95 noise complaints and another 19 complaints from "loud parties". He said he talked with the Building Department and they say they handle between 10 and 20 a year.

Mr. Messina said he thinks we have a situation and he has been getting calls along with the Supervisor and this is at least worthwhile to look at. He thanked the Supervisor. Mrs. Capone said it was brought up 10 or 15 years ago and they did not take it because they could not enforce it.

Councilman Kotary said he wanted to make a couple quick comments. One was that he thinks the idea of a Task Force is good because it gives an opportunity to further research and thanked Mr. Messina for the work he has done. He said he thinks Councilman Messina would make a good chairman for this Task Force. He said he also thinks it is good that there is membership from Code Enforcement and

Police too because there are obviously going to be some enforcement staffing and they want to make sure in those 2 departments that what is being done makes sense for them, as well as, for the residents. He said he also has some experience with communities with noise ordinances and he thinks where they have been created with full community participation, where they have been created in a way that involves participation with law enforcement, they can be effective. He said one thing that he wanted to throw out as a caution is that when they go through the discussions that they focus on noises as a nuisance and not other nuisances. He said they also have received complaints from various residents about other types of nuisances, for example, people going on private property or ATVs or this type of thing. He said noise ordinance should be used to keep the noise down. He said it should not be used for other purposes. He said if there are other nuisances that we need to address, then they should be addressed as well. He thanked Mr. Messina again for his leadership on this.

Supervisor Cunningham said it was his intent to make Councilman Messina Chairman of the Task Force.

Mr. Robert Jasinski said he would like to speak to this when the Board is ready. Supervisor Cunningham said it will be after the agenda is complete. Mr. Jasinski asked if he could speak on the noise ordinance at that time. Supervisor Cunningham said yes, absolutely. The Supervisor explained there is a time for public comment prior to the beginning of the meeting and at the end of the meeting. He said during the meeting there is no public comment. Mr. Moran said the Supervisor was going to explain things and allow comments at that time. Supervisor Cunningham said he did not say there would be comments allowed at that time. Mr. Moran said what is the sense of explaining what is going on.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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The next item was a request from Assistant Director, Michael Morelli, Department of Economic Development and Planning, to request a waiver for certain actions under General Municipal Law 239 1-n. Supervisor Cunningham said under the Municipal Law when the Town has certain site plans and variances coming before the Boards, they have to be referred to the Albany County Planning Board. He said the Albany County Planning Board advised the Town that if they pass this item, they can exclude some of the more minor variances and site plan changes that come before the Board. He said the site plan changes that would be excluded from referral are changing in tenants or use; façade changes to existing buildings; and replacement of existing free standing signs or wall signs on existing buildings. He said as far as variances go, it would exclude additions; decks; swimming pools; sheds; and garages, except where a driveway has access to a county or a state road.

The Supervisor said this will allow the expediting of the process of approving or disapproving these without involving Albany County Planning Board.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve a waiver for certain actions under General Municipal Law 239 1-n including site plan changes in tenants or use; façade changes to existing buildings; and replacement of existing free standing signs or wall signs on existing buildings and variances for additions; decks; swimming pools; sheds; and garages, except where a driveway has access to a county or a state road. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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The following item was a request from Senior Planner, Robert Leslie, for approval of Amendment No. 3 to Dowers Kill Village Planned Residence District No. 4 Section 3, Building Project Approval No. 32 for lot line revision and minimum lot size revision.

Supervisor Cunningham asked Mr. Leslie to give some information on this item. Mr. Leslie said a phone call was received asking for direction on how to get a lot line revision done. He said a letter has been submitted to the Supervisor signed by the adjacent property owner so they are in agreement for the lot line revision. Supervisor Cunningham asked if there was a purchase of a part of a lot to expand the lot. Mr. Leslie said this was correct and in order to undertake this, the Town Board has to approve the amendment. He said the Town Board could either refer it to the Planning Board or since it is minor in nature, the Department of Economic Development and Planning is under the recommendation that the Town Board could forego that referral and approve the change at this meeting.

Supervisor Cunningham clarified for the Board that there is no change in school districts with the movement of this lot line and there is no possibility that this lot would be used for an additional building lot anywhere along the way. Senior Planner Leslie said this was correct, noting the amendment states no access to Elm Avenue East and no future development. The Supervisor said there will be no additional curb cuts or interference with traffic flow. Mr. Leslie said this was correct.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve Amendment No. 3 to Dowers Kill Village Planned Residence District No. 4 Section 3, Building Project Approval No. 32 for lot line revision and minimum lot size revision as requested by Senior Planner, Robert Leslie. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of appointment of seasonal personnel. Supervisor Cunningham noted he would abstain from this item due to one appointee being named Cunningham.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department, at the titles and salaries listed in the Memorandum dated September 12, 2007. The motion was passed by the following vote:

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

Noes: None.

Abstain: Mr. Cunningham.

Absent: Mr. Plummer.

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The next item was a request from Town Planner, Jeffrey Lipnicky, for acceptance of an application to establish Hamden Woods Planned Development District, initiation of SEQR review process and referral to the Planning Board.

Mr. Lipnicky said this is a 26 and ½ acre parcel approximately, located along Elm Avenue. He said if anyone knows where the water tower is, it is north east to the water tower and south of the Lauralana Heights subdivision. He said the access would come from both Lauraland Heights and also directly from Elm Avenue. He said this a zone change from Residential A district to a Planned Development District. He said it is a floating zone under the Town's Zoning Ordinance. He said the difference is that the Residential A district allows

residential only single family homes and the proposal is for condominium units. He said there would be 84 condominium units and the buildings would be 8 unit buildings.

Supervisor Cunningham said the work of the Town Board tonight is simply to refer it for SEQR review and back to the Planning Board. Mr. Lipnicky said there is a resolution before the Board that would declare this an unlisted action and refer it to other involved agencies for SEQR review, make an initial classification of the Town Board as lead agency and refer it for a recommendation from the Planning Board. He said if there are any specific questions on the project, ABD Engineers, design consultants, are in attendance and can answer them. Supervisor Cunningham asked if there were any questions.

Councilman Messina said one comment and one question. He said the comment is that he will always be advocating, particularly given what he sees happening in many communities for condominiums of smaller size than 1600 go 2500 square feet which is proposed here. He said he has spoke with the Supervisor about, mentioning it is probably something above \$275,000 to up to \$320,000 or \$330,000 in current dollar costs. He said he would hopefully, respectfully ask all developers, Planning Department and he does know they advocate for this to continue to advance innovative structures that are in the 900 to 1400 square feet. He said that was his comment.

Mr. Messina said his question is with respect to sewer and water in the area. He asked what the current infrastructure was and whether it means anything for the Town. Mr. Lipnicky said there is water and sewer directly available to the site. He said as part of the review they will have to do an engineer's report to assess the capacity and capability of the system to service the site. Mr. Messina thanked Mr. Lipnicky.

Supervisor Cunningham asked if there were any other questions. He asked for a motion.

The following resolution was presented for adoption:

**Resolution No. 21**

TOWN BOARD  
TOWN OF BETHLEHEM

SEQR RESOLUTION

CLASSIFICATION OF ACTION AND LEAD AGENCY DESIGNATION  
APPLICATION TO ESTABLISH A PLANNED DEVELOPMENT DISTRICT  
HAMDEN WOODS

- WHEREAS, the Town Board of the Town of Bethlehem has received an application, Environmental Assessment Form and related materials from Capital Development Group, LLC to amend the Town Zoning Code and Map by the establishment of a Planned Development District on 26.6 acres of land located along at 494 Elm Avenue; and,
- WHEREAS, the current zoning of the subject parcel is classified as Residential A District; and,
- WHEREAS, the stated purpose of said zoning amendment is to allow the subsequent construction of a residential condominium project consisting of 84 multi-family dwelling units and one single family home; and,
- WHEREAS, Section 128-40 of the Town of Bethlehem Zoning Law 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 shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,
- WHEREAS, the SEQR regulations found at 6 NYCRR 617.6(a) require that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether the action involves a federal agency; (3) whether other agencies are involved; (4) the appropriate preliminary classification of the action; (5) whether a full or short environmental assessment form is necessary; and (6) whether the action is located in an agricultural district and subject to applicable provisions of the Agriculture and Markets Law; and,

WHEREAS, 6 NYCRR 617.6 establishes procedures for coordinated review of Unlisted actions where more than one agency is involved;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that the application by Capital Development Group, LLC to establish a Planned Development District along Elm Avenue constitutes an action that is subject to SEQR; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the preliminary classification of the action shall be designated as "Unlisted"; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that at minimum a Full Environmental Assessment Form is necessary to determine the significance of the action; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the proposed action is not located in an established agricultural district and therefore is not subject to the provisions of the Agricultural and Markets Law; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that coordinated SEQR review of the action will be undertaken in accordance with 6 NYCRR Part 617.6; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that a federal agencies, specifically the U.S. Army Corps of Engineers, may have jurisdiction in this matter; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that other involved agencies with respect to this action may include: (1) the Albany County Health Department; (2) the New York State Department of Environmental Conservation; and (3) the Planning Board of the Town of Bethlehem; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that interested agencies with respect to this proposal may include the Town Departments of Public Works, Building, and Highway; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby authorizes and directs the Town Department of Economic Development and Planning to initiate coordinated review of the action by filing a copy of the Planned Development District application, SEQR materials and appropriate notice with involved agencies, and notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice; and,

BE IT FURTHER RESOLVED,

that the Town Board as an involved agency with the broadest governmental powers for investigation of the environmental impacts of the proposed action, hereby declares its desire to assume Lead Agency status for the purpose of SEQR review; and,

BE IT FURTHER RESOLVED,

that having notified the involved agencies of the Town Board's desire to be Lead Agency, the Town Board hereby declares it shall be Lead Agency for SEQR review of the proposed action unless objection to such designation is received from any involved agency within the above specified thirty day (30) time period; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby refers the application to the Town Planning Board for a recommendation on both a SEQR determination of significance and the zoning district amendment, said recommendation to be provided consistent with the procedures as outlined in the Town Zoning Law.

On a motion made by Mr. Messina, seconded by Mr. Kotary and a vote of 4 for, 0 against, and 1 absent, this RESOLUTION was adopted on September 12, 2007.

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Councilman Kotary said he wanted to echo what Councilman Messina said in terms of this is a really good opportunity to diversify the housing base and meets a need. He said there is certainly a lot of people in the community who are looking for this sized housing and this type of housing and also as a consequence the affordability of this type of housing. He said he just wanted to say he supports this and agree with Councilman Messina.

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The next item was to accept the report of the Comprehensive Plan Oversight Committee. Supervisor Cunningham thanked Director George Leveille and the Comprehensive Oversight Committee for all their hard work in putting this together. He said the Plan is not developed to put on the shelf, it is a living document and will be continually worked with this and further reviews into the future.

Councilman Messina commended Mr. Leveille and the Committee because in reading the report, he said he sees they picked up comments that were made in the public presentation arena and Town Board comments. He thanked Mr. Leveille for doing that and thanked him for his leadership.

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The final item was to acknowledge receipt of a Memorandum from Director of Economic Development and Planning regarding the approach for Town of Bethlehem to Undertake in the Development of a Farm and Open Space Protection Program. The Supervisor noted the work will begin within the Departments and with the CACC as an advisory to working through the plan.

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Supervisor Cunningham made a couple announcements before public comment. He said he has had some petitions and letters from residents in certain areas of Town -- the Hamagrael area, on Fernbank Avenue and then over in the North Helderberg area -- regarding frequent power outages. He said he met with National Grid and they are doing some extensive work and will be doing some infrastructure changes and they are also doing a lot of work on their tree cutting in the area to mitigate some of the problems. He said they will be holding a Town meeting here at Town Hall on September 27, 2007 at 7:00 p.m. and he encourages residents that are experiencing problems to come and meet with National Grid. He said other residents are invited as well to come who are interested in what National Grid is doing in our community to make sure that our electrical services remain constant. He said they cannot eliminate all blackouts but they are trying to eliminate the frequent annoying blackouts that occur from time-to-time in certain areas.

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The Supervisor said as everyone is aware if you drive through Slingerlands the road construction is coming along pretty rapidly and you can see roundabouts throughout that area. He said there has been an ongoing concern about driving through roundabouts. He said to that end, the Department of Transportation tomorrow at 1 p.m. will be holding roundabout training for the senior program and any other resident that is interested in participating. He said he has also requested that DOT provide the Town with a training DVD to be put up on Channel 18 as a regular program so people can become familiar with how to enter and exit a roundabout prior to the roundabout coming on line which is scheduled for the end of October.

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Supervisor Cunningham said he also wanted to mention that Tuesday, September 18 is Primary Day and if you can, please go out and vote in Primary Elections.

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The Supervisor next asked for public comment on non-agenda items or items someone might want to speak about. Mrs. Capone said last Sunday her granddaughter came to the church picnic. She said when she got to the turnaround in Slingerlands, she did not know where to go. She said there is no sign or nothing. She called an employee of the Highway Department to find out how to get out of where she was.

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Mr. Norman Moran said on July 22<sup>nd</sup> he requested the Board appoint a civilian review board to oversee the Police Department. He said he followed his oral request with a letter dated August 1<sup>st</sup> to Supervisor Cunningham and hand

carried it and had Kim stamp the letter to assure that it was received by his office. He said the Breslins' and Albany County Democrats should have given Supervisor Cunningham an apprenticeship under Theresa Egan so that she could have prepared him for the office because he is a poor replacement for her. Mr. Moran said he may not have always agree with Ms. Egan's position on things but he always got a response either to his oral or written request.

Mr. Moran said as for the Board Members, he did not hear from anyone concerning his request but he should not have expected it since there was no one there to pull their strings so they could talk. He said it is a shame that the Board Members are more concerned about pleasing the Albany Democratic Party than the best interests of Bethlehem.

Mr. Moran said he is awaiting the announcement of an increase in taxes and water rates for Bethlehem residents to bail out the more than \$10 million deficit experienced by the Albany Democratic water department. He said he still wants a written response to his oral/written request with a yes or no response supported by firm reasons for the decision. He said he does not think he is asking for too much when he asks for that.

Supervisor Cunningham thanked Mr. Moran.

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Mr. Robert Jasinski said he would start out with the fact that he was not happy with Supervisor Cunningham shutting him off. He said he has always been polite and cordial and understanding. He said he has that right, he admits it, so he backed down. Supervisor Cunningham said he did not mean to shut him up but he just wanted to do the agenda comment before and after. Mr. Jasinski said he hopes this does not set a precedent between him and the Supervisor because he does intend to continue to be polite, cordial and understanding.

Mr. Jasinski asked about political sign rules. He said they will be appearing at present and much so in the future. He said he thought it would behold the Town if they put something in the Spotlight who seems to be our local paper that reports things on what the rules and regulations will be because he has already been told that some of the signs are starting to vanish. He said he believes it can be brought to the Police Department's attention or there is a fine if people are caught and brought to the court. He said it is something the Board might want to look into at this time.

Mr. Jasinski said it seems comprehensive height plan seems to be questioned as Mr. Messina even mentioned on his that there are a couple things before different boards that they are requesting a higher height. He said he thinks there will be more and more of that in the future as costabilities turn around and make it smaller land space taken but much higher in height.

Mr. Jasinski said Wall Street Journal has a nice report today on the square footages of houses where they have suggested that the builders start looking at 1400 square feet, 1450, something like that instead of the 2300 that they seem to be building lately because the cost is going to bring down the cost of the house and the houses may start moving again. He said it is something to think about.

Mr. Jasinski said the other thing he said in the beginning is that the Spotlight seems to represent the Town but he does not see too many articles where they are forwarding to the Spotlight so that all Town people in all areas can know what is taking place as far as the Police arrests, the problems, the box store problems, any problems with juveniles or anything like this. He said it is awfully nice to have 2 or 3 DWIs reported but it seems to stop there. He said people in the Town are not stupid, there are 33,000 people, there are other things that are going on, investigations. He said he thought it should be reported in the paper for everybody. Supervisor Cunningham clarified that the Spotlight is the authorized Town newspaper but they do not represent the Town. He said they are an independent entity and he believes the police blotter is open to the reporters. He said they used to do a police blotter report but he thinks they have discontinued it.

Mr. Jasinski said he may take it up with the Editor but of course the Editor is a Member of a Board. He thanked the Supervisor.

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Mr. William Kelleher said with the 400 year anniversary of Henry Hudson coming up the Hudson River he thinks the Town should think about appropriating more money to the Town Historian for a study of actually what did occur. He said there is a lot of misinformation out there and it could begin with Henry Hudson's logs. He said \$2600 a year is not enough at least for the next 2 or 3 years. He said he is recommending that the Board ask the Town Historian and appropriate some more money for studies. He said maybe they could cooperate with the high school or the junior high school on papers on Henry Hudson's travel up the Hudson River. Supervisor Cunningham thanked Mr. Kelleher.

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Supervisor Cunningham asked if there were other comments on non-agenda items. There were none.

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

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve adjourning to Executive Session to discuss litigation. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson.  
Noes: None.  
Absent: Mr. Plummer.

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The motion was made by Mrs. Dawson and seconded by Mr. Messina to adjourn the regular Town Board meeting at 6:40 p.m. The motion was carried by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson.  
Noes: None.  
Absent: Mr. Plummer.

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Town Clerk

#### EXECUTIVE SESSION

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the settlement with Victoria Estates, Ltd. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson.  
Noes: None.  
Absent: Mr. Plummer.

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