

TOWN BOARD
SEPTEMBER 22, 2004

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 5:30 p.m.

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

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Supervisor Egan welcomed everyone to the meeting and invited them to join in the pledge of allegiance. She started the meeting by asking for any public comment on items on the agenda. Before starting, she welcomed the students of the Bethlehem Central Participation in Government class.

The Supervisor said the first item, regrettably, was to acknowledge the retirement of Michael Cirillo after 38 years of service to the Town of Bethlehem. She said his last day of work would be Friday. She said they wish Mike well and said she knows he and Alice are heading off to Italy in October. She announced there would be a dinner for Mike at Normanside Country Club on October 29, 2004. She said if anyone wished they could contact Debbie Kitchen at Town Hall. She said they would love to see everyone there and she was sure Mike would also.

Supervisor Egan next acknowledged the retirement of Richard Lewis after 11 years of service to the Town of Bethlehem. He has served on the Planning Board and Information Specialist person, the Supervisor noted. She said he had been a great help to her and a lot of fun. She said he is much more flowery than she ever thought of being. She said she would miss him noting he and his wife are on their way to Florida. She said they are relocating.

The next item was to acknowledge members of the Fire Service Advisory Board. Supervisor Egan said Jack Brennan, our emergency specialist, and herself have been discussing coordinating Town Hall and the efforts of all the emergency staff that are in town. She said as everyone is aware, there are several fire companies, ambulance response teams and they are trying to figure out the best way to handle this. After conversations with Mr. Brennan and the group, Supervisor Egan said they wanted to acknowledge the establishment of the Fire Service Advisory Board. She noted the Members are:

Richard Webster Elsmere Fire District	Chief William Webb Elsmere Fire District	Mr. John Flanigan Slingerlands Fire District
Chief Philip Peters Slingerlands Fire District	George Mears Elmwood Park Fire District	Chief David Kellerman Elmwood Park Fire District
David Scoons Delmar Fire District	Chief James Kerr Delmar Fire District	Dale Richter Selkirk Fire District
Chief William Borger Selkirk Fire District	David Pratt Bethlehem Volunteer Ambulance.	

Supervisor Egan thanked all of these men for their service and noted she looked forward to working with everyone coordinating a nice and smooth transition

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here in regard to dealings between Town hall and the fire and emergency staff in Town.

Supervisor Egan said the next item was to acknowledge a gift from Bethlehem Community Church, King's Chapel and Delmar Full Gospel. Supervisor Egan noted about 3 months ago she was visited by Pastor Ray from Bethlehem Community Church, Pastor Taylor from King's Chapel and Pastor Gericke from Delmar Full Gospel along with Dr. Bass with the idea of providing anything we might need. She said one of the things was the idea of unity at a service held previously and found it an interesting mix with unity of the fire districts being done at this meeting. She said they would like to make a gift to the Town and asked that it be used for emergency services or equipment. In light of this, Supervisor Egan asked a representative from the Fire Service Advisory Board to come forward and accept a check in the amount of \$5, 406.73. Supervisor Egan and the Fire Service Advisory Board thanked Pastor Ray, Pastor Taylor and Pastor Gericke for this generous donation.

The next item was a request from Assessor, M. David Leafer, for reappointment of Assessment Review Board Member. Supervisor Egan noted it was the expiring term of Board Member Kenneth S. Ford that expires on September 30, 2004.

The following resolution was offered by Mr. Lenhardt and seconded by Mr. Marcelle:

RESOLVED, that in accordance with Real Property Law, Chapter 1524, Kenneth S. Ford, 25 East Bayberry Road, Glenmont, NY 12077 be and he hereby is reappointed Member of the Town of Bethlehem Board of Assessment Review effective October 1, 2004 and expiring September 30, 2009.

The resolution was adopted by the following vote:

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

The next item was a request from Building Inspector, Mark Platel, for approval of clean fill permit for 10 Empire Circle, Slingerlands.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the issuance with stipulations of a clean fill dumping permit for 10 Empire Circle, Slingerlands, NY as requested by Susan and Steven Weinrub and Mark Platel, Building Inspector. The motion was passed by the following vote:

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

The next item was a request from Mark Platel, Building Inspector, for approval of clean fill permit for 191 Murray Avenue.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the issuance with stipulations of a clean fill dumping permit for Edward Gillespie, 191 Murray Avenue, Delmar, NY as requested by Building Inspector, Mark Platel. The motion was passed by the following vote:

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

The following item was a request from Director, Karen Pellettier, Senior Citizens Services, for approval of appointment of temporary part time employee and hourly employee.

Supervisor Egan noted the letter provided by Mrs. Pellettier and said one of the staff is out on medical leave until January. She noted there is a need for additional help in the office. The request is for Outreach Worker, Linda Sinuc and Mary Scanlon to provide assistance in the office during this period.

The motion was made by Mr. Gordon and seconded by Mr. Marcelle to approve the appointment of Linda Sinuc as Outreach Worker and Mary Scanlon to the Senior Citizens Services as requested by Karen Pellettier, Director. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from Chief of Police, Louis G. Corsi, to accept the resignations of telecommunicators Debra Kelly-Keezer and Benjamin Keezer effective October 1, 2004. Supervisor Egan noted this was due to their relocation to Florida.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to accept the resignations of Telecommunicators Debra Kelly-Keezer and Benjamin Keezer effective October 1, 2004. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from Louis G. Corsi, Chief of Police, to appoint Telecommunicator effective October 3, 2004.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of Susan E. Huether, Ravena, New York to the position of Telecommunicator at a salary of \$32,546 effective October 3, 2004. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of the following personnel as requested by Administrator, Nan Lanahan, Parks and Recreation Department:

RECREATION INSTRUCTOR III

Andrew G. Irons
6 Huntington Drive
Schenectady, NY 12309

RECREATION SUPERVISOR II

Steven G. Welch
39 Alden Court
Delmar, NY 12054.

The motion was passed by the following vote:

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

The next item was a request from Commissioner of Public Works, George Leveille, to authorize the Supervisor to execute the grant agreement package for the 2004 Community Development Block Grant (CDBG) for Small Cities. Supervisor Egan noted this has to do with the South Albany water and sewer program. She said it is a grant for \$318,010. She said at this time notice has been received from the Governor, as well as, the actual package and they need authorization for her to execute this and go forward.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to authorize the Supervisor to execute the grant agreement package for the 2004 Community Development Block Grant (CDBG) for Small Cities in the amount of \$318,010. The motion was passed by the following vote:

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

The following item was a request from Planner, Jeffrey Lipnicky, to engage the services of a consultant to assist in the review of the proposed Beacon Harbor project. Supervisor Egan said this item was being removed from the agenda. She said there was a request to engage the services of a consultant, however, more time is needed to look into some circumstances regarding Beacon Harbor.

Supervisor Egan, however, with regard to the Beacon Harbor project she knew there was an article in the newspaper yesterday that appeared prior to the time this project came up for review at the Planning Board last evening. She said there were some issues in regard to some of the quotes that were in the newspaper article and after further discussion it appears that they were not full quotes. She said she would like to reiterate from the Town's perspective that certainly the Town officials have been working diligently with the developer to move this forward. She said it did appear before the Planning Board for a scoping session. She said in fact it is moving forward and they anticipate that the engagement of consultant will be back on the agenda at the next Board meeting.

Councilman Marcelle said he wanted to address this issue because he feels strongly about it. He said at the outset he had a great opportunity to speak with Mr. Leveille, Chairman of the Bethlehem IDA, and with the Supervisor briefly. Councilman Marcelle said he understands some of the context but he still thinks it important sitting as a Councilperson to express how he feels about the article that appeared in the Times Union on Monday. He said anger would not be a fit description for it. He said we have a bull's eye painted on the Hudson River front by the EPA for a dewatering plant. He said they want to bring the pcbs down to Bethlehem and cleanse them here. He said he thinks it is wrong and he thinks the majority of the Board, if not all, thinks that it's wrong for a number of reasons. He said it does not fit this community. He said it will destroy the long term plan for the riverfront and he thinks... Mr. Gush has been here before the Board 3 times. He said he has and he knows Mr. Lenhardt and Mr. Plummer have questioned Mr. Gush extensively about the economic viability of the project and he was convinced.

Councilman Marcelle said he thinks as a Board once they pass on the resolution, they were convinced there was some viability with the project. He said it disturbed him a great deal that we had the Executive Director of our Economic Development Agency talking down the project. He said the taxpayers are paying his salary and it is through the funds that they get to help promote economic development and not to sabotage it. He said he is really concerned because one of

the best defenses we have to having this Town site a pcb dump here is going forward with that project. He said it prevents the EPA from siting the dump here. He said not only does it prevent a negative, it really gives hope for a positive. He said a number of communities have done wonders with their waterfront and for us it certainly would mean the funding of our schools, the lowering of our tax base and, you know, make it more affordable for seniors and everyone to live in Town.

Councilman Marcelle said when he first read the article, being honest with the Board, he intended to ask for a resolution calling for Mr. Hanifan's resignation but having talked with Mr. Leveille, I believe that might have been a slight overreaction at reading the article at the time. He said he is satisfied at this time with the explanation offered. He said he would urge Mr. Hanifan through Mr. Leveille, publicly, to be more cautious in his comments and to see the bigger picture and remember what his role is in the Town and that he is here to encourage economic development.

Councilman Marcelle said that being said, he would just reiterate his position that he is worried about this plant coming and it really pained him to see an unfortunate comment that could invite mischaracterization by the EPA. Supervisor Egan said she appreciated that and thanked Mr. Marcelle.

The next item was a request from Supervisor Egan to authorize resolution for the restoration of original fine distribution formula for fines and penalties collected in connection with convictions pursuant to Vehicle and Traffic Law. Supervisor Egan said there has been a lot of press lately in regard to the statutes that were passed that changed the revenue sharing formulas for various speeding tickets which put a lot more money in the State budget and put a big hole in the Town budget. She said they finally received the estimated figures. She said in the event this statute stays as is, it actually could have an impact on the Town in excess of \$200,000. She said the projects were received yesterday, however, with that being said she knew the Assembly passed their bill to rescind that and put it back the way it was. She said this was a resolution provided by the Association of Towns requesting the towns to go ahead and execute and submit. She said with support of the Board, she would like authorization to go ahead and execute the resolution.

The following resolution was presented:

Resolution Supporting Restoration of Traffic Fine Revenue

WHEREAS, Vehicle and Traffic Law, §1803 governs the disposition of fines and penalties collected in connection with convictions pursuant to the Vehicle and Traffic Law; and

WHEREAS, Chapter 56 of the Laws of 2004, effective August 20, 2004, changed the distribution of the fines taking them away from municipalities and placing them in the State Treasury; and

WHEREAS, this change in the fine and penalties distribution formula will result in a loss to local taxpayers of more than \$20 million in fine monies—monies which have historically been used to fund justice court operations; and

WHEREAS, the Town of Bethlehem will likely lose \$200,000 in anticipated fine revenues; and

WHEREAS, this State Budget provision with its immediate effective date will result in significant 2004 deficits and will negatively impact town property tax rates for 2005; NOW, THEREFORE BE IT

RESOLVED, that the Town of Bethlehem calls for the restoration of the original fine distribution formula in order to provide towns with necessary revenues to fund justice court operations; AND BE IT FURTHER

RESOLVED, that the Town of Bethlehem urges the passage of legislation introduced by Senator Bonacic (S.7757) and Assemblyman Cahill which amends the Vehicle and Traffic Law to restore this source of revenue to local governments;

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be sent to the Governor George E. Pataki; Joseph L. Bruno, Majority Leader of the Senate; Sheldon Silver, Speaker of the Assembly; Senator Elizabeth Little, Chair of the Local Government Committee; Assemblyman Robert Sweeney, Chair of the Local Government Committee; Senator Owen Johnson, Chair of the Finance Committee; Assemblyman Herman D. Farrell Jr., Chair of the Ways and Means Committee; Senator John A. DeFrancisco, Chair of the Judiciary Committee; Assemblywoman Helene E. Weinstein, Chair of the Judiciary Committee; New York State Senator Neil D. Breslin and New York State Assemblyman Patrick Casale.

The foregoing resolution was presented for adoption by Mr. Plummer, seconded by Mr. Lenhardt and passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Building Inspector, Mark Platel, to consider request to construct a garage/maintenance building at Delmar Place. Supervisor Egan said as most everyone knows, residents are now living at Delmar Place. She said Mr. Lipnicky was in attendance and noted this is the best process to do this. Mr. Lipnicky said the zoning code does not address how an amendment for Building Project Approvals is done. He said the document itself talks about changes to the building project approval having to come back to the Town Board. He said it further talks about the Planning Board determining whether or not the change is sufficient enough to hold another public hearing. He said it does not say specifically that a project needs to be referred back to the Planning Board when there is an application for an amendment.

Mr. Lipnicky said in the past on a number of occasions, very minor amendments were not referred back to the Planning Board. He said significant amendments generally have been. He said there is not, at this time, a specific requirement saying that amendments need to go back. He said, however, that in this particular case what we have is 2 SEQR resolutions that were adopted, one by the Planning Board and one by the Town Board dealing with setbacks on the lot particularly to the rear property line. He said those resolutions cite a setback of 140 feet. He said the current proposal that is being proposed would be approximately 102 feet from the property line. He said his take, to be safe, because of the history of the project that it would be prudent in this particular case to refer it back to the Planning Board, let them deal with that and make a recommendation back to the Town Board on this particular issue. He noted he thinks also the plan should show some more detail.

Supervisor Egan asked if there were any questions. Councilman Marcelle said so he understood, he asked if Mr. Lipnicky thought it should be referred back to the Planning Board. Mr. Lipnicky said he does not want to but in this particular case it is the safest course of action. Councilman Plummer said it appears to be just a garage to keep equipment. Supervisor Egan said it would include the bus.

Mr. Cahill, on behalf of the applicant, explained that they are seeking an amendment to the building project approval that was previously granted by the Town Board a few years ago. He said it is an insignificant amendment proposing to construct a 32 foot square facility. He said it would be to the right of the project at the end of the macademed area. He said it would be for the purpose of storing the bus that serves the residents who reside in the project and also for the storage of maintenance equipment and lawn furniture and things of this nature. He said a representative from the engineering company was in attendance to explain that there will be no change in the grade of the project. He said the project would be accessed by extension of the blacktop to the front door of the facility and all of the drainage presently comes toward the front barrier of the property and drains in a

facility provided. He said it is unlikely that there will be any significant affect to the project.

Mr. Cahill pointed out through the construction project, Mr. Klersy has done everything possible to be a good neighbor to the surrounding residents of the facility and to the Town. He said he has taken at his own expense the preparation of the area for the Town turnaround on Weigand Lane and re-blacktopped or re-sidewalked the area 300 foot in front of the facility at his own expense. He said he has put additional buffering and helped to grade and provide blacktopping for the adjacent neighbor in the front and placed additional buffering along the library as requested. He said as recently as this date, Mr. Klersy had a request from an adjacent neighbor on Borthwick to provide some fencing, which he is going to do at his own expense.

Mr. Cahill said he does not think this amounts to much of an amendment to the project itself. He said he does not think there is any affect to the overall use of the premises or any affect on the drainage or anything else that would be of concern.

Councilman Marcelle asked Town Attorney Potter exactly what the choices and liability are in this regard. Town Attorney Potter said he could not give a definitive answer at this point beyond what Mr. Lipnicky said. He said he had a couple questions in regard to this. He asked if there has been any additional SEQR work done. Mr. Cahill said no and he does not see a need for any. He said there would not be any additional drainage produced as a result of the construction. He said it is a 32 foot square peaked garage that will be the same type architecture and brickwork as the main building.

Supervisor Egan asked Mr. Lipnicky since he mentioned the SEQR documents that have already been executed and gone through the negative declaration on both of them and they were premised on a certain setback and the setback is changing. She further asked if that was Mr. Lipnicky's biggest concern was. Mr. Lipnicky said yes, noting there are 2 negative declarations and they both speak to a 140 foot setback from the rear property line. He said they speak in terms of that as a buffer area. He said that was his concern that the language will be overridden. He said again it is the Board's discretion as to whether or not it is referred back or not.

Supervisor Egan said again for the Board, there is no clear process in the Code as it is now. Councilman Plummer asked for the timing for the equipment to be there and how quickly do they need the building. Mr. Cahill said presently they have about 18 residents presently and another 8 to 10 who have already registered and will be moving in the next couple weeks. He said the bus would be there whether there is a garage there or not. He said with the winter coming, it would certainly be nice to have the structure completed prior to the winter.

Councilman Marcelle asked if there is any concern that if the Board does not refer this matter back to the Planning Board that your client could be subject to a lawsuit or litigation. Mr. Cahill said he hasn't been given any indication that there would be any lawsuit or litigation as a result of it being referred back. He said their concern is the loss of the building season and the ability to get in the ground and get this structure completed. Councilman Marcelle said he did not want to put anyone on the spot but that is what he is asking in a pointed way. Mr. Cahill said he does not know if the overall safety of the bus would be in any way jeopardized as a result of not being stored inside as opposed to outside. Councilman Marcelle said he was thinking just the opposite side of the coin, noting he was not trying to put anyone on the spot. He said if the Town Board went ahead and gave approval tonight, and some neighbor decided that was not the proper process, and brought action against the Town or you or both, which might cause more delay – his question was if Mr. Cahill would feel comfortable with the Board acting on this tonight if they deemed it appropriate. Mr. Cahill said they have suffered numerous delays throughout this entire process. He said based on the

Town's Zoning Ordinance there is no clear cut direction as to how the Board is to address amendments to the Building Project Approvals previously granted. He said if it were determined to be a significant amendment then I would suggest for the Board's own benefit that the Board refer it back to the Planning Board. He said if it is felt that it is an insignificant amendment, he did not see any real need to refer it back to the Planning Board.

Supervisor Egan said on a practical note, she asked Mr. Lipnicky if it were to go back to the Planning Board, she would assume there is another EAF or something that gets filled out. Mr. Lipnicky said they would ask them to do that. Supervisor Egan said arguably that could be done all in one meeting. Mr. Lipnicky said that was true but it would have to come back to the Town Board. Supervisor Egan said that was her next question. She inquired as to the next Planning Board meeting. Mr. Mathusa said in 2 weeks, October 5th. Supervisor Egan said she wanted the Board to have full information noting it could go back to the Planning Board and if they passed on it, it could be back with the Town Board on October 13.

Mr. Cahill asked in regard to a provision in the Zoning Ordinance that says if the Planning Board determines necessary, a public hearing can be held on the amendment and he said that time table projected would be perfectly acceptable but there is no way that the applicant has any assurance that that will take place. Mr. Lipnicky said they couldn't guarantee what the Board will do.

Supervisor Egan asked if it would make sense to table the decision and if the Planning Board feels a public hearing is necessary the Town Board could take it back. Mr. Lipnicky said he did not think so. He said once it is referred to them, the Board has put it in their hands.

Town Attorney Potter asked if there has been any public notification of this to the neighbors other than the publication on the agenda. Mr. Lipnicky said there was not. He said the Planning Department just received this proposal last week, however, noted there has been talk about doing this for quite some time. He said the application was received last week.

Councilman Gordon said he is sympathetic to the applicant dealing with the delays and that can be unfortunate but he thought in fairness to the neighbors, he thought it should be referred back to the Planning Board.

Supervisor Egan said certainly the Planning Board can act in way that it can but if it were to be referred to the Planning Board and there was presence by written form or otherwise to the adjacent landowners or neighbors that indicated that they had no opposition to this, she would guess it would help persuade the Planning Board that a public hearing may not be necessary, if in fact, the adjoining landowners in some form indicated their acquiescence to this request. She said she was asking if that would be a fair representation. Mr. Lipnicky said he did not want to speak for the Planning Board but from his perspective this is not of a nature that would require another public hearing. He said the Planning Board could certainly disagree with him. Mr. Mathusa, Planning Board Chairman, said he felt comfortable that his recommendation is to refer it back to the Planning Board and they can act on it expeditiously. He said Mr. Klersy said he was going to put some nice spruce trees behind the building. He said he suspected good things will happen.

Supervisor Egan said she wanted to acknowledge the fact that Mr. Klersy has gone above and beyond the requirements over there in regard to working with the neighbors and working with the Town in regard to turn around and additional buffers and additional fencing, additional pavement and she said she wanted to acknowledge and thank Mr. Klersy. She said they do appreciate and recognize what it is that is being done. She said they have to be conservative and safe in regard to the process also. She said since there is no clear process -- hopefully this

will be changed – at this point, the Board has to make a decision as to what they want to do.

Councilman Lenhardt said he is very sensitive to the legal delays that have occurred along the way with this process. He said it is unfortunate that the area in the back is compromised by this building but if it is the difference between the building or an exposed bus, he certainly would prefer the building as Mr. Klersy's work is topnotch and he is sure the architecture and the screening and all of it will satisfy that compromise of the back area. He said saying all of this, he is more in favor of passing it back to the Planning Board to try and avoid any possible legal action that might occur.

Councilman Marcelle said he thought it seemed the threshold question whether it be deemed significant or not. He said looking and knowing the scope of the project he would deem it insignificant. He said it seems to him that there may be a risk if they guess wrong but in a real sense, the owners bear that risk and it sounds like in the end that they are willing to bear that risk and what it may take. He asked if the applicant preferred the Board act at this meeting. Mr. Cahill said they certainly do prefer that they act at this meeting, however, only if the Board feels comfortable that the decision is within the realm of their authority. He said they do not want to put the Board nor themselves in a situation that is going to cause protracted delay in this matter. He said if the Board, in their discretion, feels that it is a better decision to refer it back to the Planning Board, he said his client has lived with every decision that has been made by every board in this Town since the project was started 8 years ago. He said they can live with another decision. He said the Board should use their best judgment and make their decision.

Councilman Marcelle said his best judgment is that he thinks they can exercise that discretion and he would be prepared to do it tonight. He said but after hearing the chairman of the Planning Board and knowing him quite well, he thinks when Mr. Mathusa said he will take the matter up expeditiously he has no doubt that will occur. He said for everyone's interest, given that representation and given who he is, that it probably works to everyone's long term interest to wait until October. He said if this was needed immediately and he were persuaded, he would do it.

Councilman Plummer said he has not been here for the history of the project but he was certainly involved when the vote came. He said at the time he opposed it because of the size and wanted to see a smaller size project. He said Mr. Klersy knows that and there have been discussions. He said he thinks the project, however, since it has been built and it is a very classy operation and he thinks in his judgment what has been done with the neighbors is very positive. He said he views this as insignificant and he would be prepared to vote for it. He said he would support this.

Town Planner Lipnicky suggested the Town Board make a motion to issue a negative declaration in regard to SEQR.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to declare a SEQR negative declaration in regard to the amendment as proposed in the plan for the 32 by 32 foot garage as placed on the drawings in the Town Board's packets and requested by Klersy Building Corporation, Delmar, New York for Delmar Place Assisted Living, Building Project Approval No. 30. The motion was passed by the following vote:

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

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The motion was made by Mr. Marcelle and seconded by Mr. Plummer to make a determination that the amendment to the plan to include the 32 by 32 foot

garage is an insignificant change to the plan and would deem it not necessary to refer it back to the Planning Board. The motion was passed by the following vote:

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

The following item was a request from Supervisor for approval to set public hearing for the purpose of receiving comments from the public on the town's proposed Agency Plan for 2005 and Five Year Plan for 2005-2009 for the Section 8 Housing Choice Voucher Program. Could advertise September 29, 2004 and hold public hearing December 8, 2004 at 5:45 p.m.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve setting a public hearing to receive comments from the public on the Town's proposed Agency Plan for 2005 and Five Year Plan for 2005-2009 for the Section 8 Housing Choice Voucher Program for December 8, 2004 at 5:45 p.m. and that the advertisement be placed in The Spotlight on September 29, 2004. The motion was passed by the following vote:

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

The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval of setting public hearing for Amendment of Bethlehem Town Code, Vehicle and Traffic, for stop signs in the Enclave and Dutch Mills Subdivisions, Selkirk. Could advertise September 29, 2004 and hold public hearing October 13, 2004 at 5:45 p.m. Supervisor Egan said there is a list of them and a summary and recommendations from Creighton Manning. She said they did a traffic study of that entire area and this is their suggestion in regard to where stop signs should be placed. Mr. Sagendorph confirmed this was correct.

The motion was made by Mr. Marcelle, seconded by Mr. Plummer to approve setting a public hearing for October 13, 2004 at 5:45 p.m. to permit amendment to the Bethlehem Town Code, Vehicle and Traffic to permit Stop Intersections in the Enclave and Dutch Mills Subdivisions, Selkirk as requested by Gregg Sagendorph, Highway Superintendent. The motion was passed by the following vote:

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

The next item was a request from Commissioner of Public Works, George Leveille, for approval to set public hearing for capital improvements to the Delaware Avenue and Bender Lane pump stations, in an amount not to exceed \$800,000. Could advertise September 29, 2004 and hold public hearing October 27, 2004 at 5:45 p.m.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve setting a public hearing for October 13, 2004 at 6:00 p.m. for capital improvements to the Delaware Avenue and Bender Lane pump stations in the amount of \$800,000 as requested by George Leveille, Commissioner of Public Works. The motion was passed by the following vote:

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

Nose: None.
Absent: None.

The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval to go to bid for one (1) hook lift loader mechanism. Could advertise September 29, 2004 and open bids on October 12, 2004 at 3:00 p.m.

The following resolution was offered by Mr. Plummer and seconded by Mr. Gordon:

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) hook lift loader mechanism, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 29th day of September, 2004 and that bids be received up to 3:00 p.m. on the 12th day of October, 2004 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Supervisor Egan moved the request from Engineering Services Administrator, Michael Cirillo, for installation of proposed garage in Town drainage easement up. She said this is in regard to 92 Brockley Drive property. The request is to permit construction of a portion of a proposed garage in the 15 foot wide drainage easement. She said both the Town Engineering Division and the Town Highway department have made site visits to review the location and made a determination that allowing this encroachment, about 3 feet, still leaves over 7 feet from the proposed garage to the storm drainage pipe. She said they feel this is sufficient and would not bother any of the drainage.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the request of Engineering Services Administrator, Michael Cirillo, for permission to allow construction of a proposed garage with encroachment of approximately 3 feet in the 15 foot wide drainage easement located at 92 Brockley Drive, Delmar. The motion was passed by the following vote:

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

Supervisor Egan added an item to the budget. She said it was faxed to the Town Board members. She said she and Commissioner of Public Works Leveille met with a Town resident, Andrew Clinton and a representative of his company in regard to an energy plan for various items here in Town. She said they look at creating some energy conservation not just for a single house or building but a community wide or neighborhood based idea. She said his thought was that an energy conservation layer within the master plan would be a good idea. She said they do a lot of work in Europe and they have suffered an energy crisis and the thought is 10 years from now, we will be looking at some very serious energy crunches. She said this is something that would allow us to look at it now. She said they are in contact with a German company that is looking to provide grant money to do studies and come up with these sorts of plans. She said she finds it intriguing, noting there have been other conversations about various other energy conservation items at the Board level before. She said she thinks it is a great idea.

She said it is very comprehensive and they have a very short time frame they are working on because one of the German Chancellors would like to be here sometime in October or the beginning of November. She said as much as she thinks it is a great idea, with everything going on, she did not want to pass it off without having the Board kind of give your thoughts on this.

Councilman Lenhardt said his first thought is that the proposal is for \$100,000 and should this go out to bid. Supervisor Egan said there is a lot of grant money that goes into this. She said they are actually providing grant money, which the Town would receive to help defray some of the expenses. She said it probably is not clear in the paperwork. Councilman Plummer asked if it was clear that it requires a 50 percent match of funds. Supervisor Egan said there was a match from the Town. Councilman Plummer said this is energy conservation and he said it is specific to what is being discussed for down by the Hudson. Supervisor Egan said this was correct and this was the idea. She said with the planning of a new community or hamlet area, that is the type of area that they would look at to come in on the ground up.

Councilman Plummer noted then the conservation ideas would be implemented in the structure of the building and in addition to that the energy supply. Supervisor Egan said that was correct. Mr. Leveille said basically district energy looking at an entire district as one energy system so that not every building has a boiler. He said this is a way of being more efficient and better use of the equipment resources. He said with a district like this, you start from the ground up with planning and adding this layer might be a good long concept for the Town. He said it is being cognizant of energy issues.

Councilman Plummer asked where we are on this, isn't this a little premature. Mr. Leveille agreed noting this was a fair statement. Mr. Plummer said as far as the comprehensive plan that has a schedule and time frame. He said it seems it would be difficult to become engaged and it seemed to him the Town has to get down the road more on the comprehensive plan and the Hudson proposal. Supervisor Egan said she did not think there was any problem, noting they may miss this round but letting Mr. Clinton know the general sentiment may be positive on something to look into but at this time the Town is not prepared to do this at this time.

Councilman Plummer said he agreed with Mr. Lenhardt and pointed out that there are energy service companies and providers that are out and there would be a lot of competition in this area. He said a lot of the energy service companies make their money based on the savings that accrues. He said he knows that that is done with schools. He said this might be an area to be looked at as well. He said he thinks it is a great idea but premature.

Supervisor Egan asked if there were any other comments at this time. Councilman Gordon said he would like to see the Town be a leader in renewable energy and conservation and he thinks the Town can be. He said he thinks there are a lot of good ideas coming out of Germany. He said he only received this information late this afternoon and could not act on it.

Supervisor Egan asked if it would be fair at this time to pass on the immediate and discussions can continue with the company. She said as the Town proceeds forward maybe provide something else at a later date. She asked if this was the general consensus. She said she would let the company know.

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Supervisor Egan said so everyone will know, there was a grant application submitted for the solar panels at the Highway garage and we did not receive that grant and there was 36 or 37 applications received but only 12 were granted. She said the understanding that we were denied was that the Highway garage was not, in the grantees opinion, in a public enough spot. She said she sent a letter to thank

everyone for their help on the application. She said as other opportunities pop up, the Town can see if we can take advantage of them.

The following item was the presentation of the proposed 2005 Town Budget to the Town Clerk. Supervisor Egan reviewed the proposed budget for 2005. She reviewed information for everyone's information. She spoke of the Town's mission, indicating it was planning, planning and more planning. She noted the moratorium went into effect and will be there for one year during the master plan process. She said the Bethlehem Planning Advisory Committee was established. She said one issue constantly mentioned is preserving community character. She said it is preserving community character through managed growth. Economic development is a large part of the future of Bethlehem, according to the Supervisor.

Supervisor Egan noted long term planning is important. She said this has to do with the development, as well as, the infrastructure. She said water and sewer are a concern and upgrades are needed. She noted sidewalks have become a real difficult issue in Town and our highways. She said there are some real infrastructure demands.

The Supervisor said moving on to community development, they have seen the opening of Delmar Place (assistive living facility), YMCA closed their deal and are due at last guess to have ice on September 29 and the middle of October for the gym facility and as they go forward there will be additional construction that goes with this. She said there is the extension of the First Columbia Medical Arts Campus on New Scotland Road. She said there is a proposed Vista technology park in Slingerlands, including commercial and high tech areas but also 2 restaurants and a wellness center.

Supervisor Egan said several have been active in participation in regional development groups. She said they have made a real attempt in the last several months to reach out. She noted there have been meetings with the Supervisor of the Town of New Scotland and reaching out to the school districts.

The Supervisor next discussed the property tax base, noting growth has taken place from the residential growth. She said there are about 150 new homes. She said Bethlehem Town Center, Walmart and Lowe's, came on line.

Supervisor Egan noted there are 172 miles of roads, public roads. She said there are 38 miles of sidewalks.

The Supervisor addressed the issue of the water and sewer plants. She noted improvements are due to be done at the water purification plant in New Salem. She also spoke about the storm water management regulations and compliance.

Comptroller Kehoe next reviewed the items of the budget and the economic outlook. The total number of employees, according to Mrs. Kehoe, are 247 full time employees in the 2005 budget. She said a 3 percent proposed cost of living adjustment is included in the 2005 budget. Mrs. Kehoe said the total budget is approximately 33.6 million dollars and about a 1.2 million dollar increase over the 2004 budget.

Mrs. Kehoe noted there will be a workshop following the October 13th meeting following the regular Town Board meeting at 5:30 p.m. She said the workshop is a chance for the Town Board to discuss and answer questions posed. She said questions related to Town Departments can result in the Department head being invited to the workshop. She said if needed, there will be a second workshop on October 20 at 5:30 p.m. She said the workshop has been held in one session in the last few years. She said the public hearing will be held on October 27, 2004 at 5:30 at the Town Hall and the Board will vote to adopt the 2005 budget on November 10, 2004. Mrs. Kehoe noted a copy of the budget book will be available

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at the Town Clerk's office and at the reference desk at the Bethlehem Public Library.

Supervisor Egan thanked Mrs. Kehoe. She said there is also a request to set the public hearing for the 2005 Town of Bethlehem budget for October 27, 2004 at 6:00 p.m.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to set a public hearing to consider the proposed 2005 Town Budget at 6:00 p.m. on October 27, 2004. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Egan asked if there were any comments from anyone. Mr. George Leveille, Commissioner of Public Works, said there have been some meeting changes with regard to the BPAC meetings. He said September 23, 2004 will be a work shop on trails, greenways and recreation; on September 29, 2004 the 2 day workshop will be one night on October 4, 2004 for a focus group on the 9W corridor; and finally on October 21, 2004 farmland, agricultural and rural land focus group meeting. This will mainly be in regard to the southern part of Town and rural landowners. He noted these will be listed on the Town's website and signs are to be installed along prominent locations to advertise the meetings. He noted for the riverfront focus group meeting 300 fliers had been dropped at residences. He said they are doing everything possible to encourage public participation.

Supervisor Egan thanked Mr. Leveille and thanked Dr. Loomis of the Bethlehem Central School District and Vicky Wright at Ravena-Coeymans-Selkirk for their help in getting this information out. She said as this moves forward, they are hoping to have the master plan out, ready and proposed before the end of the year. She said these final meetings, as well as, the monthly BPAC working meetings, which are the first Monday of each month she wished to encourage everyone to be involved as possible. She said this is the time they need everyone's input to include it. She said there have been several in-house department heads that have been attending sometimes very long meetings and she wanted to extend her personal thanks. She said it means a lot both to her and the citizens.

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Supervisor Egan asked if anyone else wished to address the Board. There were none. The Supervisor asked for a motion to meet in Executive Session.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to meet in Executive Session following the close of the regular meeting to discuss personnel and possible litigation issues. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to adjourn the regular Town Board meeting at 6:55 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.