

TOWN BOARD
MARCH 25, 2009

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
Mark Hennessey, 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 the Board in the pledge of allegiance.

The Supervisor asked everyone to remain standing for a moment of silence noting a few weeks ago an employee, Karen Boughton, who worked for the Town for 11 years passed away. He noted she was a great employee and we will miss her a lot. He thanked everyone.

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The Supervisor asked if there were any comments on agenda items. Mr. Albert Penk resident of Clapper Road in Selkirk commented in regard to the Clapper Road Interchange Feasibility Study. He said this matter should be done away with immediately. He noted this matter has been going on for over 10 years with negative results. He said on March 5, 2009 he and his wife met with a representative of the NYS Thruway Authority and were advised there is no interest in an interchange in the Clapper Road area.

Mr. Penk said this is being promoted by the Town of Bethlehem and the residents should be aware of the investment of \$37.1 million. He asked who is truly benefiting from this investment that is harassing the residents of the Clapper Road and Route 144 areas.

Mr. Penk noted there is a greater amount of available land acreage to be developed in the vicinity of the Thruway Selkirk Exit 22 Interchange but there is no activity to develop this land. Mr. Penk thanked the Board. Supervisor Cunningham thanked Mr. Penk.

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Mrs. Carol Penk addressed the same item. She said as a result of submitting a FOIL request they have a copy of the survey by Creighton Manning Engineering which state Clapper Road does not meet standards for a new interchange access road and insufficient to accommodate the amount and type of traffic expected indicating a complete roadway reconstruction will be necessary. She stated the project is too costly, will affect the environment of the VanRensselaer Forest and Wildlife Preserve, as well as, the residents.

Mrs. Penk said the thunder of the truck traffic will destroy the tranquility and solitude of the First Reformed Dutch Church of Bethlehem which is the first church in the Town of Bethlehem, organized in 1763 by land donated by Patroon Stephen VanRensselaer and placed on the State and National Registers of Historic Places in 2002.

Mrs. Penk mentioned an article in the Spotlight of February 25, 2009 referring to the connection of the industrial district to the State's Thruway, CSX rail yard and the Port of Albany as the ultimate trifecta in economic development. She noted this trifecta already exists with the rail yards, the Delmar Bypass, Exit 23 and 787 directly to the Port of Albany.

Mrs. Penk noted in the same article a statement by George Leveille, Chairman of the Planning Board and former Director of Economic Development and Planning also operating a consulting firm, read 'very few people are disturbed by what goes on down there'. She noted a petition with 440 names on it saying 'no' to the bypass shows there are a few people 'down there' who are concerned.

The Supervisor asked if there were any other comments on agenda items. He thanked everyone.

HEARING BEGAN: 6: 05 p.m.

SUPERVISOR CUNNINGHAM: We have several public hearings that we need to commence this evening. First will be the public hearing to consider the creation of the Elm Avenue East Drainage District. He asked for a motion to waive the call of the hearing.

The reading of the call of the hearing was waived by Mrs. Dawson, seconded by Mr. Kotary 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. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on March 25, 2009 at 6:05 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider creation of a drainage district for the Elm Avenue East subdivision, Selkirk, to maintain the stormwater management system. The maximum amount proposed to be expended for the improvement is not to exceed \$25,094 per year; no fee for hook-up will be required; and cost of the proposed district to the typical one or two family home will be \$310. Description of Proposed Elm Avenue East Drainage District ALL that certain piece or parcel of land situated and being in the Town of Bethlehem, County of Albany, and State of New York, bounded and described as follows:

BEGINNING at a point located in the southerly line of Elm Avenue East, said

point being North 63°49'39" West of, and 67.26 feet distant from, the common corner of the lands now or formerly of the Town of Bethlehem (Book 1925, Page 407) on the east with the lands now or formerly of Amedore Homes Inc. on the west as measured along said southerly line of Elm Avenue East said point further being the northwesterly corner of other lands of Amedore Homes, Inc. to be deeded to the Town of Bethlehem and the northeasterly corner of the herein described parcel as shown on a certain map entitled ³Elm Avenue East Residential Development, Final Plat, Town of Bethlehem, Albany County, New York², thence from said point of beginning South 11°38'11" West along the westerly line of other lands of Amedore Homes, Inc. to be deeded to the Town of Bethlehem as shown on said map, 217.85 feet; thence South 00°00'00" East along said westerly line, 7.41 feet to the northeasterly corner of a tract of land designated as Stormwater Management Area #2 as shown on said map; thence North 78°21'49" West along the northerly line of said Stormwater Management Area #2, 192.32 feet; thence North 27°08'32" West along the northeasterly line of said Stormwater Management Area #2, 130.06 feet to a point on the southeasterly line of Heritage Way as shown on said map; thence southwesterly along said southeasterly line of Heritage Way, along a curve to the right having a

radius of 275.00 feet, an arc length of 70.65 feet and bearing a chord of South $70^{\circ}15'14''$ West, 70.45 feet to the northwesterly corner of said Stormwater Management Area #2; thence South $12^{\circ}23'11''$ East along the westerly line of said Stormwater Management Area #2, 376.76 feet to the southwesterly corner thereof; thence North $87^{\circ}19'35''$ East along the South line of said Stormwater Management Area #2, 233.45 feet to the southeasterly corner thereof; thence the following three (3) courses along said westerly line of other lands of Amedore Homes, Inc. to be deeded to the Town of Bethlehem: 1) South $05^{\circ}45'37''$ West, 227.23 feet; 2) South $00^{\circ}47'31''$ East, 115.52 feet; and 3) South $31^{\circ}49'56''$ East, 31.38 feet to the northeasterly corner of a tract of land designated as Stormwater Management Area #3 as shown on said map; thence South $59^{\circ}09'48''$ West along the northerly line of said Stormwater Management Area #3, 242.63 feet to a point on the northeasterly line of Savannah Court as shown on said map; thence South $30^{\circ}50'12''$ East along said northeasterly line of said Savannah Court, 26.12 feet; thence southeasterly, southerly and southwesterly along the southerly line of Savannah Court, along a curve to the right having a radius of 75.00 feet, an arc length of 190.25 feet and bearing a chord of South $41^{\circ}50'06''$ West, 143.19 feet; to the most easterly Northeast corner of Lot 22 as shown on said map; thence South $27^{\circ}25'50''$ West along the easterly line of said Stormwater Management Area #3, 29.90 feet to a point in northeasterly bounds of lands now or formerly of Niagara Mohawk Power Corporation (Book 1929, Page 493, Parcel 2); thence North $62^{\circ}34'10''$ West along said lands now or formerly of Niagara Mohawk Corporation, a distance of 1138.21 feet to the southeasterly corner of a tract of land designated as Stormwater Management Area #1 as shown on said map; thence North $37^{\circ}34'48''$ East along the southeasterly line of said Stormwater Management Area #1, 226.57 feet to a point in the southwesterly line of Savannah Court as shown on said map; thence along said southwesterly line of Savannah Court the following three (3) courses: 1) northwesterly along a curve to the right having a radius of 850.00 feet, an arc length of 80.93 feet and bearing a chord of North $49^{\circ}41'30''$ West, 80.90 feet; 2) North $46^{\circ}57'51''$ West, 179.09 feet; and 3) North $43^{\circ}03'59''$ West, 45.74 feet; thence northwesterly, westerly and southwesterly along said southwesterly line of Savannah Court and along the southeasterly line of Heritage Way along a curve to the left having a radius of 25.00 feet, an arc length of 35.08 feet and bearing a chord of South $83^{\circ}16'09''$ West, 32.27 feet; thence running southwesterly, westerly and northwesterly along said southeasterly line of Heritage Way along a curve to the right having a radius of 275.00 feet, an arc length of 294.38 feet and bearing a chord of North $87^{\circ}11'39''$ West, 280.52 feet to the northwesterly corner of said Stormwater Management Area #1; thence South $27^{\circ}51'39''$ West along the westerly line of said Stormwater Management Area #1, 151.84 feet to said northeasterly bounds of lands now or formerly of Niagara Mohawk Power Corporation; thence North $62^{\circ}34'10''$ West along said northeasterly bounds of lands now or formerly of Niagara Mohawk Corporation, a distance of 1017.50 feet to the southeasterly corner of a tract of land now or formerly of Gretchen C. Burton (Book 2492, Page 785); thence North $07^{\circ}20'15''$ West along said lands of Gretchen C. Burton, 111.76 feet; thence South $58^{\circ}22'45''$ West along said lands of Gretchen C. Burton, 107.05 feet to a point in the northerly line of said lands now or formerly of Niagara Mohawk Power Corporation; thence North $62^{\circ}34'10''$ West along said lands now or formerly of Niagara Mohawk Corporation, a distance of 284.46 feet to the southeasterly corner of the lands now or formerly of Timothy P. Obrien (Book 2316, Page 945); thence North $58^{\circ}20'07''$ East along the southeasterly line of said lands of Timothy P. Obrien, a distance of 424.48 feet to an angle point in said line; thence North $01^{\circ}00'07''$ East, along said lands of Timothy P. Obrien and along a jog in the south line of Elm Avenue East, a distance of 30.87 feet; thence easterly along said south line of Elm Avenue East the following thirteen (13) courses: 1) along a curve to the left having a radius of 586.16 feet, an arc length of 87.38 feet and bearing a chord of North $86^{\circ}15'33''$ East, 87.30; 2) North $81^{\circ}59'21''$ East, 217.38 feet; and 3) along a curve to the right having a radius of 758.17 feet, an arc length of 168.80 feet and bearing a chord of North $88^{\circ}22'34''$ East, 168.46 feet; 4) South $85^{\circ}15'15''$ East, 68.04 feet; 5) South $83^{\circ}09'45''$ East, 216.71 feet; 6) along a

curve to the right having a radius of 6189.69 feet, an arc length of 664.96 feet and bearing a chord of South 80°05'07" East, 664.64 feet; 7) South 77°03'42" East, 13.46 feet; 8) South 76°47'19" East, 388.00 feet; 9) South 74°27'19" East, 80.00 feet; 10) South 59°27'19" East, 137.00 feet; 11) South 81°54'59" East, 94.63 Feet; 12) South 66°52'04" East, 622.00 feet; and 13) South 63°49'39" East, 79.17 feet to the point or place of beginning. Containing, in all, 56.3 Acres more or less The above described parcel is more fully shown on a map entitled: "Proposed Drainage District Map, Elm Avenue East Drainage District", dated 2007, prepared by Chazen Engineering & Land Surveying Co., P.C. All parties in interest and citizens will have an opportunity to be heard at the said hearing. The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, ext. 1183. Advanced notice is requested

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk, MMC, RMC
TOWN CLERK

STATE OF NEW YORK) SS:
COUNTY OF ALBANY)

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 March 11, 2009 and that I posted the Notice of Public Hearing on March 11, 2009 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

24th day of March, 2009.

/s/ Julie S. McNeil

Notary Public

SUPERVISOR CUNNINGHAM: Does the Board have any questions on the Elm Avenue East Drainage District? Are there public comments on the Elm Avenue East Drainage District? Hearing none, can I have a motion to close the public hearing.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to close the public hearing at 6:11 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Town Clerk

Supervisor Cunningham asked if the Board wished to take action on the previous public hearing. The following resolution was presented for adoption:

RESOLUTION NO. 14

In the Matter of

Creating ELM AVENUE EAST
DRAINAGE DISTRICT
Of the TOWN OF BETHLEHEM,

RESOLUTION APPROVING ELM
AVENUE EAST DRAINAGE DISTRICT
ALBANY COUNTY, NEW YORK,
UNDER ARTICLE 12, TOWN LAW

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

WHEREAS, a petition dated the 4th day of February, 2009, has been duly presented to the Town Board of the Town of Bethlehem, County of Albany, State of New York, with the necessary map and plan attached thereto according to law, requesting that there be creation of the Elm Avenue East Drainage District, as hereinafter described, to be established in the Town of Bethlehem and,

WHEREAS said Town Board duly adopted on the 25th day of February, 2009, an order reciting in general terms the filing of said petition, the boundaries of said drainage district, the improvements proposed, the maximum amount proposed to be expended for said drainage district, and specifying that the said Town Board shall meet at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, N. Y., on the 25th day of March, 2009, at 6:00 o'clock P.M., to consider said petition and hear all persons interested in the subject thereof concerning the same, and

WHEREAS, certified copies of said order were duly published and posted according to law, and the Town Board did, at the time and place specified in said order, duly meet and consider the matters of the creation of said drainage district, and heard all persons interested in the subject, who appeared at such time and place, concerning the same and,

WHEREAS, the evidence afforded at such time and place requires that the Town Board make the determinations hereinafter made:

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Bethlehem, County of Albany, and State of New York that it be and hereby is determined as follows:

1. The aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed drainage district are benefited thereby.
3. That all of the property and property owners benefited are included within the proposed drainage district.
4. It is in the public interest to establish the proposed drainage district as hereinafter described it, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the creation of the ELM AVENUE EAST DISTRICT, as hereinafter described:

ALL that certain piece or parcel of land situated and being in the Town of Bethlehem, County of Albany, and State of New York, bounded and described as follows:

BEGINNING at a point located in the southerly line of Elm Avenue East, said point being North 63°49'39" West of, and 67.26 feet distant from, the common corner of the lands now or formerly of the Town of Bethlehem (Book 1925, Page 407) on the east with the lands now or formerly of Amedore Homes Inc. on the west as measured along said southerly line of Elm Avenue East said point further being the northwesterly corner of other lands of Amedore Homes, Inc. to be deeded to the Town of Bethlehem and the northeasterly corner of the herein described parcel as shown on a certain map entitled "Elm Avenue East Residential Development, Final Plat, Town of Bethlehem, Albany County, New York", thence from said point of beginning South 11°38'11" West along the westerly line of other lands of Amedore Homes, Inc. to be deeded to the Town of Bethlehem as shown on said map, 217.85 feet; thence South 00°00'00" East along said westerly line, 7.41 feet to the northeasterly corner of a tract of land designated as Stormwater Management Area #2 as shown on said map; thence North 78°21'49" West along the northerly line of said Stormwater Management Area #2, 192.32 feet; thence North 27°08'32" West along the northeasterly line of said Stormwater Management Area #2, 130.06 feet to a point on the southeasterly line of Heritage Way as shown on said map; thence southwesterly along said southeasterly line of Heritage Way, along a curve to the right having a radius of 275.00 feet, an arc length of 70.65 feet and bearing a chord of South 70°15'14" West, 70.45 feet to the northwesterly corner of said Stormwater Management Area #2; thence South 12°23'11" East along the westerly line of said Stormwater Management Area #2, 376.76 feet to the southwesterly corner thereof; thence North 87°19'35" East along the South line of said Stormwater Management Area #2, 233.45 feet to the southeasterly corner thereof; thence the following three (3) courses along said westerly line of other lands of

Amedore Homes, Inc. to be deeded to the Town of Bethlehem: 1) South $05^{\circ}45'37''$ West, 227.23 feet; 2) South $00^{\circ}47'31''$ East, 115.52 feet; and 3) South $31^{\circ}49'56''$ East, 31.38 feet to the northeasterly corner of a tract of land designated as Stormwater Management Area #3 as shown on said map; thence South $59^{\circ}09'48''$ West along the northerly line of said Stormwater Management Area #3, 242.63 feet to a point on the northeasterly line of Savannah Court as shown on said map; thence South $30^{\circ}50'12''$ East along said northeasterly line of said Savannah Court, 26.12 feet; thence southeasterly, southerly and southwesterly along the southerly line of Savannah Court, along a curve to the right having a radius of 75.00 feet, an arc length of 190.25 feet and bearing a chord of South $41^{\circ}50'06''$ West, 143.19 feet; to the most easterly Northeast corner of Lot 22 as shown on said map; thence South $27^{\circ}25'50''$ West along the easterly line of said Stormwater Management Area #3, 29.90 feet to a point in northeasterly bounds of of lands now or formerly of Niagara Mohawk Power Corporation (Book 1929, Page 493, Parcel 2); thence North $62^{\circ}34'10''$ West along said lands now or formerly of Niagara Mohawk Corporation, a distance of 1138.21 feet to the southeasterly corner of a tract of land designated as Stormwater Management Area #1 as shown on said map; thence North $37^{\circ}34'48''$ East along the southeasterly line of said Stormwater Management Area #1, 226.57 feet to a point in the southwesterly line of Savannah Court as shown on said map; thence along said southwesterly line of Savannah Court the following three (3) courses: 1) northwesterly along a curve to the right having a radius of 850.00 feet, an arc length of 80.93 feet and bearing a chord of North $49^{\circ}41'30''$ West, 80.90 feet; 2) North $46^{\circ}57'51''$ West, 179.09 feet; and 3) North $43^{\circ}03'59''$ West, 45.74 feet; thence northwesterly, westerly and southwesterly along said southwesterly line of Savannah Court and along the southeasterly line of Heritage Way along a curve to the left having a radius of 25.00 feet, an arc length of 35.08 feet and bearing a chord of South $83^{\circ}16'09''$ West, 32.27 feet; thence running southwesterly, westerly and northwesterly along said southeasterly line of Heritage Way along a curve to the right having a radius of 275.00 feet, an arc length of 294.38 feet and bearing a chord of North $87^{\circ}11'39''$ West, 280.52 feet to the northwesterly corner of said Stormwater Management Area #1; thence South $27^{\circ}51'39''$ West along the westerly line of said Stormwater Management Area #1, 151.84 feet to said northeasterly bounds of lands now or formerly of Niagara Mohawk Power Corporation; thence North $62^{\circ}34'10''$ West along said northeasterly bounds of lands now or formerly of Niagara Mohawk Corporation, a distance of 1017.50 feet to the southeasterly corner of a tract of land now or formerly of Gretchen C. Burton (Book 2492, Page 785); thence North $07^{\circ}20'15''$ West along said lands of Gretchen C. Burton, 111.76 feet; thence South $58^{\circ}22'45''$ West along said lands of Gretchen C. Burton, 107.05 feet to a point in the northerly line of said lands now or formerly of Niagara Mohawk Power Corporation; thence North $62^{\circ}34'10''$ West along said lands now or formerly of Niagara Mohawk Corporation, a distance of 284.46 feet to the southeasterly corner of the lands now or formerly of Timothy P. Obrien (Book 2316, Page 945); thence North $58^{\circ}20'07''$ East along the southeasterly line of said lands of Timothy P. Obrien, a distance of 424.48 feet to an angle point in said line; thence North $01^{\circ}00'07''$ East, along said lands of Timothy P. Obrien and along a jog in the south line of Elm Avenue East, a distance of 30.87 feet; thence easterly along said south line of Elm Avenue East the following thirteen (13) courses: 1) along a curve to the left having a radius of 586.16 feet, an arc length of 87.38 feet and bearing a chord of North $86^{\circ}15'33''$ East, 87.30; 2) North $81^{\circ}59'21''$ East, 217.38 feet; and 3) along a curve to the right having a radius of 758.17 feet, an arc length of 168.80 feet and bearing a chord of North $88^{\circ}22'34''$ East, 168.46 feet; 4) South $85^{\circ}15'15''$ East, 68.04 feet; 5) South $83^{\circ}09'45''$ East, 216.71 feet; 6) along a curve to the right having a radius of 6189.69 feet, an arc length of 664.96 feet and bearing a chord of South $80^{\circ}05'07''$ East, 664.64 feet; 7) South $77^{\circ}03'42''$ East, 13.46 feet; 8) South $76^{\circ}47'19''$ East, 388.00 feet; 9) South $74^{\circ}27'19''$ East, 80.00 feet; 10) South $59^{\circ}27'19''$ East, 137.00 feet; 11) South $81^{\circ}54'59''$ East, 94.63 Feet; 12) South $66^{\circ}52'04''$ East, 622.00 feet; and 13) South $63^{\circ}49'39''$ East, 79.17 feet to the point or place of beginning.

Containing, in all, 56.3 Acres more or less

The above described also being shown on a map titled "Proposed Drainage District Map, Elm Avenue East Drainage District Map", Town of Bethlehem, County of Albany, State of New York, dated 2007 and prepared by Chazen Engineering & Land Surveying Company.

And be it

FURTHER RESOLVED, that the Town Clerk is authorized and directed to file a certified copy of this resolution in duplicate in the Office of the State Department of Audit and Control at Albany, N.Y., together with an application in duplicate for permission to so create said drainage district in the manner and form prescribed by Section 194 of the Town Law of the State of New York within ten (10) days after the adoption of this resolution.

The foregoing resolution was presented for adoption by Mr. Messina, seconded by Mr. Kotary, and duly adopted by the following vote:

AYES: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey

NOES: None.

ABSENT: None.

Hearing began: 6:13 p.m.

SUPERVISOR CUNNINGHAM: Second public hearing tonight is to consider the creation of the Elm Avenue East Extension to Water District No. 1. Could I have a motion to waive the reading of the call of the hearing and indent the notice of public hearing and affidavit of publication and affidavit of posting in the minutes?

The reading of the call of the hearing was waived by Mr. Hennessey, seconded by Mrs. Dawson 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. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

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TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on March 25, 2009 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider an extension of Water District No. 1. The proposed Elm Avenue East extension will provide water service to the lots within the Elm Avenue East residential subdivision. The maximum amount proposed to be expended for the improvement is not to exceed \$2,500.00 per year; cost of the proposed district to the typical residence will be \$0.63 per thousand dollars of assessed valuation per year, and a \$1,100 hook-up fee will be required.

Description of Proposed
Elm Avenue East
Extension to Water District No. 1

ALL that certain piece or parcel of land situated and being in the Town of Bethlehem, County of Albany, and State of New York, bounded and described as follows:

BEGINNING at a point located in the southerly line of Elm Avenue East, said point being the common corner of the lands now or formerly of the Town of Bethlehem (Book 1925, Page 407) on the east with the lands now or formerly of Amedore Homes Inc. on the west; thence from said point of beginning South 31°38'59" West along the aforesaid lands of the Town of Bethlehem, a distance of 100.62 feet; thence continuing along said lands of the Town of Bethlehem, South 32°45'37", a distance of 1402.50 feet to the southeasterly corner thereof; thence North 88°30'26" West along the northerly bounds the lands now or formerly of

Carriage Hill Development Corporation (Book 2341, Page 597), a distance of 774.47 feet to a point at the intersection formed by said southerly line of Amedore Homes Inc. with the easterly corner of lands now or formerly of Niagara Mohawk Power Corporation (Book 1929, Page 493, Parcel 2) on the west and the aforesaid lands now or formerly of Carriage Hill Development Corporation on the south; thence North 62°34'10" West along the said lands now or formerly of Niagara Mohawk Corporation, a distance of 3476.02 feet to the southeasterly corner of the lands now or formerly of Timothy P Obrien (Book 2316, Page 945); thence North 58°20'07" East along the southeasterly line of said lands of Timothy P Obrien, a distance of 424.48 feet to an angle point in said line; thence in a northerly direction along said lands of Timothy P Obrien and along a jog in the south line of Elm Avenue East, a distance of 30.87 feet; thence easterly along said south line of Elm Avenue East the following three courses: 1) along a curve to the left having a radius of 586.16 feet, an arc length of 87.38 feet and bearing a chord of North 86°15'33" East, 87.30; 2) North 81°59'21" East, 217.38 feet; and 3) along a curve to the right having a radius of 758.17 feet, an arc length of 164.20 feet and bearing a chord of North 88°12'07" East, 163.88 feet; thence North 09°09'31" East through and across said Elm Avenue East, 60.19 feet to a point in the north line of said Elm Avenue East; thence easterly along said north line of said Elm Avenue East the following twelve courses: 1) South 85°15'15" East, 69.14 feet; 2) South 83°09'45" East, 217.82 feet; 3) southeasterly along a curve to the right having a radius of 6,250.00 feet, an arc length of 671.43 feet and bearing a chord of South 80°05'06" East, 671.11 feet; 4) South 77°01'16" East, 50.00 feet; 5) South 68°37'56" East, 31.36 feet; 6) South 77°27'57" East, 73.96 feet; 7) South 75°09'50" East, 150.37 feet; 8) South 78°38'56" East, 113.27 feet; 9) South 70°27'47" East, 477.74 feet; 10) South 67°57'42" East, 332.07 feet; 11) South 63°32'58" East, 238.30 feet; and 12) South 85°39'31" East, 35.57 feet; thence South 31°24'54" West through and across said Elm Avenue East, 86.32 feet to the point or place of beginning.

Containing, in all, 78.1 Acres more or less

The above described parcel is more fully shown on a map entitled: "Water District Extension Schematic For Elm Avenue East Residential Subdivision", dated July 10, 2008, prepared by Chazen Engineering & Land Surveying Co., P.C.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, ext. 183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD

TOWN OF BETHLEHEM

Kathleen A. Newkirk, MMC, RMC

Town Clerk

- - -

STATE OF NEW YORK) SS:
COUNTY OF ALBANY)

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 March 11, 2009 and that I posted the Notice of Public Hearing on March 11, 2009 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

24th day of March, 2009.

/s/ Julie S. McNeil

Notary Public

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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.

SUPERVISOR CUNNINGHAM: Thank you. Does the Board have any comments, questions on the Extension of the Elm Avenue East Water District Number 1? Are there any comments from the public on the Extension of Elm Avenue East Water District Number 1? Hearing none, can I have a motion to close the public hearing?

The motion was made by Mr. Messina and seconded by Mr. Kotary to close the public hearing at 6:14 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Town Clerk

Supervisor Cunningham asked if the Board wished to take action on the previous public hearing. The following resolution as presented for adoption:

RESOLUTION NO. 12

In the Matter of

Extending WATER DISTRICT NO. 1
Of the TOWN OF BETHLEHEM,
ALBANY COUNTY, NEW YORK,
PURSUANT TO article 12-A of the
Town Law

RESOLUTION APPROVING WATER
EXTENSION FOR ELM AVENUE EAST
UNDER ARTICLE 12, TOWN LAW

WHEREAS, a petition dated the 26th day of January, 2009,
Has been duly presented to the Town Board of the Town of Bethlehem, County of Albany,
State of New York, with the necessary map and plan attached thereto according to law,
requesting that there be an extension of Water District No. 1, as hereinafter described, to
be established in the Town of Bethlehem and,

WHEREAS said Town Board duly adopted on the 25th day of February, 2009,
an order reciting in general terms the filing of said petition, the boundaries of the extension
of said district, the improvements proposed, the maximum amount proposed to be
expended for the extension of said district, and specifying that the said Town Board shall
meet at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, N. Y., on the 25th day
of March, 2009, at 6 o'clock P.M., to consider said petition and hear all persons interested
in the subject thereof concerning the same, and

WHEREAS, certified copies of said order were duly published and posted
according to law, and the Town Board did, at the time and place specified in said order,
duly meet and consider the matters of the extension of said water district, and heard all
persons interested in the subject, who appeared at such time and place, concerning the
same and,

WHEREAS, the evidence afforded at such time and place requires that the Town
Board make the determinations hereinafter made:

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town
of Bethlehem, County of Albany, and State of New York that it be and hereby
is determined as follows:

1. The aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed water district extension are benefited thereby.
3. That all of the property and property owners benefited are included within the proposed water district extension.
4. It is in the public interest to establish the proposed extension of the water district as hereinafter described it, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of the extension to 'Town of Bethlehem Water District No. 1, as

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hereinafter described:

ALL that certain piece or parcel of land situated and being in the Town of Bethlehem, County of Albany, and State of New York, bounded and described as follows:

BEGINNING at a point located in the southerly line of Elm Avenue East, said point being the common corner of the lands now or formerly of the Town of Bethlehem (Book 1925, Page 407) on the east with the lands now or formerly of Amedore Homes Inc. on the west; thence from said point of beginning South 31°38'59" West along the aforesaid lands of the Town of Bethlehem, a distance of 100.62 feet; thence continuing along said lands of the Town of Bethlehem, South 32°45'37", a distance of 1402.50 feet to the southeasterly corner thereof; thence North 88°30'26" West along the northerly bounds the lands now or formerly of Carriage Hill Development Corporation (Book 2341, Page 597), a distance of 774.47 feet to a point at the intersection formed by said southerly line of Amedore Homes Inc. with the easterly corner of lands now or formerly of Niagara Mohawk Power Corporation (Book 1929, Page 493, Parcel 2) on the west and the aforesaid lands now or formerly of Carriage Hill Development Corporation on the south; thence North 62°34'10" West along the said lands now or formerly of Niagara Mohawk Corporation, a distance of 3476.02 feet to the southeasterly corner of the lands now or formerly of Timothy P Obrien (Book 2316, Page 945); thence North 58°20'07" East along the southeasterly line of said lands of Timothy P Obrien, a distance of 424.48 feet to an angle point in said line; thence in a northerly direction along said lands of Timothy P Obrien and along a jog in the south line of Elm Avenue East, a distance of 30.87 feet; thence easterly along said south line of Elm Avenue East the following three courses: 1) along a curve to the left having a radius of 586.16 feet, an arc length of 87.38 feet and bearing a chord of North 86°15'33" East, 87.30; 2) North 81°59'21" East, 217.38 feet; and 3) along a curve to the right having a radius of 758.17 feet, an arc length of 164.20 feet and bearing a chord of North 88°12'07" East, 163.88 feet; thence North 09°09'31" East through and across said Elm Avenue East, 60.19 feet to a point in the north line of said Elm Avenue East; thence easterly along said north line of said Elm Avenue East the following twelve courses: 1) South 85°15'15" East, 69.14 feet; 2) South 83°09'45" East, 217.82 feet; 3) southeasterly along a curve to the right having a radius of 6,250.00 feet, an arc length of 671.43 feet and bearing a chord of South 80°05'06" East, 671.11 feet; 4) South 77°01'16" East, 50.00 feet; 5) South 68°37'56" East, 31.36 feet; 6) South 77°27'57" East, 73.96 feet; 7) South 75°09'50" East, 150.37 feet; 8) South 78°38'56" East, 113.27 feet; 9) South 70°27'47" East, 477.74 feet; 10) South 67°57'42" East, 332.07 feet; 11) South 63°32'58" East, 238.30 feet; and 12) South 85°39'31" East, 35.57 feet; thence South 31°24'54" West through and across said Elm Avenue East, 86.32 feet to the point or place of beginning.

Containing, in all, 78.1 Acres more or less

The above described parcel is more fully shown on a map entitled: "Water District Extension Schematic For Elm Avenue East Residential Subdivision", dated July 10, 2008, prepared by Chazen Engineering & Land Surveying Co., P .C. And be it

FURTHER RESOLVED, that the following improvements in said district be constructed, as is set forth in the Engineer's Report dated the 10th day of July, 2008, a copy of which is annexed and attached hereto, and made a part hereof, and be it

FURTHER RESOLVED, that the proposed improvement, extension including the cost of rights of way, construction costs, legal fees, and other expenses shall be born by the developer. Therefore, there will be no dept service associated with this district extension. Upon completion of system installation and appropriate testing, all infrastructure will be conveyed to the Town of Bethlehem at no cost.

FURTHER RESOLVED, that the Town Clerk is authorized and directed to file a certified copy of this resolution in duplicate in the Office of the State Department of Audit and Control at Albany, N.Y., together with an application in duplicate for permission to so create said extension in the manner and form prescribed by Section 194 of the Town Law of the State of New York within ten (10) days after the adoption of this resolution, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Bethlehem be and hereby is authorized and directed to execute said application on behalf of the Town of Bethlehem, State of New York.

The foregoing resolution was presented for adoption by Mrs. Dawson, seconded by Mr. Kotary, and duly adopted by the following vote:

AYES: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey
NOES: None.
ABSENT: None.

Hearing Began: 6:25 p.m.

SUPERVISOR CUNNINGHAM: Go to the 3rd public hearing. This is a public hearing to consider the creation of the Elm Avenue East Extension #30 to the Bethlehem Sewer District. Can I have a motion to waive the reading of the call of the hearing and indent the notice of public hearing, affidavit of publication and affidavit of posting in the minutes.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on March 25, 2009 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider an extension of Water District No. 1. The proposed Elm Avenue East extension will provide water service to the lots within the Elm Avenue East residential subdivision. The maximum amount proposed to be expended for the improvement is not to exceed \$2,500.00 per year; cost of the proposed district to the typical residence will be \$0.63 per thousand dollars of assessed valuation per year, and a \$1,100 hook-up fee will be required.

Description of Proposed
Elm Avenue East
Extension to Water District No. 1

ALL that certain piece or parcel of land situated and being in the Town of Bethlehem, County of Albany, and State of New York, bounded and described as follows:

BEGINNING at a point located in the southerly line of Elm Avenue East, said point being the common corner of the lands now or formerly of the Town of Bethlehem (Book 1925, Page 407) on the east with the lands now or formerly of Amedore Homes Inc. on the west; thence from said point of beginning South 31°38'59" West along the aforesaid lands of the Town of Bethlehem, a distance of 100.62 feet; thence continuing along said lands of the Town of Bethlehem, South 32°45'37", a distance of 1402.50 feet to the southeasterly corner thereof; thence North 88°30'26" West along the northerly bounds the lands now or formerly of Carriage Hill Development Corporation (Book 2341, Page 597), a distance of 774.47 feet to a point at the intersection formed by said southerly line of Amedore Homes Inc. with the easterly corner of lands now or formerly of Niagara Mohawk Power Corporation (Book 1929, Page 493, Parcel 2) on the west and the aforesaid lands now or formerly of Carriage Hill Development Corporation on the south; thence North 62°34'10" West along the said lands now or formerly of Niagara Mohawk Corporation, a distance of 3476.02 feet to the southeasterly corner of the lands now or formerly of Timothy P Obrien (Book 2316, Page 945); thence North 58°20'07" East along the southeasterly line of said lands of Timothy P Obrien, a distance of 424.48 feet to an angle point in said line; thence in a northerly direction along said lands of Timothy P Obrien and along a jog in the south line of Elm Avenue East, a distance of 30.87 feet; thence easterly along said south line of Elm Avenue East the following three courses: 1) along a curve to the left having a radius of 586.16 feet, an arc length of 87.38 feet and bearing a chord of North 86°15'33" East, 87.30; 2) North 81°59'21" East, 217.38 feet; and 3) along a curve to the right having a radius of 758.17 feet, an arc length of 164.20 feet and bearing a chord of North 88°12'07" East, 163.88 feet; thence North 09°09'31" East through

and across said Elm Avenue East, 60.19 feet to a point in the north line of said Elm Avenue East; thence easterly along said north line of said Elm Avenue East the following twelve courses: 1) South 85°15'15" East, 69.14 feet; 2) South 83°09'45" East, 217.82 feet; 3) southeasterly along a curve to the right having a radius of 6,250.00 feet, an arc length of 671.43 feet and bearing a chord of South 80°05'06" East, 671.11 feet; 4) South 77°01'16" East, 50.00 feet; 5) South 68°37'56" East, 31.36 feet; 6) South 77°27'57" East, 73.96 feet; 7) South 75°09'50" East, 150.37 feet; 8) South 78°38'56" East, 113.27 feet; 9) South 70°27'47" East, 477.74 feet; 10) South 67°57'42" East, 332.07 feet; 11) South 63°32'58" East, 238.30 feet; and 12) South 85°39'31" East, 35.57 feet; thence South 31°24'54" West through and across said Elm Avenue East, 86.32 feet to the point or place of beginning.

Containing, in all, 78.1 Acres more or less

The above described parcel is more fully shown on a map entitled: "Water District Extension Schematic For Elm Avenue East Residential Subdivision", dated July 10, 2008, prepared by Chazen Engineering & Land Surveying Co., P .C.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, ext. 183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD

TOWN OF BETHLEHEM

Kathleen A. Newkirk, MMC, RMC

TOWN CLERK

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STATE OF NEW YORK) SS:
COUNTY OF ALBANY)

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 March 11, 2009 and that I posted the Notice of Public Hearing on March 11, 2009 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

24th day of March, 2009.

/s/ Julie S. McNeil

Notary Public

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SUPERVISOR CUNNINGHAM: Are there any questions from the Board on the Extension of the Bethlehem Sewer District? Does the public have any comments on the Extension of the Bethlehem Sewer District? Hearing none, could I have a motion to close the public hearing?

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

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

Noes: None.

Absent: None.

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

Supervisor Cunningham asked if the Board wished to take action on the Extension of the Bethlehem Sewer District. The following resolution was presented for adoption:

RESOLUTION NO. 13

In the Matter of

Extending BETHLEHEM SEWER DISTRICT
Of the TOWN OF BETHLEHEM,
ALBANY COUNTY, NEW YORK,
PURSUANT TO article 12-A of the
Town Law

RESOLUTION APPROVING SEWER DISTRICT
EXTENSION #30 FOR ELM AVENUE EAST
UNDER ARTICLE 12, TOWN LAW

WHEREAS, a petition dated the 26th day of January, 2009, Has been duly presented to the Town Board of the Town of Bethlehem, County of Albany, State of New York, with the necessary map and plan attached thereto according to law, requesting that there be an extension of Bethlehem Sewer District, as hereinafter described, to be established in the Town of Bethlehem and,

WHEREAS said Town Board duly adopted on the 25th day of February, 2009, an order reciting in general terms the filing of said petition, the boundaries of the extension of said district, the improvements proposed, the maximum amount proposed to be expended for the extension of said district, and specifying that the said Town Board shall meet at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, N. Y., on the 25th day of March, 2009, at 6 o'clock P.M., to consider said petition and hear all persons interested in the subject thereof concerning the same, and

WHEREAS, certified copies of said order were duly published and posted according to law, and the Town Board did, at the time and place specified in said order, duly meet and consider the matters of the extension of said sewer district, and heard all persons interested in the subject, who appeared at such time and place, concerning the same and,

WHEREAS, the evidence afforded at such time and place requires that the Town Board make the determinations hereinafter made:

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Bethlehem, County of Albany, and State of New York that it be and hereby is determined as follows:

1. The aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed sewer district extension are benefited thereby.
3. That all of the property and property owners benefited are included within the proposed sewer district extension.
4. It is in the public interest to establish the proposed extension of the sewer district as hereinafter described it, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of the extension to 'Town of Bethlehem Sewer District', as hereinafter described:

ALL that certain piece or parcel of land situate and being in the Town of Bethlehem, County of Albany, and State of New York, bounded and described as follows:

BEGINNING at a point located along the southerly line of the lands now or formerly of Amedore Homes Inc., said point being the intersection of the westerly line of the existing Bethlehem Sewer District No. 8 with the northeasterly line of the lands now or formerly of Niagara Mohawk Power Corporation (Book 1929, Page 493, Parcel 2), said point further being located North 62°34'10" West, 844 feet more or less from the intersection formed by said southerly line of Amedore Homes Inc. with the easterly corner of said lands now or formerly of Niagara Mohawk Power Corporation on the west and the lands now or formerly of Carriage Hill Development Corporation (Book 2341, Page 597) on the south; thence from said point of beginning and in a northwesterly direction along said northeasterly line of the lands now or formerly of Niagara Mohawk Power Corporation, a

distance of 3034 feet more or less to the southeasterly corner of the lands now or formerly of Timothy P Obrien (Book 2316, Page 945); thence in a northeasterly direction along the southeasterly line of said lands of Timothy P Obrien, a distance of 167 feet more or less to the intersection of said southeasterly line with the southerly line of said existing Bethlehem Sewer District No. 8, said point lying 250 feet, more or less, south of the centerline of Elm Avenue East; thence in an easterly direction along said southerly line of said existing Bethlehem Sewer District No. 8, and through lands of Amedore Homes Inc. a distance of 2734 feet more or less; thence southerly along the westerly line of said existing Bethlehem Sewer District No. 8, and continuing through lands of Amedore Homes Inc. a distance of 1062 feet more or less to the point or place of beginning.

Containing, in all, 41 Acres more or less

The above described parcel is more fully shown on a map entitled: "Sewer District Extension #30 Schematic For Elm Avenue East Residential Subdivision", dated July 10, 2008, prepared by Chazen Engineering & Land Surveying Co., P .C. And be it

FURTHER RESOLVED, that the following improvements in said district be constructed, as is set forth in the Engineer's Report dated the 10th day of July, 2008, a copy of which is annexed and attached hereto, and made a part hereof, and be it

FURTHER RESOLVED, that the proposed improvement, extension including the cost of rights of way, construction costs, legal fees, and other expenses shall be born by the developer. Therefore, there will be no dept service associated with this district extension. Upon completion of system installation and appropriate testing, all infrastructure will be conveyed to the Town of Bethlehem at no cost.

FURTHER RESOLVED, that the Town Clerk is authorized and directed to file a certified copy of this resolution in duplicate in the Office of the State Department of Audit and Control at Albany, N.Y., together with an application in duplicate for permission to so create said extension in the manner and form prescribed by Section 194 of the Town Law of the State of New York within ten (10) days after the adoption of this resolution, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Bethlehem be and hereby is authorized and directed to execute said application on behalf of the Town of Bethlehem, State of New York.

The foregoing resolution was presented for adoption by Mr. Kotary, seconded by Mr. Messina, and was duly adopted by the following vote:

AYES: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

NOES: None.

ABSENT: None.

The next item was to approve the Town Board minutes of February 11, 2009.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the Town Board minutes of February 11, 2009 as submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina

The next item was a presentation on the Clapper Road Interchange Feasibility Study. Supervisor Cunningham said this was heard about during the comment period. He said Mark Sargent from Creighton Manning is in attendance to walk through the study that the Town had requested back in September of 2008. He noted this was the results of that study.

Mr. Sargent said it is about 10 minutes of presentation noting the first slide covers a little background information. He said the idea really started 20 years ago when a group called SAFER, Selkirk Association for Every Resident, expressed some concerns to the Town about heavy truck traffic in the hamlet of Selkirk and the impact those trucks placed on the quality of life.

Mr. Sargent said the idea of a bypass was included in the Regional Transportation Plan which is called New Visions, funding obligated on that plan and a number of alternatives were evaluated in detail and preliminary designs were developed in the '90s. He said public meetings were held and some of the attendees may have been at those meetings but what happened as a result of that project is a lack of consensus about the alternative and there was not enough funding for the alternative. He said the alternative did have most of the support.

Mr. Sargent said since that time the Town's Comprehensive Plan has continued to support the idea of a new interchange. He noted more recently in 2006 the Town initiated a linkage study with CDTC and that study started to explore the idea of an interchange again in a number of locations along 9W and concluded that the central alignment in the vicinity of Clapper Road carried strong potential to remove truck traffic from Maple Avenue.

Mr. Sargent said the idea has been around for a long time. He said what they were asked to do as part of this study and he clarified they were not asked to just do an interchange justification study from terminology standpoint. He said an interchange justification study is a very comprehensive document and involves engineering and environmental studies following the National Environmental Protection Act ultimately leading to FHWA decision on the project. He said they are nowhere near that but what they were asked to do was to look at the physical and financial feasibility of the interchange looking at these 4 items in particular -- the use of existing Clapper Road to the maximum extent possible to minimize costs; the use of the existing Clapper Road bridge over the Thruway, could that be maintained as part of a new interchange; what would the impact on Thruway toll revenues be, the Thruway Authority has been on record saying that they will entertain the idea of a new interchange provided it does not cost them anything.

Mr. Sargent said in contrast the goals of the project itself, have evolved from the original goal of improving safety and quality of life on Maple Avenue in the hamlet to include some of these other goals of developing the project in a more sustainable approach; reducing the traffic burden at Exit 23; to support Federal freight mobility goals; the proximity of this location to the rail yard is significant and could support Federal objectives, as well as, local, regional land use and planning goals.

Mr. Sargent said they looked at 2 alternatives. He said primarily an EZ Pass only interchange. He said they know the Thruway Authority in the foreseeable future intends to go to 100 percent electronic toll collection so this would be consistent with the direction that they are moving. He said they also looked at the possibility of a full access interchange approximately 1500 feet north of the existing Clapper Road bridge. He said the exhibited map shows the study area and the possible interchanges and layout.

Mr. Sargent said from a planning standpoint working with the Town and the agencies, CDTC in particular, the concept for the upgrade of Clapper Road is that it should be contact sensitive and that it should look like something exhibited in the picture displayed with multi-use paths on either side to conserve traffic to and from the interstate, as well as, local traffic. He said the agencies do not support a sterile looking high speed multi-lane facility.

Mr. Sargent noted one of their structures engineers investigated the possibility of reusing the existing bridge. He said it is in good condition and they have concluded that it could, in fact, be reused as part of an interchange, however, there are a couple of noteworthy things on there -- the clearance above the main line is not standard and there are also 4 individual spans or piers so any kind of loop ramp configuration that would impact those piers would require a new bridge

all together. He said under one of the scenarios this bridge could be maintained and that is a fundamental conclusion of the study.

Mr. Sargent said the study also looked at the impact on traffic volumes and the changes of traffic in the area. He said the change in traffic on the Thruway as a result of the new interchange, noting this is between the Thruway and interchange 23. He said there would be an additional 1400 to 1500 vehicles per hour placed on that section of highway. He said that is significant for 2 reasons. One is it can handle the additional traffic, according to Mr. Sargent, and the answer is yes. He said they looked at that and the mainline portion of the Thruway would not have to be widened which would really kill the idea. He said the other point is how would that impact toll revenues which he will get to in a minute. He said overall changes on other roadway segments are nominal, plus or minus 100 vehicles per hour. He noted it is the one segment that picks up most of the additional traffic.

Supervisor Cunningham asked why an interchange at Clapper Road would create increased traffic between 22 and 23, noting the vehicles are now going to those. Mr. Sargent said a lot of them are moving over from Route 9W, a lot of local trips. He said the study includes cost estimates based on major items and major quantities. He said the EZ Pass only interchange has been documented as having a construction cost of about \$21 million and the full access interchange that involves cash toll collection would be on the order of \$37 million. He said from a revenue assessment standpoint, what is the impact of this interchange on Thruway operating costs and toll revenues. He said that is shown on this chart, a high level assessment. He said toll revenues are assessed based on vehicle miles traveled on the Thruway so every mile you travel they collect a few cents per mile of travel. He said overall VMT goes up with the new interchange so total revenue goes up, however, there is cost involved in operating a new interchange, paying staff, etc. He said that is offset by the additional toll revenue and the bottom line is that the net change is \$500,000 to \$600,000 per year of additional revenue that they have estimated associated with the new interchange. He said they have concluded that the new interchange is revenue neutral or better which they feel is a significant conclusion. He said if it was revenue deficit, the Thruway would say they would not support the idea.

Supervisor Cunningham asked why there is more revenue with concept B rather than concept A and why is concept B which seems to be a more labor intensive operation, more profitable than concept A which is less labor intensive. Mr. Sargent said the first question is concept A has less revenue because it is EZ Pass only so the market penetration is smaller, only half the people own EZ Pass. So, you do not have as many people using the interchange, Mr. Sargent explained, noting it does not generate as much revenue. He said concept B has more revenue because everyone can use it.

Mr. Albert Penk asked about the revenue assessment on that exit and if 1465 vehicles were necessary to gain that revenue assessment. Mr. Sargent said that was part of it, noting it is volume over the miles traveled. He said it is the volume of traffic over that distance on the Thruway so it is volume times miles for vehicles. Mr Penk noted there is also the assumption that the traffic from Route 9W will get on at this exit and get off at exit 23 indicating that is a very congested exit. He further asked if he was missing something. Mr. Sargent said he did not think he was missing anything. Mr. Penk then asked why this is being proposed. Mr. Sargent asked to finish the presentation indicating that will show why it is proposed. He said it is a good question and valid point. He said the Thruway Authority has the same question, indicating it is an unresolved issue and it is recognized that there will be changes in traffic at exit 23, some additions and some subtractions. He said the detailed evaluation of that has not been done.

Mr. Sargent said there are a few conclusions as part of the assessment and they are shown on the slide. He said the first conclusion is a result of the linkage study that was recently completed. He said without a new interchange the linkage study shows that there will need to be \$27 million to \$40 million worth of transportation improvements invested in the Route 9W corridor over the next 10 years. He said building the new interchange would delay or mitigate some of these

improvements. He said the bottom line is money needs to be spent on transportation infrastructure -- what do you want to spend it on, 9W or something else?

Mr. Sargent said the new interchange will improve access and from the Selkirk rail yards it would satisfy State and Federal freight mobility objectives and they feel this is significant. He said Clapper Road between 9W and the Thruway would need to be reconstructed to provide adequate access to the new interchange. He said the new interchange would be revenue neutral or better. He said the existing Clapper Road interchange over the Thruway bridge could be maintained under the EZ Pass only alternative but would need to be replaced under a loop ramp design.

Mr. Sargent said the Route 9W corridor planning assessment, the linkage study, does outline a public/private financing plan similar to the airport area and a generic environmental impact statement to fund the improvement. He said there is a gap between what is on the Regional Transportation Improvement Plan for funding and the actual cost and that could be made up through the public/private formula. Mr. Sargent noted the Town should continue to coordinate with these agencies regarding the funding and conclusions of the study.

Mr. Sargent said the final slide notes after the planning study was completed, it was sent to the Thruway Authority and the Authority did issue a letter. He noted they have raised a number of comments and concerns that they are asking for more detail on. He said they did not reject the idea of an interchange outright but they have said they would like to see some more traffic forecasting and toll revenue work specifically related to origin/destinations of traffic and where traffic is coming from and going to. He said more traffic engineering analysis as the gentleman had mentioned is needed to show the weaving and operations in different areas and comments about the preliminary design that is seen. He said some more detail and these are all valid comments requiring next steps and they have offered to begin discussions with the Federal Highway Administration. He said that concludes the presentation.

Supervisor Cunningham asked if there were any questions. Councilman Messina said he is not sure if the question is best directed to Mr. Sargent or the Planning and Development staff but asked with respect to this interchange study -- he thinks he was one of the Board Members that supported it because the notion of sound economic development balanced with planning and making the quality of life in this community -- was something that we are all about. He said it is a multiple need area but there are a couple assumptions here that maybe from their own staff a bit more information, not now, but over the next couple weeks or so would be useful. He said what drives the Clapper Road option has been explained to him as being pretty much reduced costs due to reduced right-of-way expenditures. He said it would be very useful to know just the estimate of what those right-of-way expenditures would be if, indeed, they need to purchase right-of-way in an area -- let's say -- parallel to Clapper Road but not Clapper Road because there are certain buildings and churches and other things along Clapper Road that are of interest.

Councilman Messina said the other thing he is interested in is since economic development and revenue for our community is one of the objectives here, in addition to rerouting traffic and truck safety etc., he would like kind of a relook at what the economic development benefits are for having that terminus down on the 144 side. He said he knows that is not Mr. Sargent's job and he knows the staff has looked at this in the past but he would like to get a bit of information back on that that will help both in decision making process, as well as, in public communication. He said that is kind of what he is looking for.

Councilman Hennessey asked Mr. Sargent to talk ownership of the bridge, the interchange, the toll booths, as far as, who takes ownership of that. Mr. Sargent said the Thruway Authority would own it up to the toll booth and for some distance beyond. The road segment itself is up for discussion, he noted. Mr. Hennessey asked about the current maintenance of the bridge and who is responsible for that.

Mr. Sargent said it is owned by the Thruway Authority currently. Mr. Hennessey said it would just be the Authority keeping assets that they already have and turning those around for use in a different way. Mr. Sargent said that was correct.

Councilman Hennessey asked about the net amount that is being talked about in terms of the increase toll revenues is somewhere in the order of \$600,000. Mr. Sargent said that is their estimate. Mr. Hennessey said that was assuming the estimate is correct. He asked if Bethlehem residents were going to be utilizing that toll booth to make their way to work or to go to other places, especially if using it to go to work, are there reduced toll options that have been utilized in other communities to lessen the impact because it seems like a lot of money for Bethlehem residents to be paying just to get to work every day. Mr. Sargent said there is an existing Thruway commuter pass that is available for anyone who commutes on the Thruway for some distance under a certain threshold, noting he did not remember what the threshold is. He said 20 miles one way, something like that. He said you can pay a set lump sum fee at the beginning of the year and travel that first distance for free for the entire year for that fee.

Councilman Hennessey asked Mr. Sargent to talk about how the costs are paid for these things, assuming it is \$26 or \$36 million. He said he understands it is a public/private partnership that is being talked about but asked for a little bit more than just that. Mr. Sargent said the concept is that it is paid for through private development mitigation fees and those are assessed based on capacity utilization. He said courts have found that as long as fees are set up and designed that reflect your use of capacity of a system then they are equitable and fair. He said a formula would be developed, a boundary established, new developments within that area would be evaluated on a case-by-case basis, their net trip making on the different components of the system would be assigned and their percent of fair share cost assigned back to the development. Mr. Hennessey said that sounds like a forward looking revenue stream. He said but assuming that development does not take place, who then pays for it. Mr. Sargent said there are cases where a specific development has paid for it and they have been paid back. He said they have seen that in Colonie in the airport area and noted that is one way to do it. He said they have been a large developer pay for the improvement and then payments were made back to them. He said another way is to bond it and pay it back that way.

Councilman Hennessey asked if the development mitigation fee is an annual fee. Mr. Sargent said it is not a tax, it could be done either way. He said it would be an annual fee if it was a development district but under the concept that CDTC has laid out it is a one time fee when development occurs. Mr. Hennessey thanked Mr. Sargent.

Councilman Kotary thanked Mr. Sargent for his presentation. He said it is very helpful and as was mentioned, this has been ongoing for 20 years and there have been many plans coming and going. He said one of the things since none of the Board Members were around when this started or for the majority of time through which this project has been out there, it is good to get a historical perspective, as well as, a sense of the options as they move forward. He said one of the things said toward the end of the comments in the conclusions section kind of stuck with him and that is, regardless of the alternatives either those that are out there now or perhaps others that will come to light, something has to be done. He said he wanted to emphasize that a little bit and ask for a little elaboration on as he saw through this study, on the point of even without an interchange, \$27 to \$40 million was the number or the range of numbers, would be necessary to improve the transportation infrastructure in that area in terms of congestion and safety due to the fact that we have to do something.

Mr. Sargent said that conclusion about the \$27 to \$40 million that needs to be spent within the next 10 years to accommodate growth is from the CDTC linkage study. He said they have worked with CDTC on a number of linkage studies in the area, although they did not work on this one in particular. He said they are working with communities to identify potential growth and help plan for that growth and identify what needs to be built to accommodate that. He said there is a certain amount of developable land in the area and if it develops according to

existing zoning at existing and speculated rate then congestion will develop and transportation improvements will be needed. He said as a result of the CDTC planning study, they have identified, working with the Town over about a 2 year process, a number of improvements would need to be made including the possibility of a roundabout and some roadway widenings and turn lanes at intersections along the 9W corridor.

Councilman Kotary said it seems one of the alternatives not on the table is to do nothing. He said we are going to have safety and continue to have congestion issues in that area. He said in terms of what State DOT and the Thruway Authority and other potential partners and investors and maybe even the Federal level, surplus monies and stimulus monies, his point is in terms of the other agencies that they have started working with, does Creighton Manning have a sense as to what they are looking at as we realize there is something to be done with the infrastructure along with the look at costs and safety concerns. Mr. Kotary further asked if they have a sense in terms of priorities that can help the Board with decisions. He said he had a pretty good sense with where the Thruway Authority is in terms of is this going to be profitable or not in terms of the interchange but let's table the interchange and look at the overall project. Mr. Sargent said it is a tough question for him to answer. He said he believes what they are looking for is an expanded network. He said the current philosophy at the Federal highway level and at the State level is that more linkages are better. He said over time you have seen a lot of cul-de-sac type developments and all the traffic channeled to a single arterial. He said quite frankly that does not work and arterials cannot handle development and that type of growth. He said they are looking for a more sustainable approach where land use is planned with the roadway system at the same time, much like was done with the linkage study here so that a network of streets can be developed. He said they are all looking to minimize their costs.

Councilman Kotary said in other words start with the existing infrastructure as talked about in the recommendations, look at what there is and how to improve that as opposed to starting from scratch alternatives. Mr. Sargent said that was correct.

Supervisor Cunningham thanked Mr. Sargent. Councilman Dawson said she just wanted to piggy back on Councilman Kotary's points. She asked about the slide that showed the projected increase, the 1465 number, if that was a combination of private and commercial. She asked Mr. Sargent to give a sense of what that was about. Mr. Sargent said the number comes from the Regional Transportation model. He said CDTC maintains a regional travel demand forecasting model. He said it is something they are obligated to do as part of the Federal process. He said they update it annually, it simulates existing land use and travel patterns in the Capital District and they use it for exactly this purpose. He said you can model the impact of a new link and they code that into the computer and it simulates future traffic volumes and changes in traffic throughout the network and that is a complex system of origins and destinations and choices and proximity and how people travel and the purpose of their trips. He said they reduced it all down to a single volume on a single link to simplify it but that is the source of it.

Councilman Dawson said a point that was made earlier is that by adding this additional exit, there would be people who perhaps now travel north on 9W who might say it is easier to go a couple miles south to this exit. She said it may for some parts actually increase the traffic. Mr. Sargent said that was correct, definitely you will see some pluses and minuses and there could be a scenario where you live in a part of the Town of Bethlehem and you may be traveling out the Berkshire spur and you will travel down to the new interchange to travel east whereas today you may be traveling up to exit 23 and out I-90. He said there will be a new draw in that direction and that is reflected in the simple table. Mrs. Dawson thanked Mr. Sargent.

Supervisor Cunningham asked if there were other questions. He thanked Mr. Sargent.

The next item was a request from Chief of Police, Louis Corsi, to authorize the appointment of Bryan Mahan to the position of Telecommunicator effective March 29, 2009 at an annual salary of \$38,095. Supervisor Cunningham said he had talked many times about the fact that we do have a freeze in place for new hires, however, in the telecommunications area where they run 24 hours a day, 7 days a week, 365 days a year, we did have a resignation earlier this year. He said he did indicate to the Board at that point that he was going to ask to fill that position, noting it is a public safety position.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the appointment of Bryan Mahan to the position of Telecommunicator effective March 29, 2009 at an annual salary of \$38,095 as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Comptroller, Suzanne Traylor, to approve the purchase of network security and privacy insurance from CNA for an annual premium of \$15,398. Supervisor Cunningham said it was brought to the Town's attention through our Management Information Services Director, Jeff Dammeyer, and the Comptroller that because we are now accepting credit cards over the internet we need to improve our coverage. The Supervisor pointed out that this year they budgeted for overall insurance coverage \$563,000 roughly and there have been some reductions in the premiums so they are currently only scheduled to spend \$522,000. He noted this will tap into the extra \$40,000 and it is not an increased cost over what was budgeted.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the purchase of network security and privacy insurance from CNA for an annual premium of \$15,398 as requested by Comptroller, Suzanne Traylor.

Councilman Hennessey asked who on staff could answer questions about this. Supervisor Cunningham asked if it was questions about insurance or technology. Mr. Hennessey said a little of both. He said he was looking at 2 proposals that were compared in what was brought to the Board. He said one was CNA and one was by Beazley. He noted in reviewing the CNA stuff it says that there is a \$1 million regulatory limit and does not include regulatory civil fines, penalties, just defense versus the Beazley one which seems to cover it, yet we are going with the CNA, why is that. Comptroller Traylor said Mr. Jeffrey Bryant is here and he will be able to answer the questions noting they had sat down with Mr. Bryant and went over the two and his recommendation was CNA. She said she will let Mr. Bryant explain.

Mr. Bryant said that was correct and the regulatory limit dealt with provides coverage for failure to provide notice because of breach. He said after speaking with the Comptroller's office and MIS Department it looks like that is pretty much in place to be handling those kinds of issues. He said Beazley is a syndicate of Lloyds of London and because the coverage form in other areas is not quite as complete as the CNA form, it was felt that the other areas outweighed that.

Councilman Hennessey asked what the regulatory costs are of not notifying in the case of a breach. Mr. Bryant said if you do not notify there is an estimation if there is 10,000 personal identifiable records that may have been data breached, the approximate regulatory costs will be about \$100,000. Mr. Hennessey asked under the CNA proposal we would not be covered. Mr. Bryant said that is correct. Mr. Hennessey said that would be out-of-pocket. Mr. Bryant said but the coverage that the Town would have with the Beazley product has a \$25,000 retention for that so there is a \$25,000 deductible that would apply to that anyway. Councilman Hennessey said the cost to the Town would be \$75,000. Mr. Bryant said that was right if it was imposed by the State. He said again, it has to be imposed by the

State for failure to handle the breach laws and the coverage form with the CNA actually handles the breach letter for the Town. He gave an example for the Board's information.

Councilman Hennessey said the responsibility to make the notification is the Town's and not CNA's. Mr. Bryant said the responsibility is simply if a breach is known by the Comptroller's office or some other department, then that notification is then made to the insurance carrier who then through the coverage form that they have makes all the notifications for the Town are done by CNA. He said in addition, the carrier for 1 year will monitor the credit of all of those individuals who may have had a data breach. He said because of that section of it and the fact that CNA is notifying the individuals through the requirements of the State breach law they, in fact, are also monitoring that individual credit for each one of the people that may have had a breach for the whole year.

Councilman Hennessey said he still does not think he got an answer to the question -- the requirements to make the notification is the Town's if we were the one who misplaced, had that information stolen, whatever. Mr. Bryant said that is correct. Mr. Hennessey said the Town would be liable, not CNA whether or not they made the notification. Mr. Bryant said the Town would be liable if the Town did not make that notification to the carrier. He said ultimately from a legal standpoint, the Town is liable but once that notification is made to the carrier, the carrier is liable on the Town's behalf for that because they have been notified. He said once notice has been made to the carrier, the liability passes to the carrier and since there is a contractual relationship with the carrier, the carrier is now picking up that liability. He said Councilman Hennessey was right, in actuality if there was a breach and you chose to try and handle it in-house or because you felt it was a situation that could have been embarrassing and you decided to maybe we think the breach wasn't as extensive as we thought and we decided to maybe notify the people that might be affected and failed to notify the carrier, yes, that is accurate that the Town would be liable for those.

Councilman Hennessey asked Mr. Dammeyer to come up. He asked how many credit card transactions we handle on a monthly basis. Director Dammeyer said we use credit cards for Justice Court but that is not actually going through the computer system. He said that is through a regular cash journal but Mrs. Lanahan might have the figures. Mrs. Lanahan said it varies a lot by when they are doing registrations indicating they may do a lot in one month and maybe the next month not have any. Mr. Hennessey asked if it was a dozen, 200, what is the high point. Administrator Lanahan said 60. Mr. Hennessey said his concern is that we get into a situation where we do have a breach, we do not notify people, we are liable, CNA does not know that we didn't make the notification and therefore it is our problem and we are not protected by it. He said he is concerned about that but he noted he does understand the Board is handing over responsibility to CNA to make the notification. He said if we make a mistake in telling CNA who has been affected by this, then we have a real problem. Mr. Bryant said the breach law pretty much deals with the fact that these are identifiable records that the Town is aware of. He said the thing that Mr. Hennessey is talking a little bit about, adding this coverage now that you are taking credit cards but he thinks that is a minor portion of the protection. He said the main protection is where they are seeing the claims coming from are social security information and medical information. He said since the Town has social security information on residents and obviously on all the employees but also has health records on the employees as well because they handle the health insurance, the dental insurance, some of the retirement plans, that information can also conceivably be accessed and again, you are looking at incidents where a hacker gets into the system, paper files are actually stolen, a disgruntled employee who decides they can sell social security numbers for \$200 a pop -- those are a larger area where the claims are coming from. He noted there is a concern with the credit cards but he is more concerned for the Town in the line of the health records and the social security numbers.

Director of MIS, Jeffrey Dammeyer, added we are not storing the credit card information but merely passing it through the payment processor because they did not want to take the liability of actually storing the information on the server.

Councilman Kotary said he just wanted to make sure he understands the numbers. He said the annual premium is \$15,398 and according to some of these numbers, if we had a breach for an example health care records, by doing some quick math based on the per capita cost, that could be somewhere \$75,000 to \$150,000 minimum just based on the 60 transactions Mrs. Lanahan noted. He said quick math tells him it is \$150,000 to \$200,000. He said this is talking about some really in the world of network security it probably would not take that much of a breach to quickly be liable for hundreds, certainly tens of thousands of dollars. He said this policy, although in and of itself, may look high, it seemed to him it could get into the millions of dollars based on the number of households involved in the breach. He asked if he had his head around the numbers. Mr. Bryant said the breach laws are relatively new laws and the insurance coverage is a new coverage that has been out for less than a year and so the data that is really collectable on this is not overly able to be translated. He said what departments have the breach would so it obviously would depend on that and what the extent was as to the cost. He said the costs also contemplate the possibility that the Town or the entity is sued because of that. He said it is not just the cost to pay for the credit notifications over the year, do the letters, they also have a consultant come in and help the IT people with their hardware to look at how the breach occurred -- was it a virus, or was it a hacker that got in. He said obviously when a notification is made to individuals, you are effectively notifying people we have inadvertently released their social security number and that can prompt lawsuits.

Councilman Messina asked Mr. Bryant about his awareness or familiarity with other towns, municipalities, cities in the area that are engaging and contracting in security liability insurance. Mr. Bryant said again, it is a relatively new policy form but he said he has made 4 presentations in the last 2 months, not to towns, but the 3 others were extremely interested in and all purchased the coverage. He said one was an association that has 40,000 members where they have medical and social security information. He said the other was a large medical practice that also purchased the coverage. He said the 3rd was a large wholesaler that had a lot of credit card information. He said there are coverages available like this in the past for hackers who might come in and get into the banking information or that may print money orders on their home computer and bring them in to purchase things and it is a fraudulent money order. He noted the Town has coverage like that in their current plan. He said this addresses the electronic area.

Councilman Messina said what he is hearing and believes the old adage the most important things to insure are those that you cannot afford the downside of even if you are hit with an insurance claim. He said there is so much going on in the data world and computer communications not only the transaction but the liability that might be pursuant to that transaction. He said he was leaning in the direction of supporting this but he did want to get on the record for public consumption because the Board knows this -- it is not just 2 firms that are being looked at but 7 firms that were considered and then it was narrowed down to 2 and of the 2 this is, from his point of view, the least cost and most effective policy. He said particularly when it comes to a clause on the other firm that was reviewed where the disadvantage language that was described in the analysis is policy is cancelable by the insurer if they view a material change in risk. He said that seems subjective on the part of the insurer and would not like to see the Board held to that standard by some other entity. He said between the 2 he thinks this is a good recommendation.

Mr. Bryant said there is one other thing that the CNA policy form gives the Town as well it has a section called crisis management. He said it relates to how IT will come in and help with the computer system but at the same time they also help you to craft disseminating information to the Town because obviously it is going to get out that there was a breach and so how do you handle that with the Town residents. He said CNA has the oldest writer of this and have been writing this about 14 months but they place a team in place that kind of comes in and helps you with those things.

Supervisor Cunningham asked if there were any other questions. There were none and he thanked Mr. Bryant.

The motion was passed by the following vote:

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

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Councilman Hennessey said the coverage is a great idea but he is not sure that we went with the right policy. He said as general concept, he thinks it is a good idea. Mr. Bryant said the policy forms are being crafted and it is a new coverage, it is his expectation that those types of regulatory coverage will be available with them as they develop their policy form. Mr. Hennessey said when that comes into play he will feel more comfortable with it and thanked Mr. Bryant.

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department to authorize the Supervisor to sign a contract amendment for the fishing platform grant with the NYS Department of Environmental Conservation. Supervisor Cunningham said we received a grant in 2004 for this and it has not been built yet due to many engineering reasons. He said they did apply to get an extension on the grant. He asked Mrs. Lanahan when this was extended to. Mrs. Lanahan responded May of 2011.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to authorize the Supervisor to sign a contract amendment for the fishing platform grant extending the expiration date to May of 2011 with the NYS Department of Environmental Conservation as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

The next item was a request from Chief of Police, Louis Corsi, to accept a DARE donation in the amount of \$10 from Nancy Farr.

The motion was made by Mr. Hennessey and seconded by Mrs. Dawson to accept the DARE donation in the amount of \$10 from Nancy Farr as requested by Louis Corsi, Chief of Police. The motion was passed by the following vote:

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

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

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the appointment of seasonal personnel as listed in the Memorandum dated March 25, 2009 at the titles and salaries listed as requested by Parks and Recreation Department, Administrator, Nan Lanahan. The motion was passed by the following vote:

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

Supervisor Cunningham said he had an item he needed to include because of some date constraints. He said the NYS Department of Environmental Conservation notified the Town to close the construction and debris landfill at Rupert Road. He said there is a consent order that he needs to sign by April 3, 2009 to make that meet their requirements. He said the consent order indicates that the Town has been operating since 1991 without a license to run the landfill and although the Town has applied and been denied twice, DEC has gotten to the point where they have asked the Town to close it. He noted this letter has been anticipated for about 4 ½ years and said this is not anything new. He said Counsel has been working with DEC to work out the language and they have reached an agreeable consent order.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the Supervisor signing the Consent Order from the Department of Environmental Conservation pertaining to the closure of the Rupert Road C & D construction and demolition debris landfill located on Rupert Road in the Town of Bethlehem. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Cunningham asked if there was any new business from the Board. There was none.

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Supervisor Cunningham made the following announcement:

- Bethlehem Police Department was recognized by the NYS Chiefs of Police for a certified best practice program relating to sex offender management. He said this is a big plus for the Town police and another example of their dedication to being best at what they do and to continue to apply best practices in law enforcement here in Bethlehem.
- March 27, 2009 is another fish fry at Selkirk Fire Department #1 on Maple Avenue, Selkirk and at Elsmere Fire Department on West Poplar Drive as well.
- April 4, 2009 is the roast beef dinner at the Bethlehem Grange on Route 396, Selkirk.
- April 5, 2009 is the Delmar Dash which starts at the middle school.
- April 6, 2009 will be the opening of the Colonial Acres Golf Course for public use this year. Season passes or punch cards for multiple visits are now on sale at the park office.
- The week of April 6, 2009 the Parks Playbook will be mailed. The booklet will be separate from the Bethlehem Report. Programs can be registered for on line and credit cards can be used.
- The week of March 30, 2009 in the Town of Bethlehem, they are going to begin the spring water main flushing. If the faucet water appears brown, keep running the water and it will clear.
- April is National Volunteer month and if anyone is interested you can participate in the first Community Clean Up day on April 18, 2009. The Community Clean Up is done every third Saturday of each month. Anyone interested can sign up on the website.
- April 24, 2009 is the next meeting of the 20/20 Committee at the Elsmere Fire Hall, 2nd Floor at 7:45 a.m.
- May 2, 2009 is Household Hazardous Waste Day at the Highway Department, Elm Avenue East, Selkirk.
- The Timothy Mosher run will be held on May 2, 2009.

Supervisor Cunningham noted these were all the announcements he had for this evening. Councilman Kotary said he wanted to congratulate the Bethlehem Girls Varsity Basketball team. He noted they came up one game short but had a great

season. He said going to the State finals is a special thing to do. Supervisor Cunningham thanked Councilman Kotary and also congratulated the team.

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Supervisor Cunningham asked if there were comments from the public on non-agenda items. Mr. Robert Jasinski said because there was new business on it he wanted to ask about the consent order for DEC regarding the closure of the C and D landfill. He asked if there was a date for the closing. Supervisor Cunningham said November will be closure of the landfill and capping has to be finished by May of 2010. He said for residents who use the recycling center, that will remain open. Mr. Jasinski asked if it will be useable for the summer time then. The Supervisor said that was correct.

Mr. Jasinski then asked when it is closed, will the fee be increased because there will have to be a way to transport the items. The Supervisor said there have been no decisions on what the next steps are. He said at this point, they have not sat down to talk about it. Mr. Jasinski suggested somebody look at the other local landfills and how they are handling it because lots of them transport their construction waste. He said they do not fill any of it and cautioned to be concerned about the safety of the people plus the employees at the transfer station noting it has to be done right. He said if there is some kind of packers or tram system that carries it up or anything like that to put it in one of the containers he cautioned to be very careful. Supervisor Cunningham thanked Mr. Jasinski.

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The Supervisor asked if there were other comments. Mr. Jared King, 22 Paxwood Road, Delmar, said he was going to speak on a different topic but saw an article in the Spotlight. He said information is with respect to bond pricing, one of the large factors or factor that appears large is the ability to prepay indicating that is a huge benefit. He said he suspects that there is a concern as was Mr. Messina's concern about any insurance policy that allows them to opt out when they perceive a risk because that is usually a large value to the insured.

Mr. King said his concern, if he understood the exchange between Councilman Hennessey and Mr. Bryant, is that the Town is liable for any expenses that were incurred for the network before notice and this is not like a homeowner's policy. He said when you discover a problem, the homeowner's policy will pay for something that happens before they were notified. He said here, if he understood correctly, if there is any lose that occurs before notice, they are not liable for it. He said if he remembers correctly from the Hannaford situation where Hannaford had a security breach, they did not discover it for an entire month. He said he does not know the differences in the policies but he does know that commercial policies are often very different in so far as Mr. Bryant mentioned this is kind of a new area that there may not be things that are similar or customary to the industry. Supervisor Cunningham asked Comptroller Traylor to make a note of that and follow-up with Mr. Bryant in the morning.

Mr. King noticed in the Spotlight with respect to the Bethlehem Planning Board, they approved the condominium plan and mention was made that Supervisor Cunningham put in an appearance at the Planning Board... Mr. King said he has not been to Planning Board meetings recently but he used to go a lot and when the Supervisor appears it is a very rare event. He said under Supervisor Egan's administration, it was more than a coincidence when she appeared and it was a project -- this was Bethlehem Center 2 project -- in which an ordinary citizen of the Town, Mr. Vanderpoel and his family were being treated inconsiderately by the developer with respect to an accommodation they had requested -- reasonable accommodation given the additional burdens on that property only from this development. He said it was also a case, due to the fact that he did the research and looked at the financial filings of Albany County Democratic Party and noticed contributions made by the developer to the party when this was going on. He said with that in mind, that was a real concern and in this case he has not looked at any recent filings so he is not

saying anything specific about our current Supervisor but he does know that Keystone Building has made contributions to either the party or Democratic packs in the past.

Mr. King said with that in mind he was concerned about the tone of the developer in this case and as he read through the article, he thought the request by some of the residents in the area was very reasonable in terms of hours of work in so far as the 7 a.m. time during the week is reasonable but on the weekend that is not necessarily reasonable. He said it seemed that the article spent a lot of time dwelling on whether the Town Planning Board had the authority to actually regulate start times. He said he took a look at the Spotlight and went over to the Bethlehem Library and in 9 minutes he found Town Law Section 271 and 274-a4, the authorized Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. He said site plan is the physical aspect of the plan so where the roads are going to be, where the drainage is going to be, that sort of thing. He said upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable or directly related to an incidental to the proposed plan. He said that addresses 2 issues that were brought up here in the article. He said the first is that it means the Planning Board can impose conditions upon the site plan approval including something as an incidental condition such as the restrictions on the start times for the developer and whoever these enforcement agents are whether it is code enforcement or the police. He thanked the Town Board. Supervisor Cunningham thanked Mr. King.

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

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 7:20 p.m. The motion was carried by the following vote:

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

Town Clerk