

TOWN BOARD  
AUGUST 10, 2005

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

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

- - -

Supervisor Egan welcomed everyone and invited them to join in the pledge of allegiance.

The Supervisor asked if there were any comments on agenda items. Mrs. Capone asked about the Saratoga Associates contract and giving them more money. She said the people in attendance have lived through Earth Tech and all the people that were here were upset with Earth Tech and Mr. Kelleher and Mr. Davies were here and they got money out of Earth Tech because they were late. But, she said, the Board is talking about giving Saratoga money. Mrs. Capone asked Mrs. Kehoe how much money was in the bank at that time. Supervisor Egan said this was not question and answer, this was just public comment. Mrs. Capone said okay, she would ask at the end.

- - -

Supervisor Egan asked if there were any other comments on agenda items. Mr. Robert Jasinski mentioned the request from the Commissioner of Public Works for award of bid for one 20-ton tag along equipment trailer. He asked how many bids were received and how many were canvassed. Public Works Commissioner, Oliver Holmes, said 2 bids were received but he did not have the names of those canvassed. Supervisor Egan said there were two bids received by the Town Clerk. Mr. Jasinski asked how many were sent out. Supervisor Egan said she did not know. Commissioner of Public Works Holmes said there was a list. Mr. Jasinski said he would like access to the list. Supervisor Egan said he could do a FOIL request and the information would be provided.

Mr. Jasinski next mentioned the Saratoga Associates item. He commended Mr. Leveille on his letter to the Supervisor, noting he has done a very good job. He did, however, question if Saratoga has requested the money and if this was negotiated. He commented the Board has a signed contract. Supervisor Egan said that was correct. Mr. Jasinski said there was a certain number of meetings and asked if they were informed when the Board went beyond that number that there would be additional charges. Supervisor Egan said they were. Mr. Jasinski asked if the Supervisor was informed or was the Board informed. He said these are questions, things in his mind. He asked if this was in the contract. Supervisor Egan said obviously there was a request for a contract amendment. She said if he looked at the original contract, which she believed Ms. Jasinski got under a FOIL request, the contract, as well as, the expenses and everything paid to date was provided. She said in addition to that as this came to the Board's attention, the FOIL response was amended and supplemented to his daughter providing this information. She said the services provided by Saratoga Associates went way above and beyond what the services were that were contemplated in the original contract. She said all one has to do is look at the original contract and then what the actual services provided were and see the differences on that. She said she thinks Mr. Leveille outlined that in the Memo to the Board which was provided to Ms. Jasinski as a courtesy to supplement the FOIL request. Mr. Jasinski said he was interested in what is on the agenda.

Mr. Jasinski said good business is you bid. He said he has handled bids with

the State and to put additional charges on and everything else, has to take lots of consideration and has to be really there. He said he thinks it is a waste of public money. He said there is mention of printings and asked how many, noting \$5,000 to \$10,000, to have printings that notify the people of the Town or to have it available in certain areas to look at the changes. Supervisor Egan said it has to go to interested agencies, various people by statute that have to be provided with this information, as well as, the internal divisions that will be dealing with this. Mr. Jasinski asked if a specific amount of money could be indicated or was it necessary to allow the variable. Supervisor Egan said that was correct. Mr. Jasinski thanked the Supervisor.

- - -

Supervisor Egan asked if there were any other comments on agenda items. Ms. Jasinski asked what the subject of the Executive Session was going to be. Supervisor Egan said it was litigation in regard to a certiorari matter.

- - -

Mr. Al Penk, Clapper Road, Selkirk, New York said the meetings at 5:30 seem a little ridiculous. He said people cannot get to the meeting and he has a hard time and he is retired. He said it is convenient for the people who work within the building and maybe other people have their own private practice and can get here. He said he thinks that time should be changed from 5:30 to the old standard time. Supervisor Egan asked if he had any questions regarding items on the agenda. Mr. Penk said the agenda says public comment and that is a public comment. Supervisor Egan said it is public comment on agenda items first, otherwise they ask that the comments be held until the end of the meeting. She said at this time she was only taking comments for items on the agenda. Mr. Penk said the format seems that they get railroaded before everything even gets started and at the end of the session when there is public comments, the Board is busy talking to each other while someone is making a comment. He said he did not think that was very courteous of the Board and the Board is not running a very well organized Board from what he sees and hears. He said it was up to the Board Members. Mr. Penk commented it is like Mr. Jasinski said, you are in charge but I hope something can be done about it. He thanked the Board. Supervisor Egan thanked Mr. Penk.

- - -

Supervisor Egan asked if there were any other comments on agenda items. There were none.

The Supervisor asked for a motion to adjourn to Executive Session to discuss litigation in regard to a certiorari matter.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve adjourning to Executive Session to discuss litigation in regard to a certiorari matter. The motion was passed by the following vote:

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

-----

The Town Board reconvened at 6:10 p.m. The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to reconvene the regular Town Board meeting following the close of the Executive Session. The motion was passed by the following vote:

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

- - -

The Supervisor said in regard to the Executive Session, she asked for a motion to settle the Appleton Paper, Inc. v. Town of Bethlehem certiorari matter.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the settlement with Appleton Paper Inc. regarding a tax certiorari. The motion was passed by the following vote

:

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

---

Supervisor Egan said for the record that there was some discussion regarding the status of the Police Union Contract but there was no action taken.

-----

The next item was a request from Building Inspector, Mark Platel, for approval of renewal of dumping permit for 1319 New Scotland Road, Slingerlands, New York.

The motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the issuance of a renewal dumping permit for Constantine Kontogiannis, Delmar, New York for premises located at 1319 New Scotland Road, Slingerlands, New York as requested by Building Inspector, Mark Platel. The motion was passed by the following vote:

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

-----

The next item was to approve the issuance of a trailer camp permit for Shady Grove East, Selkirk.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the issuance of renewal of a trailer camp permit for Shady Grove East, Selkirk, New York. The motion was passed by the following vote:

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

-----

The next item was to acknowledge receipt of an Annual Report from Joseph Allgaier, Town Historian, for the period January through July 2005. Supervisor Egan said this is the last report. She noted Mr. Allgaier called to thank everyone for the kind remarks made at the last meeting. The appointment of Raymond Houghton as Town Historian was effective August 1, 2005.

-----

The next item was to acknowledge receipt of Quarterly Franchise Fee from Time Warner Cable in the amount of \$99,779.40 for period April through June 2005.

-----

The following item was a request from Commissioner of Public Works, Oliver Holmes, for approval to go to bid for one (1) four inch portable pump and one (1) standby generator. Could advertise August 17, 2005 and open bids on August 31, 2005 at 2:30 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) 4 inch Portable Pump and one (1) Portable Standby Generator, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 17th day of August, 2005 and that bids be received up to 2:30 p.m. on the 31<sup>st</sup> day of August, 2005 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

-----

The next item was a request from Oliver Holmes, Commissioner of Public Works, for award of bid for one (1) twenty ton tag-along equipment trailer. Supervisor Egan noted there were 2 bids received. She noted the request was to award the bid to Nortrax Equipment Company, Clifton Park, New York at a bid price of \$15,520.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the award of bid for one (1) twenty ton tag-along trailer to Nortrax Equipment Company, Clifton Park, New York at the bid price of \$15,520 as requested by Commissioner of Public Works, Oliver Holmes. The motion was passed by the following vote:

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

-----

The following item was a request from Town Engineer, Erik Deyoe, for award of Elsmere Avenue Sidewalk – Phase 1. Supervisor Egan noted there were 2 bids received and based on the Engineering Department’s review, the recommendation is to award the contract to Callanan Industries, Inc., Albany, New York.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the award of bid for the Elsmere Avenue Sidewalk – Phase 1 project to Callanan Industries, Inc., Albany, New York at the sum of unit price bid of \$128,876 as requested by Town Engineer, Erik Deyoe, P.E. The motion was passed by the following vote:

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

-----

The next item was a request from Chief of Police, Louis Corsi, to accept donation from John and Jean Buno.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the acceptance of a donation in the amount of \$100 from John and Jean Buno, Delmar, NY as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

-----

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

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of seasonal personnel as requested and listed in the Memorandum from Nan Lanahan, Administrator, Parks and Recreation Department dated August 10, 2005 at the titles and salaries listed. The motion was passed by the following vote:

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

-----

The next item was a request from Supervisor Theresa Egan for release of escrow funds for the Van Allen Senior Apartments, Selkirk, New York. She said this was an agreement signed back in August of 1999 in regard to the project. She mentioned she spoke with the Comptroller, Planner and Highway Superintendent and there is no objection to release of the escrow funds.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the release of the escrow fund as requested by Supervisor Theresa Egan for the Van Allen Senior Apartments, Selkirk, New York. The motion was passed by the following vote:

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

-----

The next item was a request from Director of Emergency Management, John Brennan, to appoint Medical Advisor to the Strategy Board. Supervisor Egan explained there was 2 memorandums from John Brennan in the packets to the Board. She said he requested the appointment of a medical advisor to the board. She said the Strategy Board does have a representative from the EMS community but not an actual medical advisor to provide medical information as opposed to just response information. Supervisor Egan said she asked Mr. Brennan to look into this and noted it was a non-paying, appointee position. She said Memorandum was to recommend Dr. David Putnam. She said Dr. Putnam is a well-known person to the Board. She noted he donated the AED machines at Town Hall and stands on stand-by whenever there is a question in regard to that or recertification.

The motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the appointment of Dr. David Putnam, Delmar, New York to the position of Medical Advisor to the Strategy Board of Emergency Management as requested by John Brennan, Emergency Management Director. The motion was passed by the following vote:

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

-----

The next item was to acknowledge receipt of a resolution from the Planning Board on the revised subdivision regulations and the combined application forms. Supervisor Egan said again pursuant to the statutory procedure they are proceeding under in regard to the comp plan, the subdivision regs needed to go to the Planning Board for their consideration and recommendations. She said Keith Silliman, Counsel to the Planning Board and Parker Mathusa, Chairman of the Planning Board and Michael Morelli were in attendance when the Planning Board adopted the resolution. She said the recommendation is for adoption of the reviewed Subdivision Regulations and the combined application forms. She said this was to acknowledge receipt of the recommendation.

Mr. Morelli said there was a working session with the Planning Board on July 19 and then at the August 2<sup>nd</sup> Planning Board meeting, the resolution was adopted unanimously. He said 1 of the Planning Board Members specified that

they were very satisfied with the new regulations, feel it will be a great tool for them and for developers and applicants when they come before the Board. Supervisor Egan thanked Mr. Morelli. .

-----

The following item was a request from Director of Economic Development and Planning, George Leveille, to amend the Saratoga Associates contract and approve budget transfers as set forth in the Memorandum provided. Supervisor Egan said there was some questions raised on this and she said there was a contract executed in April of 2004 she thought where Saratoga Associates was initially engaged. She said there was a certain set of parameters within which they were going to have the plan, discussed, public review and then eventually adopted. She said as the process began it became clear that the public was in need and wanted additional time to look at this.

The Supervisor said she believed there was an original scope of ten BPAC meetings and there have been 17 at the last count. She said there were various other things in regard to conference call meetings that were not envisioned, surveys that were not envisioned that were sought and were necessary to be able to truly gauge the public's feelings and desires. She said the work that was eventually done probably worked out to close to \$40,000 in additional services. She said through negotiations with the Economic Development Planning Department and Saratoga Associates, they are asking for an amendment to their contract in the amount of \$20,000 in full satisfaction of their particular services. She said in addition, Economic Development and Planning Director, George Leveille, outlined various other items and is requesting some additional funds for other things that may come up, he has proposed various budget transfers. She said after discussing this with the Comptroller, noting she wanted to underline again that there is no net affect to the budget, indicating these are transfers being reallocated to satisfy the request for funding. She said based on the product being provided – noting it will be up for adoption in 2 weeks – she thinks it is well worth the funds that are being paid to Saratoga Associates. The supervisor said she strongly stands behind the request.

The motion was made by Ms. Egan and seconded by Mr. Plummer to approve the amendment to the contract with Saratoga Associates as outlined in the Memorandum dated July 28, 2005 from Director of Economic Development and Planning.

Councilman Lenhardt commented that he had a question which was similar to Mr. Jasinski's question and felt that Supervisor Egan addressed the question appropriately. He said the budget of \$5,000 to \$10,000 for printing materials was not something he realized were required by statute to be distributed to outside agencies. He said he was satisfied with the answer given by the Supervisor. Supervisor Egan said once 2 weeks from now and whatever happens that evening, if in fact the plan and the zoning regs and subdivision regs are adopted, they would certainly continue to be available on CD Rom for anyone who would want them. She said they would also talk to Mail Boxes Etc. to continue to make them available for anybody that did want to purchase their own copy.

Councilman Marcelle said he wanted to make sure his understanding of the process is correct. He said there was an agreement with Saratoga Associates to perform certain functions, key among these the contract indicated there were to be 10 meetings when in fact there were 17 meetings. He said kind of outside the contract as a matter of fact, they provided these services to the Town, as well as, the other services mentioned in the Memorandum. His question to the Town Attorney is whether he believes we would be liable under an alternate theory of contract for the \$40,000 they are claiming against the Town. Town Attorney Potter said Councilman Marcelle was correct to the extent that there was a contract for limited services, the Town requested additional services to meet the demand that the public had for additional BPAC meetings and other input. He thinks there is some exposure and he thinks that there was \$40,000 in work generated and the proposal is to take \$20,000 in satisfaction of that, that is really nature of a settlement of a potential claim.

Councilman Marcelle next asked as they enter into this contract, can they be assured there will be language that it will be in full satisfaction of any outstanding claim just to ensure that this does not get turned around and claimed again. Town Attorney Potter said he thought that was a very good suggestion.

Councilman Marcelle said his last comment is that in some senses he can actually see that there is budgeted an additional \$14,000 for a consulting fee for BPAC that were unexpended. He said this takes off the bulk of the cost overrun and noted additionally there was \$5,000 in economic development which was probably an appropriate use which covers 95 percent of this cost. He said in light of the fact that this was budgeted by 95 percent for this cost overrun, noting we are where we are legally and provided we extinguish any potential litigation, he will support the proposal of Mr. Leveille.

Supervisor Egan thanked Councilman Marcelle and asked if there was any further discussion. Councilman Gordon added that BPAC did go above and beyond what had been contracted for and he believed it is right and good that Saratoga Associates be compensated for it. Supervisor Egan thanked Councilman Gordon.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

-----

The next item was a request from George Leveille, Director of Economic Development and Planning, to declare the FGEIS complete and to authorize the filing of the notice of completion. Supervisor Egan noted this needed to be done in 2 processes. She said one is the acceptance of the Final GEIS or the FGEIS as complete that was provided Friday and will be distributed in absolute final form.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve acceptance of the final GEIS as complete regarding the Comprehensive Plan and Zoning and Subdivision Amendments. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

- - -

Supervisor Egan said next she needed a motion to circulate the FGEIS pursuant to the SEQR regulations and that is to all interested parties.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the circulation of the FGEIS pursuant to the SEQR regulations to all interested parties. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

- - -

Supervisor Egan noted this throws the Town into a 10 day what is called quiet period. She said it is not a comment period and has been deemed complete. She said this is why this got pushed back to August 24<sup>th</sup> on the vote. She said she knew there were a lot of questions about why the Board had to wait on the vote. She said under the SEQR regulations, this is required. She hoped this cleared up some of the confusion. She said this will be distributed to all interested agencies.

-----

Supervisor Egan mentioned a couple of things. She said they talked about the inset for the Legislative Gazette and she has received the information and will provide to everyone. She said they will receive information until August 29 and noted they are willing to help write anything.

- - -

The Supervisor said the Department of State, Department of Public Service, has requested that some publications be made available at the Town Hall. She said they have been there for a few weeks but wanted to mention them. She said information on having energy smart summer campaign and noted there are various periodicals that talk about being energy smart with it being so hot.

- - -

Supervisor Egan asked if there were any other questions or items the Board would like to bring up. There were none.

Supervisor Egan asked if there were any further public comments this evening. Mrs. Marie Capone asked Comptroller Kehoe how much money was in the bank account when this administration took over. Comptroller Kehoe said this would be a few years and she did not know but she can get the figure for her. She said cash is probably not the best indicator but suggested that Mrs. Capone look at the audit report or one of the big reports. Mrs. Capone said her money seems to be going out fast and she wants to know where it is going.

Supervisor Egan said, again, there are no additional monies going out that has not been previously budgeted for.

- - -

The Supervisor asked if there were any other comments. Mr. King said he first wanted to clarify something in the Spotlight because the editor changed the last paragraph. He said his concern with Verstandig Florist is not that there is anything appropriate or not but that all zoning is arbitrary in its very nature and under the particular circumstances of the building being built in 1932, the first regulations came in the early '50s or late 40s. He said this was an arbitrary taking and in his opinion with respect to comprehensive plan is that any existing use should be zoned in.

Mr. King said another sentence that was edited out is specifically the fact that often times society levels of civilization can be judged by the way we treat minority groups and especially minorities of 1. He said he would ask the Board to consider very seriously with respect to modifying the zoning designation.

Mr. King said he wanted to mention research he has done in regard to comparing Bethlehem and Colonie but then got into comparing Guilderland. He said the first question with respect to tax rate is when you build commercial how that affects market values for houses. He said according to real estate agents old Delmar is about \$150 to \$160 a square foot. He said new construction is about \$130 to \$148 a square foot. He said Loudonville is about \$120 to \$130, Latham is about the same and South Colonie \$115 to \$125. He said assuming Loudonville would be the most comparable to us with respect to Colonie, they have an excellent school system arguably better than our own at this point, that is a 19.35 percent decrease in the housing values on a square foot basis. He said for South Colonie that would be 22.6 percent. With respect to school taxes, he said it is harder to evaluate, Bethlehem's square footage for an average house is 2,263 but in Colonie a range from about 900 to about 3,000 but he knows there are bigger houses also. He said Bethlehem's taxes are higher but in large part that because the houses are bigger and also houses are worth more. He said you also have to look at what is spent on schools and Bethlehem actually spends less noting there is a very efficient school system. Supervisor Egan said school tax issues is a matter the Town Board has no jurisdiction over. Mr. King said point well taken but in general consideration of how the Town is governed this would make sense.

Mr. King said he compared the Town of Guilderland which he thought was most comparable where in 1983 and in 1989 – 1983 before Crossgates and after –

regarding the effect on the community itself. He said one thing that happened is that real estate taxes fell in Guilderland 2.43 percent and in Bethlehem the same year, it went up 3.9 percent. He said real estate prices do not always go up and sometimes they go down. He said in recent experience it has not been the case, you have to compare the 2. He said the most interesting fact was the amount of tax growth over the 6-year period. He said in Guilderland it was 17.1 percent and in Bethlehem it was 9.3 percent. The big point, Mr. King said, he wanted to make is that when you build commercial you are subsidizing residential but that it really is bringing more money into Town government which Town government has a way of spending. He said what has been happening is that there has been subsidizing the tax bills that people see every year where they see a 4 or 5 percent increase in property taxes when government is actually spending 8.7 percent or 14 percent or etc. He said that is the commercial growth that you are seeing and the more traffic people are decrying. He said that is the loss of open space, the loss of farmland being converted into developed land. He said that is the stuff people have talked about. He said not only at the Town of Bethlehem Tomorrow meetings that he attended but the meetings that the Town held. He said Mr. Leveille said to look at the conclusions indicating that the information is all there. Mr. King said that is sad..

Mr. King said one of the things he would like the comprehensive plan to do is to compensate people for the fact that commercial is being built right next to them and you could conceivably take that from the increase in value you are getting when you designate something commercial. He said in Bethlehem, according to the real estate agent, he said it is about \$70,000 to \$80,000 for one acre of residential property. He said there was a closing for \$136,000. He said commercial is very complicated and a lot depends on footage and how the front footage on the road is and how many cars are passing. He said this represents almost double the value to people when you designate the land commercial. He said for the people who live next to this pay the cost. He said if you are fortunate not to live next to that in this Town, he thought the people are lucky. He said in the idea of fairness, which he thinks the comprehensive plan should be talking about this, the philosophy and basic ideas is important not about little design elements.

- - -

Mr. Albert Penk, Clapper Road, Selkirk, New York said at the last meeting he did not get up and read what was written. He asked if they received the material. Town Clerk Newkirk apologized because the information did not get distributed to the Board Members.

Mr. Penk proceeded to read his statement. Supervisor Egan said if it was provided in writing, she would take it, consider it. Mr. Penk requested he read it because at the last meeting there was a 3-minute time limitation on approaching the Board and he believed he had a right to approach the Board. Supervisor Egan said her suggestion would be that if they have it in writing it might make more sense. Mr. Penk said the Board will have it in writing.

Mr. Penk said he resides at 387 Clapper Road, Selkirk, New York. He said in order to clarify an accusation that has been made, he does not have a personal agenda or will not benefit any financial gain from the decisions of the Board on the rezoning or the comprehensive plan. He said that is clear.

Mr. Penk said his wife and he request the Town Board to extend any decisions on rezoning and comprehensive plan to a time as such required by addressing the following items.

Item 1, the formation of a Delmar Village so the expenses of services provided to postal zip code 12054 are paid for in taxes by the taxpayers receiving the services.

Item 2, prior to approving the rezoning of the areas not within zip code 12054 the comprehensive plan should address the schooling of the children residing in other zip code areas within the Town of Bethlehem. The importance of this would establish the value of the property within the schooling areas. This could be

accomplished by forming a new school district within the Town of Bethlehem or by incorporating these areas into the Bethlehem Central School District so all children residing in the Town of Bethlehem have the same educational opportunities.

Item 3, the highway infrastructure within the Town of Bethlehem has not been addressed in the comprehensive plan. A proper highway infrastructure has the direct effect on the rezoning efforts and the comprehensive plan. The truck traffic problem through the hamlet of Selkirk could be resolved by a highway along the CSX railroad yard from the northerly section of the Town of Bethlehem to Route 144. The possibility of a New York State Thruway exit for access to this highway will greatly add to the commercial and industrial development along this corridor. This New York State Thruway exit will provide easy access for traffic traveling north, south, east and west. Also this exit will alleviate part of the traffic congestion at Thruway exit 23.

Item 4, at the public meeting of July 20, 2005 the question of parking of vehicles with a maximum gross weight of over 12,000 pounds was prohibited in a residential A zone. When questioned relative to the zoning of a natural forest preserve, the answer was not to worry as it was predetermined. If this was predetermined, then the parking of the vehicle in excess of 12,000 pounds should be allowed on property where it was previously allowed due to light industrial zoning, etc. This should be resolved prior to any rezoning activity.

Item 5, the rezoning criteria for the most part are too restrictive in nature and will place hardships on the Planning and Appeals Boards. If a special use permit is required for any exceptions, this will also be an expense the residents should not have to endure. It would seem a large number of the restrictive conditions should be documented in the development of an area.

As a resident of the Town of Bethlehem since 1950, Mr. Penk said he has to agree changes are requirement of life. The agenda of this administration from day one has been to change everyone's way of life, increase the cost of the government and the use of several outside consultants. He said the current salaried employees have the expertise to handle the job. The people want to retain the old life style character of the area and it seems this administration is only interested in new development.

In conclusion, Mr. Penk said he could only hope more time and thinking will be given to the process of rezoning and comprehensive plan to what the residents of Bethlehem really desire. In addition, Mr. Penk said this clustered living that everybody was talking about in the comprehensive plan he visited in Colorado and he is going to visit it in Indiana. He said he does not think it is anything that the residents of Delmar really want or the Town of Bethlehem because all it is city living. He thanked the Board. Supervisor Egan thanked Mr. Penk.

-----

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

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

Noes: None.

Absent: None.

---

Town Clerk