

TOWN BOARD  
AUGUST 13, 2008

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 the meeting of the Bethlehem Town Board. He asked Town Attorney Potter to lead the pledge of allegiance.

The Supervisor asked if there was any public comment on agenda items. Mrs. Marie Capone said she is very sorry to see Mrs. Kehoe leave. She said she was as much in this building as Bruce Secor was and she is so honest. She said her work was perfect and she always had an answer. She said it is really a big thing for the community to have her leave.

Mrs. Capone also asked about the item from Deputy Commissioner of Public Works for approval of design service by Delaware Engineering. She said she never heard of it. Supervisor Cunningham noted it was an engineering company. Mrs. Capone asked where it was located. Deputy Commissioner Deyoe said Washington Avenue Extension in Albany. Mrs. Capone said thanks.

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Mr. Robert Jasinski, Bender Lane, noted he had requested about a month ago upon Mrs. Kehoe's report that if possible she would give or include amongst it a report on the Colonial Acres Golf Course – how it was proceeding and everything. He said he does look forward to that being in the report and said thank you.

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The first item was to approve Town Board minutes of July 23, 2008. The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the Town Board minutes of July 23, 2008 as submitted. 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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The next item was a presentation of the interim financial report for the seven months ending July 31, 2008 by Comptroller Judith Kehoe. Mrs. Kehoe said she is happy that Mr. Jasinski was eager for her report noting it is not every day that people get excited about finances. She thanked him.

Comptroller Kehoe started with the golf course. She said it is doing very good and as the Board knows, it is weather dependent and there has been a moderate amount of rain this season but it is doing better than they had budgeted thus far. She noted by here estimates, she had figured it might be closer to \$176,000 and budget revenue of about \$147,000. She said in talking with Parks Administrator, Nan Lanahan, she feels the estimate might be a little too optimistic but agrees that it will be ahead of budget. She said somewhere between the \$20,000 or \$30,000 range should be close. She said expenditures are in line with the budget as well so a very positive news for the first full year of operation. She

said as each passes by, there will be more history with the operations and maybe the fine tuning on the projections will be closer.

Mrs. Kehoe said sales tax revenue the other key point that everyone is interested in, the second quarter was strong and ahead by about \$70,000 of the quarterly estimate. She said it is trending about 6 percent higher than the 6 month mark from the prior year which is better than expected. She said that is helping to close the overall gap in the General Fund. She said the budget had provided for a use of fund balance of about \$875,000 so that surplus in the sales tax along with mortgage tax also being ahead of the expectations should hopefully bring the Town closer to \$470,000 to the extent that the sales tax revenues are even stronger than expected in the 3<sup>rd</sup> quarter perhaps it will shrink a little bit further.

Mrs. Kehoe said Water Fund, in talking about the rain this season, the rain falls have made it less of a need for people to be watering their lawns so the water sales are down. She said there have been cut backs in the expenditures so overall the fund is expected to be within its budget. She said the only caution raised on that was that the use of fund balance is significant, about \$974,000. Mrs. Kehoe noted she has talked with Commissioner Cansler about that and the goal is to try and reign that in as much as possible to minimize the shortfall in 2008.

Comptroller Kehoe noted Highway and Sewer Fund at this point look as if they will be on target with the budget as well.

Mrs. Kehoe noted the detail reports are attached, as well as, the crystal ball projections for all 4 funds on where they will come in. She asked if there were any questions.

Councilman Messina said the first is on the golf course on the expenditure side. He sees the \$147,000 estimated as revenue and there may be some upward movement and that is terrific. He asked if they are talking about \$130,000 or \$140,000 on the cost side for the year and what the budgeted amount was. Mrs. Kehoe said it was pretty close to balancing. Councilman Messina said so even at \$147,000 we are doing better than break even. Administrator Lanahan said that was correct. Comptroller Kehoe said there were some equipment costs that were in the budget and the operating costs and then the staff to maintain the course itself. She said that was close to the \$130,000 mark.

Councilman Messina said the other part he is pleased about is the revenue situation on the sales tax and the mortgage tax indicating that was terrific. He said both looking now and projecting into the future. He asked about the sales tax noting the first half of year shows \$70,000 improvement per the summary notes and if he looks to the future on that, that is \$140,000 a year unless he receives more information as to why the Comptroller comes up with \$405,000 differential. Comptroller Kehoe said that was \$70,000 for the second quarter that that was ahead. She said the first quarter was even further ahead than that and that was even rosier.

Councilman Kotary said a couple quick comments and related questions. He said the golf course was something he wanted to remind everyone of all the hard work that went into securing that and it is really nice. He said there were a lot of conversations about it. He said Mr. Jasinski was questioning whether this would be a money raiser or what it was going to cost. He said he likes the fact that it is the first season and although there has been a ton of rain, to see that it is doing well and generating funds that can improve the facility. He said not to mention the fact that even if there was a slight cost, preserving the acres and maintaining the recreational resource and saving the golf course was well worth it. He said he was glad to see that.

Mr. Kotary asked should we expect to see this increase, in other words as we get in and start implementing some of our management practices and an opportunity to maybe reinvest and promote the course, is it anticipated that those types of trends in terms of positive revenue will continue. Parks Administrator Lanahan said she thought this might be a dual purpose. She said she thinks there is

lots more potential. She said they are hoping to get information on what their expenses, payroll, and equipment repairing. She said there have been a couple clinics that have been very successful and they can expand on that and offer more programs next year for kids. She said she sees a lot of potential for right now. She said they have had 8400 rounds have been played this year which she thought was pretty significant. She said they do not have data on what was done before but there is some pretty hard data now with their system and they will be able to track over the next years.

Councilman Kotary said that is wonderful and sounds like it has been a programmatic success as well. He congratulated Mrs. Lanahan and her staff on that. He asked Comptroller Kehoe about sales and mortgage related to what Councilman Messina asked about. He said he knows they have very few opportunities to look into her crystal ball which has been very accurate in a lot of cases. He said he is surprised as we hear a lot about the economy and rising gas prices and crisis, noting he looked at the numbers and was shocked. He said he expected a huge downturn and he did not see that. He said if you look at the historical trend, despite previous blips on the housing market and in the economy, we still see a gradual increase. Comptroller Kehoe agreed noting it is almost too good to be true which is her reservation with it. Mr. Kotary said one may be a quick answer as to how that is or why we seem to be somewhat insulated, noting there might be a piece of the puzzle that he is not seeing right now. He said maybe the next quarter, asking Comptroller Kehoe if it tells that that will continue or will it drop. Comptroller Kehoe said if you look to the projection that she has done for the 3<sup>rd</sup> quarter she lowered it to slightly less than the 3<sup>rd</sup> quarter in 2007. She said her fear is that at some point the impacts on the economy from the higher gas prices are, indeed, going to slow down the other sectors of retail purchasing and therefore you are going to see that number start to slow down. She said she was projecting about a 1.1 or 1.2 percent overall increase in the sales tax, clearly with the first 2 quarters, we are ahead of that.

Comptroller Kehoe said it is good news but she does not know how sustainable it is. She said as they talked about at the budget workshops last year, they know that the economy is going to pick up at some time. She said the big 64 million dollar question is when is that going to happen.

Supervisor Cunningham added if they remember last year when the budget was done, they were very conservative on the numbers because they anticipate a downturn in the economy. He said one of the things he believes they are seeing is the gas prices, the sales tax on gas, going up we are realizing some revenue streams from that. He said he thinks that is part of it and the gas prices are coming back down so you might see the opposite end of the curve. Comptroller Kehoe noted that they budgeted \$9,750,000 last year and she was concerned that they would not hit that. She said when this budget was done, they dropped it to \$9,685,000. She said we are ahead of last year and if we hit the projections where they had actual revenues of \$9.8 million in 2007, she is predicting it will be about \$9.9 million. She said slightly ahead of the actual numbers for last year. She said she thinks part of the reason why it seems a little rosier is that we did exceed the budget significantly in 2007 as well. She said conservative is good on the revenues because there are places to spend the money. She said they would not want to be caught short.

Councilman Kotary said the 3<sup>rd</sup> area is the 5 percent fund balance, noting there have been a lot of conversations last couple of budget cycles on the fund balance and his opinion is that it is very healthy. He said the Comptroller had a word of caution and he was wondering if again given where we have been in terms of this quarter's revenue, and the fact that we are and had a good budget last year, we're on target in multiple ways particularly given the high cost of fuel and oil. He said Highway and DPW has done a great job of trying to keep the costs down. He said in terms of the fund balances, he asked Comptroller Kehoe if she feels confident that they will be able to maintain the 15 percent or more. He said he was curious of what Comptroller Kehoe's opinion is right now in terms of also using that as a balancing mechanism in terms of the costs of the Town continuing to rise. He said they will have to look at how they are going to pay for the increasing costs and not cut services. Comptroller Kehoe said it is a very fine line that is walked in

the budget process because you want to have a balanced budget ideally where your revenues are equaling your expenditures but by the same token to close a gap which may be a temporary shortfall, you don't want to close it with a large increase in new taxes. She said to the extent you are trying to control the tax rates, you are going to draw down on that fund balance. She said they have had a very healthy fund balance particularly in the General Fund so that they knew the economy was going to turn down and they had it there for that reason. She said she is just crunching the 2009 budget numbers now and have their first budget workshop coming up next week on Monday and Tuesday. She said this is a free promotional ad for budget workshops for the following Monday and Tuesday, as well.

Comptroller Kehoe said she has not looked at the totals yet but that is one of the things she will be presenting to the Board and to the public is to consider here are the assumptions for revenues and expenditures, what level are you comfortable with in terms of the tax increase. She said obviously you want to keep that modest given the economic times and yet from an operating standpoint, you have to have a certain level in that fund balance in order to pay the bills on time and maintain the programs and services. She said stay tuned, noting she would get back with a detailed answer on that as they go through the budget process. Councilman Kotary thanked Mrs. Kehoe.

Councilman Hennessey asked if over the past year the blend of mortgage recording taxes in terms of refis versus new homes sales has changed at all. Comptroller Kehoe said not sure on the blend honestly. She said they get the money twice a year from Albany County and she is not sure for Bethlehem. She said she could try to contact the Albany County Clerk and find out but she did not know what statistics they are maintaining. Supervisor Cunningham said the Town just gets the revenue and they do not know if it is from a refi or a new mortgage. Comptroller Kehoe said it is just a check, there is no detail attached behind that. Councilman Hennessey said the reason he asked was he was wondering if that number has increased because people are refinancing or houses are being sold, what the turn over is. He said that can be used as a forecasting tool he would assume. Comptroller Kehoe said she has tried to get more sophisticated with the forecasting methods on mortgage tax and tried to peg it to the investment interest return and she said she has yet to find the proper crystal ball modeling for that mortgage tax. She said she would let them know when she gets the check in January.

Supervisor Cunningham said he does keep in touch with the realtors in Bethlehem who have told him that the market remains relatively strong in Bethlehem. He said people are not bidding for houses but houses are turning over relatively easily compared to other markets. Councilman Hennessey said that could possibly be seen as an indication that the number will at least remain flat if not go up over time. Comptroller Kehoe said that would be the hope.

Supervisor Cunningham thanked Comptroller Kehoe and reminded everyone that they started a different process for budgeting. He said instead of doing just 1 budget workshop, they do different ones where the department heads come in and meet with the Board and talk about the budgets.

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Supervisor Cunningham said the next item was a request for authorization to sign the 2008 Agreement for Advanced Life Support Services with the Albany County Sheriff's Department.

The motion was made by Mr. Messina and seconded by Mr. Kotary to authorize the Supervisor to sign the 2008 Agreement for Advanced Life Support Services with the Albany County Sheriff's Department. 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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The next item was a request from the Supervisor to set a public hearing on October 8, 2008 at 6:00 p.m. regarding the proposed Agency Plan for 2009 for the Section 8 Housing Choice Voucher Program.

The motion was made by Mr. Hennessey and seconded by Mrs. Dawson to approve setting a public hearing for October 8, 2008 at 6:00 p.m. regarding the proposed Agency Plan for 2009 for the Section 8 Housing Choice Voucher Program. 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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The next item was a request from the Supervisor to accept the resignation of Judith Kehoe from the position of Comptroller effective August 31, 2008. Supervisor Cunningham noted this was a regrettable item and noted Mrs. Kehoe would be going to work for the School District if they appoint her.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to regrettably accept the resignation of Comptroller Judith Kehoe effective August 31, 2008. 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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Supervisor Cunningham thanked Mrs. Kehoe for all her hard work noting she has done a great job. He noted the community would still benefit from her expertise since she is going to work for the School District.

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The next item was a request from Chief of Police to recognize the appointment of Master Sergeant James W. Kerr to the position of First Sergeant effective August 17, 2008. Supervisor Cunningham noted this is being done due to Sergeant Kerr's longevity, noting he will be here to receive his new badge on Monday.

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The next item was a request from Chief of Police to authorize the appointment of Regina F. Cocchiara to the position of Patrol Sergeant effective August 17, 2008. Supervisor Cunningham noted this was good news and she will be the first female Police Sergeant on the Bethlehem Police Department.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the appointment of Regina F. Cocchiara to the position of Patrol Sergeant effective August 17, 2008 as requested by Chief of Police, Louis G. Corsi. 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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Councilman Messina said just a comment on this one noting he is fully supportive of it knowing Gina and knowing about the review and evaluation that Chief Corsi did to advance this. He said he is pleased to see a woman in the force get this promotion and likes the signal it sends in terms of diversity and moving in that direction. He thanked Supervisor Cunningham saying he thinks it is good all around.

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The following item was a request from Chief of Police to authorize the appointment of Chad A. Rice to the position of Police Detective effective August 17, 2008. Supervisor Cunningham noted Chad is a School Resource Officer and has been working in that position for about 2 years and is being recognized for his good work by being promoted to Detective.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the appointment of Chad A. Rice to the position of Police Detective, effective August 17, 2008 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.

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The following item was a request from Chief of Police to authorize the appointment of Michael B. Malatino to the position of Police Officer effective August 17, 2008.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the appointment of Michael B. Malatino to the position of Police Officer effective August 17, 2008 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.

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Supervisor Cunningham introduced Officer Malatino who was in attendance and welcomed him to Bethlehem.

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The next item was a request from Human Resource Manager to appoint Justin Harbinger to the position of Assistant Building Inspector effective August 8, 2008. Supervisor Cunningham said this is another employee being promoted, noting this is nice also because this is a promotion from within. He noted Mr. Harbinger has been working in the Department of Public Works.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the appointment of Justin Harbinger to the position of Assistant Building Inspector as requested by Human Resource Manager, Mary Tremblay-Glassman. 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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The next item was a request from Deputy Commissioner of Public Works for approval of Design Services by Delaware Engineering for Hudson, Kenholm, Skycrest and Kenwood Pump Station Improvements.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the request of Erik Deyoe, Deputy Commissioner of Public Works, for approval of Design Services by Delaware Engineering for Hudson, Kenholm, Skycrest and Kenwood Pump Station Improvements. 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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The next item was a request from Deputy Commissioner of Public Works to accept an all purpose easement and right-of-way for 170 and 174 Beaver Dam Road, Selkirk.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the acceptance of an all purpose easement and right-of-way for 170 and 174 Beaver Dam Road, Selkirk as requested by Deputy Commissioner of Public Works, Erik Deyoe. 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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The next item was a request from Town Engineer, Erik Deyoe, to adopt a negative declaration in accordance with SEQRA requirements to allow the Town to enter into an agreement with several Albany County communities for the creation of an intermunicipal Albany County Stormwater Coalition.

#### RESOLUTION NO. 29

#### RESOLUTION

WHEREAS, the Town of Bethlehem is considering entry into an inter-municipal agreement to facilitate compliance with the permit requirements of the MS4 program and to better address storm water management generally; and

WHEREAS, the entry into such an agreement is an unlisted action under the State Environmental Quality Review Act; and

WHEREAS, there is no coordinated review of this action; and

WHEREAS, the Town Board has caused a short environmental assessment form to be prepared regarding the proposed action, a copy of which is attached to this resolution, and has reviewed that form.

NOW, THEREFORE, IT IS RESOLVED that:

1. The Town of Bethlehem, Town Board hereby determines that entry to such an agreement will not have a significant adverse impact on the environment;
2. The Negative Declaration attached to this resolution is hereby adopted; and
3. This Resolution will take effect immediately.

The foregoing resolution was presented for adoption by Mrs. Dawson, seconded by Mr. Hennessey and passed by the following vote:

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

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Councilman Messina said reading through this and one thing the Board is interested in and the public would like to know is there are organizations and collections for many purposes, but this one has a great purpose and that is for the \$14,000 that it costs the Town to participate, we get a lot of cost efficiencies out of it for the Town, the government and for this program. He said one of the initiatives that it does allow as he reads it, is the ability to seek grant funds to help the Town in the future which the Town would not have the opportunity to do if we did not join the coalition. He said at least in his review of the data, he thought that came up as important. He thanked the Supervisor.

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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Supervisor Cunningham said in addition to Councilman Messina's comments, is that the Town is joining the Albany County Coalition of communities within Albany County and Albany County itself to help with the Stormwater Management program. He said the Town has hired a Stormwater Management individual and he is doing a great job but we are also going to take advantage of working with other communities to do this stormwater management stuff. He said they think this is a great opportunity and a good example of communities coming together to try and save money overall for the taxpayers.

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The next item was a request from the Town Engineer to adopt a resolution authorizing the Town Supervisor to execute an agreement with several Albany County communities to participate in an intermunicipal Albany County Stormwater Coalition.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to adopt the following resolution:

RESOLUTION NO. 30

RESOLUTION

WHEREAS, the Town of Bethlehem is subject to the Municipal Separate Storm Sewer Systems (MS4) SPDES permit, General Permit 0-08-0-002 administered by the NYS Department of Environmental Conservation; and

WHEREAS, the municipalities in Albany County have been meeting regularly to exchange information and coordinate compliance efforts; and

WHEREAS, these efforts have been supported by a grant by the DEC which will expire at the end of 2008; and

WHEREAS, the municipalities are desirous of continuing these cooperative efforts after the expiration of the grant; and

WHEREAS, the municipalities have negotiated an inter-municipal cooperative agreement pursuant to General Municipal Law Article 5-G.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. The Town of Bethlehem, Town Board hereby authorized the Town Supervisor to execute the inter-municipal agreement attached as Exhibit A to this Resolution on behalf of the Town of Bethlehem; and
2. The Town of Bethlehem, Town Board hereby authorized a maximum expenditure of \$14,582 for funding of 2009 membership fees for the Stormwater Coalition of Albany County; and
3. This Resolution will take effect immediately.

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

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

Noes: None.

Absent: None.

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Supervisor Cunningham noted the next item contained 3 items to be taken care of relative to Dowerskill Villagae, Section 2B, in order to move ahead the building of some homes that were discussed earlier this year.

The request is from Town Planner, Jeffrey Lipnicky, to approve the following items:

- (1) SEQR Resolution issuing Negative Declaration for Dowerskill Village Section 2B;

The following resolution was presented for adoption:

RESOLUTION NO. 31

TOWN BOARD

TOWN OF BETHLEHEM

SEQR DETERMINATION OF SIGNIFICANCE

APPLICATION TO AMEND BUILDING PROJECT APPROVAL NO. 25

DOWERSKILL VILLAGE SECTION 2B

- WHEREAS, the Town Board of the Town of Bethlehem has received an application, Environmental Assessment Form and related materials from Jenkins Building Corporation to amend Building Project Approval No. 25, previously approved by the Town Board on January 10, 1999; and,
- WHEREAS, the proposed amendment would effect 10.2 acres of land located in the Dowerskill Village Planned Development District and said land was previously approved for development of 64 multi-family apartment units; and,
- WHEREAS, the current proposal is to develop 10 single-family homes on approximately 4.1 acres of the parcel and retain the remaining 6.1 acres as undeveloped land; and,
- WHEREAS, Section 128-40(F) of the Town of Bethlehem Zoning Law contains procedures for amendments to previously approved Building Projects, and said procedures authorize the Town Board to approve such amendments upon referral to and recommendation of the Town Planning Board; and,
- WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,
- WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(a), the Town Board at its meeting of March 26, 2008: (1) determined that the Building Project application constituted an "action" subject to SEQR; (2) identified other involved agencies for the purpose of coordinated review; (3) made a preliminary classification of the project as an "Unlisted" action; (4) required a full Environmental Assessment Form to assist the lead agency in its determination of significance; and (5) determined that the proposed action was not located in a certified agricultural district and therefore not subject to the provisions of the Agriculture and Markets Law; and,
- WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(b) the Town Board at its meeting of March 26, 2008 also initiated a coordinated review of the action, declared its desire and intent to be lead agency for SEQR review, and subsequently circulated the Building Project application, full EAF and supporting materials to all involved agencies; and,
- WHEREAS, the Town Board at its meeting of March 26, 2008 also referred the Building Project application to the Planning Board for a recommendation on both the application and on a SEQR Determination of Significance; and,
- WHEREAS, the Planning Board reviewed and considered the building project application, the full Environmental Assessment Form and supporting materials prepared by the project sponsor, and at its meeting of July 1, 2008 recommended that the Town Board: (1) issue a SEQR Negative Declaration for the proposed action and (2) approve the Building Project Application; and,
- WHEREAS, said application and supporting materials include: (1) project plans which address site layout, utilities, storm water management, grading, open space and other site development factors; and (2) an EAF Parts I and II addressing potential environmental concerns; and,
- WHEREAS, no substantive comments have been received from any involved agency concerning the potential environmental effects of the proposed action; and,
- WHEREAS, the Town Board has conducted its own independent analysis of the application and its potential environmental effects;
- NOW, THEREFORE, BE IT RESOLVED,  
that based upon its review of the Building Project application, the full EAF and other supporting materials submitted by the applicant, comments on the application submitted by the Town Engineering and Planning Divisions and involved agencies, its own independent analysis of the application, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, the Town Board hereby determines that approval of the application to amend Building Project Approval No.25 for Dowerskill Village Section 2B constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a draft Environmental Impact Statement; and,
- BE IT FURTHER RESOLVED,  
that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and
- BE IT FURTHER RESOLVED,  
that the Town Department of Economic Development and Planning is hereby authorized and directed to file any and all appropriate notices of this determination so that the intent of this Resolution is carried out; and,
- BE IT FURTHER RESOLVED,  
that this determination is based upon the following facts and conclusions:

1. The proposed action involves the construction of 10 single-family residences.
2. The proposal represents a decrease in density and associated impacts from the 64-unit apartment complex previously proposed on the site and approved by the Town Board under Building Project Approval No. 25.
3. The project area consists of 10.2 acres of vacant land located along Hauge Boulevard and Rotterdam Drive. It is anticipated that approximately 4.1 acres of such land will be impacted by project development. The remaining 6.1 acres will remain undeveloped and will be conveyed to the Village Square Homeowners Association. Appropriate deed restrictions will be placed on this parcel to ensure that it remains as open space.
4. The project does not involve the installation of any new public roadways or utilities. Existing public water and sanitary sewer are available to serve the project.
5. An erosion and sediment control plan has been prepared for the project and will be implemented during project development. The project will comply with SPDES Phase II regulations for construction activities.
6. The proposed project development plans do not show any impact to State or Federally regulated wetlands. All wetlands shown on the site are located in that area which is to remain undeveloped and conveyed to the Village Square Homeowners Association.
7. Review of the site in the field and with available environmental data revealed no other environmentally sensitive characteristic of the parcel, or issues that have not been addressed, or areas requiring further study.

On a motion by Mrs. Dawson, seconded by Mr. Messina and a vote of 5 for and 0 against, and 0 absent, this RESOLUTION was adopted on August 13, 2008.

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(2) Parkland Fee Resolution for Dowerskill Village Section 2B;

**Resolution No. 32**

TOWN BOARD  
TOWN OF BETHLEHEM  
RESOLUTION

RESERVATION OF PUBLIC PARKLAND / FEE REQUIREMENT  
DOWERSKILL VILLAGE SECTION 2B

WHEREAS, the Town Board of the Town of Bethlehem has received an application under the Town's Planned Development District regulations from Jenkins Building Corporation for Building Project approval of a 10 lot single-family residential development in Dowerskill Village Section 2B; and,

WHEREAS, §128-40(F) of the Code of the Town of Bethlehem provides the Town Board with the authority to review and approve Building Project applications; and,

WHEREAS, Local Law No. 7 of 2001 of the Town of Bethlehem adopted by the Town Board on June 13, 2001 and §128-57 of the Town Code authorize the Town Board to require the reservation of land for public park, playground, or recreation purposes, or the payment of a fee in lieu of parkland, as a condition of Building Project approval for residential developments requiring such approval; and,

WHEREAS, said Local Law was adopted by the Town Board after careful consideration of the impacts that new housing development is having on the Town's park and recreation facilities, as outlined in a memorandum from the Town Planning Department dated May 15, 2001; and,

WHEREAS, the Town Board has considered the project site and its potential for accommodating a park site for active recreation use;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board hereby finds that the proposed Dowerskill Village Section 2B development presents a proper case for the requirement of public parkland, but that a suitable park of adequate size, which meets the criteria outlined in Local Law No. 7 of 2001 and §128-57 of the Code of the Town of Bethlehem, cannot be properly located on the Dowerskill Village Section 2B parcel; and,

BE IT FURTHER RESOLVED,

that the Town Board of the Town of Bethlehem hereby requires that a fee be paid in lieu of parkland reservation for the proposed Dowerskill Village development, the amount and payment of which shall be made in accordance with Local Law No. 7 of 2001 and §128-57 of the Code of the Town of Bethlehem.

On a motion by Mr. Kotary, seconded by Mr. Messina and a vote of 5 for and 0 against, and 0 absent, this RESOLUTION was adopted on August 13, 2008.

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Councilman Hennessey asked what the law states, the number for this. Town Planner, Jeff Lipnicky, said it is \$1550 per home and there are 10 homes. Mr. Hennessey said so it is \$1550 times the 10 homes. Mr. Lipnicky said that money is collected upon issuance of the Building Permit.

and  
(3) Amendment No. 1 to Building Project Approval No. 25 – Dowerskill Village Section 2B.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve Amendment No. 1 to Building Project Approval No. 25, Dowerskill Village Section 2B. 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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The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department to accept a donation of \$1,000 from Walmart Foundation. Supervisor Cunningham asked for a motion to table this item.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to table the request from Administrator, Nan Lanahan, Parks and Recreation Department, for acceptance of a donation of \$1,000 from Walmart Foundation. 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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The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of seasonal personnel.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the request of Nan Lanahan, Administrator, Parks and Recreation Department, for approval of seasonal personnel as listed on the Memorandum dated August 13, 2008 at the titles and salaries listed. 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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Supervisor Cunningham asked if there was any new business from the Town Board Members. There was none.

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Supervisor Cunningham made the following announcements:

- reminded everyone that the 2009 budget workshops beginning Monday, August 18, 2008; and
- the swearing in ceremony will be held on Monday at 10:00 a.m. of the police promotions, in the auditorium.

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Supervisor Cunningham next asked if there was any public comment on non-agenda items. There were none.

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The motion was made by Mr. Hennessey and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 6:35 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.

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Town Clerk