

TOWN BOARD
AUGUST 22, 2007

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 6:00 p.m.

PRESENT: John H. Cunningham, Supervisor
Daniel Plummer, Councilman
Samuel Messina, Councilman
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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The Supervisor welcomed everyone and invited them to join in the pledge of allegiance. He thanked everyone.

The first item on the agenda was comments on agenda items. Mrs. Marie Capone asked about the appointment of Joseph Cansler and his background. Supervisor Cunningham said he could do that. He noted Mr. Cansler was a Major in the Army and worked for DPW in Germany; directed a maintenance and repair of over 3 million square feet of facilities in 40,383 acres of community of 6300 soldiers, civilians and family members; managed a \$70 million dollar operations and maintenance and construction budget; supervised a work force of 279 American and German professional engineers, laborers, administrative staff; met with local labor unions and regularly discussed issues and concerns; responsible for the construction and maintenance of all installation facilities to improve family housing, recreational facilities, barracks, office and maintenance buildings; responsible for enforcement of all environmental and hazardous and material regulations; responsible for providing fire and emergency service to the community; developed a long range project list for forecasts and managed annual construction budgets; supervised the development of a 10 year installation master plan; responsible for the completion of vulnerability assessments for all base facilities after 911; responsible for the development and implementation of an installation snow removal plan; administered contracts for grass cutting, landscape and cleaning of all facilities; monitored over all ongoing construction projects to ensure compliance with design specifications; monitored all work orders and service orders to ensure timeliness and quality control; responsible for a fleet of 115 trucks, emergency vehicles and assorted engineering equipment; and represented the installation of community town hall meetings regarding issues involving engineering facility maintenance.

Mrs. Capone said so that's it. She said he would be a good person for the Army but he has no engineering degree and the Board is making him Commissioner of Public Works. She said maybe there should be a salary adjustment between what Bruce Secor was making and what you are hiring. Supervisor Cunningham asked if she thought he should make more than Bruce. Mrs. Capone said Terri got the Town the worst thing we could have, thank God you took care of it but let's face it, you have to go RPI and work that way.

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Mr. William Kelleher said when Oliver Holmes was hired, he was a licensed professional engineer and he has always recommended to the Town for at least 10 years to have a licensed professional engineer who represents the best interests of the Town of Bethlehem. He said we had it in Mr. Holmes. Mr. Kelleher said Mr. Holmes was not an experienced civil engineer but he accepted it because there were so many problems. Now, he noted the Town wants to hire a man who does not have a license in the State of New York. He asked if Mr. Cansler is going to appear before the State, before EPA. He asked if he would be submitting plans. He said the Engineering Department should submit plans every once in a while.

Mr. Kelleher said some of the issues on the water supply and the

infrastructure need addressing. He said it is almost in shambles. He said when he asked a couple of meetings ago what is going on with the water supply, he got a canned answer from Mr. Holmes. He said he was disgusted with the answer.

Mr. Kelleher said he is asking what the status of the 13.9 million dollar lawsuit. He said he had a number of things. He asked what the status was of spending \$20 million dollars on the rinky dink water supply up in the hills. He said that was what Mr. Holmes was against and that was the only answer he had. He asked what the status was of getting raw water from the City of Albany from the Alcove Reservoir which would solve all of the problems for the next 50 years. He asked Mr. Holmes what the status was on the lawsuit and he said he did not have the slightest idea. He said the lawsuit is involved with obtaining raw water from the City of Albany. He said that would be by far the best answer and maybe this new Commissioner of Public Works, maybe he can get his PE license. He said he can apply for it with all the background that was given. He said if he is not qualified to get a PE license then in the State of New York, he is not qualified to act as Commissioner of Public Works with all the problems the Town has.

Mr. Kelleher said there is a rampant expansion of the water demand and nobody seems to care about where the water is going to come from. He said the City of Albany has the Town over a barrel. He asked why wasn't the water bills lowered when the settlement agreement produced more money. He said the water bills went up 2 or 3 times because of the failure of the Clapper Road water supply. He said the Town finally got something in operation and asked why the water bills were not lowered. He said instead, the money had to be spent on the sewer plant pipe.

Mr. Kelleher said we have a \$10 million dollar bill that will be coming up in the future to stabilize the dam at Henry Hudson Park, noting nobody seems to care about it. He said a good engineer would.

Mr. Kelleher said these are some of the things that should be considered and he does not see any input into the Town Planning whatsoever from the engineer or Commissioner of Public Works. He said there is a lot of jobs that this person has to do in addition to running the Department of Public Works. He said we have to have a good experienced staff that has a history of what goes on in Town of Bethlehem. He said he has seen this time and time again like the City of Troy where for political reasons they kept on changing their engineer and their personnel in the engineering department and the city was in a shambles. He said they actually burned down City Hall at one time to get rid of all the records.

Mr. Kelleher said what he was saying is that as far as he is concerned, some of these questions should be answered before we start making new employment. He said Mr. Holmes met the condition, license professional engineer and he could represent the Town of Bethlehem best interests before the State of New York and before the United States Government including the Corps of Engineers when it comes to a knock down drag out fight about those decaying dikes in the Hudson River. He asked why wasn't the Commissioner of Public Works involved in the EPA dredging site which was a ridiculous choice to begin with.

Mr. Kelleher said there are many engineering problems that have been just glossed over and overlooked and we keep on paying more and more for our water. He said now we have the sewage treatment plant and things are starting to fall apart there. He said go down and get the odor indicating he would not want to live down there next to it nor his wife. He thanked the Board.

Mrs. Capone mentioned that Councilman Plummer is the only one who knows what Mr. Kelleher is talking about. Mr. Kelleher agreed he is the only one with background experience in this. Councilman Plummer said that is not true. He said specifically as it relates to where we are on water issues and the acting Commissioner who is helping out here. He said the lawsuit cannot be responded to but as it relates to the bond that was talked about at Vly Creek to do the enhancements there, the Board decided to hold off on that because they felt as though it was too costly and they were going to look at alternatives. He said one of

the alternatives is what was mentioned, the prospect of purchasing raw water from the City of Albany and to that end, they have met with the City officials, costing that out and looking at what the options may be. Councilman Plummer said there is a lot of work going on right now that relates to that.

Councilman Plummer said what is important is the reason they held off on the enhancements at Vly Creek and the upgrades is because they felt it was too costly when they looked at other alternatives. He said there is a lot of work being done on that right now. He said he would expect that the Board will be in a position hopefully within a couple months at the latest to know what the next direction will be.

Councilman Plummer said as it relates to some of the other issues, he cannot speak to those. He suggested Mr. Leveille speak to those. Mr. George Leveille, Director of Economic Development and Planning and Acting Commissioner of Public Works, addressed some of the issues. He said he also wants to make an obvious point that the issue of the lawsuit is related to the issue of raw water from Albany and he thinks it inappropriate to discuss that publicly because of the nature of it being a lawsuit and potential litigation. He said there is a real connection should the Town opt for other ways of running the Clapper Road plant and not appropriate to discuss until the Town knows the direction they are going in.

Mr. Leveille said as far as the rampant expansion of water demand, he said their facts are significantly different than that. He said they have seen a significant flattening of water demand and Mr. Deyoe as Town Engineer has recently done a water modeling study that points to this that we have adequate capacity right now for the projects that are in front of them right now. He said there has really been a flattening of demand and they are relooking at their long term projections because as will be talked about later, just in the last 7 years they have seen a 60 percent reduction in building permits for residential development in the Town. He said things are changing in terms of future demand.

Mr. Leveille said the water rates being lowered, some may recall that he was appointed Commissioner of Public Works back in 2004 on the heels of a rate increase which was done because the water fund was in tremendous structurally deficit and it fiscally was in terrible condition. He said that had a tremendous impact on the quality of the services that could be offered to the residents.

Mr. Leveille said as far as the issue related to the bulkhead at Henry Hudson Park, they have just completed a Henry Hudson Park Master Plan that has identified that as a priority and they are seeking funding now to develop an engineering report to tell the Town what the obligations are there and what it might cost to make repairs there. He said that is under way. He said a recent review of the sewage treatment plant with DEC indicates it is in tremendous condition and they are looking at doing a master plan in the year ahead to look at future needs and what the needs of that facility might be. He said again, in that case they are on top of that and have recommendations in the local waterfront revitalization plan that address that issue.

Mr. Leveille said finally to the issue of engineers and he needed to speak to this since he is not an engineer. He said he has now served 2 stints as Commissioner of Public Works. He said there is a highly competent staff of professional engineers, led by the Town Engineer Erik Deyoe, 3 PEs on staff, 2 Town designated engineering firms at their disposal. He said what they need is a competent manager to operate this department and they think they have found a tremendously competent individual who has experience in operating and managing and leading a group of professionals in this area. He said he is very pleased with the candidate that has been selected to replace him. Supervisor Cunningham thanked Mr. Leveille.

Mr. Robert Jasinski said it sounds like this is a fun evening but let's all keep a little sense of humor. He said he thinks Mr. Leveille in his great knowledge has answered a couple questions, one was how many engineers we have in the Town and

Erik Deyoe is a licensed engineer. He said he noted Mr. Leveille said we have lost 60 percent of the building, asking if he misunderstood him. Mr. Leveille said residential building permits are down 60 percent since 2000. Mr. Jasinski said because of that statement, he asked that the Town Comptroller in her presentation maybe kind of expand a little bit on that and how it is going to affect the amount of financial income we are going to have for the coming year, if it is going to drop it down a little bit from the estimates. He said because as everyone knows the stock market, the mortgages and everything, had a tremendous drop and they are in quite turmoil at this time.

Mr. Jasinski said the other comment for Town Engineer Deyoe was to ask on the leak detection survey authorization that he kind of put a little presentation on how much water we may be loosing, how long it will take to pay for this request. He said he is sure he is very knowledgeable on this subject if you would allow him to do that. He said if we are going to have a new Commissioner of Public Works for the water and sewer, he would ask, noting this is personal, he takes it from what is down in the Board agenda that he lives in Watervliet. He said he would ask if he has any intentions of moving to the Town of Bethlehem because of the amount of time it takes to travel on the evening and morning hours. He thanked the Board. Supervisor Cunningham said Mr. Cansler discussed this with him and the Town does not have a residency requirement for employees. He said he does not believe and he does not think any Board Members believe that that is a prudent idea. He said talent does not necessarily live within the borders of your municipality. He said sometimes they have to cross borders. He said Mr. Cansler has a son who is a junior in high school and he would like to allow his son to complete high school at his current location before he commits to moving to Town. He said when that is over, Mr. Cansler did commit to moving to Town and committed to be here whenever he is needed for any emergency.

Supervisor Cunningham asked for other comments on agenda items. There were none.

The Supervisor said the next item was to approve the Town Board minutes of July 25, 2007 and August 8, 2007.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the Town Board minutes of July 25, 2007n and August 8, 2007 as submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Hearing Began: 6:25 p.m.

SUPERVISOR CUNNINGHAM: Next I'd like to ask for a motion for the public hearing to waive the reading of the call of the meeting and a motion to indent Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting.

The reading of the call of the hearing was waived 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. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

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 August 22,

2007 at 6:15 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending the Code of the Town of Bethlehem, Chapter 119, Vehicles and Traffic, Section 119-33, Schedule VII, Stop Intersections as follows:

<u>STOP SIGN ON</u>	<u>AT INTERSECTION OF</u>	<u>DIRECTION</u>
Delmar Place	Adams Place	North

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

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State of New York)
County of Albany)

The undersigned is the printer (or publisher) of SPOTLIGHT, a weekly newspaper published in Delmar, New York. A notice regarding Senior Citizens was published in said newspaper once in each week for 1 successive weeks, commencing on 8/8/07 and ending on 8/8/07. The text of this notice as published in said newspaper is as set forth below, or in annexed exhibit. This newspaper has been designated by the Clerk of Albany County for this purpose.

The Spotlight
 Colonie Spotlight
 Guilderland Spotlight

/s/ Kristina Maldonado

Sworn to before me this 20 day of August 2007.

/s/ Sharon A. Doldo, Notary Public, Onondaga County

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STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

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 that I posted on August 5, 2007, a Notice of Public Hearing, a copy of which is hereto attached, 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
21st day of August 2007.

/s/ Julie S. McNeil
Notary Public

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SUPERVISOR CUNNINGHAM: I want to open the floor for testimony on the public hearing proposed local law amending Code of the Town of Bethlehem for Stop Sign on Delmar Place and Adams Place in Delmar.

MR. EARING: Hi, my name is Wayne Earing. I live at 2 Delmar Place in Delmar.

SUPERVISOR CUNNINGHAM: Wayne, can you just speak into the microphone. Thanks.

MR. EARING: My name is Wayne Earing. I live at 2 Delmar Place in Delmar on the corner of Adams. I am proposing a stop sign there. Lot of traffic comes down there. There's a lot of kids on the street. There is no stop sign there now. On the left hand side where the Agnita's live there is a lot of trees and you can't see coming. And, they really come down fast and they cut it wide and then they cut the

sidewalk. They cut the grass and they cut the sidewalk, cut the grass on the other side.

Now this is no lie. I was standing there one day and a lady come by and clipped my pants waiting for the school bus and kept right on going. I believe that we need a stop sign there and I'm requesting that you do it.

SUPERVISOR CUNNINGHAM: Okay, thank you.

MR. EARING: Thank you.

SUPERVISOR CUNNINGHAM: There was also a petition that was delivered to the Town from the neighbors requesting that that stop sign was on there also. Did you circulate that, Wayne?

MR. EARING: Yes, I did. Like 30 people.

SUPERVISOR CUNNINGHAM: 30 residents in that area and I think, I am not sure if that was in the Board packet or not but there is a petition on file requesting that.

Is there anybody else who wanted to speak to the stop sign at that location? Okay, may I have a motion to close the hearing?

The motion was made by Mr. Plummer and seconded by Mr. Kotary to close the public hearing at 6:27 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Cunningham asked if the Board wished to take action on the previous proposed local law.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to adopt the proposed Local Law amending the Code of the Town of Bethlehem, Chapter 119, Vehicle and Traffic, Section 119-33, Schedule VII, Stop Intersections for a stop sign to be installed on Delmar Place at its intersection with Adams Place.

Councilman Messina noted he and the Supervisor had a brief discussion on this and the point he wants to make is pretty much over the past couple of years they have had the benefit of stop sign studies in terms of visibility and traffic flow, thinking Creighton Manning has done those. He said he visited the spot and he could see that to be consistent with other roads along that area and because of the trees and bushes and the sight distance it was a reasonable thing to do for safety. But, the point he would like to make was he thinks the Town Board has been well served by an engineering study in the past to look at the traffic so that they are not arbitrary on where they place the signs. He said if they find the engineering study is not effective, that Creighton Manning is not doing what they want, he suggests it be looked at again. He said on this, he will support it and approve it but in terms of our policy, he would still like to have the studies in the future. Supervisor Cunningham thanked Councilman Messina.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was the presentation of the July 31, 2007 interim financial report by the Town Comptroller. Supervisor Cunningham asked Comptroller Kehoe to come up and present the information.

Comptroller Kehoe started by answering a previous question relative to mortgage tax. She said there has indeed been a decline in mortgage tax over the last few years. She said in 2004 the mortgage tax revenues were about \$1,759,000, and has declined down to about \$1.4 million in 2005, it held flat in 2006 and we're projecting that it will be lower still in 2007. She said mortgage tax is dependent on sales of homes and refinancing of homes. So as the interest rates go up, according to Mrs. Kehoe, your refinancing tend to go down. She said the good news is that they had anticipated that that was occurring and, in fact, they lowered the budgetary estimate for that dropping it down to just under \$1.2 million for 2007. She said based on the projections as of this point in the year, we will be close to hitting that. She said she is projecting that we will be just under \$1.1 million.

Mrs. Kehoe said as was discussed through the budget presentations over the years and certainly through a review of the actual results, in the General Fund there is 70 percent of your revenues coming from sales tax and mortgage tax. She said because of where we are in Albany County and because of all the retail that is here, because of the influx of people from outside of Albany County and because of the increase in population in Bethlehem thereby giving us a larger share of the sales tax, as they have experienced the decline in mortgage tax over the last few years, they have had a corresponding increase in the sales tax. She said that is how they have been able to maintain stable revenues. She said it would have been nice if they went up higher than they did but they have been essential whole with modest increase in revenues over that time. She said she hoped that answered the question.

Comptroller Kehoe said as far as the projections, noting these results are as of July 31st and what she has included for all 4 funds if the projections of where she expects we will be at this point, her crystal ball gets better as the year progresses as the additional sales tax and mortgage tax amounts. She said as of this date in the General Fund they had projected a modest deficit of about \$384,000 and projecting that might be slightly higher up to just under \$600,000 in the General Fund. She said she will update that as they get into the next quarter. She said they have, historically, been able to curtail some of the expenditures and that has helped to close that gap. She

is hoping that they will be able to roll it back to the \$384,000 but what is presented is a conservative estimation of where they may come. She did indicate that the fund balance is still strong and that they had planned to have a deficit and they should be able to absorb this without impairing the overall condition of that fund.

Comptroller Kehoe said the sales tax revenues are highlighted noting they did get the second quarter check and that was at about \$2,384,000 and that is up about \$29,000 from the first quarter receipt. She said it is still somewhat below where they hoped to be with the budget. She said she is projecting a slight shortfall there of the total \$9,750,000 that they budgeted for the year. She said it will probably be short by about \$161,000 or so. She said she will update the Board with that as we get to the next quarter as well.

Comptroller Kehoe said the highway fund and water fund, sewer fund, all appear to be on target with the budgeted amounts. She said they did provide for some transfers into the Capital Reserves which is an investment of those monies. She said it appears as an expense but it is only an expense in governmental accounting and the rest of the world it would be an investment.

Mrs. Kehoe asked if there were any questions. Councilman Messina said in regard to a line item 3120, the Police general fund budget categories, projected expenditures are \$5,375,000 and the original budget was \$5,478,000 roughly \$100,000 in reduced costs. He asked what that was about. Mrs. Kehoe said there are a number of contractual items where the Chief has made provision to incur certain expenses. She said he does tend to be conservative in his estimates as well. She said but based on the current projections, the Chief expects that he should not expend those full amounts. She said it is based on a judicious review of what the Chief's operating needs are and curtailing as he can. Mr. Messina thanked Mrs. Kehoe.

Supervisor Cunningham asked if there were any other questions. There were none. He thanked Comptroller Kehoe.

The next item was a request from Town Engineer, Erik Deyoe, for acceptance of easement for Lyons Road, Selkirk.

The motion was made by Mr. Messina and seconded by Mr. Plummer to approve the acceptance of the Land Division Map and Deed from Barent Winnie LLC, 8 Wendom Road, Albany, NY for Lyons Road, Selkirk as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.
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 Mrs. Dawson and seconded by Mr. Messina to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department at the titles and salaries listed on the Memorandum dated August 22, 2007. The motion was passed by the following vote:

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

The next item was a request from Erik Deyoe, Town Engineer, for approval of Leak Detection Survey and authorization to sign contract. Town Engineer Deyoe said the Town of Bethlehem is under obligation with our water supply permit from DEC to do a periodic leak detection survey. He said this is a condition of the most recent water supply permit. He said they solicited proposals from several qualified specialty firms that do leak detection as their prime business. He said they interviewed several firms and landed on New York Leak Detection as the top candidate based on not only on their price but on their availability.

Mr. Deyoe said with respect to the questions raised, he looked at this anticipating the Board might have questions. He said last year they had 3 percent unaccounted for water and in 2005 it was 8 percent. He said in real terms that represents 61 million gallons and 191 million gallons of water that is essentially lost or unaccounted for in the system. He said it is what does not go through when you sum up all the meters that are collected. He said it is what does not go through the meters but is produced at the plant. He further noted that is not entirely water that is lost through leakage. He said some of it is water that is not counted – as meters start to get older they slow down so older meters tend to not count accurately the water that is consumed by residents. Not only that, according to Mr. Deyoe, but fire protection services, any kind of fire fighting activities are not accounted for in the unaccounted for water.

Councilman Kotary asked if Town Engineer Deyoe had any guess as to how much that might be. Mr. Deyoe said in terms of dollars, if the 2 years are averaged... Councilman Kotary said in terms of the 3 and 8 percent unaccounted for, how much is to leakage. Mr. Deyoe said that is tough to say. He said they are on a program to update their meters and this is the 7th or 8th year of a program to actually replace meters with radio reads. He said not only to improve their efficiency in reading them but also to get more accurate readings. He said in terms of real dollars, it's really a revenue issue. He said water that does not go through a meter is essentially lost revenue to the Department of Public Works. He said so in real terms if you add those 2 years together that represents about \$365,000 in lost

revenue. He said if you assume 10 percent reduction can be found in that lost water quantity which is completely reasonable through this effort, it has about an 8 month pay back. He said it is clearly a good project to do.

Councilman Dawson asked if this was the first time this has been contracted out. Town Engineer Deyoe said this is the first time the Town has done this.

Councilman Messina asked about the \$108 per mile and if this was the low bid price. Mr. Deyoe said they were the low bid and the most cooperative in terms of their scheduling. He said several others wanted to work at night and off hours but that would require the Department to have someone shadow them. He said from an operational standpoint, this is a better way for them to move forward and they are also the least expensive.

Councilman Messina said the other question was that he knows this is to be in compliance with DEC permitting approaches but the infrastructure thing, if these leaks are found, is that some of what he needs to come up with this infrastructure plan and the dollars that are in need to be seen to look into the future. Mr. Deyoe said absolutely. He said this provides a great deal of information and one of the requirements for any of the firms was that they provide information in a way that they can put it into the GIS system and look at it visually and make a determination not only on where the leaks are but what the size of the leaks are and try to use that to prioritize water main replacement projects and so forth. Councilman Messina thanked Town Engineer Deyoe.

Supervisor Cunningham thanked Town Engineer Deyoe and asked for a motion.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve doing a Leak Detection Survey and authorizing the signing of the contract as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Supervisor, John Cunningham, for approval to appoint Joseph Cansler, Watervliet, NY to the position of Commissioner of Public Works, effective September 6, 2007.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the appointment of Joseph Cansler, Watervliet, New York to the position of Commissioner of Public Works effective September 6, 2007. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Cunningham introduced Mr. Cansler, Commissioner of Public Works and congratulated him. He welcomed him to the Town of Bethlehem.

The next item was to acknowledge receipt of the Quarterly Report from the CACC including the Map of Recreation, Conservation, Education and Municipal Lands. Supervisor Cunningham asked if Chairman Liebschutz wanted to say anything. Mrs. Liebschutz what the Board has before it is what CACC believes to be their final work product on the 3rd task that was assigned to them by the Town Board. She said this map was clarified through the Board as to what was to be put together showing recreation, conservation, education and municipal lands. She said the map is attached to the report, color coded showing the areas. She said by the

definition that is attached behind them they have identified the parcels, indicated the area that they comprise in acres and how that area relates to the Town as a whole.

Mrs. Liebschutz said as they indicated in the cover Memorandum, they were hopeful that this map may set the stage for possible further study or action by the Board. She said the map in its current form is certainly not what anybody would call a map of open space. She said they also wanted to emphasize that in its current form it is also not a map showing places where people can go recreate necessarily. She said some of the lands on the map are open for public access but some of them are not. She said the color coding and definitions that they have supplied with the map are designed to show that but it was the recommendation that if this map is made public or for example if it is posted on the Town website that some sort of legend be added to it or perhaps even at the top as part of the title making clear that it is not intended to show places where people can go even to hike let alone use their ATVs or engage in other activities.

Mrs. Liebschutz said it does give some idea of land that has been set aside that is not currently developed and much of it is, in fact, open for recreation and their preliminary view is that there is a pretty good distribution of park land in proximity to where people live and in some cases the primary issue is some difficulty in getting to some of these areas at least on foot or by bicycle and means other than a car. But, she said they had in April when they came before the Board for clarification of what was wanted on the map, they indicated some potential for further work that could be done if you wanted to overlay the map, perhaps, you could show their suggestion of not necessarily producing a map but that there could be further study of land uses that might be shown in something like a pie chart that might show land devoted to ag districts, to cemeteries, to utility uses and other land that was not developed with buildings. What they have concluded, Mrs. Liebschutz said is that they recommend that they not pursue that further. She said that might be a task that might be appropriate as part of an open space plan or further effort that the Town might want to undertake but unless and until the Board decides it wants to take that further step and that there is a clearer direction developed for the purpose for such a study, they did not feel it would be profitable for the CACC to pursue that effort at this time. She said they thought it would be better use of the group to provide citizen advice and input but that second stage was more of a technical sort of task that could be provided to you, directly by Town staff.

Supervisor Cunningham thanked Mrs. Liebschutz and the CACC for all the hard work on this. He said he knows it has been difficult at times and he appreciates everything everyone has done. He said he also appreciates Mrs. Liebschutz's leadership also.

Mrs. Liebschutz thanked the Supervisor and said they have worked well together and educated themselves well on all the issues at least and tried to pass some of that along to the Board on some of the issues that even a fairly simple task can bring to light. She asked if anyone had any questions.

Councilman Messina commented that it is a very small piece of this but from the Board's perspective a useful one, the CACC does note that one of the things that was revealed by the development of the map were areas where the objective of pedestrian connectivity, bicycle, etc. might not be available and that's just the type of information as they look down the road might be very useful for some of the strategic work. He said he thinks that is a very important side benefit and he would just echo what Supervisor Cunningham said, thanks for the work.

Supervisor Cunningham said for the Board's information in conjunction with this that he has asked the Economic Development and Planning staff to begin working on an approach to developing an outline for an open space plan. He asked Director Leveille if the end of September was appropriate to come back to the Board with information. Director Leveille said that was correct. Supervisor Cunningham thanked Director Leveille.

Supervisor Cunningham said he was going to go out of order on the agenda because there are a couple other items to address. He said next would be the request from the Chief of Police, Louis Corsi, for the acceptance of a donation to DARE from Nancy Farr.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to accept a donation of \$50.00 from Nancy Farr to DARE as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Cunningham said a non-agenda item was a request from the Chief of Police, Louis Corsi, to approve the bicycle auction on September 8, 2007.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve holding a bicycle auction on September 8, 2007 from 9:00 a.m. to 1:00 p.m. at the Elm Avenue Town Park as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Cunningham said the next item would be Director Leveille giving a presentation from the Comprehensive Plan Oversight Committee. He said the committee has been meeting over the last month or so to review the Comprehensive Plan and to put a report card together on it.

Director Leveille said with regard to the CACC report several months he transferred responsibility to the staff to Rob Leslie, Planner, and he seamlessly moved into that position and prepared the maps. He said he is doing an outstanding job in support of the CACC. He thanked him.

Mr. Leveille said the committee has a brief report and they will move later into a public interaction and comments with regard to the Comprehensive Plan. He said the background for the committee comes right from the Comprehensive Plan. He said some specific language in the recommendations as a Tier I recommendation was that the committee would assist the Town Board and help guide the plan implementation effort. He said the committee was formed by the Town Board on April 25, 2007 and has met on several occasions and has been working to put together this draft report which is up on the Town's website.

Mr. Leveille said the members of the Comprehensive Plan are listed and guidance was provided in the plan indicating who should be included. He said you do see a heavy involvement of key Town officials including Planning Board Chair Parker Mathusa, Zoning Board of Appeals Chair Michael Hodom, 2 former BPAC Members and 2 citizens representatives who have participated in developing this report.

Mr. Leveille said what they looked at in developing this report were the major planning initiatives that really were the core of the Tier I recommendations and priorities of the plan. He said a quick review of those as far as Zoning and Subdivision amendments, they have done 2 major amendments to date. He said obviously the first was done in conjunction with the adoption of the plan August 2005 and subsequently 1 year later another major overhaul of the Zoning was done to complete many open issues. As far as the Waterfront Revitalization plan, Mr. Leveille said this was another Tier I recommendation and it was funded by both the Town and the Department of State and that planning effort is 85 percent complete and will be completed in the next couple of months. He said the Route 9W linkage study, another recommendation of the Comprehensive Plan, was funded by a

combination of Town and New York State funds through the Capital District Transportation Committee. He said that effort is 75 percent complete and will be finished this fall.

Mr. Leveille said the VISTA Technology Campus another Tier I recommendation, the SEQR findings have been made by the Town and the MEDD Master Plan has been approved and the site plan application is pending. He said on a related note, the developer has recently executed its work permit with NYS DOT to construct the access off the bypass extension so that it will be completed in conjunction with the completion of that segment of the road in October of this year.

Mr. Leveille said the Citizens Advisory Committee on Conservation, obviously, has been formed and completed 2 tasks and actually now he can update and say 3 tasks have been completed. He said it is functioning as envisioned in the Comprehensive Plan.

Mr. Leveille noted in looking at where we are since the adoption of the plan, the committee felt they should look at trends in development activity in the Town. He said they call them indicators of what is going on so they looked at several key issues to see what is happening from the development point of view. He said he was prompted earlier to share a little bit of that with the Board.

Mr. Leveille said as far as the 19 projects that were halted by the residential moratorium, there are clear indications that the moratorium, the Comprehensive Plan and other factors have impacted those 19 projects in a way that are reducing the number of single family housing projects being proposed. He said there is a detail in the report that looks at many of these including a complete list of all the projects that were affected. He said in many cases, the applications have actually vanished, in other cases they have changed from single family developments to more varietal type housing – town homes, senior restrictive housing and other things that were again recommended and priorities of the Comprehensive Plan.

Mr. Leveille said they look at each of the 19 projects and in looking at those, there is a clear impact and there is also external influences throughout this – market conditions, real estate trends, financing -- all those kinds of things that impact development but certainly there has been a clear indication so far that the comp plan goal of reducing dependency on single family housing and increasing the variety of housing types is in fact happening.

Mr. Leveille said they looked at the Planning Board and said well, what's the Planning Board been doing. He said they were almost shocked to find out that since 2004 only 34 residential building lots have been approved by the Planning Board. He said if you look at the pipeline of projects that are being considered, many of them include multi-family housing, senior housing, mixed uses of housing rather than the traditional single family subdivision that the community said enough was enough. He said from a Planning Board activity point of view, another note of the Planning Board is that they approved 22 site plans since 2004. He said they were generally commercial projects so it is an increase in the commercial activity and a relatively dramatic decrease in the number of residential building lots being approved by the Planning Board.

Mr. Leveille said looking at further building activity, permits on the commercial side have been very consistent since 2000. He said the only thing that has changed there is the value of the projects and it depended upon the type of permit. He said the number of activities have remained consistent with a slight upward trend. He said on the housing side, a dramatic reduction with 60 percent on the one and two-family housing permits. He emphasized the difference in 2000 there were about 15 permits being issued per month for residential and today they are issuing about 6 permits per month. He said this was pretty dramatic and they are keeping their eye on it.

Mr. Leveille said these trends are influenced by a number of things, not just good planning. He said they include market conditions, build-out, lack of good

sites and developers really responding to the community statement of trying to suppress the rate of residential growth.

Mr. Leveille said their conclusion in looking at development activity and trends is that they are cautiously optimistic and heading in the right direction. He said certainly the direction contemplated by the community in the Comp Plan. He said they need to continue to monitor it and watch this to ensure that on a long term basis they achieve the goal.

Mr. Leveille said in looking at CPOC's findings, basically they give a report card in the back of the report. He said they looked at every recommendation outlined in the Comp Plan Executive Summary and said where are they and what needs to be done. He said in looking at the immediate action recommendation that was the Zoning and Subdivision amendments and that has been done twice. He said there will be another technical review this fall.

Mr. Leveille said as far as the priority actions, the Tier I recommendations outlined earlier and the planning initiatives going on and substantial progress has been made. He said the mid-term Tier II recommendations were issues that were important to the community for which there was not complete consensus or which further Town Board decision making and policy setting would be required. He said looking at the major focus that they have had in the last 2 years on the Tier I effort and all the major planning initiatives, there has still been excellent progress made in implementing Tier II recommendations. He said things that relate to some of the work by CACC in preparing a ped network plan for the Slingerlands hamlet area, the hamlet master plan for the New Scotland Road hamlet – a Tier II recommendation that developed having master plans. He said again on balance, good progress and moving ahead those items, the CACC's work in developing the open space funding report was again one of the issues related to Tier II recommendations.

Mr. Leveille said the ongoing recommendations are the things that were designed for the Town government and its operation. He said how the Town operates, how it thinks, how it communicates with developers and there are several recommendations being advanced there – things like storm water management, education on the use of septic systems, the idea of creating pedestrian improvements and priorities. He said there are a number of areas where there are well documented recommendations being advanced by the Town.

Mr. Leveille said he thinks on all fronts, CPOC findings are that things are moving ahead according to plan in a very well organized and concerning way. CPOC then took a look at where do we go from here. They looked at where there are opportunities for further work and made a series of recommendations, according to Mr. Leveille, to the Town Board.

Mr. Leveille said he would do a quick review of select recommendations, the big ones and key ones. He said as far as the Zoning Law and Subdivision regs, they think the notion of continuing the annual technical review makes sense. He said they should constantly be looking to improve and by looking at the Code and having the experience of working with projects they can do that. He said this year was the first Mixed Economic Development District approved. He said they now have experience with it and they know where there is room to make that better.

Mr. Leveille said they also realized that Conservation Subdivision incentive zoning which are 2 major elements of the Comp Plan process in the initial zoning amendments, have had no takers. He said it may be tied to the fact that there has not been a lot of residential development where these are oriented so they want to reevaluate those and see if there is something fundamentally in those regulations that is preventing them being used or is it just the function of the type of projects that are coming or not coming before them. He said they would like to reevaluate that and make sure that the product they have out there is desirable to the folks who own land or intend to develop land so that they are useful tools.

Mr. Leveille said as far as the Route 9W study, pretty simple, he suggests getting the recommendations made and adopted and formulate implementation strategies and financing strategies to make those improvements that are desperately needed. He said another area of sensitivity has to do with the Selkirk Bypass. He said as the Town considers a determination where that will go, they need to be sensitive to how that impacts the residents and businesses and work closely with the community to be sure that they minimize negative impacts. He said that is also included in the recommendations on the 9W study.

Mr. Leveille said on the Local Waterfront Revitalization Plan side, they are looking at adopting recommendations that will be made in probably the next 2 months and one of the priorities is to seek financing for the Henry Hudson Park improvements that they talked about earlier and Mr. Kelleher spoke about. He said also to develop a Simmons Road park master plan. He said there is 60 acres of land the Town has owned since the late '90s and they would like to develop a plan for how that should be used by the community.

Mr. Leveille said the issue of an official map, a Tier I recommendation, official maps are tools to help preserve corridors for public improvements, especially roads. When you make long term planning decisions, according to Mr. Leveille, about where road should be they need to preserve those corridors. He said with the selection of the potential location for the Selkirk Bypass and other key corridors in Town, they now need to consider is it time to develop that official map and officially put those corridors on a map so they are protected from development encroachment.

Mr. Leveille said the Conservation Advisory Council wants to reconsider or recommend to the Board that they reconsider the limits of authority and provide more flexibility for the CACC to be able to carry out its tasks. He said this does not suggest by any means that it should become regulatory agency, the recommendation does not say that, but it says that the CACC should not be constrained by being unable to think or suggest or recommend ideas to the Town Board. He said there has been a very strict interpretation of how the CACC operates and some of the great thinking at the meeting is being inhibited by the restrictions. He said he thinks the Board should let the folks do their work and make suggestions and bring ideas to the community about how to deal with land conservation in Town.

Mr. Leveille said the Comprehensive Oversight Committee they think should continue to meet and it is a good idea and check on where they are and make an annual progress report to the community. He said they think also that by around 2009 it might be time to think about another formal update to the Comp Plan. He said most of the other recommendations will have been completed and things to do will have to be considered and make official policy about what they should be and when they should be done. He said there is a second recommendation that the CPOC continue to meet periodically, maybe twice a year or something along those lines, and report on the progress.

Mr. Leveille said the recommendation regard to infill development, redevelopment, is a great thing they think noting there has been several cases of quality infill development such as the Glenmont Plaza, a number of adaptive reuse projects along Route 9W and they want to continue to identify and encourage redevelopment and infill development of properties throughout the area of Town that are built and identified specifically the former Blue Cross/Blue Shield building on New Scotland Road as a priority that needs to be addressed. He said the Delaware Avenue linkage study is about to be commenced and they want to get started. He said that study is from Elsmere Avenue to Adams Street and they would like to see consideration beyond that scale how the impacts of the study area, especially east toward the Albany city line are considered. He said they want to get started on that project.

Mr. Leveille said the hamlet Master Planning is a key piece of the Comp Plan and they would like to have the Town identify another hamlet district for master planning. He said a similar type effort to the New Scotland Road effort, the

charette which was very successfully accomplished last year. He said perhaps something in conjunction with the 9W study which would be timely and appropriate but they think it was a very effective tool and as they continue on implementing that hamlet plan, they would like to begin doing another.

Mr. Leveille said the open space protection plan, they believe it is time to initiate a Town-wide open space planning process. He said the dialogue has brought them to a point where it is appropriate to go forward. He said the Town Supervisor has charged them with beginning the process of outlining how this is done. He said they also think a key piece of that and there are many pieces, over the years the Town has been taking parkland set asides but have never cohesively mapped them. He said there is a need to get them down on paper and see where are and how they relate to other initiatives and take official action on what the policy is with regard to connecting these and putting them together. He said pedestrian connects are recognized as not being inexpensive so they want to leverage the Town's investment and find funding. He said they were successful in obtaining funding for a key link this year between Elsmere Avenue and Wemple Road and will need to continue to look for ways to leverage Town dollars and continue to make pedestrian improvements. He said one thing they would like the Town to think about is considering a bike/ped/bridle path, etc. master plan (just some non-motorized) plan that puts this all together and continues to make improvements that make us a more pedestrian friendly community.

Mr. Leveille said generally the next steps that are together is to gather public input and finalize and publish the detailed narrative report, provide the final recommendations to the Town Board hopefully in September and then put together a popular report – something that is more user friendly for the regular citizen that could be included in our quarterly report or some other form and let people know what is going on with regard to the Comp Plan and not loose site of how important it is to the community and finally get Town Board direction as to what the Comp Plan Oversight Committee should do next.

Mr. Leveille said that was the summary of the report, noting copies are available on the website or they can be printed and they will listen to what the public has to say about that.

Supervisor Cunningham thanked Director Leveille and to clarify the schedule tonight, the Town Board needs to adjourn to go into Executive Session. So, Mr. Leveille has done his presentation during the Town Board meeting. He said they will complete the Town Board meeting with public comments. He said they will then adjourn the Town Board meeting and go into the gathering of public input for Director Leveille's presentation.

Supervisor Cunningham asked for public comment on non-agenda items, however, he was not looking for comments on this presentation. He said there were 2 announcements he wanted to make. One was about 2 months ago Mr. Leveille and he met with Bill Monroe, Jay Nash and Michael Kelly from the St. Andrew's Foundation. He said they came to the Town with the idea of putting the foundation here in Town. He said they identified a space down in South Bethlehem which was the Baker farm to purchase and move in. He said the Foundation has sent a letter that on September 1st they will announce that they are moving to Bethlehem and will be starting a capital campaign to build buildings for the Foundation. He said one of the more exciting parts of this is that it will bring the annual Scottish games that occurs at the Altamont Fair grounds to Bethlehem. He said he thinks this is a great opportunity for some new events here in Town and for some tourist initiatives so he is pleased to learn about this. Mr. Leveille said the Baker farm was the former Waste Management site.

The Supervisor also mentioned thanks to the hard work of Town Board Member Dan Plummer and many others, the Open Space Institute closed Monday on the purchase of the Colonial Acres Golf Course. He said after that the Town signed a lease and we are now operating the course as part of the Town's Parks Department. He said there will be a ribbon cutting ceremony next Monday at 2 p.m. at the course and everyone is invited to attend.

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Mrs. Marie Capone said for the gentleman that talked about Delmar Place, years and years ago there was a Traffic Safety Committee. Supervisor Cunningham acknowledged that Mrs. Capone was a member of the committee. She said Pete Schmidt was the representative of the Highway Department and they were about a dozen people. She said they had a person from Creighton Manning on it and everything was volunteer. She said for years and years nobody got paid. She said they did a lot for the Town. She said last Saturday there was a car that came down Delaware Avenue in front of her house and another one the other way, there was a young man on a bicycle on the shoulder of the road. She said the 2 cars met and one car hit the kid on the bicycle. She said she and her daughter ran to help and it was a hit and run. She said it just happened to Judge Milano came a few minutes later and they talked to him about it. She said there has to be something done with the traffic on Delaware Avenue, they live there and this is on Delaware. Supervisor Cunningham thanked Mrs. Capone.

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Mr. William Kelleher said this is a non-agenda item. He welcomed Mr. Cansler to the Town of Bethlehem. He said he heard Director Leveille mention the bulkhead, indicating it is not a bulkhead in any sense of the word. He said any engineer knows it isn't who has any background in it. He said he uses as the best authority in the world U.S. Army Corps of Engineers Commanding General who wrote to him and said these are cryptite wood sheet tile dikes that are decaying away and the Corps of Engineers built them in 1915. He said there is a long history on it and there is no way you can put a bulkhead there. He said it would cost \$30 or \$40 million dollars and he does not understand what this fishing pier is all about. He said as a trained engineer... engineering historian but he would be glad to give the Board all the information he has on what actually exists down there in Henry Hudson Park and Schermerhorn Island. He said it is all connected with the water supply but he wanted to cooperate with everybody.

Mr. Kelleher said when they hired Oliver Holmes he stayed out of it. He said he dropped out of the picture completely. He said he is not trying to interfere with the engineering decisions he would make. He said he knew with an absolute certainty that he recommended against putting any more money into the Vly Creek reservoir system. He said he is glad to hear that the Town Board has come to the same conclusion. He said he didn't know that.

Mr. Kelleher said he will be glad to explain to everyone what these decaying sheet tile dikes, the complete history on them, and also a 1600 foot dam at the south end of Henry Hudson Park that was build in 1814 by the State of New York. He said that is part of history that everyone should be familiar with. He thanked the Board. Supervisor Cunningham thanked Mr. Kelleher.

Ms. Linda Jasinski said once again, the agenda did not reflect the Oversight Committee presentation which was a big part of this and it was scheduled for 7 o'clock, noting she saw a lot of people come in at 7 o'clock and the presentation was half way or three-quarters through the presentation. She said she thinks maybe the paperwork could be gotten together a little bit better noting the public would like to be involved.

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

The Supervisor asked for a motion to meeting in Executive Session to discuss negotiations with the Police contract.

The motion was made by Mr.Plummer and seconded by Mr. Kotary to approve meeting in Executive Session following the close of the meeting to discuss negotiations with the Police contract. The motion was passed by the following vote:

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

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to adjourn the regular Town Board meeting at 7:14 p.m. The motion was carried by the following vote:

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

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.