

**Town Board
April 14, 2010**

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 6:00PM.

PRESENT: John Smolinsky, Deputy Supervisor
Joann Dawson, Councilwoman
Mark Hennessey, Councilman
Mark Jordan, Councilman
Kyle Kotary, Councilman
Nanci Moquin, Town Clerk
James T. Potter, Esq., Town Attorney

ABSENT: Samuel Messina, Supervisor

Mr. Smolinsky called the meeting to order and lead the Pledge of Allegiance. He introduced himself as the Deputy Supervisor and said Supervisor Messina was unavailable to attend this meeting. He would preside over the meeting.

PUBLIC COMMENT ON AGENDA ITEMS

Marie Capone asked who was driving the Senior Van when the accident occurred.

APPROVAL OF 3/24/10 MINUTES

A motion to approve the Town Board minutes as drafted was offered by Councilman Kotary, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NAYES: none
ABSENT: Supervisor Messina

REQUEST FROM THE CHIEF OF POLICE TO ACCEPT A DARE DONATION IN THE AMOUNT OF \$10.00 FROM NANCY FARR

A motion to accept a \$10.00 DARE Donation from Nancy Farr was offered by Councilman Jordan, seconded by Councilman Hennessey and approved with the following vote:

AYES: Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NAYES: none
ABSENT: Supervisor Messina

REQUEST FROM DIRECTOR OF MIS TO ACCEPT A DONATION FROM THE BETHLEHEM YOUTH COURT FOR THE PURCHASE OF A NEW PC FOR THE BETHLEHEM YOUTH COURT

A motion to accept the Bethlehem Youth Court donation for the purchase of a new PC for the Bethlehem Youth Court was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

AYES: Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: Supervisor Messina

REQUEST FROM SENIOR SERVICES DEPARTMENT FOR A BUDGET MODIFICATION TO INCREASE THE INSURANCE RECOVERY LINE ITEM AND INCREASE THE COLLISION REPAIR ACCOUNT IN THE AMOUNT OF \$3,200.86

A motion to allow a Senior Services Department budget modification to increase the Insurance Recovery Line Item and increase the Collision Repair Account in the amount of \$3,200.86 was offered by Councilman Kotary, seconded by Councilwoman Dawson approved with the following vote:

AYES: Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: Supervisor Messina

REQUEST FROM THE TOWN ENGINEER TO ACCEPT A 15' ALL PURPOSE EASEMENT IN FRONT OF 21 AND 31 BEVERWYCK LANE, NORTH BETHLEHEM

A motion to accept the fifteen (15) foot all purpose easement in front of 21 and 31 Beverwyck Lane, No. Bethlehem was offered by Councilman Kotary, seconded by Councilman Jordan and approved with the following vote:

AYES: Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: Supervisor Messina

REQUEST FROM DEPUTY COMMISSIONER OF DPW TO ADOPT RESOLUTION TO ESTABLISH LEAD AGENCY FOR THE NORTH BETHLEHEM FORCEMAIN AND INTERCEPTOR SEWER IMPROVEMENTS

Mr. Deyoe, Deputy Commissioner presented. This is a partially grant funded project from Assemblyman Gordan. He passed a member item a few years ago to allow the Town to construct a diversion around the existing Delaware Avenue pump station. Presently the sewage from North Bethlehem and Slingerlands goes through the Delaware Avenue pump station. As part of the Environmental review for the Vista project, the Town did a comprehensive sewer study and it was determined that the Delaware station doesn't have sufficient capacity to take on additional development. This project will divert flow from North Bethlehem and Slingerlands through some existing infrastructure and rebuild existing infrastructure along Kenwood Avenue, Borthwick and through the Verstandig property directly into the Town's trunk sewer main. This will give the Town additional capacity to support those projects. The Environmental Review will be initiated with this Resolution.

A motion to adopt SEQR Resolution to establish lead agency for the North Bethlehem Forcemain and Interceptor Sewer Improvements was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

AYES: Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none
ABSENT: Supervisor Messina

Resolution No. __15__

TOWN BOARD
TOWN OF BETHLEHEM

**SEQR RESOLUTION
CLASSIFICATION OF ACTION AND LEAD AGENCY DESIGNATION**

**NORTH BETHLEHEM FORCEMAIN AND
INTERCEPTOR SEWER IMPROVEMENTS**

- WHEREAS, the Town Board of the Town of Bethlehem has been approved by the New York State Assembly Ways & Means Committee to receive a New York State Capital Assistance Program (“NYS CAP”) grant in the amount of \$3,000,000, to be administered by the Dormitory Authority of the Sate of New York (DASNY); and,
- WHEREAS, the proposed action is to undertake sewer forcemain and interceptor improvements along Kenwood Avenue, Borthwick Avenue, Delaware Avenue (NYS Rt. 443), Oldox Road, and the Dowers Kill stream corridor, conducted through two phases of work; and,
- WHEREAS, the stated purpose of said improvements includes the construction of 400-feet of 10-inch forcemain and 7,300 feet of 18-inch gravity sewer piping (first phase) under existing roads within existing public road right-of-way. Replacement of the northernmost section of the Town’s Interceptor Sewer (second phase) includes, 300-feet of 18-inch gravity sewer piping, 3200-feet of 21-inch gravity sewer piping, 2700-feet of 24-inch gravity sewer piping, 1100-feet of 27-inch gravity sewer piping, jack-and-bore of 500-feet of 24-inch PVC and replacing 27 manhole structures along the proposed Interceptor Sewer, within the existing Town sewer easement along the Dowers Kill; and,
- WHEREAS, the Dormitory Authority of the State of New York requires an environmental review pursuant to the State Environmental Quality Review Act (SEQRA) for grant applications associated with the New York State Capital Assistance Program; 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, the SEQR regulations found at 6 NYCRR 617.6(a) require that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether the action involves a federal agency; (3) whether other agencies are involved; (4) the appropriate preliminary classification of the action; (5) whether a full or short environmental assessment form is necessary; and (6) whether the action is located in an agricultural district and subject to applicable provisions of the Agriculture and Markets Law; and,
- WHEREAS, 6 NYCRR 617.6 establishes procedures for coordinated review of Type I actions where more than one agency is involved;

NOW, THEREFORE, BE IT RESOLVED,
that the Town Board of the Town of Bethlehem hereby determines that the proposed action to undertake sewer forcemain and interceptor improvements along Kenwood Avenue, Borthwick Avenue, Delaware Avenue (NYS Rt. 443), Oldox Road, and the Dowers Kill stream corridor, conducted through two phases of work within existing public right-of-way

and easements constitutes an action that is subject to SEQR; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that the preliminary classification of the action shall be designated as "Type I"; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that at minimum a Full Environmental Assessment Form is necessary to determine the significance of the action; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that the proposed action is not located within an established agricultural district and therefore is not subject to the provisions of the Agricultural and Markets Law; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that coordinated SEQR review of the action will be undertaken in accordance with 6 NYCRR Part 617.6; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that a federal agency, specifically the U.S. Army Corps of Engineers, may have jurisdiction in this matter; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that other involved agencies with respect to this action may include the: (1) New York State Department of Environmental Conservation, (2) New York State Department of Transportation, (3) New York State Department of Health, (4) Albany County Health Department, (5) Dormitory Authority of the State of New York; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that interested agencies with respect to this proposal may include the: (1) New York State Department of Agriculture and Markets, (2) New York State Office of Parks, Recreation & Historic Preservation, (3) Albany County Department of Economic Development, Conservation & Planning; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby recognizes that the Town Department of Public Works has initiated coordinated review of the action by filing a copy of the project description, SEQR materials and appropriate notice with involved agencies, and notified said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice (dated February 4, 2010); and,
BE IT FURTHER RESOLVED,
that having notified the involved agencies of the Town Board's desire to be Lead Agency, through coordinated review letters, dated February 4, 2010, the Town Board hereby declares it shall be Lead Agency for SEQR review of the proposed action since no objections to such designation have been received from any involved agency.

REQUEST FROM THE DEPUTY COMMISSIONER OF DPW TO ADOPT NEGATIVE DECLARATION FOR THE NORTH BETHLEHEM FORCEMAIN AND INTERCEPTOR SEWER IMPROVEMENTS

A motion to adopt the SEQR Negative Declaration for the North Bethlehem Forcemain and Interceptor Sewer Improvements was offered by Councilman Hennessey, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NAYES: none

ABSENT: Supervisor Messina

Resolution No. 16
TOWN BOARD
TOWN OF BETHLEHEM

SEQR RESOLUTION
DETERMINATION OF SIGNIFICANCE/NEGATIVE DECLARATION

**NORTH BETHLEHEM FORCEMAIN AND
INTERCEPTOR SEWER IMPROVEMENTS**

- WHEREAS, the Town Board of the Town of Bethlehem has been approved by the New York State Assembly Ways & Means Committee to receive a New York State Capital Assistance Program (“NYS CAP”) grant in the amount of \$3,000,000, to be administered by the Dormitory Authority of the State of New York (DASNY); and,
- WHEREAS, the proposed action is to undertake sewer forcemain and interceptor improvements along Kenwood Avenue, Borthwick Avenue, Delaware Avenue (NYS Rt. 443), Oldox Road, and the Dowers Kill stream corridor, conducted through two portions of work; and,
- WHEREAS, the stated purpose of said improvements includes the construction of 400-feet of 10-inch forcemain and 7,300 feet of 18-inch gravity sewer piping (first portion) under existing roads within existing public road right-of-way. Replacement of the northernmost section of the Town’s Interceptor Sewer (second portion) includes, 300-feet of 18-inch gravity sewer piping, 3200-feet of 21-inch gravity sewer piping, 2700-feet of 24-inch gravity sewer piping, 1100-feet of 27-inch gravity sewer piping, jack-and-bore of 500-feet of 24-inch PVC and replacing 27 manhole structures along the proposed Interceptor Sewer, within the existing Town sewer easement along the Dowers Kill; and,
- WHEREAS, the Dormitory Authority of the State of New York requires an environmental review pursuant to the State Environmental Quality Review Act (SEQRA) for grants associated with the New York State Capital Assistance Program; and,
- WHEREAS, the proposed action pertains to the following drawing entitled: “North Bethlehem Forcemain and Interceptor Sewer Improvements, Site Location Map/Proposed Improvements”, Figure Number 1, Town of Bethlehem, Albany County, New York, dated January 2010, prepared by Barton & Loguidice, P.C.
- WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency may undertake, 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 April 14, 2010: (1) determined that the proposed improvements 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 a "Type I" 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 is not located within a certified agricultural district and therefore is 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 April 14, 2010, declared its intent to be lead agency for SEQR review; and
- WHEREAS, the Town Board has independently reviewed and considered the Full Environmental Assessment Form and supporting materials prepared by the Town Engineering Division, Barton & Loguidice (Town Designated Engineer) as well as comments received from involved agencies, addressing potential areas of environmental concern for the proposed project; and,

WHEREAS, supporting materials include, but are not limited to, Bethlehem Slingerlands Sewer Study, dated May 2007, and The Slingerlands Sanitary Sewer Improvements Preliminary Engineering Report date July 2008,

WHEREAS, the Town Board has concluded that the identified areas of concern have been adequately addressed and appropriate environmental mitigation for the project will be provided; and,

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby confirms that it is lead agency with respect to SEQR review for the proposed action to undertake sewer forcemain and interceptor improvements along Kenwood Avenue, Borthwick Avenue, Delaware Avenue (NYS Rt. 443), Oldox Road, and the Dowers Kill stream corridor, conducted through two portions of work within existing public right-of-way; and,

BE IT FURTHER RESOLVED,

that based upon its review of the proposed project, the full EAF and other supporting materials prepared by the Town Designated Engineer; and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that approval of the proposed action to undertake sewer forcemain and interceptor improvements along Kenwood Avenue, Borthwick Avenue, Delaware Avenue (NYS Rt. 443), Oldox Road, and the Dowers Kill stream corridor, conducted through two portions of work within existing public right-of-way constitutes an action which will not have a significant impact on the environment; 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 Public Works is hereby authorized and directed to file any and all appropriate notices of this determination so that the intent of this Resolution can be carried out; and,

BE IT FURTHER RESOLVED,

that this recommendation is based upon the following facts and conclusions (that are also set forth in the ‘Notice of Negative Declaration’ annexed hereto and made part hereof):

1. The project is located within the Town’s Core Residential and Residential A zoning districts, and development is characterized as residential. The nature of the project is compatible and accommodating for the surrounding land uses.
2. The project is in accordance with the recommended collection system improvements developed in the Town of Bethlehem Slingerlands Sewer Study, dated May 2007, and The Slingerlands Sanitary Sewer Improvement Preliminary Engineering Report, dated July 2008, both prepared by Barton & Loguidice, P.C. The studies evaluated the sanitary sewer collection system in the northern section of the Town and reviewed the system’s overall condition, capacity and recommended short and long term improvements, including routing alternatives.
3. The proposed action is not expected to have a significant effect on any protected water body or floodplain. Portions of the project are located within the 100-year floodplain of the Dowers Kill and characteristics of the proposed project area will not be changed. The site will be restored to existing conditions, which generally consist of manicured, mowed grass area.
4. The project will not have a significant adverse impact on wetland resources. There are no NYSDEC jurisdictional wetlands located within the project site. The proposed sewer improvements will occur within existing roadway rights-of-way and along an existing sewer easement.
5. The project will not have a significant or long-term adverse impact on vegetation or

- wildlife. The project site has no record of known occurrences of rare or state listed animals or plants, significant natural communities, or other significant habitats.
6. The project will not have a significant or long-term adverse impact on archeological resources or historic properties. Correspondence by the State Historic Preservation Office (SHPO), dated February 22, 2010, requested a site plan illustrating portions of the project that are 100% in-kind improvements and new construction. Appropriate mitigation as recommended by the SHPO will be included in the final design to accommodate any impacts.
 7. The project will not result in a substantial increase in traffic volumes or create traffic congestion on area roadways. Temporary traffic congestion may occur during construction, which will be short term.
 8. The project will not have a significant or long-term adverse impact on existing air quality. The project will have no impacts on the quality of air once construction is complete. During construction operations, the project will be subject to the normal dust and mud problems associated with such construction work. In that regard, all standard practices will be used to contain and minimize airborne emissions on and near the site.
 9. The project will not have a significant or long-term adverse impact on agricultural resources. The site is not located on active agricultural land or land located within the Agricultural District. Correspondence by the NYS Department of Agriculture and Markets, dated February, 12, 2010, stated that compliance with the Agriculture and Markets Law is not required.
 10. The proposed action will not have a significant adverse aesthetic impact. Improvements will occur under existing roadway pavement and/or within existing sewer easement areas which will be restored to original conditions (manicure, mowed grass area).
 11. The project will not have a significant adverse impact on noise levels or quality of air in the vicinity of the project site. Noise and air quality impacts associated with construction will be temporary and of short-term duration. The impact can be mitigated by limiting hours of construction to traditional work hours of the residents.
 12. The project will not have a significant adverse impact on public health and safety.
 13. 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.

REQUEST FROM TOWN ENGINEER TO SCHEDULE PUBLIC HEARING FOR THE ESTABLISHMENT OF THE MYSTIC WOODS DRAINAGE DISTRICT

A motion to schedule the public hearing for the establishment of the Mystic Woods Drainage District for May 12, 2010 at 6:05pm was offered by Councilman Kotary, seconded by Councilman Jordan and approved with the following vote:

AYES: Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: Supervisor Messina

REQUEST FROM THE ADMINISTRATOR OF PARKS AND RECREATION FOR APPROVAL OF SEASONAL PERSONNEL

A motion to approve seasonal personnel as listed in Ms. Lanahan's 4/14/2010 memo was offered by Councilwoman Dawson, seconded by Councilman Jordan and approved with the following vote:

AYES: Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: Supervisor Messina

NEW BUSINESS

ANNOUNCEMENTS

Mr. Smolinsky informed the Board that after their recommendation to appoint Ted Putney to the Hudson River Valley Greenway Communities Council, Mr. Putney was appointed by Albany County Executive Michael Breslin.

The Town will have an Earth Day Ceremony on April 22, 2010 at 9:00am in front of Town Hall.

Community Cleanup Day will be starting on Saturday April 16, 2010. Meet in the Town Hall parking lot at 9:00am. Each month the cleanup day will be on the third Saturday of the month.

Community Activities announcements.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Marie Capone - Not everyone has a computer, so don't tell us to look on the WEB site. There used to be a traffic safety committee that people could bring street issues to. Two places on Delaware Avenue need to be addressed; parking in front of Post Office and a hole in the road, someone tripped. Town should pressure State to fix the road.

A motion to adjourn was offered by Councilwoman Dawson, seconded by Councilman Kotary and approved with the following vote:

AYES: Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: Supervisor Messina

The meeting ended at 6:25pm.

Nanci Moquin
Town Clerk