

TOWN BOARD
FEBRUARY 8, 2006

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

PRESENT: Theresa Egan, Supervisor
Daniel Plummer, Councilman
Tim Gordon, Councilman
Samuel Messina, Councilman
Kyle Kotary, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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Supervisor Egan welcomed everyone to a regular meeting of the Board and invited them to join in the pledge of allegiance.

The Supervisor asked if there was any public comment in regard to agenda items. She asked for a motion to dispense with the 30-minute public comment period.

The motion was made by Mr. Kotary and seconded by Mr. Plummer to dispense with the 30-minute public comment period since there were no comments on the agenda items. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.
Absent: None.

The first item on the agenda was to approve Town Board minutes of January 11, 2006. The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the Town Board minutes of January 11, 2006 as submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.
Absent: None.

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

The motion was made by Mr. Kotary and seconded by Mr. Plummer to approve the appointment of seasonal personnel as listed in the Memorandum from Administrator, Nan Lanahan, Parks and Recreation Department, dated February 8, 2006 at the titles and salaries indicated. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.
Absent: None.

The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department. for approval of use of Recreation Capital Reserve Funds to permit construction of playground and complete site work at Maple Ridge Park. Supervisor Egan said this was a project started last year and is in the vicinity of the Town Highway Garage on Elm Avenue East. She noted the basketball court and parking area and seeding and grading have been completed. She said this is subject to a permissive referendum period.

The following resolution was presented for adoption:

RESOLUTION NO. 10

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 8th day of February 2006, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to construct a playground and complete site work at Maple Ridge Park, and

WHEREAS, it is estimated that the costs of said work will be approximately \$50,000 and,

WHEREAS, in recognition of these needs, funds for such construction and site work are in the Recreation Capital Reserve Account; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the site work and construct a playground and,

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve monies to fund this project up to a maximum amount of \$50,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Recreation Capital Reserve Account the funds necessary up to \$50,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Mr. Plummer, seconded by Mr. Kotary and duly adopted by the following vote:

AYES: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

NOES: None.

ABSENT: None.

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Councilman Messina asked what the balance would be in the Capital Reserve Account. Mrs. Lanahan said there is about 1.2 million dollars in the reserve overall. Councilman Messina thanked Mrs. Lanahan.

The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of award of bid for Sodium Hypochlorite solution to the low bidder. Supervisor Egan said this would be awarded to Surpass Chemical Company of Albany at the bid price submitted.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the award of bid for Sodium Hypochlorite solution to the low bidder, Surpass Chemical Company, Albany, New York at the bid price indicated in the bid document as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department of Parks and Recreation for approval of use of Recreation Capital Reserve Funds to complete construction of water play area at Elm Avenue Park. Supervisor Egan said this was a project started last year and is a replacement of 2 cement wading pools with an aquatic spray ground. She said there was an approval last year knowing that there was an additional sum coming from operating, however, during the discussion there were health concerns expressed. She said they indicated the health, wealth and safety of our children

was first and foremost. She said the Board went ahead and approved the Capital Reserve and construction is started. She said in the interim, the Department of Health has reacted to the situation at the spray grounds and a new set of rules and regulations was promulgated having to do with spray grounds and imposing new regulations having to do with the treatment of the water. She said as a result the engineers had to basically go back through and look at the plan and incorporate the new equipment and the new operations that the regulations require. This is the additional expense, according to the Supervisor.

Councilman Plummer commented after having spoke with Administrator Lanahan and Town Engineer Deyoe that the new regulations that the Department of Health has promulgated apply to the proposal that is on the table. He said it is also his understanding based on input that Mrs. Lanahan has received from the engineer and the Department of Health that if we were not to do this and say replicate what was there before where we did not have the actual splash pond but you had something similar where it was for wadding purposes that ultimately either later this year or early next year, the Department of Health is looking at promulgating regulations that would apply to that facility as well. He said although that would be considered a scaled down version, ultimately if that was to be done instead of what is on the table, it would have to be retrofitted that facility later and the cost would be considerable, close to what is being considered here. He asked if this was wrong, to please tell him. He said because of that he is supportive of this.

Supervisor Egan said the conversation over the last 2 weeks has been the fact that this is a lot of money but this got caught up in the Department of Health rules and regulations. She said she thinks there was a decision as to a programming decision that was made that there are financial assets in the reserve accounts to cover this. She said a lot of thought has gone into what if this was known 6 months ago. She said she does not have the luxury of that hindsight. She thanked the Board Members who were very involved in this looking at alternatives and being involved with Mrs. Lanahan and Mr. Deyoe to make a good decision as to the best way to go with the information available. She thanked Mrs. Lanahan and Mr. Deyoe noting it was a tough decision to make.

The following resolution was presented for adoption:

RESOLUTION NO. 11

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 8th day of February 2006, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to provide additional funds to complete construction of the water play area at Elm Avenue Park, and

WHEREAS, it is determined that funds are needed to provide additional engineering services, ultraviolet disinfection and drainage upgrades in order to comply with the New York State Department of Health code, and

WHEREAS, it is estimated that the costs of said work will be approximately \$235,000 and

WHEREAS, in recognition of these needs, funds for such construction are in the Recreation Capital Reserve Account; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest and safety to complete construction of the water play area and,

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve monies to fund this project up to a maximum amount of \$235,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Recreation Capital Reserve Account the funds necessary up to \$235,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Mr. Kotary, was seconded by Mr. Gordon and duly adopted by the following vote:

AYES: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

NOES: None.

ABSENT: None.

The next item was a request from Department of Public Works, Engineering Division, for approval to set public hearing regarding Carriage Hill Extension to Water District No. 1. Could advertised on February 22, 2006 and hold hearing March 8, 2006 at 5:45 p.m. Supervisor Egan asked for a motion.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve setting a public hearing for March 8, 2006 at 5:45 p.m. to consider an Extension to Water District No. 1 for the Carriage Hill Subdivision as requested by Terrence Ritz, Engineering Division, Department of Public Works with advertising on February 22, 2006. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Supervisor Egan commented that this is part of the public hearing this evening as well, noting there may be a number of these because now that the Town is not in the emergency situation, they are out of the river, these extension can now be done.

The next item was a recommendation from Highway Superintendent, Gregg Sagendorph, for approval of setting of a public hearing to amend the Code of the Town of Bethlehem, Vehicle and Traffic, parking prohibited on the southwest side of Adams Street between Delaware Avenue and Adams Place in Delmar. Could advertise February 22, 2006 and hold public hearing on March 8, 2006 at 6:00 p.m. Supervisor Egan said this was started due to the area being a safety hazard because of parking on both sides of the street. She noted this was to restrict parking on one side.

Councilman Plummer asked if anyone has approached the church in regard to this problem. He asked why they would not go to the other side and park. The Supervisor said they would be able to park on one side. She said there is no problem with parking on the church side but it is parking on the residential side.

The motion was made by Mr. Messina and seconded by Mr. Mr. Kotary to approve setting a public hearing for March 8, 2006 at 6:00 p.m. as recommended by Highway Superintendent, Gregg Sagendorph, to consider a local law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Parking Prohibited at All Times on the southwest side of Adams Street between Delaware Avenue and Delmar Place, Delmar. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

The following item was a request from Department of Public Works, Engineering Division, for acceptance of deeds for New Salem Water Transmission Mains, including approval of compensation. Supervisor Egan said these are the easements that are being obtained to do the upgrade to the New Salem Plant.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the acceptance of deeds for the New Salem Water Transmission Mains including approval of compensation as requested by Terrence Ritz, Engineering

Division, Department of Public Works. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

The next item was a request from Department of Public Works, Engineering Division, for approval of release of permanent easement for water line purposes, 900 Delaware Avenue, Delmar.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the release of permanent easement for water line purposes, 900 Delaware Avenue, Delmar as requested by Terrence Ritz, Engineering Division, Department of Public Works. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

The following item was a request from commissioner of Public Works, Oliver Holmes, and Highway Superintendent, Gregg Sagendorph, for adoption of resolution regarding construction of portions of County Route 204. Supervisor Egan noted this is in regard to a County project that is happening over on the Blessing/School House/Krumkill area.

The following resolution was presented for adoption:

RESOLUTION NO. 12

Resolution for Maintenance of new facilities and Receiving of Storm water as related to Construction of Albany County Route 204

(Maintenance Features - Sidewalk and Water mains)

Resolution of Bethlehem Town Board

Whereas: The County of Albany proposes construction of portions of County Route 204 within the Town of Bethlehem, and

Whereas: The County of Albany will include as a part of the construction, reconstruction, or improvement of the above mentioned project the construction of sidewalks in the Town of Bethlehem, provide for the relocation and replacement of a portion of an old water main and service connections with a new water main and new service connections on a portion of Russell Road, and will also construct a new closed storm sewer system as shown on the contract plans relating to the project, and

Whereas: The County of Albany will constructed the new sidewalk in accordance with ADA standards, and

Whereas: The service life of the relocated and replaced utilities will be extended and the new closed storm sewer system has been designed in accordance with NYSDEC storm water regulations, and

Whereas: The County of Albany will provide funding for the reconstruction of the above mentioned work as shown on the contract plans relating to the project, but can not fund the costs for replacement of the old water main on a section of Russell Road as desired by Town of Bethlehem, and

Whereas: The County of Albany has offered to include the replacement of said water main on the portion of Russell from approximately station R 0+50 to station 5+00 as part of the proposed construction project as shown on contract drawings date 30 November 2005 as long as the Town of Bethlehem agrees that this is a betterment for the Town, and the Town will reimburse the County for the costs thereof, and

Whereas: The Town of Bethlehem has reviewed the "Storm water Management Report" and the drawings for the proposed project in

regards to the designed of the proposed closed storm sewer system and has reviewed the plans for the proposed replacement of the old water main on Russell Road;

Now, Therefore,

Be it resolved: That the Town of Bethlehem hereby approves the construction of above mentioned work and as shown on the contract plans relating to the project and that the Town of Bethlehem will maintain, or cause to be maintained, the sidewalks constructed as above stated and as shown on the contract plans, also included is the control of snow and ice in accordance with Maintenance Jurisdiction Plan, attached as Exhibit A; and

Be it further resolved that the Town of Bethlehem approves the municipal utility relocation and replacement of a portion of the old water main on Russell Road and that Town of Bethlehem will reimburse Albany County for the costs of said betterment based on the actual unit prices bid for the relevant items for water main replacement, but in no event shall the total amount of this betterment exceed \$65,000, such funds to be paid no later than six months after the completion of the water line replacement to the Albany County Department of Public Works; and

Be it further resolved that the Town Of Bethlehem will be responsible for the maintenance of the replaced water main and appurtenances, and

Be it further resolved that the Town of Bethlehem approve the discharge of storm water from Albany County MS4 storm sewer system to the Town of Bethlehem MS4 storm sewer system, but Albany County Department of Public Works will own, operate, maintain the storm water management practices located within the Town of Bethlehem Right of Way in accordance with Maintenance Jurisdiction Plan: Attached as Exhibit A.

Be it further resolved that said storm water discharge from the Albany County MS4 storm water system to the Town of Bethlehem MS4 storm water system will meet acceptable water quality standards set forth by the New York State Department of Environmental Conservation.

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

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval to go to bid for the purchase of up to two dump body sander combinations. Could advertise Feb. 15, 2006 and open bids on February 28, 2006 at 3:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of up to two (2) dump body sander combinations for use of said Town of Bethlehem Highway Department, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 15th day of February, 2006 and that bids be received up to 3:00 p.m. on the 28th day of February, 2006 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

Acknowledgement was made of receipt from IDA Chairman, George Leveille, of proposed Amendments to Uniform Tax Exempt Policy. Supervisor Egan noted this is the pilot agreement. She said this is something that the

Bethlehem IDA has considered and it has gone through sub-committee of the IDA and part of the requirement is to advise the other taxing authorities of the proposed change in policy. She said there is no action needed by the Town Board, this is merely a notice requirement. The Supervisor thanked the Board.

The next item was a request from Judith Kehoe, Comptroller, for approval of transfer of Highway Department employee to the position of Carpenter. Supervisor Egan said it is a situation where the position was advertised and several applications were received. She said at this time there is a request and recommendation for the appointment of Joseph Baldwin who currently works for the Highway Department to take over the maintenance position.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the transfer of Joseph Baldwin from the Highway Department to the position of Carpenter, effective February 13, 2006, as recommended and requested by Comptroller, Judith Kehoe. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

The Supervisor next acknowledged receipt of the Cable Television Franchise Fees in the amount of \$104,594.61 for the quarter October through December 2005.

Public hearing began: 5:45 p.m.

SUPERVISOR EGAN: Do I have a motion to dispense with the call of the meeting and have the notices put into the minutes?

The motion was made by Mr. Gordon and seconded by Mr. Kotary to dispense with the reading of the notices. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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 February 8, 2006 at 5:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider an extension of Water District No. 1. The proposed New Scotland Road-Norman's Kill Creek extension will provide water service to the buildings at 1220 and 1240 New Scotland Road. The maximum amount proposed to be expended for the improvement is not to exceed \$2,500.00 per year; cost of the proposed district to the typical business will be \$3,805 per year, and a \$662 hook-up will be required.

Description of Proposed

New Scotland Road-Norman's Kill Creek

Extension to Water District No. 1

All that piece, parcel or tract of land situate, lying and being in the Town of Bethlehem, County of Albany, and State of New York, being more particularly bounded and described as follows:

Beginning at a point on the common boundary line between the New Scotland Road – McCormack Road Extension to Water District No.1, and the North Bethlehem Extension to Water District No. 1; said point also lying on the southerly taking line of N.Y.S Route 85 and the westerly boundary line of lands conveyed to New Scotland Road, LLC by deed dated September 18, 1997 and recorded in the Albany County Clerk's Office in Book 2587 of Deeds at page 284;

said point also being 665 feet, more or less, southeasterly from the most northerly corner of the New Scotland Road – McCormack Road Extension: thence in a general northerly direction along said last mentioned southerly taking line of N.Y.S. Route 85 and the westerly boundary line of New Scotland Road, LLC, 130 feet, more or less, to a point; thence continuing along said last mentioned southerly taking line of N.Y.S. Route 85, 961.75 feet to a point in the centerline of the Normans Kill; thence in a general easterly direction along the centerline of the Normans Kill 125 feet, more or less, to a point; thence continuing along the centerline of the Normans Kill as it winds and turns and along the boundary line between the Town of Bethlehem and the City of Albany 2572 feet, more or less, to a point; said point being the northeasterly boundary corner of said last mentioned New Scotland Road- McCormack Road Extension; thence in a general northwesterly direction along the northerly line of the New Scotland Road- McCormack Road Extension 1650 feet, more or less, to a point in the centerline of New Scotland Road; thence continuing along the northerly boundary line of the New Scotland Road-McCormack Extension 335 feet, more or less, to the point and place of beginning containing .053 square miles, more or less.

The above described extension is shown on a map entitled proposed New Scotland Road-Normans Kill Creek Extension to Water District No. 1, scale 1"=300, dated October 06, 2004 and prepared by the Town of Bethlehem Engineering Division, Delmar, New York.

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

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

BY ORDER OF THE TOWN BOARD

TOWN OF BETHLEHEM

Kathleen A. Newkirk, MMC, RMC

TOWN CLERK

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State of New York)
County of Albany)

CHRISTINE MC NAMARA of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 25th day of January 2006.

/s/ Christine McNamara

Sworn to before me this 25th day of January 2006.

/s/ Sharon A. Doldo
Notary Public, Albany 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 Jan. 25, 2006, 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
30th day of January 2006.

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

/s/ Julie S. McNeil
Notary Public

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The motion was made by Mr. Messina and seconded by Mr. Kotary 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: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.
Absent: None.

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SUPERVISOR EGAN: Okay, at this time, we will open the public hearing to consider the extension of Water District No. 1, the proposed New Scotland Road – Normans Kill Creek extension would provide water service to the buildings at 1220 and 1240 New Scotland Road. Does anyone want to be heard on that this evening?

Going once, going twice. Okay, do I have a motion to close the public hearing?

The motion was made by Mr. Plummer and seconded by Mr. Kotary to close the public hearing at 5:47 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.
Absent: None.

Town Clerk

The Supervisor reconvened the regular Town Board meeting following the close of the public hearing.

The Supervisor asked if the Board wishes to move on the previous public hearing. She asked for a motion regarding the SEQR resolution.

The following resolution was presented for adoption:

RESOLUTION NO. 8

At a meeting of the Town Board of the Town of Bethlehem, Albany County, New York, held at 445 Delaware Avenue, Delmar, in the Town of Bethlehem, New York on February 8, 2006, the following resolution was offered by Mr. Gordon, who moved its adoption, seconded by Mr. Messina:

RESOLUTION DETERMINING THAT ACTION TO EXTEND TOWN OF BETHLEHEM WATER DISTRICT NO. 1 AND ACQUIRE WATER DISTRIBUTION IMPROVEMENTS WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

WHEREAS, the Town Board of the Town of Bethlehem, Albany County, New York (the "Town") has received a petition to extend the boundaries of Water District No. 1 (the "District"). The proposed extension would encompass the two new medical buildings at 1220 and 1240 New Scotland Road, and portions of some adjoining parcels, to be known as New Scotland Road – Normans Kill Creek Extension (the "Extension"), and the petition also contemplates the acquisition of new water distribution facilities including (a) water main pipe, (b) gate valves, and (c) fire hydrants, all as more particularly described in the "New Scotland Road, Planned Commercial District No. 6, part of Proposed Extension to Water District No. 1", prepared by The Chazen Companies. Collectively, these items constitute the action under consideration (hereafter the "Action").

WHEREAS, pursuant to Article 8 of the Environmental Conservation law, Chapter 43-B of the Consolidated Laws of New York, as amended ("SEQRA") and the regulations adopted pursuant thereto by the

Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town Board desires to determine whether the Extension may have a "significant effect on the environment" (as said quoted term is defined in the SEQRA and the Regulations) and therefore require the preparation of an environmental impact statement; and

WHEREAS, the Town Board is the only involved agency with respect to the Action; and

WHEREAS, to aid the Town Board in determining whether the Action may have a significant effect upon the environment, an environmental assessment form (the "EAF") has been presented to and reviewed by the Town Board, copies of which EAF are on file in the office of the Town Clerk; and

WHEREAS, the Town Board has examined the EAF in order to make a determination as to the potential environmental significance of the Action.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE MEMBERS OF THE TOWN BOARD AS FOLLOWS:

- (1) The Action is subject to SEQRA.
- (2) No federal agency is involved in the Action.
- (3) No other state or local agencies are involved in the Action.
- (4) The Action is properly classified as an unlisted action pursuant to 6 NYCRR Part 617.

(5) Based upon an examination of the EAF, the Town Board makes the following findings with respect to the Extension:

(A) The Extension consists of extending the District to serve the medical buildings at 1220 and 1240 New Scotland Road, and portions of some adjoining parcels, and the acquisition of new water distribution facilities including (a) water main pipe, (b) gate valves, and (c) fire hydrants, all as more particularly described in the "New Scotland Road, Planned Commercial District No. 6, part of Proposed Extension to Water District No. 1", prepared by The Chazen Companies.

(B) No potentially significant impacts on the environment are noted in the EAF, and none are known to the Town Board.

(C) Based upon the foregoing investigation of the potential environmental impacts of the Extension, the Town Board determines that the proposed Action will not have a significant effect on the environment.

As a consequence of the foregoing, the Town Board has prepared a negative declaration with respect to the Extension (a copy of which is attached to and incorporated by reference into this resolution).

(6) The Supervisor is delegated the authority to take any measures necessary to comply with the procedures under SEQRA with respect to this negative declaration.

(7) This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>Name</u>	<u>Vote</u>
Theresa Egan, Supervisor	Aye
Daniel Plummer, Councilman	Aye
Tim Gordon, Councilman	Aye
Sam Messina, Councilman	Aye
Kyle Kotary, Councilman	Aye

The resolution was thereupon declared duly adopted.

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Supervisor Egan next asked for a motion to adopt the following resolution approving the Water District No. 1 Extension:

RESOLUTION NO. 9

In the Matter of

Extending WATER
CREEK EXT.
DISTRICT NO. 1
YORK,

RESOLUTION APPROVING
NEW SCOTLAND ROAD – NORMANS KILL

ALBANY COUNTY, NEW

WHEREAS, a petition dated the 4th day of January, 2006, has been duly presented to the Town Board of the Town of Bethlehem, County of Albany, State of New York, with the necessary map and plan attached thereto according to law, requesting that there be an extension of Water District No. 1, as hereinafter described, to be established in the Town of Bethlehem and,

WHEREAS said Town Board duly adopted on the 11th day of January, 2006, an order reciting in general terms the filing of said petition, the boundaries of said water district extension, the improvements proposed, the maximum amount proposed to be expended

for said district extension, and specifying that the said Town Board shall meet at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, N. Y., on the 8th day of February, 2006, at 5:45 o'clock P.M., to consider said petition and hear all persons interested in the subject

thereof concerning the same, and

WHEREAS, certified copies of said order were duly published and posted according to

law, and the Town Board did, at the time and place specified in said order, duly meet and consider the matters of the extension of said water district, and heard all persons interested in

the subject, who appeared at such time and place, concerning the same and,

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

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

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

FURTHER RESOLVED, that the Town Board does hereby approve the creation of the NEW SCOTLAND ROAD – NORMANS KILL CREEK EXTENSION TO WATER DISTRICT NO. 1, as hereinafter described:

All that piece, parcel or tract of land situate, lying and being in the Town of Bethlehem, County of Albany, and State of New York, being more particularly bounded and described as follows:

Beginning at a point on the common boundary line between the New Scotland Road – McCormack Road Extension to Water District No.1, and the North Bethlehem Extension to Water District No. 1; said point also lying on the southerly taking line of N.Y.S Route 85 and the westerly boundary line of lands conveyed to New Scotland Road, LLC by deed dated September 18, 1997 and recorded in the Albany County Clerk's Office in Book 2587 of Deeds at page 284; said point also being 665 feet, more or less, southeasterly from the most northerly corner of the New Scotland Road – McCormack Road Extension: thence in a general northerly direction along said last mentioned southerly taking line of N.Y.S. Route 85 and the westerly boundary line of New Scotland Road, LLC, 130 feet, more or less, to a point; thence continuing along said last mentioned southerly taking line of N.Y.S. Route 85, 961.75 feet to a point in the centerline of the Normans Kill; thence in a general easterly direction along the centerline of the Normans Kill 125 feet, more or less, to a point; thence continuing along the centerline of the Normans Kill as it winds and turns and along the boundary line between the Town of Bethlehem and the City of Albany 2572 feet, more or less, to a point; said point being the northeasterly boundary corner of said last mentioned New Scotland Road- McCormack Road Extension; thence in a general

northwesterly direction along the northerly line of the New Scotland Road-McCormack Road Extension 1650 feet, more or less, to a point in the centerline of New Scotland Road; thence continuing along the northerly boundary line of the New Scotland Road-McCormack Extension 335 feet, more or less, to the point and place of beginning containing .053 square miles, more or less.

And be it

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

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

AYES: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

NAYS: None.

ABSENT: None.

Supervisor Egan noted this brings them to the last item on the agenda.

The last item was to acknowledge receipt from George Leveille, Director of Economic Development and Planning, of outline of tentative amendments of Town Zoning Law and Subdivision Regulations. Mr. Leveille thanked the Supervisor and noted last year they undertook the adoption of the Comprehensive Plan and related zoning amendments to help implement the plan. He said in the process it was widely acknowledged that this zoning amendments and subdivision regulation amendments would not be perfect but rather a start towards fully overhauling those land use documents which have been in existence for many years.

Mr. Leveille said they had committed to the Town Board at the time that they would revisit certain issues that were identified by the Town Board or by the process. He said in addition now that they have had the experience of working with the new documents over the last 6 months or so, they see opportunities for refinement and clean-up and other types of things that can help streamline the process and make it work better.

Mr. Leveille said he provided the Town Board with an outline of the schedule that they would propose for the process. He indicated that they have already begun internally by having 2 staff workshops to go through the documents and outline the staff issues. He said they do intend and had intended when the budget was prepared to bring Neil Wilson, advisor, back and the funds are in the budget.

Mr. Leveille said they have begun the process by presenting the outline to let the Town Board and the public knows they are beginning the process. He said some highlights down the road would be a tentative workshop on April 13 where they can outline some of the proposed changes that are being suggested. He said they could create a forum for discussion of the open issues that remain open and a way of facilitating new issues that might emerge from folk's use of the tool. He said they hope through the public workshop and the continued efforts that sometime around May they will begin a formal process of adoption and start the SEQR review process, notifications and public hearings associated with SEQR so that sometime around August they would be in a position to adopt the amendments.

Mr. Leveille said he outlined a preliminary list, noting it is just a working list of issues and noted the top issues during the adoption process identified as needing more work will use the public workshops to cultivate. He said additional issues are those expressed by different residents, citizens, business people, staff members, Board Members identifying opportunities for technical corrections, some material corrections, some opportunities for streamlining process. He said he thinks overall at the end of the process they will have a more workable documents,

be able to streamline process and hopefully be able to answer some of the open issues that remained last year.

Mr. Leveille said some of the key items that were in last year's amendments included land division, simplifying the process of being able to split off lots from their property. He said they have done a couple of those and it has gone very good. He said they have gained some good experience. He said there are many other things that have not been done yet including a conservation subdivision application. He said some of the experience of using that and knowing what they need to fix would not occur until they start working with that tool. He said certainly site plan review, special use permit, sign regulations and things of that nature they have experience with and are in a position to recommend some improvements to the code.

Mr. Leveille said they want to make this a very public process again and cultivate as many meetings as possible to get input. He said they see this as primarily a technical correction to fix process, language, procedures where there are inconsistencies. He said there may be some material improvements and will be designed to make it easier for someone to use this code. He said, of course, there are some open issues that need more consensus from the community about.

Mr. Leveille said that is a brief overview of the process they are now starting. Supervisor Egan asked if there were any questions.

Councilman Messina noted that when the comp plan was adopted obviously this was a continuing commitment in some ways as important as agreeing to the original document. He said he thinks the public is well served by this ongoing process. He said he thinks after this is done there may be other 6-month intervals or years when this will need to be done again. He said he knows Mr. Leveille did not want to hear that but that is the way to keep the document current and make it viable. Mr. Leveille said it will take several iterations of getting it right and having the experience of working through this until they have a document that will be sustainable for quite a long time.

Supervisor Egan said she was part of the first meeting and the staff commitment to this has been great so far. She said it is very large group meetings working on this internally so hopefully as the issues are narrowed they can have some very good focused public meetings. Mr. Leveille said they have built some updates in the tentative schedule to update the Town Board, Planning Board and the Zoning Board so that all along the way they are informed as to the direction it is heading and the types of changes being recommended. He said, again, most of these will be technical corrections, mechanical and procedural, language cleanups and there will be half dozen or so material changes hopefully that will result from continued discussion of some of the issues.

Supervisor Egan thanked Economic Development and Planning Director Leveille.

Supervisor Egan said before opening for public comment, a couple things including the program from the Association of Towns meeting to be held in New York City. She said she will get copies to the Town Board Members and if there are any comments, please get the remarks to Delegate John Flanigan.

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The Supervisor announced that February 15, 2006 at 7:00 p.m. would be the next public meeting in regard to the reval process. She said Assessor, Dave Leafer, and his office have been tirelessly getting the reval done and the information into the system. She said by the 15th there will be a fairly meaningful conversation in regard to what it actually translates to, what the new assessed valuation pool is going to be and what that is going to do to the tax rate. She invited everyone to come to the meeting and said the notices to the parcel owners will be mailed out March 1st.

The Supervisor said that will start the process off and noted there will be an informal review process during the months of March and April where you can make appointments with the Assessor to come in with proof. She said it is not just to come in and complain. She said you must come in with proof of why your assessment valuation is not accurate. She said the books will be open and available at the Assessor's office. She said as they go through the process, they will see how much room is going to be needed. She said if a decision is made to change a valuation, the notice will be mailed to the individual some time before May 1 and the formal grievance procedure starts May 1st. She said if you were still not happy with the assessed valuation, the written grievance form would have to be submitted. She noted the document to do that is in the Assessor's office. She said grievance day would be toward the end of May.

Supervisor Egan invited anyone with any questions to contact either Assessor, David Leafer, or her.

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Supervisor Egan also noted Friday was Blue Friday. She said it is sponsored by COPS which is concerns of police survivors.

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Supervisor Egan next acknowledged the Slingerlands Fire Department donated a fire truck to a firehouse down outside of New Orleans and Robert H. Finke and Sons, a local business, trucked it down free of charge. She said Chief Tice has heard from them and they are incredibly appreciative of it. She said gestures like that are what make the Town of Bethlehem so special. She said she wanted to publicly acknowledge and thank them for that.

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Supervisor Egan said finally, she wanted to note that there is a benefit happening on Sunday, February 12, 2006 between 1 and 7 p.m. at the American Legion Post on East Poplar Drive in Delmar to benefit Officer Scott Anson. She said as many people know, Scott had a health issue that has taken him out of the line of duty for quite some time now. She said they are not sure when he will be coming back.

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Supervisor Egan introduced Dan French, the intern hired at the last meeting for IMAC. She said she has received more research since he has been in than she knows what to do with. She said this is great. She said they really appreciate it and noted he has been worth his weight in gold already.

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Supervisor Egan asked if there was any public comment. Mr. Jim Murray, resident of Orchard Street in Delmar, came to the Board to speak on behalf of the residents of Orchard Street. He asked if Orchard Street was in the plans for rezoning or subdivision regulation changes. Supervisor Egan said it is on the list of map changes to look at the potential of the rezoning area and is an area that was missed. She said that is her recollection.

Mr. Murray asked to give the consensus of 100 percent of the residents on Orchard Street and where they interpret things going and what they would like to see. Supervisor Egan said that would be fine. He said Orchard Street has been around for hundreds of years. He said there is a cemetery down the street that has tombstones that are dated in the early 1800s. He said apparently as of July of 2005, something has gone awry on Orchard Street. He said they are aware that 24 or 25 acres of land has been sold by a person who is going to be moving out of town and has been sold to someone out of the area with no roots to Bethlehem or whatever. He said they came in front of the Board, not knowing the Planning Board or Town Board. Mr. Leveille said it was the Development Planning Committee. Mr. Murray said they represented themselves as purchasing this piece of property and putting 1 house for themselves and maybe 2 others to family members. Supervisor Egan said that was the Planning Board.

Mr. Murray said it got approved and the sale of the property went through. He said something happened between July of 2005 and November where now that same purchaser has approached the Town to put 13 houses on that same lot. He said it seems to them that something has gone awry. He said it seems to them that someone has been duped here. He said they asked for 3 lots total maybe even 2 and now they are asking for 13. Mr. Murray said they do understand it has been brought down to 9 now and they have resubmitted the proposal with 9 homes.

Mr. Murray said they would like the Town to understand that while they came to the Town Board, Planning Board in July they were commended by the neighborhood for keeping the character of the street. But, now, he said they go to 13 houses and they are basically now being scrutinized by everybody on the street for what happened. He said on their street if he polled people in the Town of Bethlehem and asked them if they knew where Egmont Street or Wisconsin Avenue or McKinley Street or Gullane Drive were, a select few would know. He said if he polled those same people and asked where Orchard Street was, everybody knows where that street is.

Mr. Murray said everybody knows it for 5 reasons – because of Five Rivers, walking, jogging, biking and the sunset. He said it appears as though things are going to be changing drastically. He said what they would like the Town Board to know in the immediate vicinity of where this 9 house proposal is going to go, is across the street there are 5 houses on approximately 15 acres of land. He said there is a cemetery where one house is going to go on 13 acres, across the street there is one house on 30 acres of land, adjacent to the property there are 2 houses on 7 acres and across the street there is one house on approximately 5 acres. He said this proposal does not appear to be keeping with the character of the street.

Mr. Murray said the people who live on Orchard Street came from developments and moved from them. He said they had it for 20-25 years and moved out there for that reason. He said now they are bringing development back into their area. He said they would like the Town Board to keep that in mind that now that these people have come in and proposed this 13 or 9 houses; they are now hearing sidewalks; stop signs; school buses being jeopardy on the street; a road the first time in the history of Orchard Street being constructed off of Orchard Street other than Game Farm Road that goes to Fisher Boulevard. He said they are hearing all these things and it is completely changing the character, the aesthetics of our street and as a unit they are 100 percent opposed to it.

Mr. Murray said they would like it to keep up with the character, 5 or 4 houses, whatever, because of that 24 acres, there is a 1300 foot road going in. He said they do not want their street changed. He said they realize it is probably going to happen but they do not want it changed.

Supervisor Egan thanked Mr. Murray.

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The Supervisor asked if anyone else wished to address the Board. Mrs. Capone said years ago there was a man who lived close to her house, Mr. Alton Rowe and owned Delmar Lumber and he told her that when he was little there was a cemetery by Luke Mullens house and they moved them on Kenwood at the new cemetery there. She said this is why the stones that are very old there were once there.

Supervisor Egan thanked Mrs. Capone.

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

The motion was made by Mr. Plummer and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 6:02 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.
Absent: None.

Town Clerk