

TOWN BOARD  
FEBRUARY 13, 2002

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 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Daniel G. Plummer, Councilman  
Thomas Marcelle, Councilman  
Kathleen A. Newkirk, Town Clerk  
Robert J. Alessi, Esq., Town Attorney

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Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board. She invited everyone to join in the pledge of allegiance.

The first item was a request from Bruce Secor, Commissioner of Public Works, for consideration of changes to water rates for 2002. Mr. Secor went through the memorandum and the rates but first noted basically over the last few years the Water District has gone from the position they used to have where they produced most of our own water and bought a small portion from outside sources. He said we were more in control of our costs and the position we are in today due to the severe drought we are being forced to purchase a substantial of water from outside sources. He said the simple bottom line is that we cannot purchase water from outside sources at a cost of between \$2.00 and \$2.60 per thousand and sell it to our customers for \$1.10 per thousand. He said it just does not work.

Mr. Secor said he is being forced to again come to the Board and ask for some changes but what we are really doing is trying to recover the cost that we are seeing to purchase this water from outside sources. He said since he wrote the Memorandum, the higher rate of \$2.60 that we are talking about is the rate from Albany. He said they have sent out a notice that they are anticipating a 15 percent increase which would push that rate to \$2.92 a thousand. He said Albany is in the process of reviewing that and it may become effective later on this year. He said he is reluctant to make recommendations to the Board to go beyond the cost that is shown until they see what rate schedule Albany actually puts in place. Mr. Secor said they may put in the full 15 percent increase and maybe they will not.

Mr. Secor said tonight he would like to stay with what he proposed to the Board even if it means he has to come back at some other point and ask for a modification to follow the Albany price. He said, again, if we are going to have to pay Albany \$2.92 a thousand, we must charge at least that much in selling it to our customers. He said since that price may not go into effect until mid-year, he said he would like to stay with his recommendation.

Mr. Secor said the recommendation is that the base residential water is \$1.10 per thousand and they are recommending that that be moved to \$1.30 per thousand. He said the bigger change is that they would like to change how much water is purchased at the low rate. He said it used to be about 25,000 gallons at the lower rate per billing period. He said that was about 200 gallons per day in a billing cycle. He said they are recommending that that be cut back to 12,000 gallons so that for a home that is using a modest amount of water or is in the minimum billing area, they will not see a large impact as a result of this. He said they are more reflective of our ability to provide water in a limited amount that we are in right now. So, to try not to make these cost changes too draconian for people who are either on fixed incomes or retired and are using the minimum amount or seeing the minimum bill, they have made some modest changes to the first amount. He said it really only affects people who use, really, a very small amount of water. Mr. Secor said the average customer will be affected differently.

Mr. Secor said the next thing proposed is where the old rate structure said that the low rate applied to the first 3,000 cubic feet and we are now recommending that that be moved back to 1,600 cubic feet. He said there was a second rate step in there from 3,000 cubic feet to 8,000 cubic feet and then it stepped up again from 8,000 to 30,000. What they are proposing now, according to Mr. Secor, is to do away with the second rate. He said the \$2.20 was reflective of the lower cost from Albany. He said they are now purchasing most of the water at the higher cost and they are proposing to go directly to the \$2.60 per thousand which is basically what the cost now is from Albany. He said for the consumers, for people who are using an above average amount of water, they will see a substantial change in their water bill because where they used to be paying \$1.10 and the purchase price was \$2.60, they are now asking them to pay – a basic pass through. He said everyone should understand that the Water District makes no profit, they are trying to cover the costs.

Mr. Secor said the last portion is also another change in the industrial rate to move them from \$1.52 to \$1.60. He said the industrial rate is higher than the base residential rate and they are projecting that to move even further.

Mr. Secor said they ask that the changes become effective with the bills that are generated after May 1<sup>st</sup>. He said they currently bill 3 times a year. He said area 1 is billed in January, area 2 in February, area 3 in March and then the cycle begins again in May, June and July. So that this would become affective for area 1 the next time it is billed as of May 1<sup>st</sup>. He said the area 1 bills for January have already gone out. He said they are reading the meters for area 2 so the people have already consumed that water at a rate that we have already announced. And, so I am recommending that we make these effective with the next billing cycle.

Mr. Secor said in terms of impact on our customers, as he said, if you use the minimum amount of water, your bill might go up a couple of dollars. It is still a very, very inexpensive proposition and at the bottom of the memo he said that these are intended to be interim measures and that the Comptroller is working with Mr. Secor to take advantage of some outside consulting services to prepare a comprehensive analysis of water rates and water district finances. He said they need to get through this year and they need to know where they are after the drought cycle, how much water is in the reservoir so a projection can be done as to how much of the water will be needed that can be produced by the water plants and how much will be purchased from outside sources. He said then estimates can be provided to the Board, as far as, how the finances are.

Mr. Secor said the interim measure will be followed up by more comprehensive look through the use of the consultant. He said they need to get some of the basic information behind them. He further noted it is very difficult to make budget projections in very abnormal years. He said if you tried to make a water budget to prepare for the worst drought that has ever been recorded in recorded history, your budget would always be abnormal. He said they try to budget for average conditions, leave a little bit of leeway and what has occurred now is the worst drought that has occurred since the reservoir was constructed almost 50 years ago. He said it is just causing things to be done that are not normally done.

Mr. Secor said for a customer who uses an average amount of water about 5,000 cubic feet, under the old system the bill would be about \$57 and under this system it will be about \$82 dollars, about a \$24 increase. He said that is about \$20 a month for water and that is a substantial amount of water. He said obviously, the more you use the more of an increase will be seen.

Mr. Secor said without bearing anyone in statistics, he was happy to answer questions. Supervisor Fuller asked if Albany is going to increase their rates, should that be in place for the May billing. She said he is looking to start with the new billing cycle with these increases and she said Albany is holding their public meeting in March. Therefore, she wondered if that would give time to implement the correct rates. Mr. Secor said not really but again his worry is if we use the \$2.92 figure and

for some reason after hearings Albany decides they do not want to go for the full 15 percent, he does not want to go that high. He said if Albany makes it effective, then the billings would be done for the next cycle which would only be 1 cycle left in 2002. He said it is an awkward situation. Normally, Mr. Secor said, the amount of water we buy from Albany is only about 20 percent of the total supply. He said those impacts are less magnified in that type of situation. He said now there is the possibility of having to buy, if the water is available from Albany to buy additional water from them which would make this situation more difficult.

Councilman Plummer asked what the Guilderland cost was. Mr. Secor said the Guilderland contract says that we will charge each other the higher rate that is in effect between the 2 communities. He said we would essentially be paying Guilderland at the rate of our industrial users. So, it is about \$1.60 per thousand, according to Mr. Secor.

Councilman Davis asked by what date would Mr. Secor need to have approval to raise the rates to accommodate your next billing period. Mr. Secor said they could do it any time. He said the situation he does not want to get into is if someone purchased water for 2 or 3 or 4 months, when we write that bill in May, it is for water they have consumed the 4 previous months. He said it would be awkward to change rate after someone has already purchased the water. He said that is why he says the decisions that are made at this meeting – in other words, they are giving people notice that we are putting these, if the Board acts tonight on these recommendations, we are telling them in January that when you get your bill in May, it is based on these rates. He said the water consumed in January, February, March and April that wear billing for is at these rates.

Councilman Marcelle said there are 2 questions. One, he asked what we are paying right now to Albany. Mr. Secor said we pay for the first 600,000 gallons \$1.92 under the current contract. He said then we pay \$2.54 for water purchased above that and there is some pumping costs. He explained that is why he uses the \$2.60 cents. Councilman Marcelle asked if it was fair to say for approximately the last 3 or 4 weeks that we have been paying higher costs than what has been charged. He asked if that was accurate. Mr. Secor said that has been the case for the last 3 or 4 years.

Councilman Marcelle said his other concern is if Albany raises the rates, would we be better off, in Mr. Secor's opinion, if we assume the 15 percent increase and then roll back the rates if it did not occur as opposed to telling the community it is going to be based on the \$2.60 rates and then saying, we are bumping it again. He asked what Mr. Secor's thoughts are on that. Mr. Secor said that is an excellent idea. He said if you had to do something, it is much easier to give them advance notice of a higher price and back off from that than it is to go the other way he thought. He said it is just an awkward situation because we just cannot simply continue to buy water at a higher price and then sell it. He said he thought that would be an excellent position to be at. He said it would be to take these recommendations and simply go to the \$2.92 and maybe put the caveat that those become effective if Albany actually enforces that higher rate. Councilman Davis said she would be comfortable with that and since the meetings related to the water crisis, the people that have spoken with her have no problem with raising their water bill. She said they say \$11 a quarter is really a bargain. She said people are comparing it with going out to dinner once and paying for more than 4 months of water.

Mr. Secor said the other thing he wanted to mention and he did not think he put it in this information, is when they come back to the Board with their budget for next year, they are going to recommend going to billing 4 times a year rather than 3 times a year. He said if the bills are going to be higher, that will spread it out a little bit better. He said as they are going to a new radio read meter system, it makes it easier and more accurate for them to keep track of the metered water use. He said they are gearing up for that so that next year they will be billing 4 times a year rather than 3 times a year. He said that also helps if there is a leak in a house or something goes wrong, they try to spend a lot of time with customers and if they get a high bill they call and tell them. He said they ask them to verify the meter reading and make sure that there is no error

in the reading. He said if they do have a leak, they can get the help to get it fixed. He said if the meters are read every 3 months, you would catch that earlier and hold down the loss of the water and the loss of dollar value to the customer. He said that is something that can be done.

Mr. Secor said they are billing industry on the same cycle as industry so they only get 3 bills a year and they are going to every 2 months for them also.

Councilman Lenhardt asked how the reservoir was doing relative to elevation 374. Mr. Secor said they gained a foot with the precipitation we have but since the reservoir curve is now on the upswing, where we were at 50 percent of average seasonal level and fell to 44 percent and then 42, the reservoir is now at 40 percent of average seasonal level. He said the percentage is off but the reservoir is actually up a foot. He said the other big thing there is and one of the reasons that's happened is instead of the water plant producing 3 million gallons a day, it has been cut that production to just over 1 million a day because they are purchasing water from Guilderland and purchasing additional water from the City of Albany. He said industry has come through and saved us over ½ million gallons a day by additional recycling and reuse within plant sites. So, he said, the combination of that has helped quite a bit.

Mr. Secor said again, the smaller amount that can be taken from the reservoir right now until we get some snow or spring rain, the better off we are going to be.

Councilman Davis asked when Mr. Secor will know what the overall use is, residential, whether that has dropped during this crisis. She said the other uses other than the actual industrial uses. Mr. Secor said since the homes are read only every 4 months, by the time you know what is going on, it is too late to know. He said that makes it hard. He said industry used to be read every week and now they are being read twice a week to keep track of what is going on and they have been very cooperative. He said they have had very, very good cooperation from the industrial users. But, he said, on the residential side, the only time they will go out and do something is if they see an abnormally high bill. He said if it is something that does not make sense, they will follow-up to see if there is a pipe running to waste or something going on. He said they did have a problem at one point in certain areas along New Scotland Road where people would go away for the winter and turn on something and let it run while they are in Florida. He said they were willing to pay the water bill just so their pipes did not freeze up. He said they have discouraged that type of use. Mr. Secor said the residents were told if the water was shut off, they would not have to worry about the pipes freezing either. He said that kind of took care of that problem.

Councilman Davis said one issue raised was the quantity of water that Watervliet has. She asked if anything is being pursued with regard to the connection between Watervliet and Guilderland and then ultimately a source for us, if we ever need it. Mr. Secor said yes and there is another meeting scheduled with the City of Watervliet to continue that discussion. He said the Watervliet reservoir right now is full and spilling over. He said if you noticed the Normanskill over the last few days, it was dry and the water is running down the Normanskill. He said Watervliet is interested in talking to us. He said it is a very expensive proposition to build a pump station, intake structures and pipeline to get the water to us. He said you are talking somewhere between 5 and 6 million dollars to bring that type of a pump station on line. He said it is not a very quick decision. He said it is not something that can be done this year but certainly, in the long run, something that has to be looked at so we do not get into this condition again.

Councilman Plummer asked what the status is with regard to Mr. Secor and Mrs. Kehoe looking at consultants about water financing. He asked when they would be in a position to make recommendations or what Mr. Secor's thoughts were. Mr. Secor said Mrs. Kehoe has started filling out the request forms and things but there are so many things that are uncertain at this point that it is difficult to sit down and do some real good planning. He said he would say it would be mid-year by the time they

will have enough things under control so they can go ahead and do some normal planning process. He said it would be his expectation that it would be back to the Board before the end of the year.

Councilman Plummer asked about the increase in rates, asking if that was reflected in this information, noting it is in the next agenda item. He said he wondered about what was being projected for the deficit for the end of this fiscal year. He asked if that includes the increased rates. Mrs. Kehoe said originally for this year just ending 2001, she had projected that it would be about a \$300,000 deficit in the water fund which would exceed the fund balance. She said we would be in a deficit fund balance position but with the rate increases that the Board had just adopted in December, it looks like we are going to be closer to a break even point. She said she cannot predict where we are going to be as of the end of 2002. She said they are trying to restore the fund to a healthy financial position. She said they are digging out from a \$300,000 cash shortfall the year before and about a \$600,000 cash shortfall in 2001. She said these rate increases are going to go a long way towards getting us back to the bare minimum of where we should be in a financial position for that fund. She said the increase, if adopted tonight, will help bring us that much further along. She said it is tough to predict because she knows there were additional costs as well. She said the costs from Albany, and we are not sure what their rates are going to be. She said there were some additional overtime costs having to do with... not knowing if it was the permitting. She said there are other costs which she cannot predict at this point. She said her focus at this point has been on the cash flow and the lack of available cash to pay the bills as they are becoming due which is the point of her request for the up to 1 million dollar loan. She further noted if these rates, depending on the consumption and the amount that is billed, if it is a normal season she should not have to borrow that full million dollars. She said it should be under that but at this point she does not know by how much.

Councilman Plummer said so these increases effectively cover the actual cost of the water only. He said that's how you have tailed it. There is nothing for operating or nothing over and above. Mr. Secor said that is their intention. He said they tried to project this... again, he cannot tell right now how much outside water they are going to go and these represent the best projections they can do at this point.

Councilman Davis said she thought then it would be prudent to include in our increase the 15 percent increase that Albany potentially might agree on. Supervisor Fuller said they can include it but encourage them that we are not really in favor of it. Councilman Davis said the other option is to have, although she hates to promote more emergency meetings because she knows they do not want to alarm people but, asked would it be possible to have an emergency meeting to deal with that. Mr. Secor said he did not feel there was a need for an emergency meeting. He said it could be done at another Board meeting but based on what has been presented, he would suggest is that we just take point 2 of the memo where the rate is being changed from \$2.20 to \$2.60 and simply make that \$2.92 and then, you know, if it turns out Albany adopts some lesser number at a regular Board meeting this can be backed off.

Councilman Marcelle asked if the price that is being charged for water reflects the cost – is what he understood Mr. Secor to answer Councilman Plummer – hypothetical set of circumstances, asking if our set of costs include the cost to get the permit from DEC, to Albany County Health Department to do everything that we are doing to meet this water emergency or is it just the actual cost of the water from Albany and Guilderland. He asked if that included everything as part of the picture. Mr. Secor said again in the general Water District budget, there are monies allocated for engineering services and legal services. He said the monies that are expended to do the things described, he would consider to be in the existing budget and in what's in here. He said what they really talking about tonight is paying the water bill to Albany and to Guilderland. He said whether it is buying it from Albany at \$2.60 or Guilderland at \$1.60, it cannot be sold for \$1.10 or \$1.30. He said that is the base line at this meeting. He said he thinks that all of the other costs that had been projected in a normal budget year, are included in the base rates. He said most of the debt service type payments, are supposed to be coming out of the ad valorem tax base. He said

again, because of the off weighting of things, some of that has fallen over into the water rent side also.

Supervisor Fuller asked about the increase for the residential rates for the City of Albany, asking if we are changing that for the Town of Bethlehem. She said current residential rates will increase from \$1.81 to \$2.08 per thousand gallons. Mr. Secor said again, in the recommendation to the Board he went right to the \$2.60 number so in paragraph 1 it was the basic residential rate of \$1.30, paragraph 2 was going from \$2.20 to \$2.60 and he proposed taking that to \$2.92 and that would cover both the lower and the upper rate.

Supervisor Fuller asked if there were any other questions.

The motion was made by Mr. Marcelle and seconded by Mrs. Davis to approve setting the water rate increase at a maximum of \$2.92 per thousand gallons as requested by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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Town Attorney Alessi asked Mr. Secor with regard to the City of Albany cited to primarily increase cost from security as a result of 911, if he has the ability to know whether or not those costs are potentially reimbursable. He said many security funds that have been expended in New York State are the subject of applications to Congress and others for reimbursement. He asked Mr. Secor if he knew anything about that. Mr. Secor responded he did not. Supervisor Fuller said it is certainly something that could be looked into. Mrs. Kehoe said if there is a recovery on those costs, theoretically they should not have to raise their rates. Town Attorney Alessi said that was his point. Supervisor Fuller said she thought that was why they would not. Mrs. Kehoe said they may cite a delay depending on when the funds would come in. Town Attorney Alessi said exactly.

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The next item was a request from Comptroller, Judith Kehoe, for authorization to draw interfund loan for Water Fund financing. Mrs. Kehoe explained that this is a part of a rerun request since she has been before the Board twice for this type of request. She said she hopes it will be less than a million but at this point she does not know. She said what she would recommend is that the Board give her the authority to draw down, as needed, to cover the expenses as they come due. She said it would be with interest because it is going from the General Fund, which is a different tax base, than the Water Fund and the rate that she would recommend is whatever the prevailing rates are. She said the rates are subject to change as the Board knows, currently it is around 2.6 percent.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to approve authorizing the Comptroller, Judith Kehoe, to draw interfund loans from the General Fund to the Water Fund with interest charged up to one million dollars as needed to cover expenses as they come due. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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The next item was a request from Judith Kehoe, Comptroller, for approval of appointment of auditors. Mrs. Kehoe said she did not know if anyone saw the article in the Business Review last week regarding auditor client relations being limited. She said a lot of this has come about from the Enron situation. She said it makes sense to rotate your auditor relationships periodically. She said she has said that before this problem came up. She said she did want to point that out.

Mrs. Kehoe said she goes out for RFPs every 5 years just to make sure that the accountants keep their pencils sharp and that we are getting a fair price for the audit services that we need. She said because we receive typically more than \$300,000 in Federal aid, we are required to have a single audit. She said this is the 5 year mark and we did need to go out for the base audit but she tacked onto that the consulting services to help the Town comply with GASB34 which also is kind of a rerun subject, talking about that over the last few months during budget and as part of the computer upgrade request that was made earlier. She said she intends to do most of the work on that, putting it together. She said she wanted to make sure she was doing it in the most efficient way possible and that is why she would like to use the auditing firm to make sure she was going in the right direction.

Mrs. Kehoe noted she sent out 7 RFPs to firms that she knew did work with local governments and had the requisite experience. She said she had 6 quotes come back and identified them in the memo. She said she narrowed it down to the 2 firms that had the best skill set that she was looking for, she checked all the references and based on the check and her interviews, she recommended that we appoint Marvin & Co. to do the Town's audit at a fee of \$13,500. She said that is the maximum fee and there is a possibility that that might come down. She said it is a first year audit for them and they are not sure. Mrs. Kehoe said she would also like to use Marvin & Co. at \$145 an hour for the GASB34 consulting. She said the only issue she wanted to bring to the Board's attention is that with respect to the IDA, they are not independent. She said one of the partners with Marvin & Co. is a member of the IDA, Frank Venezia. She said he would have no roll with this audit but because of the accounting rules, they would not be able to do the audit for the IDA. She said they have made arrangements with another firm, Alexander W. Cruden & Co., which also has the required experience to do this. She said the IDA represents only about .34 percent of the total assets. She said it is a minor piece of the total audit.

Supervisor Fuller noted Comptroller Kehoe does a great job and she said she is to be commended for keeping the Town in the great financial shape that it is in. She said certainly, her recommendation she would value. Mrs. Kehoe said thank you and noted she has good staff and good Department heads to work with, as well as, an understanding Board.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the appointment of Marvin & Co., Latham, New York as auditors for the Town of Bethlehem. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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The next item was a request from Highway Superintendent, Greg Sagendorph, for authorization of Supervisor to sign agreement with Albany County Health Department regarding West Nile Virus mosquito control program for 2002. Supervisor Fuller said basically the change in this agreement from what was in it other years is to have someone on staff with 30 hour training. She said that was the only change. Mr. Sagendorph agreed. Supervisor Fuller noted the Highway employees have always been out for the training. Mr. Sagendorph said that was correct and noted this is the 3<sup>rd</sup> year that Albany County Health Department is doing their mosquito control program because of the West Nile Virus. He said in the year 2000 the County hired outside contractors to come in and apply the pesticides. In the year 2001, Mr. Sagendorph said, there is 2 certified applicators who work for Albany County Health department. He said State DEC granted them a waiver to be the off-site supervisors of the application of the larvicide. He said in the agreement between State DEC and Albany County, in 2002 their requiring the municipalities to begin training their employees to be on-site supervisors. This year will be technicians and next year will be applicators, according to Mr. Sagendorph. He said they are requiring each larger municipality to have at least 1 applicator and a certain number of technicians on staff. He said this is just the next phase of the County program.

Supervisor Fuller said this is financially all provided by Albany County. Mr. Sagendorph said it is, noting they provide the larvicide and they provide the directions and training.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Supervisor signing the Agreement with Albany County Health Department regarding West Nile Virus mosquito control program for 2002. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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The next item was a request for SEQRA determination and Amendment to Building Project Approval for Dowerskill Village, Section 3. Supervisor Fuller noted Mr. Walsh was in attendance to do a brief presentation.

Mr. Walsh of Charlew Construction gave some background information. Mr. Walsh said they were requesting approval of a change of phasing on both the east and west part of this development to give some flexibility because they would like to introduce 2 more housing products than what have been approved previously. He said they currently have the Bethlehem and Ravena family classics and would like to add the portfolios and the American series which is a smaller home. He said by approving the changes requested, the benefit to Charlew is to allow 4 products availability simultaneously and in a market such as today, it is a good thing for them. He said this is the only change to the approved document, including the 50 percent rule.

Mr. Walsh said the benefit to the Town is that under the original phasing plan, the interconnection from the east phase to the west phase would not have been made until the construction of phase 5 E. He said with this proposed change, the interconnection road should be done about 4 years earlier than originally anticipated.

Supervisor Fuller noted she spoke with Town Planner, Jeff Lipnicky, and he assured her that the changes were not significant. She said this is more of a formality for the Board.

Additional questions and comments were made regarding this project.

**TOWN BOARD  
TOWN OF BETHLEHEM  
SEQRA RESOLUTION  
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION  
AMENDMENT NO. 1 TO BPA No. 32  
PLANNED RESIDENCE DISTRICT No. 4  
DOWERSKILL VILLAGE, SECTION 3**

- WHEREAS, the Town Board of the Town of Bethlehem has received an application from Charlew Construction Company, Inc. to amend the approved "Phasing Plan" for Dowerskill Village, Section 3 – a Building Project Approval that was previously granted by the Town Board at its meeting of July 14, 1999; and,
- WHEREAS, the Town Board has also received a letter of support authorizing the application from the current Owner of the project and recipient of the Building Project Approval – Slingerlands Group, Ltd.; and,
- WHEREAS, the Town Board has received a short Environmental Assessment Form ("EAF") for the project with Part I completed by the applicant; and,
- WHEREAS, the State Environmental Quality Review Act (SEQRA) 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 SEQRA; and,
- WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary

classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and,

WHEREAS, 6 NYCRR 617.6(b)(1) indicates that when a single agency is involved in the approval of an action, that agency will be the lead agency for SEQRA review of the action; and,

WHEREAS, the Town Board has independently considered both the information provided in the EAF and comments on the application provided by the Town of Bethlehem Engineering Division and Planning Department,

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board hereby determines that:

- 1) approval of the proposed amendment to the Phasing Plan constitutes an Unlisted action which is subject to SEQRA;
- 2) the proposed action does not involve a decision by a federal agency;
- 3) the proposed action does not involve a decision by any other agency;
- 4) the proposed action is not located in an Agricultural District;
- 5) a short EAF is adequate for determining the significance of the proposed action; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby declares it is lead agency with respect to SEQRA review of the proposed action; and,

BE IT FURTHER RESOLVED,

that based upon its review of the project, the EAF, review of the proposal by Town Engineering and Planning staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Town Board hereby finds that approval of the proposed amendment to Building Project Approval No.32 (amendment of the Phasing Plan for Dowerskill Village, Section 3) constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination is based upon the following facts and conclusions:

1. the amendment to the Phasing Plan does not change the plans for development of the site that were approved by the Town Board on July 14, 1999;
2. the amendment concerns only the sequence in which various sections of the site will be developed;
3. the project itself was previously the subject of a through environmental review under SEQRA, with the Town Board acting as lead agency;
4. a Negative Declaration was previously issued for the project by the Town Board on October 13 1996; 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.

On a motion by Mr. Lenhardt, seconded by Mr. Plummer, and by a vote of 4 for, 0 against, 1 abstention and 0 absent, this RESOLUTION was adopted on February 13, 2002.

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The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the issuance of an amendment to Building Project Approval No. 32, Phasing Plan for Dowerskill Village. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer.

Noes: None.

Abstain: Mr. Marcelle.

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

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the following appointments of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department, as follows:



The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 8:17 p.m. The motion was carried by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

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Town Clerk

### EXECUTIVE SESSION

There was no formal action taken at the Executive Session.