

TOWN BOARD  
FEBRUARY 14, 2001

A public hearing 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 Supervisor called the meeting to order at 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Daniel G. Plummer, Councilman  
Susan Burns, Councilman  
Robert J. Alessi, Town Attorney  
Catherine T. Picarazzi, Deputy Town Clerk

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

SUPERVISOR FULLER: On my right is the Town Attorney, Robert Alessi. This is Bob's first meeting with the town board this evening. He was hired about two weeks ago. Bob is a resident of our town. Father of two children. Bob has served on our Planning Board in the Town of Bethlehem, back in 1987?

ATTORNEY ALESSI: 1990 TO 1994.

SUPERVISOR FULLER: Okay. More recent then I thought. He is the managing partner with LeBoeuf and Lamb; and above all else we are very fortunate in this community to have someone with Bob's expertise, be willing to give to this community the amount of time the Town Attorney will take. I am sure over the last two weeks he's beginning to have second thoughts about what he signed for. So Bob a very warm welcome to you and we'll hopefully have a good meeting for you. So that you are feeling how efficient the group is here.

ATTORNEY ALESSI: Thank you.

SUPERVISOR FULLER: Welcome.

COUNCILMAN DAVIS: Welcome.

ATTORNEY ALESSI: Thank you.

SUPERVISOR FULLER: The first public hearing is the 2001 Section 8 Housing Program.

COUNCILMAN LENHARDT: They cannot hear you.

SUPERVISOR FULLER: I will ask the clerk to read the call of the hearing.

DEPUTY TOWN CLERK PICARAZZI:

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 14, 2001 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY in regard to the 2001 Section 8 Housing Program Agency Plan.

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 are need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
KATHLEEN A. NEWKIRK, CMC, RMC  
TOWN CLERK

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State of New York)  
County of Albany)

ELIZABETH BRADT 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 20<sup>th</sup> day of December 2000.

/s/ Elizabeth Bradt

Sworn to before me this 20th day of December 2000.

/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 December 20, 2000, 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  
28th day of December 2000.

/s/ Catherine T. Picarazzi  
Notary Public

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SUPERVISOR FULLER: May I have a motion to indent the notice of the public hearing?

The motion was made by Mr. Lenhardt and seconded by Ms. Burns 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: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns,  
Mr. Plummer.  
Noes: None.

SUPERVISOR FULLER: This evening's public hearing is, its Section 8 Housing provided for residents in the Town of Bethlehem. It is a HUD requirement that we hold a public hearing. Mr. Joseph Mastriani is in charge of this program. He called in today and is unable to be here tonight. So, I am serving as Mr. Mastriani. Frankly what the board needs to do tonight is to approve the Resolution. We have to approve the financial plan for the year 2001 for the Section 8 Housing. This is a formal requirement that is done on a yearly basis.

Is there anyone wishing to speak in favor? Is there anyone wishing to speak in opposition?

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to close the public hearing at 7:38 p.m.

The motion was passed by the following vote:

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

Noes: None.

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Deputy Town Clerk

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The Supervisor convened the regular Town Board meeting following the close of the public hearing. She noted there was a Resolution for adoption of the annual plan for 2001 for the Town of Bethlehem Section 8 Housing Program. The following Resolution was presented for adoption:

Resolution Adopting an Annual Plan for 2001  
For the Town of Bethlehem Section 8 Program

WHEREAS, the Town of Bethlehem operates a Section 8 Housing Assistance Payments Program funded by the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town of Bethlehem is required by the U.S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Bethlehem has caused a written Annual Plan for 2001 to be prepared establishing local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U.S. Department of Housing and Urban development, and has reviewed such written plan,

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem hereby adopts the Annual Plan for 2001 for operation of the Town of Bethlehem Section 8 Housing Assistance Payments Program.

The foregoing resolution was adopted on a motion made by Ms. Davis and seconded by Mr. Plummer and passed by the following vote:

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

Noes: None.

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Hearing Began: 8:00 p.m.

SUPERVISOR FULLER: Okay. Thank you for your patience and I believe the sound system is now working. Can you hear me back there?

AUDIENCE: Yes, sure.

SUPERVISOR FULLER: We are about to start our second public hearing and I will ask the Clerk to read the call of the hearing.

DEPUTY TOWN CLERK PICARAZZI:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM, ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on February 14, 2001 at 8:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending the Code of the Town of Bethlehem, Chapter 103, Subdivision Regulations and Chapter 128, Zoning, to establish a park land reservation or fee in-lieu-of requirement for residential development.

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 David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk, CMC, RMC  
TOWN CLERK

- - -

State of New York)  
County of Albany)

ELIZABETH BRADT 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 31st day of January 2001.

/s/ Elizabeth Bradt

Sworn to before me this 21st day of January 2001.

/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 January 31, 2001, 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  
2nd day of February 2001.

/s/ Catherine T. Picarazzi  
Notary Public

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The motion was made by Mr. Plummer and seconded by Ms. Burns 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: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns,  
Mr. Plummer.

Noes: None.

SUPERVISOR FULLER: Jeff, if you would like to give a brief overview of what this law represents.

MR. LIPNICKY: Basically, the idea of providing a parkland ordinance in the Town of Bethlehem is not really a new idea. This has really been discussed on and off for a number of years here in Town. In fact, to some extent goes back to the time when I first came to Town about 13 or 14 years ago. But, the idea was again raised at the budget workshops that we recently had and the Planning Department has responded by putting together a draft local law. Essentially, the local law would implement existing provisions of the New York State Town Law, which provides a mechanism for acquiring and funding public parkland at the local level. The statute allows a municipality, in this case the Town, to require that at the time of residential land subdivision that a certain percentage or portion of the subdivision plat be set aside for public park, playground or recreation purposes. The statute goes on to say that where suitable park land cannot be located within the subdivision, that a Town may require a fee be paid instead of the provision of land. That fee would need to be put in a trust fund to be used exclusively for public park purposes, in this case the acquisition of park land or the improvement of new park land or existing park facilities.

Similar provisions are also contained in the New York State Town Law with respect to site plans. Under the statute a Town can also require at the time of site plan approval for residential units that a portion of the parcel be set aside for recreation or park purposes or again that a fee be paid in lieu of the land.

In general parkland ordinances are not new. They have been around for a long time in New York State and they've been implemented by many communities throughout the State. The theory behind these types of ordinances in a nutshell is that new residential development creates additional demands on the town's park system and that this new residential development, therefore, should share in the cost of funding new park facilities to offset the demand that is created. The proposed local law that is before the Town Board now would apply in Town to residential subdivisions within the Town, to residential site plans within the Town and also to residential units that are approved under the Town's planned development district regulations. In the case of subdivisions and site plans, the determination as to whether to require land or the fee, would be made by the Town Planning Board. In the case of planned development districts, that determination would be made by the Town Board. And, in making that determination, the draft local law sets out certain criteria, the first step being the assumption that or the first step in this process, essentially being that land would be required and then there would be a set of criteria that the Board would have to go through to determine whether suitable land exists, again, within that subdivision or within that site plan and then if such... if the Board makes a determination that suitable land does not exist, the next step would be for the Board to require, instead of that land, that the fee be paid to the Town.

The amount of the fee or the amount of land set aside is determined by a proposed schedule that is in the local law and basically the amount of the fee or the amount of land set aside varies by the type of housing unit that is proposed. So, for example, it ranges for... from 925 square feet of parkland for multi-family housing unit to 1550 square feet per single-family detached unit. And, the fee requirements would parallel in number terms those figures. There are basically 4 figures, just to quickly go through them all again – 925 for multi-family unit, 1100 per single family attached unit, 1150 per unit in a 2-4 unit structure, 1550 per single family detached unit.

The ordinance also contains certain credits that would be given for provision of onsite recreation facilities by, for example, a developer of an apartment complex if he provides a pool, tennis courts or something like that on the grounds of the apartment complex. He would be given a certain amount of credit towards either the fee or the land set aside. In terms of when the land set aside would be required essentially that would be required prior to the filing of... in the case of subdivisions

the subdivision map in the County Clerk's office. In terms of the timing of fee payments, if they are required instead, many communities require that those fees be paid upfront before the filing of maps. In this particular case, we thought it would be more equitable to require that fee instead of upfront to require it at the time that a building permit is applied for. In that way, the developer doesn't have all the costs upfront at one time but can more easily manage the cost of the fee. So, that in a nutshell is an overview of the ordinance and I would be happy to take any questions.

SUPERVISOR FULLER: Are there any questions of the audience at this point in time? Questions from the Board Members?

MR. LIPNICKY: There must be something wrong, that was too easy.

SUPERVISOR FULLER: It's not over.

COUNCILMAN DAVIS: No, but Jeff, it's not a question but maybe Jeff just for the benefit of the people who are here, if you might just again, in a nutshell give some of the criteria that will be used in the evaluation by the Board.

MR. LIPNICKY: Sure. This is the criteria for determining whether or not the Board would require the land or whether it would require the fee. The Board would have to look at the characteristics of the land in terms of, for example, its topography, soils, vegetation on the site, to determine whether the site really lends itself to active recreation use. The Board would consider things such as are there Federal agency restrictions on the property that would prohibit or make it difficult to use for active recreation purposes. The Board would look towards are there similar type of recreation facilities including public school sites in the vicinity of the project. It would look toward such factors as access to the site, whether safe pedestrian and bicycle access could be gained to the site and similarly the opportunities for vehicular access. It would look to questions such as the population density in the surrounding neighborhoods and whether that population density and the amount of people in the area is really enough to support the costs of the public park site in terms of maintenance and things of that nature. There would be a referral process involved to the parks department to determine consistency with their goals and objectives and also obviously having a lot of park sites would entail more cost rather than if they were consolidated in fewer sites in terms of maintenance and what have you. So we would be looking for input from the parks department on that aspect of it also. And, there are a number of other criteria along those lines.

COUNCILMAN PLUMMER: What I'm a little unclear on when you read the statute, it seems as though the intent is to, if you can't identify a parcel of land for park or recreation purposes at the actual site, and the payment in lieu is made and it goes into the trust, the statute seems to indicate that that money is needed for new acquisition of land yet it seems here that we are talking about operating purposes as well for the existing park. Is that the case? And, is it...

MR. LIPNICKY: I think the new statute is probably less clear than things such as former Comptroller decisions on it. The former stuff that's been out there was pretty clear that it must be used for acquisition of parkland or improvement of park facilities. So, for example, you have an existing park site, you want to build tennis courts, okay; the funds could be used for the building of those tennis courts. Where the funds couldn't be used would be maintenance and operating types of expenses. That's clearly not the intent of the ordinance. I don't know if Mr. Alessi would agree or disagree with that but that is my understanding and my reading of everything that I have seen on this. And, I think what we would be looking for is to set up a fund... the fund source, the trust fund or what have you with language along those lines. I would hope that's what we would do.

COUNCILMAN PLUMMER: Okay and just one other question, if you can answer it. When you talk about park, playground or recreation purposes, does that... can it

be passive? Do you have to have, for example, an actual park at a site or a playground or could you have just open space land? Is that considered recreational because it is available for people to use?

MR. LIPNICKY: I think... you know, the key term here is public. Okay. Certainly if it's public open space that has access to the public whether it be by hiking trails or whatever the case may be, certainly I think that can be interpreted as recreation land, as park land. I wouldn't say that there is an absolute need to develop active facilities on it.

COUNCILMAN PLUMMER: Okay.

MR. ALESSI: Dan, the answer in addition to what Jeff said is the law Section 277 of the Town Law and the practice commentaries in McKinney's clearly establish the passive park land is permissible under these types of laws.

COUNCILMAN PLUMMER: Okay, thanks.

COUNCILMAN BURNS: I would just like to bring up, we just got this document tonight from Kathleen Martens and it's a very thorough review of this law and I think it warrants some review from us and as I said...

SUPERVISOR FULLER: We did not... because it's the public hearing for tonight. I was just going to mention the letters that we received and this. We received a total of 4 letters from the public. This one that Susan referred to came in at 4 o'clock this afternoon so the Board, obviously, didn't have time to review this. So, those comments will be filed as part of the public comment for tonight's public hearing.

COUNCILMAN BURNS: Okay. I don't know if we want to... there were several points that were in this letter, anyway, that I don't know if we want to review tonight.

SUPERVISOR FULLER: Jeff received it at 5 after 4, after I walked up the stairs and delivered it to him so he is...

COUNCILMAN BURNS: I guess we can take them one at a time. The first item was keep the 10 percent land reservation as a minimum for all projects but use the formula for fee assessment. Apparently under this in the chart accompanying the law, the land percentage that would have been set aside in most subdivision approvals was less than 10 percent under the proposed formula.

MR. LIPNICKY: That's correct. The way that we determined the amount to set aside was basically to look at how much park land we currently have in the community, okay, and the average amount of park land... in other words, the square footage of park land, if you will, per person in the Town and then we took a look at population multipliers for different types of housing units and with the goal of trying to maintain that current ratio of persons to park land, if you will. Okay. That's how we approached it. So, we approached it in a manner of requiring the land based upon how much demand you are generating. So, just to give you an example, having... and many communities do it this way, I am not saying it's the wrong way to do it... many communities have a flat 10 percent requirement but, you know, with the 10 percent of requirement theoretically, if you have a, let's say 100 acres of land, okay, and you have 200 housing units proposed on that parcel, okay, that developer is going to be required to give the same amount of land as if you had 100 acre parcel where only 4 units were proposed on it. Okay. So, we looked at the equity of that and we don't think it's equitable for somebody who's, you know, just generating demand from 4 housing units, hypothetically, to be paying or giving the same amount of land as somebody who is generating demand from 200 units. We tried to tie it more closely to the actual demand rather than how much land you owned.

COUNCILMAN BURNS: So, that's the methodology is more reasonable?

MR. LIPNICKY: But certainly, it's a way... it is a way to approach it.

COUNCILMAN BURNS: Okay and the second, clarify that easements could qualify for the land reservation.

MR. LIPNICKY: Personally, I don't think they would. That would be a question for Mr. Alessi but the way the law is written, it clearly says to me we are talking about public park land and an easement... I am not totally clear what she means by an easement... whether she means a private easement or whether she means an easement granted to the Town but in either event, I don't read the language of the statute to talk about easements. I read it to talk about fee simple land.

COUNCILMAN BURNS: Okay. Give statutory recognition to the environmentally sensitive areas noted in the LUPRR document.

SUPERVISOR FULLER: That's the land use planning reference resource.

MR. LIPNICKY: I'm not really clear on where she was going with that comment.

COUNCILMAN BURNS: Okay.

MR. LIPNICKY: And, again, with the next one, I'm not clear on what she means by that comment either.

COUNCILMAN BURNS: All right. What about she asks for... says do not exempt senior housing because seniors would benefit from nature trails and they use existing park.

MR. LIPNICKY: The exemptions that we're giving to senior housing... we're proposing for senior housing do not exempt all senior housing. They exempt only low to moderate income senior housing or senior housing that is provided as part of assistive or assisted living facilities. So, for example, a facility like Beverwyck if they were building more units up there that would not be exempted. A facility such as Marie Rose which is a HUD project... a HUD funded project, low-income project would be exempted.

COUNCILMAN BURNS: Thank you.

SUPERVISOR FULLER: Okay. Are there people in the audience who would like to come?

GENTLEMAN: I would just like to ask a couple questions.

SUPERVISOR FULLER: If you don't mind, I need you to come up to the mike and you need to state your name for the purpose of the public hearing.

MR. WATKINS: Okay. Bern Watkins. I would like to ask a couple of questions, Mr. Lipnicky how you doing? How do you pick the land or let's say somebody is developing 30 lots, how would you pick out the land for the public land?

MR. LIPNICKY: How would I pick it out?

MR. WATKINS: Or do you pick it out or does the developer pick it out or...?

MR. LIPNICKY: Well, I don't think that we necessarily put a provision in there in terms of how it is picked out. Whether the developer wants to propose a site, I think in practice that is probably how it would work. That the developer would propose an area.

MR. WATKINS: Would propose it.

MR. LIPNICKY: I would think so and then the Planning Board would evaluate it based...

MR. WATKINS: Yes.

MR. LIPNICKY: I would think as a practical matter that way things normally work, is that when a developer comes in he would probably wind up proposing an area of the site and that would be reviewed by the Planning Board as to whether or not it meets the criteria. If the Planning Board felt that there was an alternative site available on the parcel, the Planning Board would look at that alternative also. And, that is the way it would proceed.

MR. WATKINS: So there is no set way. All right, would that add time to the process and how much time would it add for say... we'll use the example of say a 10 lot or 30 lot development?

MR. LIPNICKY: I'm not sure it would add substantially to the process any more than we go through in terms of reviewing subdivisions for road layouts and things of that nature. I can't see that it would add substantially.

MR. WATKINS: But, you did say it would go back and forth to the Town Board and stuff like that. I mean... I just...

MR. LIPNICKY: If... yes, if the Planning Board determines... well, it would only go back for referral if the Board... if the Planning Board makes a preliminary determination that it will require the land. Okay. Then it would go to both the Administrator of Parks and Recreation and the Town Board for a referral. Otherwise, it would not. But, that isn't necessarily going to add substantially to the time frame involved.

MR. WATKINS: Going back and forth to those Boards.

MR. LIPNICKY: Well, I mean, realistically for a large subdivision, a large subdivision isn't going to be approved in 2 weeks anyway.

MR. WATKINS: No, I mean, the reason I was asking that... what about say a 4 acre parcel that you were dividing into 2 lots or something like that, how much would it add to that?

MR. LIPNICKY: Nothing because I doubt that the Planning Board would require the land reservation on a 4 acre parcel because the amount of land that one would get out of that would be so small that it wouldn't be worth maintaining. So, in that particular case, I would assume that the Board would make a finding that suitable land does not exist and that the fee would be required instead.

MR. WATKINS: Well, shouldn't you put that into the law rather than deciding later or arbitrarily that that's the way to do it.

MR. LIPNICKY: Well, it is in the law. There are criteria in there for making...

MR. WATKINS: I haven't seen the law.

MR. LIPNICKY: There are criteria in there for making the determination.

MR. WATKINS: I haven't seen any of the papers on it, I just heard about it, you know, just recently. Now, in the papers that I've seen very briefly and I didn't get a copy, it said that the money was to go to upkeep of the existing facilities that are out there.

MR. LIPNICKY: No, that's not correct.

MR. WATKINS: It said that, I think.

MR. LIPNICKY: I don't know what you read. If you read the one from Colonie or...

MR. WATKINS: No, I think it was number 5 or no... If I could see a copy of it, I could ... if I could pick it out.

MR. LIPNICKY: It says right here, fees to constitute a separate trust fund. All fees collected pursuant to this section shall be placed in a separate trust fund to be established and used by the Town exclusively for the acquisition of Public Park, playground or recreation land and/or the improvement of Public Park and recreation facilities. I don't believe it says anything in there about maintenance.

MR. WATKINS: I don't know if its number 4 that read that way.

MR. LIPNICKY: That's what I just read.

MR. WATKINS: Well, you don't think that... well, how do you get... let's say we're going back to this 30-lot development. Let's say you have a piece of land at the... say it was in a valley...

SUPERVISOR FULLER: Mr. Watkins, can you move to the silver mike, that's the only one that's a mike, the other is just taping. Please.

MR. WATKINS: Okay, fine. Say you had a 30 lot development and let's say the ravine was being used for the recreational area, but the reality is that you wouldn't have access to the ravine from the... say from the roads because you would be blocked off by the existing homes. So, it doesn't seem to say anything about how you get to this recreational land that... let's say... it's...

MR. LIPNICKY: Well, you wouldn't have to get to it because we wouldn't recommend that land be taken that wasn't accessible. I don't understand the comment.

MR. WATKINS: All right. Having just... you know, this is the only copy of the law that I've seen... I'd like other than just a quick read through on it yesterday... shouldn't we take some time and... what's the timing on this and look this over? Because I think the rural landowners have a position that I believe Mr. Mead is going to bring forth shortly.

SUPERVISOR FULLER: The Town Board would appreciate all the public input this evening while you are all here and I can tell you the law has been in the Town Clerk's office for a few weeks. And, we scheduled this meeting to give some time for everyone to have the opportunity to see that.

MR. WATKINS: Right. Well, I think there's a position of the rural landowners that they will have on it and I don't...

SUPERVISOR FULLER: I would assume they would be presenting that night.

MR. WATKINS: Yea, I think so. I think John Mead will be presenting it at some point here. Thank you very much.

SUPERVISOR FULLER: You're welcome.

MR. MEAD: I guess they are ready for the rural landowners statement on the parks... park land reservation and... by the way, my name is John Mead and I am the President of the Rural Landowners of Bethlehem.

Our position is an objective one to maintain current Town-wide park and recreation facility standards. This objective, we feel, is somewhat inappropriate. The

maintenance of existing facilities should be the responsibility of the general population of the entire Town rather than a particular fee to be taken from the remaining landowners holdings. So, that's our objection to number one.

Number 2, do you want me to read number 2... you all have it, right?

Number 2, we find reasonable. Okay.

Number 3, we find reasonable.

Objectives 4 and 5... number 4 to ensure that when new residential development is approved, adequate provisions are made at the time of approval to address the park and recreation facility needs generated by such development.

Number 5, to provide guidelines for determining whether suitable land for Public Park, playground or other recreations use exists within the boundaries of a proposed residential development. Let's see...

SUPERVISOR FULLER: Mr. Mead, what was the position on 4 and 5... did you say whether it was reasonable or...

MR. MEAD: No, we would like to see it... this was our... this was our position on it, number 4 and 5. Number 4 was to ensure that the new residential development is approved adequate provisions are made at the time of the approval to address the park and recreation facility needs generated by such development.

SUPERVISOR FULLER: That's what we have.

COUNCILMAN LENHARDT: So, you are in favor of that.

COUNCILMAN DAVIS: You said you had concerns about 4 and 5, I believe, didn't you?

MR. MEAD: Number 4 and number 5, that have... wait a minute now... we got those... oh, okay. Now, the cost of the new... that's what I'm getting down to... the cost of the new park should be limited to a monetary assessment. Okay. If the Town deems land acquisition necessary, then the selection of the land chosen should result from an assessment of all parties.

Now, however, we want to be on record as proposing that land acquisition be accomplished through the purchase utilizing fees assessed as proposed in this local law rather than land acquired by a taking by Planning Board determination. Okay. And, that's about all I have on that.

COUNCILMAN PLUMMER: I'm sorry, sir, could you...

SUPERVISOR FULLER: Do you want to leave me a copy of...?

MR. MEAD: Yes, we can get you a copy I think. We have kind of scratched through this a little bit here, so I just don't want to leave you this one here, you might not be able to find your way.

COUNCILMAN DAVIS: There are 2 more points; did you have any position on the last 2 objectives, 6 and 7?

MR. MEAD: No, we didn't seem to have a position on 6 and 7. Okay. Thank you.

COUNCILMAN DAVIS: Bob, I have a question. The word taking was used just now; can you maybe help us with that particular issue? I mean taking is something that, I think, we all get very nervous about especially those of us who have been on

the Planning Board and have heard that language a lot. Do you foresee that we have any question about taking in this ordinance?

MR. ALESSI: A taking is a significant term in the legal arena and it really is fact specific. It depends upon the specific property involved. So, unless there is a specific property at issue, you can't make a determinative statement. However, these types of ordinances when they first came out were challenged and part of the challenge was based upon a taking allegation and the challenges were not successful. And, that was on the global basis of the ordinance but again, a specific piece of property generally under United States Supreme Court precedent, the entire value of the property generally has to be taken. In other words, rendered valueless. There are some small exceptions to that but in general, according to U.S. Supreme Court precedent, it's difficult to make a showing of a taking and particularly here where the courts have tested these ordinances and in general have found them, again in general, to be fine.

COUNCILMAN DAVIS: Thank you.

SUPERVISOR FULLER: Is there anyone else wishing to speak?

MS. JASINSKI: Linda Jasinski. I have a question about the small subdivisions. Some pieces of land because they have been broken after a certain year are required to go through a subdivision, just to break off one lot or break the large acreage into half to give to your kids or whatever. Is there going to be the fee required from these pieces? Is there a way that they can be waived?

MR. LIPNICKY: This is something I would have to consult with the Town Attorney on but my initial reaction to that is basically that you have to treat everybody the same. If there is a subdivision of land for one person and a fee isn't being assessed against them, it would seem that you couldn't make exemptions to that for certain people. Bob and I maybe can discuss that a little bit.

MS. JASINSKI: Is this a flat fee where that it's the same no matter what or if you are splitting off 100 acres or 50 acres where you've got your own area you are not going to be going to the Town parks that you should be able to pay less.

MR. LIPNICKY: It's not land area based, it's unit based. So that really depends on the amount of housing units that are built and not the acreage of the lot or the parcel.

MS. JASINSKI: Okay. My comment is, this seems a burden to me... not only do I have to go for the subdivision in order to give my daughter a lot but now I'm going to have to pay an extra fee to do that if I want to give her a place to build. And, I have a lot... a large junk of land so it's not like we are talking just a little bit. Thank you.

MR. WEBER: My name is Fred Weber and I've never done this before. So, I might make some mistakes, so please put up with me. I'm here as a resident only. I don't have any interest financially in any land now or in the future on this proposed law. I'd like to say that I'm here representing the people who can't be here, who are the future people who are going to have to pay these fees. They can't be here now. I'm not a planner. I don't have any degrees and so forth, I am a builder, I have been. I am retired. But, I have had 49 years of practical experience in the Town of Bethlehem in all of these fields. I am fiscally conservative, obviously, okay. I think that new residential development puts all kinds of demands upon the Town on infrastructure, most importantly is traffic, not parks and recreation. Traffic is the problem we have here, okay.

I don't believe our parks and recreation systems are overworked. According to the information that Jeff has put out, we have 323 acres of Town-owned land. That's

what Town-owned land is. What other things do we have here in Town? Let me just give you a little list. We've got all the school fields, courts, etc. and pools in the high school, middle school, elementary school. We've got the Little League parks. We've got a huge soccer complex. We've got the BIG... now; I'm talking about recreation and parks. We've got the BIG ice arena. Right at the edge of the Town, we have the 5 Rivers Park. All the fire departments have fields and pavilions. We have Normanside Country Club, yes it is private, but we have it, it's available. We've got Colonial Acres, which are 9 holes and open to the public. And, then to a certain extent we have other situations where we have Chadwick Square, where you have 220 units down there and you have a swimming pool and tennis courts. You've got Kenholm pool area which his open to the public. You have 3 indoor fitness clubs. These areas are more than the Town has to offer, thank God that these are provided by individuals and so forth. I think we have more than enough and we shouldn't be empire building in regards to the Town. If we don't need the Town parks we shouldn't be doing something about it now.

I compare this and maybe it's the wrong situation... I compare this to the recent proposal to the Library renovation. You have a great library. We got great parks and you want to do something better but the people said no. But, you don't have anybody here who's going to say no now because no one is here now. The people who are going to pay for this are not here.

New residential development now are hit hard financially. We have exacting standards, which are good and I approve of them wholeheartedly that give us good infrastructure. And, the infrastructure that we install today is much better than what was done 20 years or 50 years ago. The infrastructure that we have today is good for 50 to 80 years with no maintenance, as far as, the Town is concerned. The average developed lot cost today based on all the costs involved is \$45,000 to \$60,000. I can remember years ago buying lots for \$600, of course that's a long time ago. New residents now because of inflation and so forth are assessed at a lot higher rate than the average resident is through no fault of anyone's, it's just larger houses, more expensive and so forth. So, they are paying a larger dollar amount per household than all the older residents are. They are not paying \$3,000 for taxes; they are paying \$7,000 to \$9,000 for taxes. The owners of the new houses are paying more than the average old houses but they are not putting any more pressure on our infrastructure. These extra dollars are going to repair our old infrastructure, extra dollars because they are doing. As an example, I think we got a new problem with the water line on New Scotland Road. We're going to have this because we have an old Town and the infrastructure is going to go and we're going to have to repair them all.

Many times new residential developments pays for some off site improvements, not just what they do in themselves. Example, the new water main on Bender Lane, who paid for that? That was paid for by all the residents of Country Meadows Subdivision. It was built into the cost of their houses. I don't think they realize that but that's what happened. I don't think there is anything wrong with that but that's what happens. We're getting plenty from new residential subdivisions.

Right now is that our Town has a reputation of not being the best for business or development so forth. I don't think we ought to make it any worse than it is now. We shouldn't put another nail in the coffin. When and if we need more park space or other infrastructure, any infrastructure, it should be financed by the entire Town the same way we have done all the rest of it. We have always done that in the past and we shouldn't pick on a select silent segment of our residents to provide that.

At this stage, we should be retrenching financially. We have... gonna have a problem with the power plant assessment and in this morning's paper, you picked up the paper and you got the railroad is going to go after us now. We should be retrenching, not going after more obligations. We're known for our high taxes, but yes, we do have excellent services. There is no question about that.

This proposed law will just put a big pot of money for the Town to spend and as much as you say that it should be only used for the acquisition of new lands, bologna, it will be used for maintenance... they will find a way to get around it. It will end up to be going to maintenance of existing facilities. If we do this every new home is going to cost \$2,000 more because you are talking about an average thing of \$1,550 and by the time you administer it and so forth, and really, the developer is not going to pay this. The new home owner... every person that comes in the future is going to end up paying this fee and the time you administer it and take the \$1,550 and you run it, it's going to be \$2,000.

Obviously, I am not in favor of this. We should have... we do have good service in the Town of Bethlehem but we are getting overgrown with services and building empires. We don't... we have more than enough Town facilities as far as parks are concerned. I hope I didn't offend anybody.

MR. FIESINGER: Hi, my name is Tom Fessinger. I have done this before but I probably will still mess things up. So, forgive me too.

I want to speak in favor of the proposal and I'm wearing 2 hats tonight. Usually I have to say that as the President of the Neighborhood Association in Dowerskill Village, that I haven't taken a survey or talked to anybody there so I can only speak for myself but this time we actually had a Board meeting, talked about the proposed law and the Board voted unanimously to support the concept of the park land set aside. In order to keep that discussion at our Board meeting to less than... only half an hour, we kind of pended the part that I could say on their behalf right there.

So, I'm going to speak now only on my behalf. But, as someone who has been the President and managed recreation facilities for 14 years there, I think one of the reasons that our neighborhood is concerned is that right next to our recreation facilities that we all pay an extra fee for and it does help out to... in the Town, over, you know, over use of facilities, right next door is the Planned Commercial Development. And, I think in reading the statute that the Planned Commercial Developments would be subject to this as well and if it is the case that they are not, please include them in there... in their approval. When I looked in the original approval of the Planned Commercial Development I believe there were large apartment units foreseen back in the 70s and I think they would have to come in and kind of update that but if there were large commercial development of apartments right next to our recreation facilities, that's not something that would fit in and that they should have some buffer or park land set aside.

The easement question also comes up here because there's a power line with an easement that's in that 18 acres of the Planned Commercial Development and also the easement for the Tenneco pipe line. So, if that were allowed to be counted as the set aside that wouldn't really do too much as far as recreation facility or parkland for the Town.

We're... our facilities are kind of scrunched in about... I don't know the acreage... but it's a couple building lots and we've worked with the landowner for the Planned Commercial Development and we do maintain a ball field area next to that of a couple of acres which might make a suitable location for that, a park land if they were to put in enough units. In looking up some of the information on the law, I noticed that this provision was in the land use or the LUMAC plan to come up with an ordinance like this and I know the thought was subject to a lot of discussion and I hope that, you know, we'll able to approve it. And, just in closing, and... being in our neighborhood, it's a good neighborhood and I think having a neighborhood facility although, you know, we could argue whether you need more or less park facilities in the Town, but having a neighborhood place for kids to hang out that's safe and shoot baskets or, you know, get to know each better is a definite benefit and is one of the contributions to having a good neighborhood that we do have. So, thanks very much, I hope you will approve the law. Thanks.

SUPERVISOR FULLER: Is there anyone else wishing to speak?

MR. CONWAY: My name is George Conway. I didn't come prepared to speak on this topic but I would wish... I do wish to make one comment. I live in Somerset Woods in Glenmont and I moved in there 4 years ago, it's a new subdivision and I know that I would have gladly paid an additional \$2,000 for my house had there been some land set aside. I am the father of 4 children. There is at least 40 or so children in our neighborhood and I know that our neighbors at one time had discussed the possibility of trying to purchase one of the lots from the builder and we were unable to do so in order to provide a facility for our children to play on... to provide basketball courts and facilities for them. We would have welcomed such a measure, I think, in our neighborhood. I mean I can't speak on behalf of everyone but I know that there is a number of neighbors that had wished to... that were done.

Also, as far as, whether we need additional facilities, I am a soccer coach and I think... and I'm also on the committee designated to schedule events and you only have to be a member of that for a short period of time to realize that we have limited resources to provide soccer fields for our children. Also, I think you just need to visit our Town Park any day during the summer to see that there is a strain being put on the Town Park already and if additional residents do come into the Town, they will place an additional strain upon that. Also, I think it would be a nice thing for all neighborhoods like Kenholm does with the pool where children can swim and meet and get to know each other instead of hanging out on our streets and playing basketball in our streets where they subject themselves to the possibility of being struck by a car. But, I would welcome such a measure in our Town. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. HEINZEN: Let me preface these remarks by... as you learn more about an issue, you find you might want to revise what you want to say. So, I have prepared this earlier. I haven't come to this meeting, I'm not to sure I believe everything in here but I this is my thinking up to this point.

My name is Nancy Heinzen and I ma a resident of 20 Glendale Avenue, Town of Bethlehem. Through the League of Women Voters of Albany County, I have served on the SMART Growth Concurrence Committee and the Albany County Water Quality Coordinating Committee. Such committee work has allowed me to become familiar with local efforts to protect water quality, the Farmland Protection Program and various town land use plans including LUMAC. My interest in land use brings me here today. The following remarks, however, reflect my own point of view and not those of these committees.

The proposed amendment to Town Code which would require residential developers to either set aside land within a development for recreation or pay a fee to purchase land and/or facility elsewhere is in many ways an attractive idea. Other communities in the area have similar laws. In reading the proposed law, I have 2 concerns. The first relates to the various steps needed to create and maintain a park or playground. Land needs to be set aside, equipment purchased, equipment maintained and the site maintained. After the developer sets aside the land, who pays for the equipment and maintenance of the park? Will the Town manage the park? Will all of the cost be passed on to the Town? I would urge the Town to write into this law a fee structure that clearly places the burden of purchasing equipment, maintaining equipment and managing the park to the developer. Otherwise, this will be yet another cost brought on by residential development and passed on to the taxpayer.

A second area of concern is land that might have unique and significant physical, aesthetic and ecological features. The local law suggests that such parkland could be developed for passive recreational use, perhaps as a nature preserve instead of a playground. Nature preserves and trails are an appealing idea and seem to be a low cost alternative but they also need to be created and maintained. Without clear

guidelines or regulations, non-motorized users such as cross country skiers and hikers, would have conflicts with motorized users such as snowmobilers or 4 wheelers. Who would pick up the litter? Who would build the trails? Who would decide appropriate use within these preserves? Is it wise to leave the creation and enforcement of regulations to volunteer based neighborhood associations, which is often the practice? Shouldn't this role be assumed by the Town? Again, who will pay for creating and maintaining a nature preserve, the Town or the developer?

I would like the local law to clarify the exact financial role of the Town and the developer in paying for these costs. Specifically, I would recommend that the developer provide the land, and pay the necessary fees to develop the site, purchase equipment, maintain equipment, develop use regulations, enforce regulations and manage the property. The actual oversight of the property would be the responsibility of the Town and not a subdivision based neighborhood association.

This local law is a valuable first step in that it fundamentally acknowledges that there are costs to the community when open space is converted into residential development.

This is rather long, my apologies.

It requires that the developers assume some of the costs of meeting recreational needs by either setting aside land that could have... that they could have developed or by charging the developer fees to purchase land and facilities elsewhere. There are, however, as we know other costs related to residential development. According to the long-range plan and special report developed by the Bethlehem Central Schools and distributed to the public in January 2000, for every new house constructed in the district, existing taxpayers must shoulder an additional \$1,600. As land surface changes over from permeable soils to impervious concrete, water is channeled into storm sewer systems frequently over taxing existing water treatment facilities requiring towns to invest in larger treatment facilities.

The purpose of this hearing is not to address the larger issues of development, however, I mention them because this local law could be the beginning of a process. At this point, another slight change to the proposed local law may be useful. If developers are agreeable on principle to setting aside land for some community purpose, why limit that purpose to recreational use. Subdivision residents may feel that their current recreational needs are well met by the Town Park and the existing facilities. If this is the case, why set aside land for a purpose nobody wants. Why not instead consider other uses of this open space. Maybe the same amount of land or dollar value of land could be better used to protect key areas within watersheds or be part of the land swap that would help consolidate and protect farmland within the Town. Could such flexibility be incorporated into this local law?

Pittsford, New York is a bedroom community, population of 25,000 situated outside of Rochester. At a local January conference concerning farmland protection, the Pittsford Town Supervisor, Bill Carpenter, presented an overview of how their Town successfully developed and implemented a long-term plan to protect open space. First they identified the stakeholders with the most to lose or gain from development. Together they defined significant issues and developed a political consensus across all sectors of the community. Eventually they identified key land areas that needed to be protected. These were assessed based on their worth to developers and a \$9,900,000 bond issue was passed to purchase development rights. Ultimately, 2,400 acres were protected including agricultural land and land thought to have some historic, environmental, or cultural significance. He concluded his remarks by saying that it makes fiscal sense to conserve land and that it promotes community pride. Much effort over the years has gone into developing a master plan and accommodating the interests of everyone in the community. There is a Town commitment to updating the zoning code so that it more clearly reflects the master plan. Their models and programs now within New York State for tackling the political and economic issues

associated with land use so that we can both protect farmland, encourage livable communities, protect the environment and protect property rights while keeping the Town financial house in order.

I would urge the Town to pass local laws that keep their options open so that they can take advantage of new ways to meet land use goals within the community. We must be careful to clearly identify which costs the developer is passing on to local communities and develop local laws that protect us from assuming an unfair financial burden relative to the profits made by developers.

And, that's it.

SUPERVISOR FULLER: Nancy, may I have that for the record. Thank you. Do you need a copy sent back to you? Thank you.

Is there anyone else that would like to speak?

MR. WEBER: Can I say one more thing? I think... no one has talked about dollars here. And, I think, Jeff laid this out what this would do to existing subdivisions if this were effect.

MR. LIPNICKY: Just to clarify that, these numbers here would not apply to the subdivisions, as they exist now.

GENTLEMAN: Can't hear you.

MR. WEBER: Well, these are the numbers that I'm using.

MR. LIPNICKY: Right, these numbers would not apply to the subdivisions now. These numbers would apply to the subdivision, if this local law had been in effect at the time they were approved.

MR. WEBER: That's right. That's what I am saying, is that if you had this subdivision and it came before the Board now, these are the fees that it would pay. Dowerskill Village, Section 2B, \$152,000. Dowerskill Village Section 3, \$342,000 – that a half a million dollars. Okay. I think we are talking big, big dollars and there's a lot of other ones here that are just as big. I think, also, I am quite familiar with open space. Fortunately, I own a house on Nantucket, which is a big situation where you have open space problems. I think this is that the Town should address open space or green space. Now, that is all together different than parkland. And, the way that should be addressed, in my opinion, is cluster development. We should have green space and it should be addressed in the Zoning Ordinance through cluster development. The cluster development should be set up in such a way that is not... is administrative from the Planning Board as an option with a lot, a lot of red tape to it and really basically what cluster development would do would be dictated by the purchasers. If people wanted smaller lots, they would do it and, if not, and so forth. But, we should have addressed open space, which is different than this. Thank you.

MR. WATKINS: Just had a couple more points that were brought up here. If... if we keep going with all the process here, there will only be \$200,000 and \$300,000 new houses being built here. And, I really think that that's not good because I don't know how many people here could afford a \$200,000 or \$300,000 house and the taxes in Bethlehem on it and the last development that I know about that's about the prices they were getting – around \$300,000.

Also, we haven't on this open space, we haven't look at the insurance problems that would come up and the people who are using snowmobiles on it and an accident occur. Also, it took me to divide one lot 6 years and let's say it added 3 years to the development process for some lots, that's 9 years to get a development through. You know, or 10 years or whatever... I mean I know there are a lot of developments that are out there that it's taken 10 years to get them through in

Bethlehem. So, I mean any new process that goes back and forth to the Board and all, and that requires the movement, why not just have dollars rather than going back and forth to these Boards and people making independent decisions.

And, large lots can be a problem also because they use up the land fast. I know there was a big push towards 2 acre lots and things like that previously and if you start using up the land at that... with big lots, you are going to find that you are not going to have any \$100,000 houses, any \$150,000 houses because the roads and lots... the roads leading to that lot are very, very expensive and a 2 acre lot would cost a great deal of money as Mr. Weber would tell you today. Anyways, just wanted to bring up those points. Thank you.

SUPERVISOR FULLER: Thank you. Dave, would you like to take a minute and express your concerns about the parkland set aside and how you feel about it? Dave is Director of our Parks and Recreation Department.

MR. AUSTIN: Within the last few years, certainly with the recent development in the Town of Bethlehem, the population – especially youth population – it's created a stress on some of the recreational facilities that we have presently. For example, on a hot summer day on a Saturday or Sunday in June or July, the pool complex is almost at capacity... legal capacity. Didn't have that situation a few years ago. Presently we are out of vacant parkland in a good location. We do have some parkland in North Bethlehem and some in South Bethlehem. But, Elm Avenue Park is pretty much fully developed at this point. Town continues to grow, we will need... we'll need park land in centralized location in the Town of Bethlehem.

SUPERVISOR FULLER: Thank you, Dave.

COUNCILMAN BURNS: Nancy in her letter mentioned maintenance, equipment and management, could... I just need that clarified, how that would... or what...

SUPERVISOR FULLER: Jeff, why don't you clarify that?

MR. LIPNICKY: The provisions of the statute don't deal with maintenance, long-term commitments by developers. The statute deals just with the fact of a means for the Town to acquire public parkland. Once that parkland is required, it would be our responsibility to develop it, to maintain it and one would think that these fees would help pay for both the acquisition and the development of the parkland... the construction of facilities and that. The maintenance would come out of the operating budget, Dave would have to find a way to do best he can with the money he has available and that's the way it would work.

COUNCILMAN BURNS: Thank you.

MR. WALDENMAIER: Hi, my name's Mike Waldenmaier. I will direct this to Dave Austin. Dave, would you rather have fees or would you rather have pocket parks?

MR. AUSTIN: Well, from a practical standpoint, I think fees give the Town a lot more flexibility as far as what the entire community might need in a large recreational facility or park facility. I'm not in favor of small parks in each PRD which may not serve the larger need that that particular geographical area of the Town, difficult to maintain, transport men and equipment to them. If there were a piece of land in a large development that would suit a large park that could be served by... say the geographical area of that part of Town, it might be something that the Town would be interested in. But, certainly the fee, the fund with a sum of money gives the Town more flexibility and would help meet the demands, I think. Just to give you some examples, I know Clifton Park and Guilderland have purchased quite a bit of land with the fees that they've accumulated over the past few years. Saratoga helped develop an indoor ice skating facility with fee in lieu of. And, there are other towns similar to our size that have... it's really helped them with development of facilities.

MR. WALDENMAIER: One more question for you. What would be minimum acreage for a pocket park that would be feasible for you to have?

MR. AUSTIN: It depends, Mike, on the... on what we feel the needs of the community would be at that point. You know, something that's very small isn't going to serve that.

MR. LIPNICKY: Dave, an example is Dowerskill Village as part of the SEQR mitigation, Dowerskill Village gave us a park, I believe, that was what 7 acres... 7 to 9 acres in area.

MR. WALDENMAIER: So, if it was 7 to 9 acres it would have to be almost a 100 acre parcel to get like 10 percent, correct?

MR. LIPNICKY: Right. Well, that was a development of over 225 units over 100 acres of land, sure.

MR. WALDENMAIER: And, would all these parks have to be accessible to everybody or like say you built these houses and you had a park behind the houses that were accessible just to that development, can you do that or does it have to be accessible to everybody in the Town? So, if you had a 10-acre park, anybody from all over the Town could come to this park.

MR. AUSTIN: If I were to look at a parcel of land, I think, it would need to be accessible to anyone in the community.

MR. WALDENMAIER: Okay, thank you.

COUNCILMAN PLUMMER: Can I just... because I think those were very good questions and let me just because it goes to the gentleman's sitting in the front row, his point earlier when he bought his house in his development he could have used... would like to have had some land there where the kids could hang out, so to speak. And, I think that that's important and part of this. You're not saying that that would not be the case, are you? Because that is different than what I believe...

MR. AUSTIN: I'm saying, yes, I think any parcel of land that the Town would seriously look at in... as a percentage of a PRD would not only serve the residents of that particular development but would, hopefully, serve residents in perhaps that geographical area of Town also.

COUNCILMAN PLUMMER: Right, I understand that. That would be if there was a payment in lieu of but the alternative being if the developer came in and proposed, you know, a certain number of houses, that developer could propose... set aside a certain amount of land that could be used for recreational purposes, correct, for that specific area?

MR. LIPNICKY: If I might just... if we are talking about public parkland, okay...

COUNCILMAN PLUMMER: Pardon me...

MR. LIPNICKY: If we are talking about public parkland, land that is dedicated as public parkland we can't limit access, okay. You just can't do it. The reality of it is though, I think, as in the case of the park in Dowerskill Village that we will have, that particular facility will be developed for example with a local small baseball field, okay. The probability of somebody coming from North Bethlehem to play softball on this park is low. So, for practical purpose, yes, it will be open to other people in the community, some other people might visit it but the probability is most of the use is going to be from people in the immediate vicinity of the park.

COUNCILMAN PLUMMER: Okay.

MR. LIPNICKY: Have I answered your question or...?

COUNCILMAN PLUMMER: Yes.

MR. AUSTIN: I think, Dan, if the parcel was large enough to develop facilities, that would possibly eliminate some of the strain in some of our other parks that would be beneficial.

COUNCILMAN PLUMMER: Yes.

MR. LIPNICKY: On the other hand, there's nothing preventing a developer from building private recreation facilities maintained by a homeowners association, you know.

COUNCILMAN DAVIS: Well, we have those in a number of places in Town.

MR. LIPNICKY: Right, exactly, Dowerskill Section 1 and Section 2 also that Mr. Feisinger was referring to be that type of situation.

COUNCILMAN DAVIS: Kenholm is another.

MR. LIPNICKY: Yes.

COUNCILMAN PLUMMER: Yes, but Jeff, when a landowner or a developer does that, sets aside a certain amount of land, under the way this is structured, it would then be open to the public, if not just considered recreational. It would have a different meaning. It becomes available for everybody to use.

MR. LIPNICKY: If he is... if he is maintaining it, okay, under his ownership, all right, he can restrict admittance to it as he sees fit, okay. But, in doing that, he's not meeting the requirements of our regulations. He would still have a requirement to us in terms of under this ordinance, except that as I had previously stated, there is a provision in there that allows for some credit for onsite facilities that are provided by a developer. So, for example again, to go back to the example of an apartment complex that provides tennis courts and a pool onsite, there will be credit given towards that. Okay. So that for example, the fee would be lower than it otherwise would be.

COUNCILMAN PLUMMER: Okay.

MR. LIPNICKY: And, I think that helps because in reality that offsets the demand on our park facilities also if somebody is providing private recreation facilities on site.

COUNCILMAN PLUMMER: Thanks.

MS. JASINSKI: Linda Jasinski again. So as I understand this, the Town would acquire a large chunk of money to create new facilities for recreation that they wouldn't have the maintenance money for so they would have to raise our taxes in order to maintain these new facilities that they will be acquiring.

MR. LIPNICKY: I'm not sure one point necessarily follows the other because you're obviously getting a larger park population in Town...

AUDIENCE: Can't hear you.

MR. LIPNICKY: I'm not so sure that that logically follows one point from the other because, you know, there is additional population growth in Town. There is additional taxes being generated from that additional population. There are also additional taxes that are being generated from any new commercial development that might happen in Town, etc. So, that logic does not necessarily play out.

SUPERVISOR FULLER: Is there anyone else who would like to speak? If there's others willing to speak, if you would come and get in line and save us a few minutes since we have another item on the agenda that I am sure everyone is waiting patiently for.

MRS. MEAD: I am Wanda Mead and I was a little late this evening so I'm not exactly sure just how this has followed from conversation to conversation but I'd like to give you my input.

I think having been a lifelong resident of the Town of Bethlehem, and a landowner, a businessperson that very often I've heard the Town of Bethlehem say; we want to be business friendly Bethlehem. I can't imagine the developers and people wanting to come into Bethlehem and have monies extorted from them over park property. And, that's really what it looks like. If I were the green grocer in Harlem, and the Mafia said to me, you have to do so much business and pay us so much money in order to do business in our Town, in our City, I think that we are sending out the wrong message. I think if what we want to do is do good business and I'm not... not in favor of having parks. I think you could have as many parks as you could afford to buy and build. But, I don't think you ought to extort it from the people that are doing business in your Town, whether it's us the landowners or whether it's the developers.

Thank you.

SUPERVISOR FULLER: Anyone else? I think we have heard enough public comment this evening. My own desire would be to put off a decision on this until we have time to review what we heard tonight and also the letters that we have received... have the time to review those and probably get back to the staff and have some of the concerns that you raised with us tonight – we need answers to those concerns as well. Is there any Board Member who has anything else to say?

COUNCILMAN DAVIS: Not at this time.

COUNCILMAN LENHARDT: I have a list of questions I will be calling Jeffrey on tomorrow.

MR. LIPNICKY: Can't do it tomorrow, I took off tomorrow. I'll give you my home number.

SUPERVISOR FULLER: Well, I think we have the record of the public hearing and probably George's questions are similar to everyone else's sitting here. So, we can go through the recording and you can respond to each of the concerns that have been raised and then if there are other ones, we get back to you on them.

May I have a motion to?

COUNCILMAN BURNS: Can we get copies of all the letters, we don't have them?

SUPERVISOR FULLER: Yes, you have all the copies other than Kathleen Martens and Nancy's who came tonight. Those I will make and I will get them out to you tomorrow... we can mail them out.

May I have a motion to close the public hearing?

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to close the public hearing at 8:38 p.m. The motion was passed by the following vote:

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

Noes: None.

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A resident asked whether letters would be accepted following this meeting. Supervisor Fuller said she should not be taking letters after the public hearing. She said if there are letters that people feel the Board should have, if they are received, she would extend it to the beginning of the week so she has time to get them out to the Board members and they have time to review them. She said she would accept them up to a week from this date that would be February 28, 2001. She said just bring in one letter and she will forward them to the Board. She asked if anyone had any letters to submit. There were none.

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The next item was a presentation and discussion of a vision for the Four Corners. Ms. Marty Delaney, President, Bethlehem Chamber of Commerce, exhibited a map of the neighborhood. She said she pulled out the minutes of the last meeting. She thanked the Board for the invitation to be at the meeting and present the vision for the Four Corners. She said she represents the Four Corners Group, which is a collection of merchants, residents and Town officials. She said they have looked at the problems of this area and want to work together to find solutions. She said the Board is asking that the Board take up the vision for this area. She said resources are available to communities from State and Federal monies. Grants are available, according to Ms. Delaney, for professional planning and implementation of this vision. She said they are asking the Town to fund the necessary studies or seek grants to move this revitalization of the Four Corners forward.

Ms. Delaney said Bethlehem is a unique community and a great place to live and do business. She said we are fortunate that we have not been overrun by suburban sprawl and it could happen if planning is not done on a continuing basis. She wanted to focus on the part of the Town that they feel needs a major overhaul.

Ms. Delaney noted at the Four Corners there is a hodge-podge of buildings, indicating some are in good shape and some decaying and badly in need of repairs. She said there is also a jumble of unsightly overhead poles and wires, lots of uneven sidewalks and trash left by careless motorists. She said over 2 years ago, the group started creating a vision for this area, including aesthetic improvements from little things like flowers and shrubs to bigger things like a pocket park, better parking options and buried utilities.

Mention was made of the SMART program and Governor Pataki's Quality Communities Program created to assist local governments in doing just what is envisioned for the Four Corners. Ms. Delaney said since this program provides assistance to move the vision forward, they are encouraging the Town Board to explore the possibilities of participating in it. She cited the example, look at what Albany has been able to accomplish on South Pearl Street with State assistance. She said they have buried the utility lines, put in new brick sidewalks; classic lampposts are installed and increased pedestrian safety. With improvements like these, Ms. Delaney said, we could transform our business district and help attract small type businesses. As Chamber President, she said she is constantly watching new businesses trying to make it here. If the Town cannot give businesses a reason to come or a reason to stay, there is no incentive for them to do so, according to Ms. Delaney. She said we need to encourage good business right here in our own backyard. This cannot be done unless the people in the area are willing to help, she commented.

Ms. Delaney said tonight they are calling on the leaders to take a leadership role and start putting the necessary funding in place to create a professional design and find the resources to make the plan a reality. She said they understand that the plan for a commercial overlay district is under consideration by the Town Board

and there may be a public hearing on that plan in the near future. She said they think an overlay district is an important component of the vision for the area and landscape architect, Edward Kleinke, was in attendance to answer any questions. Ms. Delaney said she wanted to make it clear that the vision for aesthetic improvements in this area is a separate issue from the overlay district and they think they should move forward as parallel processes. She said they are not promoting the idea of a business improvement district or a BID. She said they looked at that in the past and do not feel it would work. She said they believe that together there is an opportunity to do something positive for the community.

Ms. Delaney thanked the Board and turned it over to Mr. Kleinke. He said he would take a few minutes to present some of the information. He said they presented some initial thoughts previously about the concept and have worked with the business group, the Chamber, number of folks in the community, with neighbors directly around the area and refined the proposal a little bit. He said the actual concept which was presented in September of 1999 has not changed much.

Mr. Kleinke said they have worked and defined an area that could be defined as an overlay district noting the map exhibited showed this presentation. He said it shows the historic and commercial area of the town and it is known as the Four Corners. People from out of the area know the Four Corners area, according to Mr. Kleinke, and it is recognizable all around and people focus on it. He said their goal was to really make this area a place that was a true center of the community in both historic terms and is emulated today for its design and business terms.

Mr. Kleinke said the area is defined by primarily existing zoning district boundaries. He said there is an area between the residential and commercial district and an area that is bounded by the commercial districts and residential districts. He said they attempted to define a vision. He said the statement is very simple and some of the list provides for mixed land use in an urban village design context; use outdoor lighting on sidewalks and trees; shrubs around property; bring neighborhood groups and garden clubs into planning for ideas and assistance; establish a partnership between the Town community and State to raise funds for a millennium clock or memorial park; establish a small pocket park with benches and gazebo; put up seasonal banners and/or flags for seasonal themes; plan festivals and entertainment such as Feestelijk Bethlehem focused around the Four Corners; create a mini-street fair to encourage walking and window shopping; and encourage all property owners and tenants to take responsibility for the looks of their property. He said other suggestions were to do weed control; sidewalk sweeping and shoveling; maintenance sorts of things; attractive doors and windows and signs; clean well lit, painted exteriors; regular trash removal; use of noise buffers such as fencing and walls and trees; landscape planters; benches; locate pedestrian crosswalks; and develop a street landscape plan and program.

Mr. Kleinke said given that short vision statement that they have put together, given an area that the group thinks is appropriate to do this in, they now find themselves at the point of how you get from the place and idea to the reality of making it happen. He said part of the reason for their presentation was not so much to look for an approval on a district area or to discuss further the vision but really to see how to get from this point to where they would like to be in the future.

Mr. Kleinke said he put together a plan, noting it was in 5 phases. The first being the vision statement that they have. The second phase is the overlay district and zoning concepts that were presented in December of 1999. Phase three is an improvement plan and design guidelines. Phase four would be code amendments. Phase five would be implementation, funding and grants. He said the basis for the preparation for this kind of a plan relies on putting together a lot of information from both business and environmental community related materials and data. He said it also includes an interpretation of that information.

Mr. Kleinke noted they all felt there was a partnership being developed that was both private and public which would be a win/win opportunity for private business and landowners and residents, as well as, the local government. He said they advocate continuing on with that process.

Mr. Kleinke proceeded to review information and share ideas that have come from the meetings they have held. He noted that this is a long-term project and he thinks the important thing is that it has support of the property and business owners. He said they have talked with the neighbors and neighborhood associations and feel they are supportive. He said the Town Board Members have sat in on a lot of the meetings and expressed their support.

Mr. Kleinke said as a final thought that they are at a point where a tremendous amount of ground work has been done, a lot of discussion has been held and the area has been identified along with the vision and they need to move forward as to how to get this implemented and accomplished. Mr. Kleinke thanked the Board.

Letters were read from area business owners who were unable to attend the meeting.

Supervisor Fuller said she had a couple comments, noting no one is more frustrated with the delay on the Four Corners. She said Mr. Treffiletti owns the property at the Four Corners and there have been some environmental issues there indicating this is not a new issue. She said they thought this had been cleared up. She said the Town hired an engineering firm to evaluate the problem and it is still not resolved. She said until that is resolved, the Town cannot go forward and purchase the property. She said this is beyond the control of the Town, noting it is called DEC, and Getty who owned the previous business. She said there have been times when she was encouraged to go ahead but she is in no way going to jeopardize the Town of Bethlehem to have anyone hurt or damaged in any way on that property. She has asked Town Attorney Alessi to review the documents that the Town has and see if there is an end in sight here. She said she thinks it is only fair to move on and to move off so this Four Corners can be resolved. She said until that answer is determined, the Town is not holding up development of the Four Corners.

Supervisor Fuller said she sent letters a year ago to a number of different groups asking for money. She kept a copy of all the responses in the file and everyone responded with - we are not entitled to the money. She said this is not a project they were interested in. She said it was people above and beyond the State of New York. She said these were corporate donors and they thought there might be a better chance with them. She said when you look at funding from the State of New York; the Town of Bethlehem is a very wealthy community. The grants that are offered to the Town of Bethlehem, according to the Supervisor, are HUD grants. She said the Town is not eligible for money.

The Supervisor said the City of Albany is entirely different and noted they are eligible for these grants. She said if someone can find a solution for the money, the Chamber is in charge of getting it. She said she went through the packet from the Small Cities Program and asked Mr. Lipnicky to review it. She said he reviewed 181 pages of the information and it was determined that the Town is not eligible. She said if they can get the attention of someone who is willing to give a lot of money, the Four Corners could be made to look very good.

Supervisor Fuller said on another note, she has been amazed at how nice the Four Corners looks since Mr. Marino purchased the Patterson building, noting it is the brick building, and the green awnings and flowers have been added. She said he has done a lot of work, as has Steve Bolduc of Keystone Builders. There are great ideas for the area but the Town does not own that property. She said there has been a lot of work done with the property owners.

Supervisor Fuller said the Town is willing to work with everyone and noted the lack of moving ahead is not because they are not able to. She said it is not as simple as it sounds. She said if there is a solution to the money, that is a big portion of the situation. Chamber President Delaney said there are another grants that she has talked to the people in the Small Cities Office about that the RFP will be out in August of this year. She said there is every indication that the Town would qualify for it. Supervisor Fuller asked if the Town would have to go through HUD.

Ms. Delaney said she was not really sure but every indication is that it is something that the Town would qualify for based upon the fact that it is a historical district. She said there are all kinds of ramifications and the RFP will be out in August. Ms. Delaney said she couldn't apply for it; the municipality has to apply for it. She said she needs assurance that when the RFP is received it will get immediate attention. Supervisor Fuller said the Town would be glad to do it if it can be done. Question was asked if there was a dollar amount. Ms. Delaney said \$25,000.

Supervisor Fuller asked Mr. Lipnicky, since he has had experience with this before, if he can explain this. Mr. Lipnicky said he does not know the particular program that Ms. Delaney was referring to. He said he worked with community development, which included grant writing. He agreed to look at any information that might produce programs to be applied for. Ms. Delaney thanked him. The Supervisor noted we just need the money. She said the Town has been asking the State of New York for money for a long time and so far we have not seen it. She said the community, itself, is considered a wealthy community and the school district have to go through the same frustration.

Mr. Kleinke noted everyone has frustration with funding and grants and those types of programs. He said this concept -- noting the business group and the Chamber has tried to make this well rounded enough -- so that it does not focus or hinge on receiving grants or funding from other sources. He said a great deal of this program could be implemented through development of an overlay district through zoning and the building and redevelopment process of the buildings. He said certainly all of this is on the responsibility and shoulders of the private property owners. He said that is one major component of all this regardless of funding or anything else ever received. Funding would certainly benefit a number of the elements but all is not stopped without receiving funding.

Supervisor Fuller said the underground utility aspect of the concept would need funding, noting the cost is astronomical and they have looked into this. She said that is the real improvement at the Four Corners. She said these are the difficult things. Mr. Kleinke agreed.

Mention was made regarding the overlay district and the fact that this could be moved forward. Comment was made that this would be a zoning modification. Mr. Kleinke said funding is not necessary to progress and achieve that. The zoning lines are already in place and the overlay information would be the only necessary compilation. Mention was made that there is a very good basis to go forward to accomplish this, noting the neighbors have all been involved and supportive of this proposal. Mr. Kleinke said the neighbors are in agreement with this. Supervisor Fuller said the residents were concerned that there was encroachment on the residential area and that held it up.

Parking was next addressed indicating their needs to be a sharing of parking areas to link together both the pedestrian and vehicle safety issues. The area needs to be assessed and addressed for total parking availability and safety aspects.

Supervisor Fuller said Mr. Bolduc came up with a wonderful plan but asked if he was able to get the properties he was interested in. She said she thought that was the real hurdle for him. Mention was made that Mr. Bolduc owns the building next door and has had meetings with a number of other property owners. Possible

future ownership was mentioned by a group of investors with the same vision. The Supervisor noted the proposed zoning would be the easiest part of the project.

Mr. Horn, Chairman of the Bethlehem Task Force, next presented information from the group. He listed the improvements that the group has encouraged and which everyone sees at the Four Corners. He noted these are superficial things. He said they believe there is a lot more to be done and added two more items. First he said he would like to see closure on the park situation this year, the purchase of the Treffiletti property. Secondly, he urged the Town to send a delegation to the NYS Department of Transportation about Kenwood Avenue improvements so that the project boundary could be extended from Adams Street down to the intersection with Delaware Avenue. He said he feels this is a once in a lifetime opportunity. He said he thinks an approach should be made to extend the sidewalk and, if possible, the lighting from Adams Street with the Department of Transportation by extending the project limits. Supervisor Fuller said that they spend a lot of time asking DOT about it. She said she just had a meeting with New York State DOT when they were talking about Delaware Avenue and closing the landslide area completely now that the work is completed and the State is wrapping things up. She said she once again spoke with them about the Four Corners at Delaware Avenue. She said it is an eyesore and Delaware Avenue is a State road. She said they did ask about having Kenwood Avenue when they came and had the public meeting. She said they did not have a solution, however, it does not mean the Town will stop asking.

Question was raised about taking an issue with New York State DOT regarding safety issues, i.e. sidewalks, walking, crosswalks. Supervisor Fuller noted it is a very bad intersection and would give the resident addresses and phone numbers to call.

Supervisor Fuller said the overlay district will be the next step and indicated this could be on the agenda in March, April or May. She said she would speak with Mr. Alessi and Mr. Lipnicky to accomplish this. Councilman Davis noted she thought this would be appropriate in light of all the time that has been put into this vision. She said she thinks their needs to be some concrete results and proposed this be put on the agenda the sooner, the better. Mr. Plummer asked if Mr. Lipnicky has looked at the proposal. Supervisor Fuller said he has and had some questions.

Question was raised with regard to the possibility of improvements to the buildings, whether they would be restricted by the existing code based on parking. If the same retail use was continued, the answer was that they would not, however, if there were a switch in use, they would be subject to the code. Basically, all that is needed is development of the criteria for the overlay district.

Supervisor Fuller said they would get back to this item as soon as possible. She said she couldn't guarantee the first meeting in March. She thanked everyone for their attendance.

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The next item was a request from Richard LaChappelle, Chief of Police, for approval of transfer of funds from the insurance recovery account to the collision repairs account for repair of a police vehicle.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the transfer of funds from the insurance recovery account A2680 in the amount of \$1,086.94, to the police account A3120.464, for repair of damage to police vehicle. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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The next item was a request from Chief of Police, Richard LaChappelle, for approval of appointment of a Police Officer, effective February 17, 2001 at an annual salary of \$34,263.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the appointment of Adam N. Hornick of Glenmont, New York to the position of Police Officer, effective February 17, 2001 at an annual salary of \$34,263. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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Mrs. Davis inquired if the new officer would be assigned to traffic safety. Chief LaChappelle replied he would be.

Mr. Lenhardt stated this new police officer has been recommended very highly. Chief LaChappelle informed the Board that Mr. Hornick worked for a few years in telecommunications and is a very bright young man. Mrs. Davis agreed.

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The following item was a request from Richard LaChappelle, Chief of Police, to accept the resignation of a part time telecommunicator effective January 29, 2001.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to accept the resignation of Joseph M. Normandin, part time telecommunicator; effective January 29, 2001. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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The next item was a request from Engineering Services Administrator, Michael Cirillo, Department of public works, for approval of acceptance of two deeds for the Trinity Manor Subdivision, Selkirk.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approval the acceptance of two deeds for the Trinity Manor Subdivision, Selkirk. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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The following item was a request from Engineering Services Administrator, Michael Cirillo, Department of public works, for approval of acceptance of deeds for Cherryvale Subdivision – Phase 3.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the acceptance of a deed for Cherryvale Subdivision – Phase 3. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator, Parks and Recreation Department, dated February 14, 2001, at the titles and salaries indicated and on file in the Town Clerk's Office. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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The following request was from Highway Superintendent, Gregg Sagendorph, for approval to go to bid for one (1) new four-wheel drive diesel powered heavy-duty dump truck with full plow equipment and dump body sander. Could advertised on February 21, 2001 and open bids on March 6, 2001 at 3:00 p.m

The following resolution was offered by Mrs. Davis and seconded by Mr. Lenhardt:

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) new four-wheel drive diesel powered heavy-duty dump truck with full plow equipment and dump body sander, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 21st day of February, 2001 and that bids be received up to 3:00 p.m. on the 6th day of March, 2001 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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The next item was a request from Highway Superintendent, Gregg Sagendorph, for permission to dispose of vehicles at auction.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approval the disposal of vehicles -- one 1979 Michigan-Clark 45C Wheel Loader from the Highway Department, Vehicle 83; and one 1983 Ford Dump Truck from the Water Transmission Department, Vehicle 305 -- at auction to be held at Northway Auto Exchange, Inc., Clifton Park, New York. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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The next item was a request from Town Clerk, Kathleen Newkirk, for approval of appointment of a temporary part time Records Clerk

The motion was made by Ms. Burns and seconded by Mr. Lenhardt for approval of appointment of Mary Picarazzi, Delmar, New York as a temporary part time Records Clerk, effective January 10, 2001 at the rate of \$8.48 per hour to be paid from the current 2000-2001 Records Management Grant to perform the task of verification of microfilm. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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The next item was to acknowledge receipt of the year 2000 Annual Report from David Austin, Administrator, Department of Parks and Recreation.

Supervisor Fuller stated that the Parks Department had a good summer even with all of the bad weather. She especially appreciated the cover on the annual report, which was the new dog park that was opened in the fall. She received a letter in the mail from a resident who sent her photos of her dogs playing in the new park. The resident said when she went to leave the park, they had a flat tire and other dog owners helped her change her tire. She is very pleased with the park.

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The following item was to acknowledge receipt of the Capital Reserve Funds report.

Supervisor Fuller thanked Judi Kehoe, Comptroller, for preparing the report.

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The next item was to acknowledge receipt of the 4<sup>th</sup> Quarter 2000 Franchise Fees from Time Warner Cable in the amount of \$66,494.25.

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The last item was to approve Town Board minutes of January 10, January 19 and January 24, 2001.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the January 10, January 19, and January 24, 2001 Town Board minutes as submitted. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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Supervisor Fuller asked for a motion to adjourn the meeting.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 10:26 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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Deputy Town Clerk