

**Town Board
April 28, 2010**

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

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

Supervisor Messina called the meeting to order and lead the Pledge of Allegiance.

PUBLIC COMMENT ON AGENDA ITEMS

Marie Capone – Wants access to the agendas earlier. Instead of the improvements to Town Hall and the paving she wants the holes on Delaware fixed.

Bob Jasinski – Will the new employees salary be posted? Is \$80,000 the total cost for police cars or will there be more costs.

PUBLIC HEARING - PROPOSAL TO REDUCE THE SPEED LIMIT ON OLD QUARRY ROAD FROM 55 MPH TO 45 MPH

A motion to open the Public Hearing and to waive the reading of the Public Hearing Notice with direction to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting was offered by Councilman Kotary, seconded by Councilwoman Dawson and approved with the following vote:

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

The public hearing was opened at 6:10pm.

**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 April 28, 2010 at 6:00p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider a proposal to reduce the speed limit on Old Quarry Road from 55 MPH to 45 MPH.

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

Individuals with disabilities who are in need of an accommodation in order to participate should contact the Town Clerk's office at 439-4955, Ext. 1183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Nanci Moquin
Town Clerk

Dated: April 6, 2010

STATE OF NEW YORK) SS:
COUNTY OF ALBANY)

NANCI MOQUIN, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and the attached Legal Notice was published in the Town's legal newspaper, The Spotlight, on April 14, 2010 and that I posted the Notice of Public Hearing on April 14, 2010 on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

Nanci Moquin
Town Clerk

Sworn to before me this
30th day of April, 2010.
/s/ Julie Sagendorph

Notary Public

A recommendation had been made to the board by the Supervisor to consider reducing the speed on Rt. 396. There had been complaints of speeding on the road. The area was visited by the Supervisor and the highway Superintendent, Mr. Sagendorph and they have spoken with the county administration and chief of police. There have been fourteen (14) crashes on the road in the past three (3) years.

Peter Schmidt, from the highway department, presented. He said the speed on Old Quarry Rd. has been an issue for awhile. The road is not posted which means by NYS law it is then a 55 mph road. The geometry of the road is not good for maintaining 55 mph. In the past year alone there have been seven (7) accidents on that road. When the state wants to post a speed limit, they look at road characteristics. It's a twenty-one (21) foot pavement width road, with gravel shoulders or drainage ditches to the sides. There are residents on the road and around curves and driveways to deal with. Another thing they will look at is the accident history. A 45 mph has been suggested with the necessary signage posted.

A motion to open the public hearing, indent the notice of public hearing, affidavit of publication and affidavit of posting was offered by Councilman Kotary, seconded by Councilwoman Dawson and approved with the following vote:

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

NAYES: none

ABSENT: none

Linda Jasinski, Selkirk. I notice that he said 7 accidents in the last year. I'm willing to bet a lot of that was caused due to Ben's Bridge being closed. People need to take that road going around now and of course they're going to be running late when they're doing that because it's a little bit longer to go. I notice an increase in traffic on 396 because of that. But the other thing I'd like to bring up is that part of

this road is in New Scotland. What happens to the speed limit on that section of the road? That's the first section as you come in off Rt. 32. Is that going to be changed too, it's a really curvy area.

Mr. Potter: We would not have the jurisdiction to do that, of course.

Councilman Jordan: We should communicate in some way with the Town of New Scotland. It would make sense. If we do change the speed limit to 45, I believe the Supervisor should reach out to the Supervisor of New Scotland and communicate that and ask them to do the same.

Linda Jasinski: I'm not an advocate of speed limits that change constantly so you don't know what the speed limit is.

Marie Capone: Pete Schmidt was with the traffic safety committee. You should go ask him a lot of things about how to take care of the road in the Town. Especially where there's holes. Because here across the street, there are a lot of holes and the state comes and patches and 24 hours later the holes are back. So Pete Schmidt could help with that.

Cass ***** 470 Old Quarry Rd.: Old Quarry Road is 3.3 miles long according to my odometer , 2.9 in the Town of Bethlehem. So there's a half mile in the Town of New Scotland. There's 13 signs indicating curves on the road in that 3.3 miles. There's 2 driveway signs, 2 school bus stop ahead sign and 1 truck entering highway signs. There's also 4 roads that join Old Quarry Rd. 3 of them are at y junctions. So if you're taking the left it is less than visible for anyone coming 55 mph around the corner. The county garage is there, a working quarry, a water filtration plant, and a working farm. That makes a total of 36 places in 3.3 miles where the driver needs to be sincerely paying attention, including my driveway. The road is very curvy and it's used by a lot of traffic. I've only lived there a little less than a year and I'm seeing a huge increase on the truck traffic. We're seeing 18 wheelers, something we hadn't seen before Bens' Bridge was closed. I really don't want to spend 16 million dollars to replace that bridge but we need to do something for the safety of the residents who live on that road.

Bob Jasinski, Bender Lane: I travel that road quite a bit to get down to 396 and the Selkirk area, and for a difference of 10 miles I don't think there should be any question at all. You should lower the speed limit. Post it as close as you can to New Scotland because like anything else, by the time they see the sign, they've already begun to slow down and ¾ of us don't know where the line actually falls. When you're on a road like that you're going to run at the speed limit. It is a very dangerous road and as the lady before me has spoken with the different problems as you come off 32, you got quite a windy spot, you got a cemetery there, you get over by the Onesquathaw just before 396 and you got a couple nice knolls and from my experience on Bender Lane, any young person kinda likes to get their car airborne on some of these knolls. We just had one on Bender Lane. Just this week, it was a nice roll over, and thank the lord the kids alright. I highly approve of you lowering the speed limit.

Andrew Koslowski, 450 Old Quarry Road: Just a couple other comments, we've been talking with many of our neighbors but another item that may or not be known, Old Quarry Road is a favorite of bicyclists. It's not uncommon to see forty or fifty coming down in a pack over this and there's less than a foot of shoulder on the side of the roads, Very narrow with the curves. Some of us wondered if possibly 40 mph wouldn't be a better speed. The reality is that folks are probably going to be driving 45 just to put that out there for thought.

Peter Frueh 117 Old Quarry Road: Before the road was repaved, I used to be able to look up the road and down the road, take my horses across the road. Now I look up the road and down the road and before I get

to the middle of the road, the cars are on me. I feel between 35 and 40 would be a more prudent speed for that road. I don't go much over 40 and I got cars pushing me down the road.

Elizabeth Becker, 395 Old Quarry Road: My section of the road is the only section where cars can pass. And it's just by the highway department and they have to go around the bend and come down a hill and there they are. We've tried, there's 3 driveways that we're trying to get in and out of. I think that 35 or 40 would be the speed limit.

Paul Hunter 262 Copeland Hill Road: I'd like to say that if you do change the speed limit, you need to patrol it. I know young kids are still going to go the old speed. I know people that go down there now at about 80. They go as fast as they can, especially in the straight-a-ways. So I would say to patrol that section more and to have some police cars there watching it. Because I know people are going to speed on any straight-a-way. It's a rural road.

A motion to close the public hearing was offered by Councilman Kotary, seconded by Councilman Jordan and approved with the following vote:

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

NAYES: none

ABSENT: none

The hearing closed at 6:20PM

Councilman Kotary was also wondering if the reduction to 45 was enough. There were 3 residents that brought up the same issue. He asked Mr. Schmidt to come back up to answer some questions. Mr. Schmidt said they had spoken with Mr. Merkle at Albany County and they had done some studies after they had redone the road. Their studies showed their 85% was 55 mph. According to the new federal manual, they wanted it 5 mph, one way or the other. That would put it down to 50 mph. Anyone who drives the road or listened to residents tonight knows that would be pushing it. There is a reality factor, if you drop it down too low, people will just drive faster. They have seen that in other areas of the Town. Enforcement could be used but the 85% shows you what the traffic would feel comfortable doing. A reduction of 10 mph is within the reality range.

Councilman Kotary asked if there was direction from the state as to speed reduction. He also thought New Scotland should be notified of the proposed change. If their speed remained 55mph, would it be difficult to then reduce speed on Bethlehem's portion of the road. He asked if it would create a safety issue if the speed was reduced further than 45mph. Mr. Schmidt said the advance notice for the speed limit ahead would need further advance notice. New Scotland's Town Board cannot change their speed limits; they must go to the state for that. After a 15 mph reverse curve off 32 onto Old Quarry Road and then past the cemetery, it's only about a thousand feet before you're in the Town of Bethlehem. Mr. Schmidt said Starr Road is also a 55 mph road because it's not posted. Councilman Kotary wondered if a gradual reduction in the speed might not be helpful. Start with the 45mph and then decrease it if it is necessary. Mr. Schmidt thought changing the speed limit again after a short time might create more problems.

Councilman Jordan asked where the accidents were figured into the county's speed limit calculation. Mr. Schmidt said within the last year there was one (1) speed related, two (2) vehicles went off the road in slippery conditions, one (1) vehicle off the road to avoid a deer and three (3) car deer accidents.

Councilman Hennessey thought some of those accidents could have been avoided with a lower speed limit. Mr. Schmidt said the bicycle groups also create some problems because they ride in a large pack.

Councilman Jordan said Starr Road starts at 55 mph and then drops to 40 into Coeymans. He thought maybe they should look at dropping the speed limit on Starr Road also. Everywhere that intersects with Old Quarry Road is a lower speed limit.

Councilman Kotary asked if all the curves were posted at the same speed limit. Mr. Schmidt said it varied; some are 20mph, 25mph. He thought a speed limit somewhere between the curve speed and the existing speed of 55mph, such as 40mph might be a better speed. He thought the Board should consider 40mph and he agreed that the feeder roads should also be looked at.

Mr. Potter said the proposed local law was noticed as a change from 55mph to 45mph, he thought the public hearing should be noticed again if the Board was considering a further reduction to 40mph to give the public the chance to comment on that change.

Councilwoman Dawson agreed that when you make one change it does impact other areas. She thought they might need a study of the area and all the roads coming in and out. It might be a bigger issue than just changing this one speed limit. She wanted to be thorough. She didn't think contracting out for a traffic study would be necessary but she would like more information before making a decision. She suggested tabling the discussion for further information and possible reopening of the public hearing.

Mr. Potter said the possible change to a reduction of 40mph would necessitate a re-notice of the public hearing.

Supervisor Messina said the recommendation was based on the chief of police and the highway superintendent. When he had dealt with the NYSDOT on other roads, they had made an argument for the percentile case. If the speed limit is reduced too much, people will drive over those limits and the goal of a reduction in speeding is not achieved. He said it was clear that a change was necessary but he acknowledged that the Board wanted some further information and would support tabling the matter. He thought a study would mean spending money because the Town would need to go to an outside source.

Councilwoman Dawson said maybe all the Board needed was a clearer picture of the area instead a full study. She just wanted some more information.

Councilman Hennessey agreed with the other Board members comments and reassured the residents that he sounded as if the Board was definitely in favor of lowering the speed limit it just came down to how much. He said they wanted to look at this situation with a holistic approach. He said there were comments also made on the closing of Bens' Bridge and felt that should be brought into the conversation as well. He thought they should look at the best way to mitigate those effects or move forward on some sort of solution as well.

Councilman Kotary didn't think a full traffic study was necessary but did feel the need for some more information. He would be satisfied with the in-house expertise available to add that extra information that might support dropping the speed limit to 40mph.

Mr. Potter said the Board can bring this matter back with a presentation from the highway department in a few weeks. They didn't have to table the item, just refrain from voting on the proposal.

PUBLIC HEARING – PHILLIPIN KILL MANOR PLANNED DEVELOPMENT DISTRICT

A motion to open the Public Hearing was offered by Councilman Jordan, seconded by Councilman Dawson and approved with the following vote:

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

NAYES: none

ABSENT: none

The public hearing was opened at 6:10pm.

A motion to waive the reading of the Public Hearing Notice with direction to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting was offered by Councilman Kotary, seconded by Councilwoman Dawson and approved with the following vote:

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

NAYES: none

ABSENT: none

**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 April 28, 2010 at 6:00p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider an application for the rezoning of property on Fisher Blvd., Slingerlands, NY to a Planned Development District named Phillipin Kill Manor. For further information on the project, please contact the Planning Department, Ext. 1157.

All parties and citizens will have an opportunity to be heard at the said hearing. Individuals with disabilities who are in need of an accommodation in order to participate should contact the Town Clerk’s office at 439-4955, Ext. 1183. Advanced notice is requested.

**BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM**

**Nanci Moquin
TOWN CLERK**

Dated: April 6, 2010

**STATE OF NEW YORK) SS:
COUNTY OF ALBANY)**

NANCI MOQUIN, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and the attached Legal Notice was published in the Town’s legal newspaper, The Spotlight, on April 14, 2010 and that I posted the Notice of Public Hearing on April 14, 2010 on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

Nanci Moquin

Town Clerk

Sworn to before me this
30th day of April, 2010.
/s/ Julie Sagendorph
Notary Public

Mr. Lynch presented. He represents the owner Mr. Cade. They were before the Town Board requesting a change in the zoning for the property to a Planned Development District. The primary reason for the PDD was for diversity in housing types and prices. The original proposal on this property had been submitted in 1998 with a density of 131 houses. In 2007 a new proposal was submitted for up to 96 housing units. From 2007 up until now, the Planning Board has had the proposal under review. There have been some additional changes made to that proposal. The density has been reduced to 87 units and a 35 acre corridor along the Phillipin Kill is proposed to be dedicated to NYS Five Rivers or some other nature conservancy instead of being just left as "open space". Another issue was pedestrian access from Fisher Blvd. to Five Rivers Preserve. They have included a 30 foot wide access point for that purpose. NYS DEC is aware of the plan and has sent a letter stating that the additional land would be a benefit and an enhancement to Five Rivers. They do not oppose the project. There aren't any NYSDEC wetlands on the project property. They are all federal wetlands regulated by ACOE. The current proposal is to disturb approximately one half (.5) acre of those wetlands. The wetlands disturbance was reduced by over three (3) acres from the last proposal. A cul-de-sac area was reduced and a road was eliminated to accomplish this reduction. A major archeological study was done on the site and areas were identified. The current proposal has taken those into consideration. The sites have been isolated from proposed homes sites. With the direction from the Planning Board, they have attempted to reduce the impact on wetlands, preserve archeological sites and preserve open space. The zoning on the property is currently residential A and they are requesting a zone change to a Planned Development District to allow diversity of housing styles. The current proposal is a combination of twin homes, single family homes and estate lots that front on Orchard St. The Planned Development District was sought because the twin homes would not be allowed in the Residential A zone. This gives a variety of housing choices. The Planning Board has recommended approval for the zone change.

Mr. Potter asked if there would be any restrictions on the 35 acre conveyance to the state or land conservancy. Mr. Lynch said they preferred to convey the property to the state and it would probably become a part of Five Rivers. If they were not able to affect a conveyance, then deed restrictions would be placed on the 35 acres for permanent protection from future development.

Councilman Kotary asked if the Town would be able to take over the property if not other entity could. He liked the changes to the project and thought it was exactly what was in mind when the PDD was created.

Mr. Lynch said the end goal is the preservation of the Phillipin Kill corridor either by conveyance or by deed restrictions. If this Board decides to approve the PDD, the project will still need subdivision approval from the Planning Board.

Mr. Potter asked if the 35 acres was land locked. M.r Lynch said it went all the over to Orchard St. It was feasible for a Nature Conservancy to take it over if the State couldn't because it would have access.

Councilman Hennessey asked what the archeological findings were. Mr. Lynch said they were chipped rocks but no buildings. He said satisfaction of SHPO would be a condition of the ACOE permit. They work together. There needed to be a 25 foot perimeter around each of the identified sites. During the course of construction the areas would be fenced off and a finalized plan has to be submitted to SHPO

and the ACOE before the permit will be issued. If construction starts and a more significant site is found, there would be a stop work order and another mitigation plan would be needed. Mr. Brewer said there were multiple holes be dug per acre, about 800 holes were dug throughout the site. He didn't think there would be any surprises during construction.

Councilman Jordan wanted to know if any sidewalks or bicycle lanes were planned for within the development. Mr. Brewer said the sidewalk would be continued along Fisher Blvd. from Cedar Ridge.

A motion to open the public hearing, indent the notice of public hearing, affidavit of publication and the affidavit of posting was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

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

NAYES: none

ABSENT: none

The hearing opened at 7:00pm.

Paula Breen, 99 Daniel St. – My understanding of this project is that this would require a zoning change in order to build a two (2) family homes, am I correct with that assumption.

SAM – Yes it would.

Paula Breen – Those of us who built in the Fisher Hollow development, did build there in the late nineties with the understanding that this was a single family home area. And so therefore while I think the concept is quite admirable I think the goal of giving some of the land to forever wild is really a great goal and an enhancement to the Town. However the part about the multi-family homes is a significant change for those of us who live in the area. So I think that needs to be taken into consideration. Also another part of this is clearly this has been under development for a long time and therefore I think the housing market has changed significantly over the last years that this has been under development. If we flood this area with this much housing, how will that impact the real estate prices. So that is something the Town really needs to consider.

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

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

NAYES: none

ABSENT: none

APPROVAL OF 4/14/10 MINUTES

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

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

NAYES: none
ABSENT: none
ABSTAIN: Supervisor Messina

—

PRESENTATION BY A FAIR TRADE REPRESENTATIVE ON A REQUEST FOR BETHLEHEM TO BECOME A FAIR TRADE TOWN

Represents Fair Trade Delmar Campaign: Fair Trade is model for producers in developing countries. It guarantees fair prices for producers, safe working conditions and no forced child labor, gender equality and environmentally sustainable production and direct trading partnerships with local organizations. Fair Trade is relevant to anyone who regularly enjoys coffee, tea, chocolate, bananas and cotton clothing among other items that come from developing countries that live in extreme poverty. Fair trade helps to support the producers, not with handouts but with fair pay, allowing them to work their way out of poverty. It also supports sustainability for the planet. It lifts communities out of poverty and helps them plan for the future, enables them to build schools, roads, wells and other basic infrastructure.

Fair Trade Towns are growing in the United States. It is one way the communities can act together at the grass roots level. The Town can have an active steering committee, a portion of retailers carrying Fair trade products and a number of groups using fair trade products. It has a public awareness campaign that attracts media interest and a Fair Trade Town would have a resolution in support of Fair Trade passed by the governing body.

Being a Fair Trade Town doesn't mean that everyone is obliged to sell or buy Fair Trade products. It provides the community with more awareness about Fair Trade so they are able to make more informed consumer choices. Through Fair Trade we create a virtuous circle of supply and demand.

There would be no cost to the Town or taxpayers to become a Fair Trade Town. The benefits would be a positive publicity for the community and make a strong statement about our community's global outlook. There is a loyalty among purchasers of Fair Trade products, and as consumers become aware of the toxicity of certain products, Fair Trade products offer healthy options.

Fair Trade Delmar are working to complete the criteria for a Fair Trade Town. The Resolution from the Town Board would be the last piece needed. May is the month for celebrating world trade day. This would be a positive step for the Town.

Councilman Kotary said the sample resolution had a section calling for the Town to purchase Fair Trade products and wondered what types of products those might be. Ms. McMahon said possibly coffee. Other Towns use the standards in place that the towns must follow for procurement. Councilman Kotary wanted to make sure the business community in Town was in favor of this also. He would feel more comfortable if the Bethlehem Chamber was in favor of this. Mr. Webster said the resolution, if passed, would be symbolic only. General Municipal Law 103 prohibits anything that would override 103.

Councilman Jordan thought the Bethlehem Chamber was neutral on this issue. He was concerned that the resolution would have an impact on the small businesses that were not selling fair trade items. He supported the notion in general but not ready to vote.

Supervisor Messina said Mary Delaney, the Chamber President sent in a letter stating she believed that all communities should embrace and she thought it was a wonderful idea.

Ms. McMahon said there are about 16 Fair Trade Communities in the USA and the movement has been here since 2007. It has been active in the UK since 2000 and there about 450 Fair Trade Towns. She said the Town's resolution would make Fair Trade Town official. This was based on the criteria set forth by the UK. Councilman Jordan was not in favor of resolutions unless they are recognizing an accomplishment of a resident or a group of residents. He thought awareness could be raised without a resolution.

Supervisor Messina asked if it was correct that there wouldn't be any increase costs to the towns that had such resolutions. Ms. McMahon confirmed. He said the Town gets asked to support resolutions all the time and a function of the Board is to determine if they would be relevant. He would support a resolution that had positive attributes or social good even if there's no impact. He asked if a general statement in the minutes would be sufficient instead of a formal resolution.

Councilman Hennessey said has spoken with Paul Tick about coffee as a fair trade product. He said it was an eye opening experience. He asked how Ms. McMahon became involved in the project. Ms. McMahon said she has been involved since she was a student twenty (20) years ago. She became aware of the power of consumer dollars on the welfare of people. This is not charity but a way to help them by fairly compensating them for their hard work. She said it is devastating to see that products, such as chocolate, we enjoy are produced in terrible conditions often using child slavery. Fair Trade makes a difference to these situations.

In New York there is only one Fair Trade Town, Ballston Spa, but Boston, Chicago and Seattle are larger cities that have become Fair Trade Towns.

Supervisor Messina thanked Ms. McMahon and said the Board would review the materials submitted. Councilman Kotary wanted Mr. Potter to review any potential resolution. Councilman Jordan wanted to find out if a citation from the Supervisor would be sufficient.

REQUEST FROM THE DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING TO ACCEPT THE PLANNING BOARD'S RECOMMENDATION THAT THE TOWN BOARD AMEND THE CURRENT ZONING AT 572 RUSSELL ROAD (BLESSINGS CORNER) FROM RESIDENTIAL A TO A PLANNED DEVELOPMENT DISTRICT FOR THE PURPOSE OF CONSTRUCTING UP TO 52 RESIDENTIAL CONDOMINIUM UNITS AND TO ISSUE A NEGATIVE DECLARATION PURSUANT TO ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW AND SCHEDULE A PUBLIC HEARING FOR MAY 26, 2010 TO SOLICIT PUBLIC COMMENT ON THE APPLICATION

Mr. Morelli said in March 2009 the application from this project was submitted to the Town Board for rezoning from Residential A to a PDD. The Town Board had accepted the application and referred the project to the Planning Board for review and recommendation. The application has been under review by the Planning Board since that time. A public hearing was held by the Planning Board and a lot of the people in the neighborhood were against the portion of the application that proposed a Stewarts shop on the corner. The applicant has revised the project to only include condominium units and no Stewarts. There will be eight (8) condominiums on that corner. The PDD is a floating zone that will allow those units. A wetland delineation has been done on the site. There are about 4 acres of wetlands. There won't be any disturbance of those wetlands. An archeological study has been done, a cultural resource survey, endangered species assessment, a fiscal impact assessment and a market study. The Planning Board has recommended approval of the PDD. It is before the Town Board tonight for acceptance of that recommendation, issue a SEQR Determination, Negative Declaration and set a public hearing.

Councilman Kotary asked the costs to the Town to maintain the roads. Mr. Morelli said the fiscal analysis showed that an eleven (11) lot subdivision would pay about \$14,000 in property taxes to the Town, the condos would pay about \$35,000 in taxes. This project will have all private roads, water, sewer and storm water. The Town wouldn't need to maintain any of those. It would be a benefit to the Town.

Mr. Potter wondered if the level D service would remain the same, as far as traffic impacts. Mr. Morelli said Albany County, who had jurisdiction over that road, did have some concerns when the project included a commercial component. The level of service at certain times of the day had some back up. Mr. Morelli said the traffic study showed a significant reduction in vehicles trips with the removal of the commercial portion. The curb cut on Krumkill has been eliminated. Mr. Morelli said the neighbors do not seem to be opposed to the project now.

Councilman Hennessey asked what the impact on the school district would be because each of the 52 units had 2 bedrooms. Mr. Morelli said condos typically don't attract school age children. The conventional subdivision will produce more children. This project would attract more empty nesters and young professionals.

Councilman Jordan asked difference in assessment of the project as condos versus assessment of a conventional subdivision. Ms. McVee said single family homes assessment is based on market value and condos are assessed as an apartment complex but with individual assessments because that is how they are owned.

A motion to accept the Planning Board's Recommendation to the Town Board to amend the current Zoning at 572 Russell Rd. to a PDD was offered by Councilwoman Dawson, seconded by Councilman Jordan, and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Kotary

NAYES: Councilman Hennessey

ABSENT: none

A motion to approve the Negative Declaration Resolution as drafted was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Kotary

NAYES: Councilman Hennessey

ABSENT: none

Resolution # 17

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION

DETERMINATION OF SIGNIFICANCE/NEGATIVE DECLARATON

APPLICATION TO ESTABLISH A PLANNED DEVELOPMENT DISTRICT
BLESSINGS CORNER
572 RUSSELL ROAD
BETHLEHEM, NEW YORK

WHEREAS, the Town Board of the Town of Bethlehem has received an application, Environmental Assessment Form and supporting plan set and reports from Russell Road Partners to establish a Planned Development District for lands which are located on Russell and Krumkill Roads and,

WHEREAS, the proposed amendment to the zoning district boundary would re-zone approximately 11.53+/-acres of land; and,

WHEREAS, the proposed amendment to the zoning district boundaries would change the existing zoning district designation on the parcel from Residential A District (RA) to Planned Development District (PDD); and,

WHEREAS, Russell Road Partners has submitted conceptual plans for development of the District, in the event that the zoning amendment is granted and said plans entail new construction of up to 52 residential condominium units; and,

WHEREAS, the District pertains to the following drawing entitled: "Proposed PDD Development Plan, Blessings Corner at No. 572 Russell Road, Town of Bethlehem, County of Albany, State of New York", Drawing Number C1, dated 2/15/08, last revised 02/24/10, prepared by Hershberg & Hershberg, Consulting Engineers and Land Surveyors, Albany, NY.

WHEREAS, Section 128-40 of the Code of the Town of Bethlehem contains procedures for the establishment of a Planned Development District, and said procedures authorize the Town Board to establish such a District upon referral to, and recommendation of, the Town Planning Board; and,

WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency may undertake, fund or approve an action until it has complied with the requirements of SEQR; and,

WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(a), the Town Board at its meeting of March 11, 2009: (1) determined that the PDD application constituted an "action" subject to SEQR; (2) identified other involved agencies for the purpose of coordinated review; (3) made a preliminary classification of the project as a "Type I" action; (4) required a full Environmental Assessment Form to assist the lead agency in its determination of significance; and,

WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(b) the Town Board at its meeting of March 11, 2009 also initiated a coordinated review of the action, declared its desire and intent to be lead agency for SEQR review, and subsequently circulated the PDD application and full EAF to all involved agencies; and,

WHEREAS, the Town Board at its meeting of March 11, 2009 also referred the PDD application to the Planning Board for a recommendation on both the application and on a SEQR Determination of Significance; and,

WHEREAS, the Planning Board has reviewed and considered the PDD application, the full Environmental Assessment Form and supporting materials submitted by the applicant; and,

WHEREAS, the Planning Board, satisfied that its identified areas of environmental concern have been

adequately addressed by the applicant, adopted a Resolution at its meeting on April 6, 2010, and said Resolution recommends that the Town Board issue a SEQR Negative Declaration with respect to the application and approve the rezoning to a Planned Development District; and,

WHEREAS, the Town Board has independently reviewed and considered the Planned Development District application, the Full Environmental Assessment Form and supporting materials prepared by the Town Department of Economic Development and Planning, Town Engineering Division, Town Designated Engineer as well as comments received from involved agencies, addressing potential areas of environmental concern for the PDD rezoning and constructing the proposed project; and,

WHEREAS, supporting materials include, but are not limited to, traffic impact study, Phase I Cultural Resources Survey, wetland delineation report, Endangered Species Assessment, Fiscal Impact Assessment and Market Summary, and a conceptual project plan and narrative which addresses site layout, utilities, storm water management, grading, archaeological sites, endangered species assessment, location of federal wetlands, and other site development factors; and,

WHEREAS, the Town Board has concluded that the applicant has adequately addressed identified areas of concern and will provide appropriate environmental mitigation for the project; and,

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby confirms that it is the Lead Agency with respect to SEQR review of the Blessings Corner application to establish a Planned Development Application; and,

BE IT FURTHER RESOLVED,

that based upon its review of the PDD application, the full EAF and other supporting materials submitted by the applicant; comments on the application submitted by the Town Planning Department, Town Engineering Division, Town Designated Engineer and involved agencies; its own independent analysis of the application; and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that approval of the Blessings Corner application to amend the current zoning district boundaries to include a Planned Development District for the purpose of constructing up to 52 residential condominium units constitutes an action which will not have a significant impact on the environment; and,

BE IT FURTHER RESOLVED,

that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

that this determination is made in reliance on review of an application indicating a specific land use and conceptual project proposal for the subject parcel, and consequently, is made premised on the following:

1. that future development of the parcel be undertaken in a manner that is substantially consistent with the Concept Plan which has been presented to the Town and relied upon in its deliberations on the zoning amendment; and,

BE IT FURTHER RESOLVED,

that the Town Department of Economic Development and Planning is hereby authorized and directed to file any and all appropriate notices of this determination so that the intent of this Resolution can be carried out; and,

BE IT FURTHER RESOLVED,

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

1. The District will include 11.53+/-acres proposed to be rezoned to Planned Development District (PDD) from Residential A. All lands abutting the site are within the Residential A District and consist of single family residents, houses of worship, Elmwood Park Fire house, and the North Bethlehem Town park.
2. In accordance with the goals of the Town's Comprehensive Plan, this project identifies with a stated goal of the Comprehensive Plan by providing the opportunity for the development of a variety of housing options to meet the needs of the increasingly diverse population.
3. The application had originally proposed 44 residential condominium units; and a 2,990+/- sq. ft. convenience store with gas pumps that were proposed at the corner of the site. The convenience store/gas pumps were proposed with a full access driveway on Russell Road and a restricted right in/right out driveway on Krumkill Road. Subsequent to comments received at an optional public hearing the Planning Board held on February 2, 2010, the applicant eliminated the commercial component of the project thereby eliminating the driveway on Krumkill Road.
4. A Traffic Evaluation Impact Study, dated February 9, 2009 was prepared by Creighton Manning Engineering, LLP. This traffic study considered the potential traffic impacts of the proposed convenience store and gas service and 44 residential dwelling units. The Traffic Study concluded that the level of service at the Russell/Krumkill Road intersection would operate at a Level of Service D or better during both the AM and PM peak periods and that all site driveways are expected to operate at a Level of Service C or better. The report recommended that no level of service improvements are necessary as a result of the proposed project.
5. The project is located on County Route 204 (Russell Road and Krumkill Road) and therefore, the County of Albany - Department of Public Works has approval authority over the location of proposed site driveways. Albany County reviewed the Traffic Evaluation Impact Study which at the time included the proposed convenience store and gas pumps. In a letter dated November 11, 2009, Albany County approved a full driveway access on Russell Road and a rights-only driveway on Krumkill Road. Subsequent to the revision eliminating the convenience store and gas pumps, and eliminating the driveway access on Krumkill Road, Albany County – Department of Public Works, in a letter dated February 22, 2010 found the revised plan acceptable and

that the traffic generation would be lower than the previous proposal.

6. There are no NYSDEC jurisdictional wetlands. A Wetland Delineation Report, dated June 30, 2007 was prepared by Copeland Environmental, LLC. Based on a US Army Corps of Engineers (ACOE) jurisdictional determination letter, dated May 29, 2009, there are 4.07 acres of ACOE jurisdictional wetlands, 0.03 acres of isolated wetlands, and 1,232 linear feet of stream channel. The wetlands and stream channel will be protected and will not be impacted as part of this project.
7. The existing drainage pattern and discharge points will be retained. During the site plan review process a full Storm Water Pollution Protection Plan (SWPPP) will be required per the requirements included in the NYS Department of Environmental Conservation SPEDED General Permit for Stormwater Discharges.
8. A Phase I Cultural Resources Survey, dated June 2009, was prepared by Columbia Heritage, Ltd. Based on a letter from the New York State Office of Parks, Recreation and Historic Preservation, dated August 27, 2009, found that there were no archaeological sites found on the site and had no further concerns. The letter did note that the church at 361 Krumkill Road and the residence at 382 Krumkill Road were eligible for listing in the National Register of Historic Places (NR). However, the letter noted that the project will have “No Adverse Impact” provided that landscape screening is provided to limit views from the NR-eligible properties.
9. The Town of Bethlehem maintains a gravity sanitary sewer collection system that traverses through the site to a pump station on Russell Road that ultimately ties into the Delaware Avenue pump station. In accordance with the North Bethlehem/Slingerlands Sewer Study, dated April 2007, prepared by Barton & Loguidice, P.C., mitigation fees for capacity improvements at the Delaware Avenue pump station will be required to include this development at this station since the station does not have adequate reserve capacity.
10. The project site is located within the Town of Bethlehem’s Water District I. Adequate water capacity exists to accommodate the project.
11. The site lies within a Zone C (Area of Minimal Flooding) as shown on Flood Insurance Rate Maps.
12. A Fiscal Impact Analysis, dated January 25, 2010 was prepared by Hershberg & Hershberg that provided a comparison between building a conventional eleven (11) lot subdivision on the parcel and the proposed condominium units. The analysis concludes that the fiscal benefit to the Town would be approximately \$14,248 per year. In addition, the savings for the Town not having to provide municipal services such as roadway maintenance, snow plowing, and stormwater management facilities is estimated at approximately \$18,500. Therefore, the analysis concludes that the annual increase in fiscal benefit to the Town would be approximately \$34,748. more per year than a standard 11 lot conventional subdivision.
13. Correspondence from the Albany County Planning Board, dated March 18, 2010 recommending modifying local approval to include:

- 1) Review by the Albany County Department of Public Works for design of highway access, assessment of road capacity and drainage.
 - 2) Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Waters Act.
 - 3) A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared is being implemented or submission of a Stormwater Pollution Prevention Plan that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-10-001, January 29, 2010) for construction activities that disturb more than one acre of land.
14. The proposed action will not have a significant adverse aesthetic impact. Landscaping will be provided along property lines to screen neighbors as needed.
15. The project will not have a significant adverse impact on noise levels or quality of air in the vicinity of the project site. Noise and air quality impacts associated with construction will be temporary and of short-term duration.

On a motion by Councilman Jordan, seconded by Councilman Kotary, and a vote of 4 for, 1 against, and 0 absent, this RESOLUTION was adopted on April 28, 2010.

REQUEST BY TOWN ENGINEER FOR THE TOWN BOARD TO AUTHORIZE THE SUPERVISOR TO EXECUTE A TASK ORDER TO CHA FOR WORK RELATED TO THE NYSDEC DAN SAFETY REGULATIONS

Mr. Penman, Town Engineer, presented. NYSDEC has passed new regulations that require the Town to do dam safety compliance work in regards to the Towns' 4 dams. Each hazard class had a different set of requirements attached to them. The first phase must be done by August of 2010, the second phase in 2012. The dams must be inspected, figure out if there is a breach and the action needed. The second phase is to figure out if there are any problems with the dams and if they are sized properly. Annual certifications must also be done. The engineering division is recommending the use of CHA, one of the Town's designation engineers. Their proposal was the least expensive of the three TDE's which was \$149,500. Chairwoman Dawson asked if that amount was budgeted over one or two years. Mr. Penman said that amount was in the operating budget but they would try to defer a few items into next year's budget. There are a few items they might be able to do with in house staff to save some of the costs. It would come from the water departments operating budget. Councilman Kotary asked if there were any state or federal grant or funding sources to help with the cost. Warren Harris, CHA, said it was an unfunded mandate. Councilman Kotary asked if there could be other costs associated. Mr. Penman said that would depend on the condition of the dams. The water department maintains these on a regular basis.

Councilman Hennessey asked if there were any employees who could do the work. Mr. Penman confirmed that the Town did not an employee who could do the work. Councilman Hennessey wondered if the Town should hire an employee to do the work. Mr. Penman said there were a number of disciplines needed for the work which would translate into more than one employee. Mr. Penman said if they found

that they constantly needed a certain type of discipline, they might decide that a permanent addition to staff was necessary. They try to use staff's talents whenever possible.

A motion to authorize the Supervisor to execute a Task Order to CHA for work related to the NYSDEC Dan Safety Regulations was offered by Councilwoman Dawson, seconded by Councilman Hennessey and approved with the following vote:

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

YES: None

ABSENT:

REQUEST FROM THE TOWN ASSESSOR TO SCHEDULE A PUBLIC HEARING FOR THE ADOPTION OF A LOCAL LAW AMENDING THE COLD WAR VETERANS' EXEMPTION

Ms. McVee said the intent of the Local Law is to increase the maximum limits allowed for the Cold War Veterans exemption. The limit increase would be from \$12,000 to \$36,000 for a veteran and for a disabled veteran \$40,000 to \$120,000. This exemption is by local adoption but Albany County has passed an increase of the exemption and she has always watched what the county has done and followed suit. This would take affect with the 2011 assessment role. This only applies to Town and County tax, not the school tax. There are 52 Cold War exemptions in the Town. The tax liability will shift to the rest of the tax payers. This cost is roughly .23 cents per year, the increase in exemption would increase that liability to .46 cents per year. These would match the alternative veteran exemption. The savings for the veterans with that exemption would be about \$40.00 for the year.

Councilman Kotary asked if there were other exemptions that could be offered. Ms. McVee said there were thousands to choose from, some were mandated and others were by Local Law. The choices come NYS Real Property Tax Law.

A motion to set the public hearing for May, 26 2010 at 6:00pm was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

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

NAYES: None

ABSENT:

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

A motion to approve the seasonal personnel listed in the Administrator's March 24,2010 memo was offered by Councilman Kotary, seconded by Councilman Jordan and approved with the following vote:

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

NAYES: none

ABSENT: none

REQUEST FROM THE COMPTROLLER TO APPROVE THE APPOINTMENT OF MICHAEL E. COHEN TO THE POSITION OF CHIEF ACCOUNTANT EFFECTIVE APRIL 29, 2010

Ms. Traylor said the IMAC report had identified that there was too much responsibility resting with the comptroller. The Town's budget is 40 million dollars. This chief accountant position was approved for in the 2009 budget. She is recommending Michael Cohen for this position. He is a Town resident and comes with many credentials. Councilman Kotary and Councilman Hennessey said they agreed that there is a need for more staff in the comptroller's office and thought Mr. Cohen would be a welcome addition to the staff.

A motion to approve the appointment of Michael Cohen was offered by Councilman Kotary, seconded by Councilman Jordan and approved with the following vote:

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

NAYES: none

ABSENT: none

REQUEST FROM THE COMPTROLLER TO ADOPT A BOND RESOLUTION AUTHORIZING THE TOWN TO ISSUE SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$425,000 FOR VARIOUS CAPITAL IMPROVEMENTS TO TOWN HALL

REQUEST FROM THE COMPTROLLER TO ADOPT A BOND RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$80,000 FOR THE PURCHASE OF FOUR POLICE VEHICLES AS APPROVED IN THE 2010 BUDGET.

REQUEST FROM THE COMPTROLLER TO ADOPT A BOND RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$780,000 FOR THE UNDERTAKING OF ROAD PAVING PROJECTS AS APPROVED IN THE 2010 BUDGET

REQUEST FROM THE COMPTROLLER TO ADOPT A BOND RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$545,000 FOR THE ACQUISITION OF VARIOUS EQUIPMENT FOR VARIOUS SEWER AND WATER DISTRICTS AS APPROVED IN THE 2010 BUDGET.

Supervisor Messina said these bonds were coming from four (4) different funding sources. He said Ms. Traylor had worked with bond counsel on the documentation before the Board. The idea was to go for enough money so that another bond for the same item would not be necessary. He said on the budgeting side the Board would have another chance to look at these items. He said for the most part these items had already been dealt with the 2010 budget.

Ms. Traylor said the bond resolutions were separated because it was necessary under Town Law. When the budget was approved in 2010, there was a spread sheet laying out the items that would be bonded. The request is for the authority to go and borrow money either with a BAN (Bond anticipation note) or a bond. Rates for both of these are very favorable right now. These items were already approved in the 2010 budget. The bonds were separated to show what each of the bonds would be used for. For the first

time, it was requested that paving be bonded. The equipment needed is older than it was in 2007 when it was first requested. In addition to that, some things have happened in Town Hall. We have a leaky roof and it needs to be patched. Renovations also need to be made to Town Hall to accommodate the individuals that work here. There is an additional bond beyond what was previously approved in the budget for the renovations and repairs to Town Hall. The Town has not bonded for paving or capital improvements before. It was argued during the budget process that bonding would be a fair way to even out the tax burden to the residents. She said is recommending that the Town has a mechanism in place so if the Town needs the money, they could go out and get a loan.

Councilman Hennessey said there was \$70,000 of built in contingencies for the repairs and renovations. He wanted to see that number shrink. Ms. Traylor said they were asking for permission to borrow the money that will be needed to do the job. If it's less than anticipated, they would spend less, if it costs more, they would have the borrowing power they needed. She said each time they go through the bond counsel for additional bonding, there are costs involved. Councilman Hennessey wanted to know how the bond counsel was paid. Ms. Traylor said it's based on the professional service. It depends on the deal. Mr. Webster thought it was a flat rate plus a percentage per thousand. Councilman Hennessey wanted to know for sure what the bond counsel was paid and if that amount is increased with the multiple bonds in front of them. Ms. Traylor said this was considered all one transaction. As an example, Ms. Traylor said the Board had approved a 5.2 million dollar bond for the sewer pump station work. The bond counsel made that bond happen. 2 million of the 5.2 million has been borrowed for the sewer pump station with a BAN. The Town has been able to combine 3 BANS and received a great rate. Tonight the Town is asking for the ability to borrow if necessary. She was asking the Board to give her, as the chief fiscal officer, the ability to borrow if she had to ask the bank for money. If she gets a BAN or a bond then a note would have to be prepared by the bond counsel. Mr. Potter said that bond counsel is a very specialized area, there are very few attorneys that are in the "green book" and there is a very high malpractice associated. There are only about four (4) attorneys that are qualified in the Capital District.

Supervisor Messina said Joe Scott, bond counsel also does the bond work for Albany County. Ms. Traylor said Mr. Scott's firm was appointed as the Town's bond counsel. Councilman Hennessey was not convinced the contingency amount of money was necessary. Mr. Webster said in Town Hall when a wall is opened there no way of knowing what you will find. That's a big issue. The roof is ten years old, asbestos might be an issue. Mr. Deyoe had done an analysis of the project. Mr. Cansler said industry standards for renovation projects was a 20% contingency. Mr. Deyoe was working without final plans or estimates on the parapet wall.

Councilman Kotary asked if there was a life span on the resolutions the Board approves. Ms. Traylor said once they are approved they are like a line of credit for the specific purpose of the bond resolution. Councilman Kotary asked if a certain amount is approved, how long is it good for and when would the bonds be issued; before, during or after the project. Ms. Traylor said if the money's were not needed for these items, it would not be borrowed. If any of these resolutions are approved, because they will be permissive referendums, a thirty day waiting period must followed, then there is a twenty day estoppel notice waiting period. This is the procedure for the funding of these items that was approved in the 2010 budget.

Supervisor Messina asked how long the resolution remained in effect. Ms. Traylor said the resolution line of credit remains indefinitely. Councilman Kotary wanted to know how many other outstanding resolutions for credit did the Town currently have and he wanted to know the amounts and for what purpose. Ms. Traylor said the 2008 financial statements disclose the amounts of the original resolutions and the outstanding amount. The resolutions define how the money can be spent. She said a resolution can be amended to change that purpose, such as the resolution for the repair of the New Salem water plant

being amended to build a new water plant. Councilman Kotary thought it would be good to know how much credit the Town has available through these bonds.

Councilman Hennessey said some of the language in the resolution states that the money will be used for specific capital improvements but “not limited to”. He thought that was more open ended than the other resolutions. Mr. Webster said it needed to be more open ended because the repairs might include items they were not aware of until they are in the middle of the repairs. Ms. Traylor said the paving resolution is only for paving, the police cars can only be used for police cars and the equipment only for equipment.

Councilwoman Dawson said many of the items in the resolutions were discussed during the budget process. The capital improvements to Town Hall were new. Those items were not included in the 2010 budget. She wasn't sure how they could approve something that wasn't part of the 2010 budget without a budget modification. Ms. Traylor said they were asking for approval of a bond resolution; not an expenditure. When the roof repair is made, the Town will come back to the Board with budget modification if it can't be covered under the operating fund. Councilwoman Dawson said they have talked in the past about facility needs and this appeared to be a band-aid approach. Ms. Traylor said the capital plan is not in place but now the roof repair is needed. She said there are reserve funds that could be used but that would leave nothing in the reserve fund. She said a capital plan could be over 100 million. Councilwoman Dawson asked what was the downside of approving the other bonds but not the capital improvement one. Mr. Webster said the roof can't wait, the parapet walls can't wait, the accommodation for employees can't wait and the security windows can't wait. Councilwoman Dawson thought that other than the roof, the other items could wait. Councilman Hennessey asked if the resolution could be modified to only reflect the emergency repairs.

Supervisor Messina said this was only a request for authorization to go to bond. There have been problems with the roof for awhile. They want to take action so someone on the witness stand doesn't get a tile on their head. He thought the other commitments were important too. We have new employees with no professional place for them to work. If there was a capital plan and the Town was in the position of building a new building, it might be different. But the Town was not in that position. He didn't think the repairs were a band-aid, he thought they were necessary to avoid other costs. He said some Town staff might be able to be used to help with the renovations. Councilwoman Dawson said this was not a part of the 2010 budget, and the 2011 discussions will begin soon. She asked the other councilmen if there were any of the resolutions they were prepared to go forward with get those done. Mr. Cansler said this was not a spending of money but just authorization to borrow. Councilman Hennessey said once the resolution is passed it is out of their hands. Mr. Cansler said he's worried that if the resolution isn't past, nothing will get going. He was worried about the roof and the parapet wall. He said the contract would still need to come back to the Board. They don't have a final design yet and without the resolution, they can't get the final design because the money for that is part of the resolution. Councilman Jordan asked if the engineering design fee was for the roof. Mr. Cansler said it was for the redesign of the upper quadrant that housed DARE, HR and the comptroller's office. Councilman Jordan asked if there was a final number on the roof repair. Mr. Cansler said the roof would be about \$73,000. Councilman Jordan thought the amount for the office space was high and the Town should be looking to move out of the building in a few years. Mr. Cansler said it was an expansive office renovation. They were doing the best they could to come as close as possible with the numbers. Supervisor Messina the capital needs for the infrastructure could over shadow moving into another structure. Mr. Cansler said some money could be saved with in- house labor. Mr. Webster said the renovation of the engineering, planning division done a few years ago cost about \$200,000. Councilman Jordan asked if a 2/3rd's majority was needed to pass these bonds resolutions. Mr. Potter said yes.

Mr. Potter asked Ms. Traylor if the resolutions were passed, was there any other action needed from the Board before she would be able to borrow money. She said no. If the resolutions are not approved, none of the repairs will be done because there isn't any money to do them. She said if something happens, the Town will need a real band-aid because if the roof falls in, emergency roof repairs will be needed. Mr. Potter asked if there were any timing issues such as interest rate changes that would make it necessary for the Board to take action tonight versus two (2) weeks from now. She said it is time because of the notice times when dealing with a permissive referendum. That's a minimum of fifty-five (55) days. The police cars cannot be purchased without the bonding. Councilman Kotary said all the expenses were budgeted for except the capital repairs. He wanted to know if there were funds in capital reserve that could be used. Ms. Traylor said the general fund reserve fund has the least amount of money. There isn't any extra cash for the roof repair or the remodel or the parapet walls. There is a list of items that need to be addressed but they are trying to move forward to accommodate the employees. Councilman Kotary said in the past he has made the argument that bonding is the appropriate way to fund certain capital projects. The area of concern he had was the additional \$365,000 that was not approved, the first time he saw this was on Friday and he doesn't feel it was sufficient time to get the information he needed for an informed decision. He thought there might be other ways to fund these improvements. He wanted a memo of the total amount of the outstanding bonds that the Town currently has opened. He supports the other bonds, it was in the budget, he voted for them and he's known about them for the past year. If there are a lot of outstanding bonds, will it change our rating. He is not trying to be critical and understands that bonding is the right mechanism but he wants more information. Councilwoman Dawson said she has no idea where the Town stands on the budget, revenues and expenses. Councilman Hennessey said the Board needs more information. They have one opportunity to make these decisions and they have some unanswered questions.

Supervisor Messina said if concerns and conditions including available bonding are a factor for all of the Board and we need a memorandum or some assurance, then he didn't feel that any of the bonding should go forward. If there's a checkbook out there, maybe it can be used for some of the other projects also. He said they needed more research. His understanding of the bonding matter is that the bond is described in resolution and once the bond is tapped, you can't go into it again. He suggested that Ms. Traylor take the two (2) weeks and do some more research. He would like to take those two (2) weeks to find out what needs to be done for Town Hall to accommodate employees. Ms. Traylor said the audits have all the bond detail along with outstanding debt and authorized amounts. Those financial statements are on the WEB site and have been distributed to the Board. She said the Town has extremely low debt. She would put together a memorandum for Board.

Concilwoman Dawson said she would vote for the roof and parapet wall repairs as would Councilman Jordan. Ms. Traylor said in order to modify a bond resolution, she thought the bond counsel would need to prepare another document. Mr. Potter agreed.

Councilman Kotary said he wanted the additional two (2) weeks to fully understand the issues. Councilwoman Dawson didn't think a final decision had been made for the bonding for police vehicles. Ms. Traylor said it was included in the 2010 budget as an expense that would use bonding. Mr. Sagendorph said the Town needed a decision tonight as to whether to go ahead with that purchase because the build out date is May 1st. Mr. Cansler said two (2) of the vehicles in the water/sewer bond were specialized and would need to go to bid. Those items were all in the budget but it was their decision to vote on them. Mr. Potter said Mr. Cansler would need to come back to the Board with the proposal to go out to bid and the Board would vote on the purchase of the vehicles. Ms. Traylor said with the 2010 budget a decision had been made to bond for capital needs in all four (4) funds. It is not being done in pieces but all at once to save the Town from attorney expenses. Each time she goes to the bond counsel, an expense is incurred. Councilman Hennessey asked how there could be a build out date as soon as

Saturday when the Board hadn't authorized that action. Ms. Traylor said the fleet will not be able to be ordered. She said the police cars would be paid for out of operations without financing them. She said she was informed that the purchasing of the vehicles needed to be on this cycle. A modification will need to be made to the police budget. Councilman Hennessey wanted to know why the Board just received this when the date of purchase was so close. Ms. Traylor said she had not been aware of the timing of the vehicle build out. Chairwoman Dawson asked how does the Board commit to the Saturday date when there are all the notices time frames mentioned before. Ms. Traylor said there is a risk but the cars won't be paid for until delivery. A budget modification would be needed if the bonding was not approved for the cars. She said the bonds should have been brought before the Board at the beginning of the year so the borrowing mechanism would have already been in place. Councilman Kotary said again that he was in support and had voted on the other bonds but the almost half million dollars of new bonding was only presented five (5) days ago. The Supervisor suggested waiting on all the bonding even though Councilman Kotary was comfortable with the bonding for the items in the budget. Councilman Hennessey said he understood that Ms. Traylor had packaged the bonds to make the resources of the bond council the most cost effective, but at this time he felt a two more weeks of wait time wouldn't make that much difference.

Supervisor Messina asked when the next cycle of cars would start if the Board didn't act on the police cars. Mr. Sagendorph said it wouldn't be until the fall. It was in the budget to use bonding for this expenditure. Supervisor Messina asked if the fleet should be ordered now. Ms. Traylor said the fleet should be ordered. The Board agreed.

Supervisor Messina said the Board would be given additional information and he would have bond counsel there to answer any of their questions.

A motion to table all bond resolutions was offered by Councilwoman Dawson, seconded by Councilman Kotary and approved with the following vote:

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

NAYES: none

ABSENT: none

PUBLIC COMMENT ON NON-AGENDA ITEMS

Donald Hinsdale – 14 Glendale Rd. He was upset with the development happening on Maple Ave./Winding Rd. by Keystone Developers. A significant number of trees had been removed, there was water in the basement of one of the homes and there was destruction of wildlife habitat. He thought the gully area of the property should be saved. He thought the Town should buy up empty lots to preserve them and he thought setbacks should be increased so homes weren't so close together.

Tim Cahill – 9 Maple Ave. – He thought the developer had significantly altered the neighborhood. He questioned whether they were following storm water standards. He thought the character of neighborhood had been changed forever.

Mr. Penman said the project was reviewed for conformance with the storm water regulations. They are in compliance.

April Levy - 8 Maple Ave. – thought the neighbors should have been informed and she thought there were wetlands involved. She didn't think the extent of the change was told to the neighbors.

Councilman Hennessey said a member of the building department should go and make sure they are adhering to the building permits.

Keith Bellamy – 1 Delsmere Ave. – Wetlands have a purpose and the water will find other places to go.

Doreen Bellamy – 1 Delsmere Ave. – She thought the houses were too large for the lots. She thought they were over the 29% coverage allowed.

Elizabeth Ward – 5 Winding Rd. – lives directly across from that space. The whole acre of trees were destroyed in about 1 week.

Don Klime – 6 Maple Ave. – He's new to the area and there is now a lot a construction on a once quiet street. He asked how many houses will eventually be built.

Marion Eberle – 3 Delsmere Ave. – Resident for 26 years. She didn't know how anyone would be able to build on the wetland.

Julia Strong – 1 Winding Rd. – She asked what constituted a subdivision. Shouldn't there be a park reserve. The new homes are very close together, not in character with the neighborhood. The traffic is bad. How was it zoned originally? She said the developer got permission from the town to build over the gully.

Councilwoman Dawson and Councilman Kotary asked if there was a response from the Supervisor. Supervisor Messina said he would meet with staff and go to the site. The neighbors said they wanted to meet with the Supervisor on the site.

COMMUNITY ANNOUNCEMENTS WERE MADE BY THE SUPERVISOR.

A motion to adjourn and move to executive session was offered by Councilman Kotary, seconded by councilwoman Dawson and approved with the following vote:

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

NAYES: none

ABSENT: none

The meeting closed at 10:30 PM.

Nanci Moquin

Town Clerk