

TOWN BOARD
FEBRUARY 25, 2004

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 7:30 p.m.

PRESENT: Theresa Egan, Supervisor
Daniel Plummer, Councilman
George Lenhardt, Councilman
Thomas Marcelle, Councilman
Tim Gordon, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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

Supervisor Egan said she was going to go out of order on the agenda. She said the Elsmere Fire Department representatives were in attendance and the first item was to consider a request for renaming of Town of Bethlehem Municipal Training Center to the Kevin M. Shea Municipal Training Center as requested by Volunteer Fire Officers Association. She noted this facility is used by our fire departments and others.

Councilman Lenhardt said Kevin was a good friend of everyone at the table besides many people in the room and he considered it an honor to move the proposal to name the Town of Bethlehem Municipal Training Center to the Kevin M. Shea Municipal Training Center. The motion was seconded by Mr. Gordon and passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

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Supervisor Egan thanked Mr. Gould and said it was a wonderful idea. Mr. Gould said there will be a dedication ceremony in the spring.

The Supervisor said this is out of order also but the next item was to approve the appointment of a Consultant for land use and contract specifications. She said she wished to discuss this appointment, noting there 15, 16 or 17 responses to the request for qualifications. She said in January they put together a committee of Keith Silliman (Planning Board Counsel), Jeff Lipnicky (Town Planner), and Katherine Daniels. She noted Mrs. Daniels is a resident in Town who is a planner and volunteered her time. The Supervisor said the applications were reviewed and it was narrowed to 5. She said some additional information was requested and from those responses, it was narrowed to 3. She said about 2 weeks ago interviews were conducted and George Leveille joined the committee and 3 different companies were interviewed. There was a long discussion following, according to Supervisor Egan, and one group was picked but the legal counsel of one of the other groups be included in the group that was chosen. She said thankfully it was worked out and they have the group that the committee wanted.

Supervisor Egan noted in the Town Board's packet there is information about the Saratoga Associates and it outlines the tasks and with some specificity with regard to in what has been outlined to do and what they have agreed to provide along with the dollar figure for it. Mr. Leveille introduced the President of Saratoga Associates and principal in the firm. He said he would be available to answer any questions.

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Councilman Lenhardt commented that he read the information and he was impressed with it. He noted for advice that when the meetings are being held with the public, be cognizant of the rural landowners and the time of year that it might be as far as their availability to attend daytime meetings. He said many of them are farmers and the needs of their own business dictate where they have to be. He asked that they please be aware of this. Supervisor Egan noted this was a good point and thanked Councilman Lenhardt.

Councilman Plummer said he also got the information the day before and asked what the end product be that will be recommended to the Town Board. Mr. Sitler said there are 2 products, one is a comprehensive land use plan which defines the vision and strategy and the means to shape the land use policies in the community and all the associated infrastructure to that. The second product is an update to the zoning ordinance. Councilman Plummer noted that will be coupled with the recommendations, the specific updates on the code changes that will be needed. Mr. Leveille said the zoning ordinance update really becomes the implementation tool for implementing the plan.

Supervisor Egan also pointed out is Saratoga Associates what they work off of is a GIS information and once this process is done, the GIS information that is compiled by Saratoga Associates will be provided to the Town which can then be used in the Town's GIS initiative which will be extremely helpful. She said the way this is going to be done, the end product, will also be in accordance with SEQR so the comprehensive plan will then be the essence of a GEIS. Mr. Sitler said this was correct. The Supervisor said once it is adopted, it will be in the form of the GIS which should be informative to any developers coming into Town after that.

Councilman Plummer said he liked the schedule and it looks like by the end of the year it will be completed. He said it gives the Town 3 months before it is adopted. Mr. Sitler said that process will happen after review, hearings and discussions. Mr. Plummer asked if it is anticipated that this will happen in the first quarter of 2005. Mr. Sitler said from their experience, since they work State-wide practicing for 35 years, that is the time frame.

Supervisor Egan also mentioned there was a fact sheet at the table that outlined the proposal which gives the highlights. Mr. Sitler said workshops will be held along the way so there is interaction as the process is completed.

Supervisor Egan said one of the things discussed was involving various community groups, as well as, the IDA that will help dovetail some of the process that Saratoga Associates will be undertaking. She said they envision a lot of community involvement, a lot of participation from all different parts of the Town.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to authorize the Supervisor to execute the contract with the tasks and fee schedule as outlined in the packets. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

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Supervisor Egan said she thanked everyone regarding this, especially Keith Silliman, Jeff Lipnicky, Katherine Daniels and George Leveille. She said this was an awesome job pulling a lot of information together in a short period of time and she appreciated it.

The next item was to consider adoption of a Resolution to approve application to NYS Environmental Facilities Corporation regarding financing for

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the South Albany Sewer District project. Commissioner Leveille said several weeks ago resolutions were entertained authorizing public hearings for the applications to provide funding for the reconstruction of the South Albany Water and Sewer District. He said this application is for New York State Environmental Facilities Corporation for their State revolving loan fund. He said it could be a combination of grants or low interest loans based on need. He said there is documented need in this community based on income levels that hopefully will arrive at some low cost or no cost money. Vollmer Associates, the consultant, seeks funding from a variety of sources, according to Mr. Leveille and will authorize the Town to complete the standardized application that EFC requires for the program and the application is due on March 1.

The following resolution was presented for adoption:

**RESOLUTION AUTHORIZING CWSRF APPLICATION
AND AGREEMENT FOR PROJECT FINANCING
New York Clean Water State Revolving Fund**

Resolution authorizing the execution and filing of an application and execution and delivery of a agreement setting forth the terms of the Project financing and other documents necessary for CWSRF assistance.

WHEREAS, Town of Bethlehem herein called the “Applicant”, after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as: South Albany Sewer District and identified as CWSRF Project Number (s) C4-5418-02-00, C herein called the “Project”, is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the “Water Quality Act”), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may received capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the “CWSRF Act”) established in the custody of the New York State Environmental Facilities Corporation (the “Corporation”) a water pollution control revolving fund (the “Fund”) to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York state Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY

Town Board of the Town of Bethlehem as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as

may be required and to make such agreements on behalf of the Applicant as may be required:

Theresa Egan, Town Supervisor.

3. The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both.

4. One (1) certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.

5. This Resolution shall take effect immediately.

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

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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Supervisor Egan thanked Commissioner Leveille.

The next item is to consider the request to adopt bond resolution for the refinancing of existing 1994 bonds issued for the Clapper Road Water Treatment Plant. Comptroller Kehoe said one of the outstanding bond issues that the Town has right now is for the Clapper Road debt that was originally issued in 1994. She said the bonds are callable in 2005 and noted the current coupon rate on the bonds is about 7.15 percent is relatively high in today's lower interest rate environment so a proposal has been put together to effectively refinance the bonds in the municipal financing arena which is called an advance refunding. She said with the Board's approval they will be issued another series of debt that will be put into escrow and lock into the lower interest rates that are available now and then when the bonds are callable in March of 2005 the escrow proceeds will be used to both pay off the call premium, to call the 1994 bonds and then the same repayment schedule will be available as is the one currently under the 1994. She said effectively there is a swapping of a new issue at a lower interest rate for the old issue at the higher interest rate. She said the savings are estimated to be over \$100,000 a year to the Water Fund with this refinancing.

Councilman Plummer asked why 12.5 million would be bonded. Mrs. Kehoe said it is necessary to bond the higher amount because you are going to be covering your closure costs and the costs of issuance. She said the savings are obtained by locking in at the lower interest rate. Mr. Plummer asked what the rate was that was being locked in at. Mrs. Kehoe said that is to be determined, noting it would be a negotiated bond issuance, somewhere in the 4 to 5 range. She introduced Janine Rogers Caruso of Fiscal Advisors who was part of the financing team working on this.

Ms. Caruso said one of the issues right now is whether or not they can change the taxable status. They are not taxable, she said, but they are currently subject to the alternative minimum tax because they were determined to be private activity bonds because of the long term contract that existed and still exists with Selkirk Cogen. She said right now they are working with bond counsel to determine if when that contract expires in 2005 can these be changed to totally tax exempt bonds. She said if they were completely tax exempt, it would probably be around 4.10 or 4.20 percent. She said if it is subject to minimum alternative tax, it is going to be at a higher rate but the numbers used in the memo to the Board are worse case numbers. She said they assume that they cannot obtain the tax exempt status and that they have to continue to be private activity bonds.

Ms. Caruso said also the difference between what is currently outstanding and the new amount, there is a couple of different factors. She said one is you have

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to pay a call premium on the 1994 bonds to the current '94 bond holders. She said there also has to be an escrow account so there has to be Treasury securities purchased and you pay quite a bit of money to fund that amount. She said then you have to pay cost of issuance on top of that. She said it is all of those that make the 11 million quickly become 12 million but there is such a large difference in the interest rate that it still results in the savings number reflected in the memo. Councilman Plummer thanked Ms. Caruso.

Supervisor Egan said the second part of it has to do with appointing the underwriter for the transaction. She asked for some information about how that was done. Ms. Caruso said there was a request for proposal sent out to 6 underwriting firms and received 3 responses. She noted one was a joint proposal. She said the group met and the bond counsel evaluated the proposals and they are recommending the Town engage the services of First Albany Capital to serve as underwriter on the transaction. She said it is a negotiated transaction versus a competitive transaction like the Town normally does because of its refunding nature and the nature of the potential of private activity bonds. She said they were the lowest bidder and they felt they also have excellent experience in marketing bonds of this type.

Councilman Plummer asked with the new capital project going on with Vly Creek did they look at combining both of them and further asked if there were benefits to that. Ms. Caruso said the Town actually benefits by not combining them because there is no money saved. She said they are combined together for arbitrage purposes and actually in today's market they recommend that you separate them by 15 to 20 days between the issue. She said even though you would save, if they were tax exempt, if you combine the issue with the new issue which is clearly tax exempt and this one was still subject to AMT, you actually would hurt your new issue. She said if they were tax exempt you still would not want to combine them because of the rules. Councilman Plummer thanked Ms. Caruso.

Supervisor Egan asked if there were any other questions. Two motions were required and the following resolutions were presented.

The following resolution was offered by Mr. Gordon, and seconded by Mr. Lenhardt to wit:

REFUNDING BOND RESOLUTION DATED FEBRUARY 25, 2004
A RESOLUTION AUTHORIZING THE ISSUANCE OF
REFUNDING BONDS IN AN AGGREGATE PRINCIPAL
AMOUNT NOT TO EXCEED \$12,750,000 OF THE TOWN OF
BETHLEHEM, NEW YORK, PURSUANT TO THE LOCAL
FINANCE LAW AND PROVIDING FOR OTHER MATTERS IN
RELATION THERETO.

WHEREAS, the Town of Bethlehem, New York (the "Town") heretofore issued its \$13,815,000 original aggregate principal amount Water System Serial Bonds, 1994 (the "Prior Bonds") to finance the costs of improvements and additions to the water supply facilities of Water District No. 1, as described in Exhibit A attached hereto and made a part hereof;

WHEREAS, the Prior Bonds were dated December 15, 1994 and mature in the amounts and on the dates set forth in Exhibit B attached hereto and made a part thereof;

WHEREAS, the Town desires to refund all or a portion of the Prior Bonds by issuing certain refunding bonds and selling such bonds pursuant to a private sale to an underwriter to be selected by the Town (the "Underwriter");

WHEREAS, it would be in the public interest to refund all or a portion of the Prior Bonds by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as required by Section 90.10 of the Local Finance Law;

BE IT RESOLVED, by the Town Board of the Town as follows:

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SECTION 1. For the object or purpose of refunding all or a portion of the outstanding principal balance of the Prior Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (A) the principal amount of the Prior Bonds, (B) the aggregate amount of unmatured interest payable on the Prior Bonds to and including the date on which the Prior Bonds mature or are redeemed in accordance with the refunding financial plan, as hereinafter defined, (C) redemption premiums, if any, payable on the Prior Bonds as of such redemption date or dates, (D) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including, but not limited to, the development of the refunding financial plan, as hereinafter defined, the fees and costs of the financial advisor of the Town (the "Financial Advisor"), the costs and expenses of executing and performing the terms and conditions of the escrow contract, as hereinafter defined, and fees and charges of the escrow holder, as hereinafter described, and (E) the premium or premiums for the policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued the General Obligation Refunding Serial Bonds, Series 2004 of the Town in an aggregate principal amount not to exceed \$12,750,000 pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the principal amount of Refunding Bonds actually to be issued will be approximately \$12,130,000 as described in Section 5 hereof. The Refunding Bonds shall be dated such date as shall hereafter be determined by the Town Supervisor pursuant to Section 5 hereof, shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity and shall mature annually and shall bear interest semi-annually thereafter on such dates as shall be determined by the Town Supervisor pursuant to Section 5 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Town Supervisor.

SECTION 2. The Town Supervisor is hereby delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 3. The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Town Supervisor, and a facsimile of its corporate seal shall be imprinted thereon and attested by the Town Clerk. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, as the Town Supervisor shall determine.

SECTION 4. It is hereby determined that:

(A) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(B) The maximum period of probable usefulness permitted by law at the time of the issuance of the Prior Bonds for each of the objects or purposes for which the Prior Bonds were issued is as shown upon Exhibit A;

(C) The last installment of the Refunding Bonds will mature not later than the expiration of the maximum period of probable usefulness of each of the objects or purposes for which the Prior Bonds were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with each series of the Prior Bonds or the weighted average remaining period of probable usefulness of all objects or purposes (or classes of objects or purposes) financed with all the Prior Bonds, in accordance with the provisions of Section 90.10(c)(1) of the Local Finance Law; and

(D) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(b)(2)(c) of the Local Finance Law, is as shown in the Preliminary Refunding Financial Plan described in Section 5 hereof.

SECTION 5. A preliminary financial plan for the refunding authorized by this resolution (the "Preliminary Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit C attached hereto and made a part of this resolution. The Preliminary Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$12,130,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit C. Additional assumptions relating to the Refunding Bonds include the following: whether the Refunding Bonds are subject to AMT, the status of the Water Supply Agreement with Selkirk Cogen Partners, L.P., whether taxable or tax-exempt bond anticipation notes are issued prior to the issuance of the Refunding Bonds, and the method used to sell the Refunding Bonds. This Town Board recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate and rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit C. The Town Supervisor is hereby authorized and directed to determine the amount of the Prior Bonds to be refunded, the redemption of the Prior Bonds, including the date and amount of such redemption or redemptions and authorizing and directing the Escrow Holder described in Section 6 to cause notice of such redemption, the amount of the Refunding Bonds to be issued, the date of such bonds and the date of issue, maturities and terms thereof, the provisions relating to any redemption of the Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, the terms of the private sale of the Refunding Bonds, including the form, terms and conditions of the Notice of Sale providing for the sale of the Refunding Bonds, the amount of the annual installments of the Refunding Bonds to be paid pursuant to Section 90.10(c)(3) of the Local Finance Law, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, to prepare, or cause to be prepared, a final Refunding Financial Plan for the Refunding Bonds, whether the Refunding Bonds are to sold in conjunction with or consolidated with the issuance of certain other refunding bonds to be issued by the Town to refund any other general obligation serial bonds issued by the Town (including, but not limited to, the structuring of the annual installments of the consolidated issue), whether taxable or tax-exempt bond anticipation notes are issued before the Refunding Bonds are issued, the tax status of the Refunding Bonds, whether the Refunding Bonds are to be sold pursuant to a forward purchase agreement and all powers in connection therewith are hereby delegated to the Town Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Town Supervisor shall file a copy of her certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

SECTION 6. The Town Supervisor is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as she shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Prior Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

SECTION 7. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be

made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 8. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Prior Bonds. Accrued interest, if any, on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds on the next bond payment date of such Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Prior Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Prior Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Prior Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265 of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds authorized by this resolution, if required, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that the issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. Subject to compliance with the provisions of Section 90.10(f)(2) of the Local Finance Law, the Refunding Bonds shall be sold at private sale to the Underwriter and the Town Supervisor is hereby authorized to negotiate for such private sale. Subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law, the Town Supervisor is hereby authorized to execute and deliver a bond purchase agreement with the Underwriter for the Refunding Bonds in the name and on behalf of the Town, including a forward purchase agreement, subject to compliance with the Local Finance Law, providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Town Supervisor in accordance with said bond purchase agreement upon the receipt by the Town of said purchase price, including interest.

SECTION 13. The Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the bond purchase agreement.

SECTION 14. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Town Supervisor and all powers in connection therewith are hereby delegated to the Town Supervisor.

SECTION 15. The validity of the Refunding Bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 16. This resolution, or a summary thereof, shall be published in full, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the Spotlight, which is hereby designated as the official newspaper of said Town for such publication.

SECTION 17. This resolution shall take effect immediately upon its adoption.

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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The following resolution was offered by Mr. Lenhardt, and seconded by Mr. Gordon to wit:

RESOLUTION DATED FEBRUARY 25, 2004

A RESOLUTION APPOINTING FIRST ALBANY CAPITAL INC.
AS UNDERWRITER FOR THE ISSUANCE AND SALE BY THE
TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK OF
ITS REFUNDING SERIAL BONDS.

WHEREAS, the Town of Bethlehem, Albany County, New York (the "Town") heretofore issued its \$13,815,000 original aggregate principal amount Water System Serial Bonds, 1994 (the "Prior Bonds") to finance the costs of improvements and additions to the water supply facilities of Water District No. 1 in the Town; and

WHEREAS, the Town has received proposals (collectively, the "Proposals") from four underwriting firms interested in purchasing refunding bonds of the Town (the "Refunding Bonds") on a privately negotiated basis and in accordance with the Local Finance Law and the Town Law; and

WHEREAS, the Town has reviewed and considered the Proposals in consultation with the Town Supervisor of the Town, the Comptroller of the Town and Fiscal Advisors Marketing, Inc., the financial advisory firm (the "Financial Advisor"), and Hodgson Russ LLP, bond counsel firm (the "Bond Counsel"), retained by the Town; and

WHEREAS, the Town desires to retain an underwriter (the "Underwriter") for purposes of providing for the issuance and sale of its Refunding Bonds;

BE IT RESOLVED, by the Town Board of the Town (by the favorable vote of not less than a majority of all the members of the Board) as follows:

Section 1. Based on the review by the Town of the Proposals (including, without limitation, the qualifications and experience, commitment to public finance, accessibility, any proposed fees and costs, and the proposed refunding plan, if any, contained in the Proposal), the Town hereby determines to retain as the Underwriter of the Town the investment banking firm described in

Exhibit A to this resolution, in accordance with the Proposal submitted by said Underwriter.

Section 2. The Town Supervisor of the Town is hereby authorized and directed to enter into a written contract (the "Investment Banking Agreement"), subject to review by the Town Attorney and Bond Counsel, with the Underwriter for the purpose of having the Underwriter act, in connection with the issuance and sale of the Refunding Bonds, as the underwriter of the Town.

Section 3. The Town hereby authorizes and directs the Underwriter and the Financial Advisor of the Town to review and refine the preliminary refunding plan providing for the issuance of the Refunding Bonds for and on behalf of the Town.

Section 4. The Town Supervisor of the Town and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the investment banking agreement.

Section 5. All other matters pertaining to the terms and issuance of the investment banking agreement shall be determined by the Town Supervisor of the Town and all powers in connection therewith are hereby delegated to the Town Supervisor of the Town.

Section 6. This resolution shall take effect immediately upon its adoption.

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

Theresa Egan	VOTING	<u>Aye</u>
Tim Gordon	VOTING	<u>Aye</u>
George Lenhardt	VOTING	<u>Aye</u>
Thomas Marcelle	VOTING	<u>Aye</u>
Daniel Plummer	VOTING	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

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Supervisor Egan thanked Mrs. Kehoe and Ms. Caruso.

Consideration of the proposed moratorium was skipped over during the progression of the agenda.

The next item was to remove from table and consider proposed amendment to Beacon Heights and Beacon Harbor project. Supervisor Egan asked Mr. Tate and Mr. Gush if they wished to add anything. She gave an update with regard to the proposal with regard to Beacon Heights. There was a long discussion regarding the moratorium and what the status would be. She said they reached an agreement that in the event the Board chooses to move this proposal and transfer it to the Planning Department, once the moratorium was enacted that portion of the SEQR process relating to the residential or the Heights project would be basically stayed although during the scoping for the commercial part, the Beacon Harbor part, certainly a cumulative impact could be considered and should be considered with the commercial part, envisioning that there may be a residential component across the street.

Councilman Plummer again indicated he had to recuse himself because of a conflict of interest, noting General Electric is a client of his although he is not

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working on this project, he cannot be involved with this and, therefore, he would abstain on this matter.

Supervisor Egan asked if anyone else had any other questions. Councilman Lenhardt said he had a comment to compound what he stated at the last meeting. He said Bethlehem Central School District has relatively very few industrially zoned areas within its boundaries and he was not in favor of converting an industrial zone to a Planned Residential Zone or a residential zone. He said he just wanted everyone to be aware of that. He said he is not in favor of the Heights portion of the project, noting that he certainly is in favor of the Harbor project.

Supervisor Egan said she had a conversation with Mr. Loomis of the School District. She said he raised some concern also in regard to removing any industrial/commercial property and making it residential. She said he also noted that in the event that the Harbor project were to take off and be developed as envisioned that he felt comfortable that he could absorb school district wise and tax wise any children that would come out of potential Beacon Heights project. She said, obviously, with the idea being that the commercial spot as a vision would throw up a tremendous amount of tax dollars and help with the tax base.

Councilman Marcelle asked about linking the 2 projects together and further asked if there was any discussion about that and what was it. Town Attorney Potter said there was a discussion about that and one of the problems is that there is not perfect commonality of ownership between the Heights and the Harbor. He said there is some overlapping ownership and also they are directly contiguous so in terms of SEQR they felt comfortable that this could go forward with the Harbor at this time. He said one of the things Mr. Leveille suggested was linking them in the sense that they create incentive zoning down the road as this goes forward so that you could only develop a certain amount of residential if you have already produced a certain volume of commercial. He said the idea is that you would not be able to get your approval on both and then only develop the residential and develop that in full. Councilman Marcelle said that was his concern. Town Attorney Potter said they are certainly giving a lot of thought to that.

Supervisor Egan said, obviously, having Saratoga Associates come on board and getting the whole comp plan process started they will be made aware of the projects that are floating out there while they are make considerations in regard to their recommendations. She said they did have a brief discussion with them in regard to the incentive zoning concept and counsel that will be working with Saratoga Associates was very familiar with it and thought it was certainly something that would be useful in that area.

Councilman Gordon commented that he thought the incentive zoning is essential if there is going to be a residential component. He said the Harbor is a great, exciting idea but the only way to see it as acceptable is to have the residential portion is, if in fact, the Harbor comes into being. He said the incentive zoning he thinks is fundamental to the approval being given.

Supervisor Egan said she thinks some of this is somewhat premature in that the comp plan is going to look at this and again the effect of the moratorium on the residential. She said the Heights portion will certainly be subject to the moratorium. She said this will give everybody a chance to look at it. She said this is here to be referred to the Board.

The following resolution was presented for adoption:

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
CLASSIFICATION OF ACTION AND LEAD AGENCY COORDINATION
APPLICATION TO ESTABLISH A PLANNED RESIDENCE DISTRICT

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PROPOSED PRD NO. 14 - BEACON HEIGHTS

- WHEREAS, the Town Board of the Town of Bethlehem has received an application, Environmental Assessment Form and related materials from Beacon Heights, LLC to amend the Town Zoning Code and Map by the establishment of a Planned Residence District on 85.2 acres of land located along NYS Rte. 144, and south of the intersection of Glenmont Road with Anders Lane; and,
- WHEREAS, the current zoning of the subject parcel is classified Heavy Industrial District, a district which permits a wide variety of commercial and industrial uses, including heavy industry; and,
- WHEREAS, the stated purpose of said zoning amendment is to allow the subsequent construction of a 448 unit housing development consisting 378 condominium and 70 townhouse units; and,
- WHEREAS, Chapter 128, Article 5 of the Code of the Town of Bethlehem contains procedures for the establishment of a Planned Residence 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 shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,
- WHEREAS, the "Memorandum of Understanding between the Town of Bethlehem Town Board and Planning Board for Planned Development Districts" (MOU), adopted by the Town Board on February 27, 1991, sets forth procedures for incorporating the requirements of SEQR with the requirements of Chapter 128, Article 5 of the Code of the Town of Bethlehem for the establishment of Planned Residence Districts; and,
- WHEREAS, the SEQR regulations found at 6 NYCRR 617.6(a) require that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether the action involves a federal agency; (3) whether other agencies are involved; (4) the appropriate preliminary classification of the action; (5) whether a full or short environmental assessment form is necessary; and (6) whether the action is located in an agricultural district and subject to applicable provisions of the Agriculture and Markets Law; and,
- WHEREAS, 6 NYCRR 617.4 establishes thresholds for the classification of Type I actions and the proposed project exceeds these thresholds in that the action involves: (1) an application for a zone change at the request of a developer, (2) construction of more than 50 units not connected to an existing public sewer system; and (3) construction of more than 250 units that will be connected to the existing public water system; and,
- WHEREAS, 6 NYCRR 617.6(b)(2) & (3) establishes procedures for coordinated review of Type I actions where more than one agency is involved; and,
- WHEREAS, the Town Board has received and considered a preliminary report from the Town Planning Department regarding SEQR classification and referral of the proposed action,
- NOW, THEREFORE, BE IT RESOLVED,
- that the Town Board of the Town of Bethlehem hereby determines that the application by Beacon Heights, LLC to establish a Planned Residence District along NYS Rte. 144 constitutes an action that is subject to SEQR; and,
- BE IT FURTHER RESOLVED,
- that the Town Board hereby determines that the preliminary classification of the action shall be designated as "Type I"; and,
- BE IT FURTHER RESOLVED,
- that the Town Board hereby determines that at minimum a Full Environmental Assessment Form is necessary to determine the significance of the action; and,
- BE IT FURTHER RESOLVED,
- that the Town Board hereby determines that the proposed action is not

located in an established agricultural district and therefore is not subject to the provisions of the Agriculture and Markets Law; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that coordinated SEQR review of the action will be undertaken in accordance with 6 NYCRR Part 617.6 and the Memorandum of Understanding for Planned Development Districts approved by the Town Board on February 27, 1991; and,

BE IT FURTHER RESOLVED,
that the Town Board hereby determines that a federal agency, specifically the U.S. Army Corps of Engineers, may have jurisdiction in this matter in as much as federal regulatory wetlands may be located on the site and impacted by development; and,

BE IT FURTHER RESOLVED,
that the Town Board hereby determines that the other involved agencies with respect to this action may include: (1) the Albany County Health Department; (2) the New York State Department of Environmental Conservation; (3) the Planning Board of the Town of Bethlehem; (4) the New York State Department of Transportation; and (5) the Albany County Sewer District; and,

BE IT FURTHER RESOLVED,
that the Town Board hereby determines that interested agencies with respect to this proposal may include: (1) the Albany County Planning Board (General Municipal Law Section 239 review); (2) New York State Department of State; (3) the Capital District Transportation Committee; (4) the New York State Office of Parks, Recreation and Historic Preservation; and (5) the Town Departments of Public Works, Building, and Highway; and,

BE IT FURTHER RESOLVED,
that the Town Board hereby authorizes and directs the Town Planning Department to initiate coordinated review of the action by filing a copy of the Planned Residence District application, SEQR materials and appropriate notice with involved agencies, and notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice; and,

BE IT FURTHER RESOLVED,
that the Town Board hereby authorizes and directs the Town Planning Department to notify any other involved and interested agencies of the proposed action and to make referral of the application to the Albany County Planning Board; and,

BE IT FURTHER RESOLVED,
that the Town Board as an involved agency with the broadest governmental powers for investigation of the environmental impacts of the proposed action, hereby declares its desire to assume Lead Agency status for the purpose of SEQR review; and,

BE IT FURTHER RESOLVED,
that having notified the involved agencies of the Town Board's desire to be Lead Agency, the Town Board hereby declares it shall be Lead Agency for SEQR review of the proposed action unless objection to such designation is received from any involved agency within the above specified thirty day (30) time period; and,

BE IT FURTHER RESOLVED,
that the Town Board hereby refers the application to the Town Planning Board for a recommendation on both a SEQR determination of significance and the zoning district amendment, said recommendation to be provided consistent with the procedures as outlined in the Memorandum of Understanding between the Bethlehem Town Board and Planning Board for Planned Development Districts.

On a motion made by Mr. Gordon, seconded by Mr. Marcelle, and a vote of 3 for, 1 against, and 1 abstention, this RESOLUTION was adopted on February 25, 2004.

The next item was to acknowledge receipt of Report on Capital Reserve Funds from Comptroller. Supervisor Egan thanked the Comptroller, Judith Kehoe.

The following item was a request from Building Inspector, Mark Platel, for approval of increase in fee for purchase of Zoning Ordinance. Supervisor Egan said for a while now there is a charge to produce the Zoning Ordinance and the charge was less than the publication price. She said the proposal is to increase the cost from \$12 to \$14 per copy at the counter and \$17 for a mailed copy.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the increase in purchase price from \$12 to \$14 per copy purchased at the Building Department and \$17 per mailed copy as requested by Building Inspector, Mark Platel. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Nan Lanahan, Administrator, Parks & Recreation Department, for approval to go to bid for skid steer loader and 5 ton equipment trailer. Could advertise March 3, 2004 and open bids on March 15, 2004 at 3:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) skid steer loader and one (1) 5 ton equipment trailer, pursuant to law,
NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 3rd day of March, 2004 and that bids be received up to 3:00 p.m. on the 15th day of March, 2004 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of Seasonal Personnel.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the appointment of Seasonal Personnel as listed on the sheet provided by Administrator, Nan Lanahan, Parks and Recreation Department at the titles and salaries listed. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of award of bid for pool wall/gutter joint repair to the low bidder.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the award of bid for pool wall/gutter joint repair to the low bidder, DeBrino Caulking Associates, Castleton, New York as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of agreement for operation of concession stand at Elm Avenue Park.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the Supervisor signing the agreement for operation of the concession stand at Elm Avenue Park with Thomas Rowlands of Ellison Enterprises, Delmar, New York. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deeds for Dowerskill Village PRD 4, Section 3 Phase 5E.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the acceptance of deeds for Dowerskill Village PRD 4, Section 3, Phase 5E from Charlew Construction Co., Inc., Schenectady, New York as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The following item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds for Dowerskill Village.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the acceptance of deeds for drainage easement purposes from Charlew Construction Co., Inc., Schenectady, New York for 33 Stony Brook Drive; Michael and Dawn Przekurat, Selkirk, New York for 41 Holly Mill Road; and Joseph and Jeanne Parator, Selkirk, New York for 27 Silver Creek Drive as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deed for parkland conveyance, Dowerskill Village.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the acceptance of a deed for Dowerskill Village for parkland conveyance

from the Slingerlands Group, LTD, f/k/a Slingerlands Development Corporation, Slingerlands, New York as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deeds for 12 Murray Avenue and 13 LaGrange Road.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt for acceptance of deeds for drainage easement purposes from Mr. and Mrs. Rudy Arias, Delmar, New York for 12 Murray Avenue, Delmar and Mr. and Mrs. F. Peter Finger, Delmar, New York for 13 LaGrange Road, Delmar, New York as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The following item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deed for turnaround easement at Weigand Lane from 467 Delaware Avenue, LLC, Delmar, New York.

The motion was made by Mr. Gordon and seconded by Mr. Marcelle to approve the acceptance of a deed from 467 Delaware Avenue, LLC, Delmar, New York for turnaround easement purposes at the easterly end of Weigand Lane, Delmar, as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval of purchases from State Contract.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the purchase of the following vehicles as requested by Highway Superintendent, Gregg Sagendorph, from State Contract for use by the Highway Department:

- 2 heavy-duty diesel powered dump trucks with plow equipment
- 1 one-ton gas powered dump truck with plow
- 1 gas powered 4 x 4 suburban utility vehicle
- 1 three-quarter ton gas powered pickup truck
- 1 diesel powered skid steer loader with snowblower attachment.

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of award of various bids.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the award of bids for gasoline and diesel fuel; heating oil; guide rails; in-place paving; milling; rental of track excavator; washed crushed stone; gravel; topsoil; utility repair crews; and rental of construction equipment to the bidders listed in the Memorandum dated February 19, 2004 from Highway Superintendent, Gregg Sagendorph, at the bid prices submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

Supervisor Egan returned to the item consideration of proposed moratorium. She said unfortunately there was a lot of work done with Saratoga Associates and getting the tasks outlined, as well as, some of the issues that came up at the last meeting and a couple larger projects pending in Town, the language of the moratorium has not been firmed up. She said hopefully things will quiet down now that the consultant is on board and the wording will be worked on during the next week or so. She said there should be something formal to present at the March 10th board meeting. She said she hoped to have this on the website for further comments also. She said there will be a public hearing set up to consider the language. She said they will also be setting up the advisory panel to work with Saratoga Associates to start moving the comp plan and land use process forward.

Supervisor Egan said the minutes from the last meeting were not available and hope to have them finalized and approved at the next meeting. She noted the Town Board minutes are now available on the website. She said they have talked to Mr. Mathusa and the Planning Board minutes should be up also and contact is being made with Mr. Hodom to have the Board of Appeals minutes also posted on the website.

Supervisor Egan asked if there were any comments or questions from the audience. Mrs. Marie Capone, resident, said mention is made about it is in the packet but they do not have a packet. Supervisor Egan asked if she had a question. Mrs. Capone said as it goes along, it is said to the Board that it is in the packet. The Supervisor said they try to keep the questions to the end so it is not so disruptive to the Board but if there is something that is glaring, let them know.

Supervisor Egan asked if there were any other comments or questions. Mr. Michael Daley from Glenmont said through some of the community conversations and neighborhood discussions, they wanted the Board to know that they care about the high standards for the visual environment and they would like to know in the course of this Saratoga Associates and the consultant coming on board has there been any consideration for developing agricultural standards or design standards for commercial property. Mr. Leveille noted Mr. Lipnicky might also have input in this regard. Mr. Leveille said certainly in the discussion of the zoning ordinance there will be standards that will be established. He said some of the discussion around particular topical areas and locations will include architectural and aesthetic features and open space. He said they envision that will be incorporated into the plan and the zoning ordinance that is adopted.

Mr. Daley asked if this was going to include the whole Town of Bethlehem. Mr. Leveille said in essence it is a comprehensive plan for the Town of Bethlehem so as the issues are developed through public meetings those issues will be put into the stream of the planning process and the plan that will result will be a town-wide comprehensive plan. Mr. Daley said one point he wanted to make is that they know that most of the developable land that is commercial property is in the town of Glenmont. He said that is also in the Bethlehem Central School District so they

are not against commercial development but they are very much for aesthetic consideration of the visual environment. He said they also think that this increases – noting they have studied the issue – this increases the tax value of many of these properties. He said it is a tax savings.

Mr. Daley asked is if there is any consideration for an architectural review board that may report to the Planning Board or the Zoning Board. Mr. Leveille said they have no preconceived notion going into the process but certainly in the public hearing process and public meetings those are ideas that the planning team will be looking to hear and try to incorporate into the plan. Mr. Daley said very good and they will continue to be part of the process. He thanked Mr. Leveille.

Supervisor Egan thanked Mr. Daley. She asked Mr. Lipnicky about the fact that they talked about that with regard to the zoning code about what specifications were going to be in there. Mr. Lipnicky said there are mixed feelings about the whole idea of architectural review boards and architectural design standards. He said certainly the zoning code will include design standards. He said certainly the advisory committee and the Town Board will have to determine if in fact there are areas in town where architectural review standards are appropriate. He noted review is usually directed more toward historic districts and things of that nature along with design patterns that exist as opposed to a commercial corridor such as Route 9W. He said it is certainly a topic open for discussion as the process proceeds.

Supervisor Egan agreed and echoed what Mr. Leveille said that it would be important for everyone to weigh in on this process. She said there should be more than ample opportunity with the anticipated community forums and the presentations that are going to be made for all these things to be thrown out, discussed and then considered. She thanked everyone.

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Supervisor Egan thanked all the high school students for coming and the other attendees.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to adjourn the regular Town Board meeting at 6:09 p.m. The motion was carried by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

Town Clerk