

TOWN BOARD  
FEBRUARY 28, 2007

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

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

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

The Supervisor asked for a moment of silence in memory of Muriel Webster, wife of former Town Board Member Fred Webster, mother of Richard Webster who works in the Comptroller's office and mother-in-law of Mark Platel who works in the Building Department. She thanked everyone.

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Supervisor Egan recapped the fact that the February 14, 2007 meeting was the snow emergency. She said the Board did meet and there were a couple of ministerial things that were taken care of. She said the bulk of everything has been forwarded to this meeting.

Supervisor Egan asked for comments on agenda items. Mrs. Marie Capone said approve Town Board minutes of January 10, 24 and February 14. She said February 14, there was nobody that took notes and there was 1 person in the assistance. She asked how the minutes can be approved. Supervisor Egan said somebody did take notes and there was actually 2 people in attendance... audience people. Mrs. Capone said Kathy was not there. Supervisor Egan that was correct. Mrs. Capone asked the Supervisor to name the 2 persons. Supervisor Egan noted it was Charles Dawson and her daughter, Suzanne.

The Supervisor asked if there were any other comments on agenda items. Mr. Robert Jasinski, Bender Lane, asked about the dump item. He asked if the Board was going to go into the landfill item when it comes up or is it just aye, nay and here we go again. Supervisor Egan asked if he was asking for an explanation as to where they were on that item. Mr. Jasinski said he would like an explanation. Supervisor Egan said they will do it when they get there. Mr. Jasinski said that would be fine and asked if he will be able to ask questions. The Supervisor said if he was really nice she would let him ask a question.

Supervisor Egan asked for any other comments on agenda items. There were none.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to close the public comment period. The motion was passed by the following vote:

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

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The next item was to approve the Town Board minutes of January 10, January 24, 2007 and February 14, 2007.

The minutes of January 10, 2007 Town Board meeting were approved as submitted on a motion by Mr. Plummer, seconded by Mrs. Dawson and passed by the following vote:

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

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The minutes of January 24, 2007 Town Board meeting were approved as submitted on a motion by Mr. Kotary, seconded by Mr. Plummer and passed by the following vote:

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

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The minutes of February 14, 2007, although not taken by Town Clerk Newkirk but prepared by her, were approved as submitted on a motion by Mr. Kotary, seconded by Mr. Plummer and passed by the following vote:

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

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The following item was a request from Assistant Town Attorney, Pat Seeley, to approve Stipulation and Consent Order regarding National Grid and Special District Assessments.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the Stipulation and Consent Order regarding National Grid and Special District Assessments. The motion was passed by the following vote:

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

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The next item was to acknowledge receipt of the resignation of Deputy Town Planner Janine Saatman. The Supervisor said it is with sadness that it is accepted, noting Janine had served the Town since 1990 as a member of the planning staff. She said she worked on many of the land use review projects and has been very active most recently as support staff person to the CACC and LWRP Advisory Committee. She thanked Janine and wished her well in her future.

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The following item was a presentation of the CACC quarterly report. Supervisor Egan asked Chairman John Smolinsky to give the report. Mr. Smolinsky said the last 2 quarters of CACC's work has been very productive and he really does not need to say too much about those products because the Board has received the funding report in October. He said they held a public meeting for comments, which the Board asked the CACC to do, in January and are still compiling the comments so he is not going to preview them. He said Mr. Leveille or someone will bring them to the Board later.

Mr. Smolinsky said his take on the comments in January were kind of gratifying because the comments heard all involved the kinds of issues that CACC, itself, had discussed and chewed on and tried to come to some resolution in the funding report. He said, of course, not all issues are resolved and that is yet to be a next step.

Mr. Smolinsky said on the Slingerlands trail task, they took a little bit of a detour in the sense that the Town had hired Edwards and Kelsey to do a pedestrian mobility study. He said they spent their time inputting to that, reviewing some of their work products and really got to a nice milestone. He said he noticed they will report on their plan at the March 14 meeting. He said that was also a milestone for CACC.

Mr. Smolinsky said some of the next steps there are to move on to more details about trail networks -- either sitting where trails can actually be, connectors from the Slingerlands area to other amenities around Town.

Mr. Smolinsky said all in all the CACC meetings were very productive, very collegial and on a personal note, he really regrets leaving CACC. He said it has been a good experience and a good dialogue. He said he does not always have to agree with folks to learn from them and he thinks everyone had that same mentality. He said he will stop there and offered to answer any questions.

Councilman Plummer thanked Mr. Smolinsky for all he has done and now that he will be going to the Planning Board he thinks he will look at things in a different light in some ways. He said he thought he will be a great addition to the Planning Board.

Councilman Plummer said what he would like to talk about is the mention of the trail networks, he asked if that would be the next phase for CACC to look at or is the trail network being considered as part of the study that there will be a presentation on at the next meeting. Mr. Smolinsky said the answer is yes and yes. He said the Board will see some plans and concepts from Edwards and Kelsey that are in a relatively focused area of Slingerlands. He said what he thinks some of the next steps could be is to look beyond that focus area for routing of connector trails to other parts of Town, to some of the major attractions in Town like Five Rivers and Elm Avenue Town Park and the Normansville area where there's some Mohawk Hudson Preserve land.

Mr. Smolinsky said the reason the Edwards and Kelsey study deals with the specific geographic area is that grant opportunities – or they hope there will be future grant opportunities – but they will be kind of limited to that area of Slingerlands where the new road work is and where DOT already plans some pedestrian amenities. He said their study focuses or is limited to that area but there certainly are other connections that could be and should be made to other things.

Councilman Plummer said that where he was going with this is the rail line is there and they talked about it in the past. He said he assumes it has come up at the meetings that they have had and he gets approached from people just asking the status and wanting it moved along. He said they check in very often and there is progress being made but he thinks collectively everyone should focus on it and it is an opportunity that once it can be pinned down, he thinks, a lot of the networking that is being discussed will naturally come off of that. He said that is more a point and observation. Mr. Smolinsky agreed. Mr. Plummer said he thinks that would be a tremendous asset. Mr. Smolinsky said when he thinks of the rail trail, he thinks of it as the spine to all of the other neighborhood connectors and other trail connectors. He said it is 13 miles of an ideal situation for pedestrian and other non-vehicular traffic. He said that is really important but the County needs to get to its milestone to finally acquire the property. He said then he suspects all of the communities along the way will be asked to participate in development and funding of that trail. Councilman Plummer said he would expect that that would be the case and maybe they will reach out to New Scotland and go to the County Executive's office. Supervisor Egan said it needs to be closed.

Mr. Smolinsky said he thought the County Executive last month at one of the State of the Town meetings suggested that it was very close. Councilman Plummer said that was good. Mr. Smolinsky said that is about the best that can be mentioned. Councilman Plummer thanked Mr. Smolinsky.

Councilman Kotary said he also wanted to thank Mr. Smolinsky for his work and he is glad although he is leaving the CACC that he will be in another capacity in the Planning Board. Mr. Smolinsky thanked the Board for all of the opportunities. Supervisor Egan thanked Mr. Smolinsky.

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Supervisor Egan said the next item was to acknowledge receipt of the resignation of John Smolinsky as Chairman of the CACC. She said for anyone that is not aware, he was appointed as a Member of the Planning Board and as a result has offered up his resignation. She said they will miss him but again as Councilman Kotary has said, she thinks he is moving to a place that will be using his talents. She thanked him.

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The following item was to consider the request of Supervisor Egan to appoint Libby Liebschutz as Chairperson of the CACC. The Supervisor said in as much as Mr. Smolinsky has stepped down, they would like to keep the advisory committee moving in a very positive direction. She said Mr. Leveille and the members of the CACC have talked and she feels comfortable nominating Mrs. Liebschutz as Chairperson.

The motion was made by Ms. Egan and seconded by Mr. Kotary to approve the appointment of Libby Liebschutz as Chairperson of the CACC. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: Mr. Messina.

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Supervisor Egan noted that in as much as Mr. Smolinsky has resigned as Chairman and a Member, there is a vacancy on the CACC. She said she has received 1 letter of interest and anyone who is interested in becoming a new member of the Citizens Advisory Committee on Conservation please send a letter of interest, as well as, a resume or some background information. She said as it comes in, they will add it to. She said it certainly does not keep the committee from meeting. She said they have adjourned the March meeting until April on that to let Mrs. Liebschutz get established with the committee.

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Hearing began: 5:50 p.m.

SUPERVISOR EGAN: We will call the first public hearing. This is to consider the amendment to the amendment to the Town Code relating to the Exemption for Persons with Disabilities and Limited Incomes. She asked for a motion to waive the readings.

The reading of the call of the hearing was waived with direction for the Notice of Public Hearing, Notice of Publication and Notice of Posting to be indented on the minutes of the meeting on motion made by Mr. Plummer and seconded by Mr. Kotary and passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: Mr. Messina.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

TOWN OF BETHLEHEM, ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on February 14, 2007 at 5:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law, amending the Code of the Town of Bethlehem, Chapter 111, Taxation, Article V, Section 16, Exemption for Persons with Disabilities and

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

Limited Incomes.

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at (518) 439-4955, Ext. 183. Advanced notice is requested.

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

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State of New York)  
County of Albany )

The undersigned is the printer (or publisher) of SPOTLIGHT, a weekly newspaper published in Delmar, New York. A notice regarding Senior Citizens was published in said newspaper once in each week for 1 successive weeks, commencing on 1/31/07 and ending on 1/31/07. The text of this notice as published in said newspaper is as set forth below, or in annexed exhibit. This newspaper has been designated by the Clerk of Albany County for this purpose.

The Spotlight  
 Colonie Spotlight  
 Guilderland Spotlight

/s/ Maureen Basalla

Sworn to before me this 30 day of January 2007.

/s/ Sharon A. Doldo, Notary Public, Onondaga County

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STATE OF NEW YORK)  
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on Jan. 31, 2007, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this  
13<sup>th</sup> day of Feb. 2007.

/s/ Julie S. McNeil  
Notary Public

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SUPERVISOR EGAN: Therefore, the hearing to consider the exemption for persons with disabilities and limited income is hereby open. Do we have any testimony? None being had. Do I have a motion to close the public hearing?

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to close the public hearing at 5:53 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: Mr. Messina.

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Town Clerk  
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Supervisor Egan asked if the Board wished to move on the previous proposed Local Law.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to adopt Local Law No. 1 of 2007, amending the Code of the Town of Bethlehem, Chapter 111, Taxation, Article V, Section 111-16, Property Owners with Disabilities and Limited Income Tax Exemption Law. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: Mr. Messina.

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Hearing Began: 5:54 p.m.

SUPERVISOR EGAN: In as much as we are at 5:50 p.m. we can move right to the next one. This is to open the public hearing on the Amendment to Town Code relating to Senior Citizens with Limited Income Tax Exemption. Do I have a motion to waive the read of the call of the meeting?

The reading of the call of the hearing was waived with direction for the Notice of Public Hearing, Notice of Publication and Notice of Posting to be indented on the minutes of the meeting on motion made by Mr. Plummer and seconded by Mr. Kotary and passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: Mr. Messina.

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TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

TOWN OF BETHLEHEM, ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on February 14, 2007 at 5:50 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law, amending the Code of the Town of Bethlehem, Chapter 111, Taxation, Article 1, Section 111.1 – Senior Citizens with Limited Income Tax Exemption Law.

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

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

BY ORDER OF THE TOWN BOARD

TOWN OF BETHLEHEM

Kathleen A. Newkirk, MMC, RMC

TOWN CLERK

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State of New York)

County of Albany )

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X  The Spotlight

Colonie Spotlight

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

/s/ Maureen Basalla

Sworn to before me this 30 day of January 2007.  
/s/ Sharon A. Doldo, Notary Public, Onondaga County

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STATE OF NEW YORK)  
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on Jan. 31, 2007, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this  
13<sup>th</sup> day of Feb. 2007.  
/s/ Julie S. McNeil  
Notary Public

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SUPERVISOR EGAN: Therefore the hearing to consider the proposed Local Law, amending the Code of the Town of Bethlehem, Chapter 111, Taxation, Article 1, Section 111.1 – Senior Citizens with Limited Income Tax Exemption Law is hereby open. Do we have any public testimony? Okay, do I have a motion to close the public hearing?

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to close the public hearing at 5:56 p.m. The motion was passed by the following vote:

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

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Town Clerk

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Supervisor Egan asked the Board if they wished to take action on the proposed Local Law.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the adoption of Local Law Number 2 of 2007, amending the Code of the Town of Bethlehem, Chapter 111, Taxation, Article 1, Section 111.1, Exemption Stated. The motion was passed by the following vote:

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

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Councilman Kotary thanked Mr. Leafer and the Assessor’s office for bringing these to the Board’s attention. He also wanted to point out that this is in addition to the exemptions that we’ve extended for veterans in Town, now seniors, residents with disabilities and low income and that they have gone in those cases to the maximum allowable exemptions. He thinks this is very important and particularly as we have talked about before, doing everything they can to make sure that those who live in Town can stay in Town. He again wanted to thank the Assessor’s office for bringing these to our attention. Supervisor Egan thanked Mr. Kotary and Mr. Leafer.

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Supervisor Egan said they could go back to the regular agenda for a couple of minutes.

The next item was to consider a request from Supervisor Egan to appoint Brian Stenson to fill vacancy on Bethlehem IDA. The Supervisor said there has been a vacancy for a while and she knows Brian is in attendance. She said there has been an opportunity to speak with him and she thinks he would be an awesome contribution to the IDA. She said he has a very solid background and is more than willing to jump in. She said he had great ideas even during the time they chatted earlier.

The following resolution was presented for adoption:  
RESOLUTION NO. 10

WHEREAS, the Town Board of the Town of Bethlehem, by resolution duly adopted November 14, 1973, established and organized the Bethlehem Industrial Agency and

WHEREAS, there is a need to appoint a new member of such agency,

RESOLVED that Brian T. Stenson be and he hereby is appointed a Member of such agency to serve at the pleasure of the Town Board.

The foregoing resolution was presented by Ms. Egan, seconded by Mrs. Dawson and duly adopted by the following vote:

<u>AYE</u>	<u>NO</u>	<u>ABSENT</u>
Ms. Egan	None.	Mr. Messina
Mr. Plummer		
Mr. Kotary		
Mrs. Dawson		

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The following item was a request from Chief of Police, Louis Corsi, to accept donation of \$4,000 from CSX. Supervisor Egan said again this money would be used to offset costs associated with 2 AEDs.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the acceptance of a donation in the amount of \$4,000 from CSX as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

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The next item was a request from Louis Corsi, Chief of Police, to accept a donation of \$10.00 from Nancy Farr.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to accept a donation of \$10 from Nancy Farr as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

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The next item was to acknowledge receipt of 2006 Annual Report, Parks and Recreation Department. Supervisor Egan said the spray ground is on the cover. She said it is hard to picture with all the snow that we have. She said Mrs. Lanahan is in attendance if there are any questions. Councilman Kotary did not have any questions but he wanted to as a former hockey player, ice skater and with 3 little ones that love to skate, he knows a lot depends on the cooperation of the weather but he wanted to thank Mrs. Lanahan and the Parks and Recreation Department for the great job they did in keeping the facility going. He said it has been about 5 weeks now. Mrs. Lanahan said they are about wrapped up now. Mr. Kotary said

he also thinks it was due to the efforts of the staff. He said he skated at 10 in the morning and 10 at night and there was always somebody there and being very helpful. He said he knows a lot of people in the community appreciate it.

Supervisor Egan said it was a great year and there were a lot of firsts between the spray ground, Maple Ridge park and Cyclocross. She said as they go through the report if there are any questions, Mrs. Lanahan will be happy to answer them. She thanked Parks Administrator, Nan Lanahan.

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The next item was a request from Deputy Director of Economic Development and Planning, Michael Morelli, to consider adding to Zoning Board Fee Schedule a fee for Application for Interpretation. Supervisor Egan said this was something that came up after the organizational meeting. She said it will be put on with all the fee schedules in the future for the organizational meeting. She said for this evening, it is as a special item. She asked if there were any questions. There were none.

The following resolution was presented for adoption:

RESOLUTION NO. 9

TOWN BOARD  
TOWN OF BETHLEHEM  
**RESOLUTION**  
**ZONING BOARD OF APPEALS FEE SCHEDULE**

WHEREAS, the Town of Bethlehem Town Board ("the Town Board") approved a revised Zoning Board of Appeals Fee Schedule at the January 10, 2007 Organizational Meeting of the Town Board; and  
WHEREAS, the Town Board has reviewed information provided by the Board of Appeals staff pertaining to fees for an Application for an Interpretation of the Zoning Law; and  
WHEREAS, the Town Board has the authority, per the Zoning Law, Article X, Section 128-90 (H) to assess fees for applications for interpretations and variances to the Zoning Law,  
NOW, THEREFORE, BE IT RESOLVED,  
that the Town Board hereby determines that the Zoning Fee Schedule shall include a fee for an Application for an Interpretation of the Zoning Law; and  
BE IT FURTHER RESOLVED,  
that the Town Board hereby declares that the Fee for an Application for an Interpretation shall follow the Board of Appeals fee for area variances as reflected in Fee Schedule Z, Zoning Board of Appeals Fees; and  
BE IT FURTHER RESOLVED,  
that the Town Planning Department is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Mr. Plummer, seconded by Mr. Kotary, and by a vote of 4 for, 0 against, and 1 absent, this RESOLUTION was adopted on February 28, 2007.

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The following item was to acknowledge receipt of Time Warner Cable Quarterly Franchise Fees for the period October through December 2006 in the amount of \$112,922.65.

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The following item was a request from the Supervisor to modify the Committee Members in relation to the Kevin Shea Training Tower. The Supervisor explained this was done during the Organizational meeting but there has been a change in members. She said Joe Michaniw and Craig Sleurs are replacing Terrence Ritz and Charles Wickham.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to approve the change in members for the Kevin Shea Training Tower from Terrence Ritz and Charles Wickham to Joe Michaniw and Craig Sleurs as requested by the Supervisor. The motion was passed by the following vote:

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

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The next item was a request from Police Lt. Berben to consider proposed 2007 agreements with Mohawk & Hudson River Humane Society and Reigning Cats and Dogs. Supervisor Egan said this item would be changed with the Reigning Cats and Dogs Agreement being tabled. She said this is being worked on yet although they have received their NYS Department of Agriculture and Markets certification. She said they are working on the final terms of the agreement and noted this will be on the next agenda.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the 2007 Agreement with the Mohawk & Hudson River Humane Society. The motion was passed by the following vote:

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

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The motion was made by Mrs. Dawson and seconded by Mr. Kotary to table the consideration of the Agreement with Reigning Cats and Dogs. The motion was passed by the following vote:

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

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The following item was a request from Director of Economic Development and Planning, George Leveille, to authorize the Supervisor to execute extension of the LWRP funding agreement. Supervisor Egan noted this was just the agreement. She said all they are doing is changing the funding expiration date.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to authorize Supervisor Egan to execute the extension of the LWRP funding agreement as requested by Director, George Leveille, Economic Development and Planning. The motion was passed by the following vote:

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

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Hearing Began: 6:00 p.m.

SUPERVISOR EGAN: Okay. Next up is the 6 o'clock public hearing to consider an amendment to Town Code relating to Stop Intersections Salisbury Road, Euclid Avenue and Burhans Place area. As we are going to go ahead and do a presentation. We thought it would be a little bit easier and hopefully answer a lot of questions and concerns doing it this way. So, we have our consultant from CME and Gregg Sagendorph, our Highway Superintendent, will do a brief presentation on that. While they are setting up, do I have a motion to waive the reading of the call of the meeting, as well as, to indent the notices.

The reading of the call of the hearing was waived with direction for the Notice of

Public Hearing, Notice of Publication and Notice of Posting to be indented on the minutes of the meeting on motion made by Mrs. Dawson and seconded by Mr. Kotary and passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

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TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on February 14, 2007 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Stop Intersections, Salisbury Road, Euclid Avenue and Burhans Place, Delmar.

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

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

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk, MMC, RMC  
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The Spotlight

Colonie Spotlight

Guilderland Spotlight

/s/ Maureen Basalla

Sworn to before me this 30 day of January 2007.

/s/ Sharon A. Doldo, Notary Public, Onondaga County

- - -

STATE OF NEW YORK)

COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on Jan. 31, 2007, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this

13<sup>th</sup> day of Feb. 2007.

/s/ Julie S. McNeil

Notary Public

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SUPERVISOR EGAN: And, actually, just as... we'll do this next, whenever you are ready. Actually that black mike, the smaller black mike, you can take right out.

MR. NADOLNY: Good evening, my name is Mark Nadolny. I work for Creighton Manning Engineering. We were contacted by the Town to evaluate the request from a resident on Salisbury Road regarding the... that we look at the potential installation of all way stop control at Salisbury Road and Capitol Avenue and at Salisbury Road and Normanside Avenue. While we were out there we figured we would take a look at 4 additional intersections as long as we were there. Those other intersections included Burhans Place and Capitol; Euclid Avenue and Capitol; Euclid Avenue and Yorkshire Lane; and Normanside and Burhans Place.

So, those were 6 intersections we took a look at although the letter that we were requested to look at which was dated January 2<sup>nd</sup> of 2006 only asked that we look at these intersections at Normanside and Salisbury and Salisbury and Capitol.

Now for the installation of an all way stop there are certain criteria that you need to meet. One of them would be volume related with respect to the amount of cars that enter an intersection. In order to meet a warrant for an all way stop you need on the order of 4,000 vehicles in an 8 hour period on a typical day. The volumes in this area do not meet that so we pretty much kind of tabled that and looked at other criteria. The other criteria would be for safety measures or some sort of unusual circumstance or unusual condition at these intersections. That's kind of what we focused our evaluation on and just to note that the State specifically instructs traffic engineers not to install stop signs with regard for speed control. So, the letter specifically referenced speeds on Salisbury Road but that is something the State will specifically now let you install a stop sign for.

Like I said, we did conduct a field visit at all of these intersections, 6 in total. And what we did was we conducted an intersection stopping sight distance evaluation and an intersection sight distance evaluation. Now, stopping sight distance, for those of you that don't know, would be the distance that a driver would need as its approaching an intersection to come to a complete stop if there was a fixed object in the road, a car waiting to make a left turn, something of that nature. Intersection sight distance would be the distance of someone coming up to an intersection and looking left and right in order to make a safe move onto the intersecting highway or for someone that's on the main road wanting to make a left onto the minor road making sure that they can see enough distance straight ahead.

In addition to getting those numbers with respect to stopping sight distance and intersection sight distance we also installed automatic traffic recorders on the roads. These ATRs are the tubes that you see across the roads so if you drive on them you will hear them as your tires run over them. They collect vehicle volumes over the course of the day and they also record speeds. So, the speed limit posted in this neighborhood is 30 miles per hour. What we found was that on Burhans Place and on Normanside Avenue the 85<sup>th</sup> percentile speed or the operating speed – that's the speed in which what we would design some sort of traffic condition on these roads – was slightly lower than the posted speed limit. And, on Salisbury Road and Euclid Avenue it was slightly higher, approximately 2 to 4 miles over the posted speed limit, right about 32 miles per hour and 34 miles per hour respectively on Salisbury and Euclid Ave. So, speeds although they were a little higher than the posted, it was not extremely high... extremely much more than the posted speed limit.

Now, having the speed limit what we design for, we have a... compare those 2 distances that are found in something called AASHTO, American Association of State Highway Transportation Officials – they give us guidelines of how far you should be able to see at those speeds in order to make those safe movements from the intersections. For stopping sight distance, all the intersections met stopping sight distance criteria with the exception of Normanside and that's pretty much due to the reason that these roads are so straight. The only reason why it did not meet it at Normanside was because of the close adjacent intersection with Salisbury Road but that really wouldn't require the installation of a stop sign at that location.

With regard to intersection sight distance, it's a little different on these roads because if anyone has been out on these roads you know that there are some mature

trees that line most of these roads out here and what those mature trees do is limit sight distance and I will go through each of the intersections individually.

First, the intersection we looked at was Salisbury Road and Capitol Ave. There is apparently an intersection on the westbound approach. If you are coming off Capitol Ave looking left, the sight distance looking left in order to make a left or right turn is pretty limited due to some trees looking along Salisbury Road. In addition, looking to the right, the sight distance is also limited. It is not as bad due to a... it's actually just like a branch kind of hanging down and we are recommending that the branch be trimmed and pruned back just to maximize sight distance. But due to the poor sight distance looking left, we're recommending all way stop control at that intersection to ensure that drivers that are coming to this intersection have the confidence that people are going to stop in both directions on Salisbury Road.

The next intersection we looked at was Salisbury Road and Normanside Ave, again there is a similar condition at this location here, there's some mature old growth trees along Salisbury Ave and as you are looking left from Normanside it critically limits your sight distance as you are waiting to make that left or right turn. Looking to the right up north towards the Country Club, you are limited by a bush. Now this bush could be removed and we're recommending that it be removed if the adjacent landowner would agree to that but again, due the critical limited sight distance on Salisbury Road looking left, again we're recommending all way stop control at this location as well.

So, those are the 2 locations specifically referenced in the letter and we are actually recommending stop signs at both of those location on all approaches.

The next intersection we looked at was Normanside Ave and Burhans Place. Now, this location did not have an issue with regard to sight distance, however, we are recommending that a stop sign be installed on the north bound of Burhans Place approach just because there isn't one there now. It's the minor street approach, it's pretty much accepted that you are supposed to stop on that approach but since it is not there, we are recommending that it be installed just to kind of highlight that point.

The next intersection we looked at was Burhans Place and Capitol Ave. There are currently stop signs on the east and west approaches of Capitol and so we wanted to take a look to see if stop signs would be recommended on the northbound and southbound approaches of Burhans Place. The sight distance looking left on Burhans Place, on the west leg looking north is limited due to a branch that's actually hanging right into the road right now. It's not the trunk of the tree as they are on the other locations that we are recommending them. So, at that location we're recommending that the branch and tree be pruned out of the right-of-way of the road and right now it's actually a hazard for pedestrian and cars in the road because it is hanging so low right now. The rest of the intersection, sight distance at this location is fine so with the clearing of that branch, intersection sight distance and stop sighting distance should be fine at that location and no additional signage would be necessary.

The 5<sup>th</sup> intersection we looked at was Euclid Ave and Capitol Ave. Again, the sight distance looking to the left on Capitol Ave wanting to make a right or left turn is again limited by those old growth trees along Euclid Ave and also to the right again by some old growth trees. Rather than removing those trees and changing the character of the road, we're recommending all way stop in order to mitigate that condition.

The last intersection we looked at was Yorkshire Lane and Euclid. There are not as many trees on this side of the road and that's reflected in the sight distance that we did find and there were no issues with the available sight distance so we're recommending that the existing controls remain and that all way stop control not be installed at that location.

So, just to sum up, we've got 3 intersections of the 6 that we looked at that we're recommending all way stop – the 2 on Salisbury at Capitol and at Normanside, and the intersection of Euclid and Capitol and just the installation of a stop sign on Normanside where there should be a sign there currently. So, that's pretty much the results of my evaluation. If there are any questions from the Board or the public, I'd be happy to address them.

SUPERVISOR EGAN: Before... we're going to take testimony on this because I know there are several of you that are here. I guess the first thing that I would address – I... from my perspective and we've had this conversation and we just talked about all those parameters that you all look at. But, I think after consideration of what the recommendations are before us this evening, any of us that know that neighborhood or have been in Town long enough know, transportation tends to path... or follow the path of least resistance. And, clearly the concern now is does everything get shifted to Burhans and go down. So, we've heard from several residents and I'll put the written comments in and certainly whoever is here will be given an opportunity to speak but what I would like to put on the table in addition to the recommendations that are being proposed by CME is that we consider a recommendation at the intersection of Burhans and Capitol. Both north and south which would, hopefully, address what I think would be a future need recognizing it may not meet the warrants pursuant to the rules and regs today but I think it would only be a matter of time before we would be asking you to come back to look at that intersection all over again.

So, on behalf of myself with the Board, I would like the Board to consider that additional traffic signalization, if you will, as we go through this public hearing.

COUNCILMAN PLUMMER: I am very supportive of that. I've read some of the correspondence and I agree. And, I think if we don't do that you're going to have... I know that area well, you are going to have traffic going down Burhans to avoid the other 2 so I'm very supportive of that.

COUNCILMAN KOTARY: Right. I agree as well, 100 percent. I clearly, it's going to be the path of less resistance and I think, you know, whether it meets the specs now or not it certainly will at some point. So, I agree as well.

MR. NADOLNY: We did take a look at that and I totally respect that... you're opinion and the reason that we didn't recommend it on that – first, it didn't meet the specs but the other reason being that any way you go, if you come up Salisbury you've got 1, 2 stop signs to come up to Normanside Country Club, coming up Burhans you've got 1 at Normanside, 1 at Salisbury – so you got 2 there as well as on Euclid you've got one here and one here. So, I know logically that is a path of less resistance but if you were going to do it in a car, it probably would take you the same amount of time because you'd have to make those same number of stops on each path. So...

SUPERVISOR EGAN: It's that visual though, once you turn onto Burhans you got that straight path without one of those red and white signs. But... and just before we start taking... obviously we have the consultant here to answer questions and we certainly can take public testimony but for the record, I would note that I have written comments from Timothy Talmage; Tim Karl; Ana Marie Coleman; Liz Strickler; Marissa Rahn; and Shawn St. James. So, we will submit those into the record also.

But, I think based on what I just heard, in addition to the recommendations from Creighton Manning as a Board, we would be adding the intersection of Burhans and Capitol.

So, with that being said, so that everybody understands what we are considering, do we have anyone for public... offering testimony this evening?

MRS. CAPONE: Are you aware that for 17 years there was a Traffic Safety Committee and it was all-volunteer. Creighton Manning had a person representing

it, Gregg Sagendorph represented the Highway, Officer Beebe represented the Police Department and it was run perfect.

SUPERVISOR EGAN: Thank you.

MR. KING: Jarod King, 22 Placid Road.

SUPERVISOR EGAN: Actually, you know what, can we take the microphone back, sorry.

MR. KING: Jarod King, 22 Placid Road. I first wanted to thank... I don't know your name but... you did an outstanding presentation because what Creighton Manning did point out is that there are certain laws that exist and certain guidelines, certainly, that are National Highway or Transportation which is adopted by the State and then gets done.

One of them is the fact, and a big one, is that stop signs should not be used for speed control. And, if I understood correctly from what I just heard, the person who is requesting these stop signs on Salisbury Road was particularly requesting them for speed control. Also, if I heard correctly, at none of the intersections was there sufficient traffic level to justify having an all way stop. That the only reason was, on Salisbury Road, that there were some mature trees that were in the Town's current right-of-way. Is that correct?

MR. NADOLNY: I am not really sure what the Town's right-of-way is.

MR. KING: Salisbury... because... well, the right-of-way would be 25... it's a 50 feet from the... 25 feet either side of the centerline. So, generally speaking, our roads are about 12 feet wide. So, you are looking about 12 feet on either side of the road and that these trees would be in those locations. So, I happen to like mature trees but the first thing it seems to me is that we should be looking as a Town, is to start trimming trees and not necessarily putting up stop signs which impedes traffic and we see the vulcanization of our Town where basically, people in that particular neighborhood want stop signs and then people... you and your neighbor want your stop signs, etc. and then everyone is driving at 15 miles an hour.

The other thing I understood is that a "T" intersection is understandable to be a stop for the person that is coming into the intersection so I don't believe a stop sign is necessary. I know that you mentioned, well we can put it up just to be redundant and if redundancy is desired, so be it. But, that seems to me to be also a little bit silly. The thing that I also heard, if I heard you correctly, was on Normanside there was a bush that could be trimmed, right?

MR. NADOLNY: Yes.

MR. KING: A bush that could be trimmed back and not necessarily... if it was in the right-of-way obviously, it could be trimmed back. There are obviously... so that is something else. It just seems to me that everything here that has been proposed, if I understood correctly, was not because of traffic was... not because of speed but rather... it wasn't even line of sight on the road itself but rather merely when turning and looking when you come to a stop, take a look at your right or left and there we're being impeded by certain mature trees on the intersections, right, the cross streets?

MR. NADOLNY: Yes.

MR. KING: Yes, that's what I thought okay. So, those obviously can be trimmed back if they are... if you're dealing with the trunk because I think you mentioned that on the Salisbury Road ones, I think it was at Burhans Place you said that...

MR. NADOLNY: At these locations it is the trunk.

MR. KING: Right.

MR. NADOLNY: If it was the branches and leaves it would have been a recommendation to trim those but on these 3 locations, it was actually a trunk of trees...

MR. KING: Right.

MR. NADOLNY: And, so many that it actually almost creates a wall from the perspective of where you are sitting.

MR. KING: Right.

MR. NADOLNY: So, without taking out the entire tree, that's the only option.

MR. KING: I understand, okay. And then the last thing is... actually a little bit disturbed by is our Supervisor just suggested that we put stop signs even though there was no need found on Burhans Place, merely to be used as speed control which is precisely what stop signs should not be used for. I mean, obviously, the Town Board... because these are not State highways can do whatever it wants but I think it's a misguided approach. I particularly find that the stop signs on Fernbank are completely ridiculous where you have a straight line of sight. You have stop signs actually where it is a "T" intersection... where there is a dead end on the other side like at Sytan and things like that. It just cuts the traffic down. If there is an issue here of people speeding and apparently there isn't because you're talking about 2 or 4 miles over the speed limit for the 85 percentile, then obviously put a Police Officer there once in a while but that's not even an issue. So, it seems to me I do understand what you are saying, if it's trunks then obviously you don't want to trim them, so be it. But, on some of the other locations, especially that you were suggesting Burhans Place, I think this is a very misguided thing to do. Thank you.

MR. BOYLE: Good evening. I'm Jim Boyle. I'm a 30 plus resident of Salisbury Road. I came here in support of this proposal and to ask a question. I believe the observations, as far as, speed, volume, etc. were done in the fall.

MR. NADOLNY: It was done in mid-September.

MR. BOYLE: September/October according to the documentation and in my 30 plus years of experience, that's the off season for traffic in our neighborhood because Normanside Country Club's operation has reduced significantly. So, the case that you have made is actually understated, as far as, that fact is concerned.

Secondly, the question of trees being in the right-of-way, I believe, has been explored by a number of residents who have tried to get the Town to remove various and sundry things. And, it is my understanding that those trees are within the boundaries of the individual's property. So, I believe the gentleman's supposition is incorrect that those are private property.

But, first of all, I really wanted to acknowledge everyone who moved on this. We've been waiting a long time for this action and it is very much appreciated. And, you have my family's and a number of my neighbors unconditional support with this. And, I thank you very much.

SUPERVISOR EGAN: Thank you, Mr. Boyle.

MR. SHIPHERD: Hi, my name is John Shipherd. I happen to be the gentleman who wrote in January of 2006. I'd like to clarify one point regarding my letter. I did specifically request stop signs. I did talk about speeding on Salisbury Road, however, the purpose of my letter was my concern about safety. And, I'd simply like to make 2 requests. Number 1 that you amend the record such as necessary to reflect that that was the letter and secondly, I'd like to ask that you enter that letter into the record as comments.

SUPERVISOR EGAN: I will. Thanks, Mr. Shipherd. Any other comments this evening?

MR. TILROE: Hi, Hon. George Tilroe, 84 Salisbury on the corner of Normanside. Stop signs aren't stopped at most of the times I see anybody go by. They don't stop at a stop sign. Sometimes they slow down and sometimes they don't, they just keep going. And, when I was out west, they put in speed bumps and they had different kinds of levels of speed bumps. You don't have to have big ones that the snowplows can't get over, they have little ones. But, those slow down people and I think the speed bump might be better than stop signs.

SUPERVISOR EGAN: Thank you, Mr. Tilroe.

MR. EAMES: Hi, I'm Fred Eames. I live at 118 Salisbury which is about half way between... about half way between Normanside and the Club House. I guess I may be in a minority report too because I was surprised to hear about the stop sign proposition and I'm not completely in favor of it. My wife thinks I am impatient, I'm not but when I drive once I go I like to keep going. And it seems, although I understood most of what's discussed about the visual problem and the stopping distance for the intersections, it seems that in terms of the neighborhood, I think most of neighbors are after speed control. And, I certainly could live with a 25 miles per hour speed limit through this whole neighborhood. And, I really think that's what we need. It will always seem to me that the stop signs are really a little bit superfluous. It's a method of speed control it seems, that's what we are really after. And, as a driver, I think, and as other drivers will find it frustrating to stop for an intersection that doesn't seem busy or dangerous to us. But, neighbors I agree there is a problem but I think we should have a 25 miles per hour speed limit.

SUPERVISOR EGAN: Okay, thank you, Mr. Eames.

MRS. CAPONE: Speed bumps were very ineffective because people when they got to the speed bump would drive on the grass around it. So, the people that it's their property complain about it.

SUPERVISOR EGAN: Thank you. Any other public testimony this evening on the stop sign issue?

MRS. TILROE: Little bit high for me.

SUPERVISOR EGAN: Connie, just tip it down.

MRS. TILROE: Thank you, Theresa. One thing, you said the average speed was about 32 miles per hour.

MR. NADOLNY: The average speed is actually closer to 29 miles per hour. The 85<sup>th</sup> percentile which... if there are 100 drivers 85 and fewer are doing 32 to 34.

MRS. TILROE: Cause I was... the majority of people who go on these roads are people who live there. They go back and forth several times a day and they keep the speed limit or go under the speed limit which is what I do. So, it's not those people that we are concerned with. It's the people that zip down and zip back. I'm not sure I want stop signs particularly because I is going to be in front of my house, probably by my sidewalk. And, that doesn't appeal to me at all but I sure would love something, if somebody could come up with a brilliant idea to keep people from speeding. I know stop signs are not supposed to be it. So, thank you.

SUPERVISOR EGAN: Thank you, Mrs. Tilroe. Jarod, you've had your shot let's let other people have it.

MRS. ECKEL: I just wanted to say...

SUPERVISOR EGAN: Could we just have your name, please.

MRS. ECKEL: Oh, I'm sorry. Jean Eckel and I live at 59 Salisbury which is about in the middle of the whole road.

SUPERVISOR EGAN: Thank you, Mrs. Eckel.

MRS. ECKEL: And, I think I'm right about where maximum speed is from either end. But, what hasn't been mentioned is that this road is... this 12 foot wide road is our sidewalk. So, there are children, women with strollers holding onto toddlers and the road, you know, has a country club at the end where there are every day there are linen trucks, golf cart trucks, oil trucks, food trucks – I mean it's the kind of traffic that we get that is part of the problem is that these are people making deliveries. They are not all people that live on our street. I don't know whether the speed limit or the stop sign is the solution but there is a problem.

SUPERVISOR EGAN: Thank you, Mrs. Eckel.

MR. STRAUSS: My name is Fred Strauss. I live at 22 Salisbury. Particularly I notice the speeds on Saturday and Sunday mornings during the golfing season are particularly excessive. I'm sure they are more than the 30 miles per hour. So, I've got nothing against golfers but I just want to put that on the record.

SUPERVISOR EGAN: Thank you very much. Victor, you were patient, thank you.

MR. RODRIQUEZ: Yea, I finally made it. Victor Rodriguez. I'm looking at this as a Town-wide issue. These aren't put up and the concerns are brought up and someone gets hurt or killed there, there would be a liability for the Town because if you see with the lawsuit against the New York State Thruway where there wasn't a guide rail and someone died. So, I look at it as it may cost a little more to put them up but if by some chance someone dies there and the Town could be sued for possibly millions.

SUPERVISOR EGAN: Great, thank you. Okay, any other testimony this evening? Do I have a motion to close the public hearing?

The motion was made by Mr. Plummer and seconded by Mr. Kotary to close the public hearing at 6:26 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: Mr. Messina.

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Town Clerk

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Supervisor Egan asked for a motion to amend the resolution that is in front of the Board to include the Burhans, Capitol intersection north and south.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to include the intersection of Burhans and Capitol north and south in the proposed local law. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: Mr. Messina.

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The Supervisor asked if there was a motion to adopt the proposed Local Law with the modification.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to adopt the Proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Section 119-33, Schedule VII, Stop Intersections including the intersection of Burhans Place and Capitol Avenue north and south. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Kotary, Mrs. Dawson.

Noes: None.  
Absent: Mr. Messina.

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Supervisor Egan said before moving back to the agenda, she noted for Mrs. Libshutz's information that the CACC appointment was done earlier in the meeting. She said it was her fault and introduced Mrs. Libshutz, the new Chairperson for CACC. She wished her good luck and noted they expect good things.

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The next item was a request from Town Engineer, Erik Deyoe, to award design and approve funding of aeration system upgrades at Waste Water Treatment Plant. Supervisor Egan asked Councilman Plummer where this should go. Councilman Plummer said he was okay with it. He said he read the memo and did not read the resolution. He said the resolution specifies exactly what was discussed. He said the issue was the request to expend \$425,000 on this project and it is a competitive bid. He noted the resolution mentions up to \$425,000 and Mr. Deyoe explained he is just trying to budget. He said he would support that.

Supervisor Egan said it also has to do with timing because it is a permissive referendum. She said this needs to get going if this improvement is going to get done.

The following resolution was presented for adoption:

RESOLUTION NO. 7

**RESOLUTION AND PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 14th day of February 2007, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to fund upgrades to the aeration system at Dinmore Road Wastewater Treatment Plant, and

WHEREAS, it is estimated that the costs of said work will not exceed \$425,000; and

WHEREAS, in recognition of these needs, funds for such purpose are in the Sewer Fund Capital Reserve and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the upgrades to the aeration system at Dinmore Road Wastewater Treatment Plant as described above; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$425,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Sewer Fund Capital Reserve the funds necessary up to \$425,000 in said reserve fund; and

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

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

AYES: Ms. Egan, Mr. Plummer, Mr. Kotary, Mrs. Dawson.

NOES: None.

ABSENT: Mr. Messina.

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

The motion made by Mr. Plummer and seconded by Mrs. Dawson to approve the appointment of seasonal personnel as follows:

Recreation Instructor III                      \$10.50 per hour  
Sharee L. Deichman  
47 McKown Road  
Albany, NY 12203.

The motion was passed by the following vote:

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

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The next item was a request from Town Clerk, Kathleen Newkirk, to acknowledge receipt of Surplus Dog Licensing monies from the County of Albany in the amount of \$2,271.97.

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The following item was a request from Commissioner of Public Works, Oliver Holmes, for approval of award of bid for Materials.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the award of bid for Materials as requested by Commissioner of Public Works, Oliver Holmes, to the vendors listed in Commissioner Holmes's Memorandum. The motion was passed by the following vote:

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

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The next item was a request from Town Engineer, Erik Deyoe, for approval of funding authorization for Rupert Road C & D Landfill Closure. Supervisor Egan said this is an item that has been appearing for the last several months. She said the Rupert Road landfill has been the topic of discussion with the Department of Environmental Conservation and there is clearly an interest where we are operating on borrowed time out there. She said they have met with the Board and staff and they have been wonderful. She said they met with Highway Superintendent Sagendorph and Town Engineer Deyoe and kind of the plan that was agreed upon was that the Town would get the consultants out there to do some survey work to review how it is, where it is, how much time it would take to really get it filled so we could get it capped. But, the Supervisor said the end game is that it needs to be closed. She said time wise they do not know but they are working cooperatively with DEC so the resolution before the Board is to have the consultants get out and do the work that needs to be done in order to be able to go back to DEC and work through a reasonable and cooperative closure plan.

Councilman Plummer asked about the services the engineer will be doing and if DEC requires these to be done. Town Engineer Deyoe noted the services are outlined in Barton and Loguidice's proposal and are the steps that are needed to be taken to effectuate the closure. He said it includes the negotiation with DEC to define what we actually need to study and investigate before the closure, development of closure plans and development of bid packages and specs to go out to bid. Councilman Plummer said he was curious as to why they would need to know the disposal capacity. He asked if there was some reason. Mr. Deyoe said DEC has defined to us internally limitation to define how long we will have to fill the space up. So basically, according to Mr. Deyoe, what they have done is with the existing conditions survey to identify how much material is actually in the landfill right now and based on a 1 foot vertical rise to 10 foot horizontal slope – which is the defined maxed slope that DEC will allow the Town to fill to – they're going to calculate how much air space, if you will, is between the existing conditions and that fill area. He said that will determine the volume and the amount of time we have before we can close up. Councilman Plummer said the Town may be able to continue to use the site. Supervisor Egan said it is not

immediate and there is also all sorts of factors they have no control over – administration changes, anybody at any point really could force an order. She said she has been very pleased with DEC’s response and willingness to work with the Town but a lot of that also has to do with Gregg’s continued good faith efforts to work with them over the years, as well as, when they met with them 3 months ago or so. She said they outlined and said listen we would need to do this anyways. She said the told DEC they are willing to do this and they are willing to work with the Town as long as we continue to move in a positive direction.

Councilman Plummer asked once it was closed what the Town would do – use the City of Albany landfill as they do now. Town Engineer Deyoe said part of their scope is an alternative analysis to determine what next steps need to be taken with respect to C & D. Mr. Plummer asked if that was part of the scope here. Town Engineer Deyoe said yes. Supervisor Egan said they have asked them to look at alternatives. Mr. Plummer asked if it affected the transfer station or activities at the site. Supervisor Egan said the transfer station is okay.

Mr. Robert Jasinski said he did not know if any of the Board members have been down to the landfill. He asked if they have. Mr. Kotary said he had. Mr. Jasinski asked Mrs. Dawson if she has been down here. Mrs. Dawson said she had not been yet but she thinks she will. Mr. Jasinski said it is an experience. He said he had a couple questions. He said Mr. Deyoe has taken a few of them away. He said one of them was that he was under the impression that all landfills had to be closed of this type in 2007. Supervisor Egan said not that they are aware of. Mr. Jasinski said he knows when you usually close a landfill you bring clay in and noted the Town has access to clay to top it off.

Mr. Jasinski said he has quite a bit of qualms, worries if the Town expands this at all or tries to use it, that it has not been done properly in the past. He said the bowl has not been lined properly to stop the seepage going into the ground water. He said if the Town is going to do any thought on this, he would suggest that the Town also look at the transfer station which Mr. Plummer has mentioned. He said he thinks it is obsolete. He thinks it is dangerous. He thinks the breakdowns on the conveyor system that is going to wind up hurting somebody is obsolete. He said the haulage and everything he thinks needs a look at. He said there is quite a bit. He said he has never heard how much monetary money comes in from the landfill whether it pays for itself or whether it doesn’t. He said maybe it is in the report and I missed it which is probably what has happened.

Mr. Jasinski said all these things he suggests as Board Members and Supervisor that you do look very closely at this because it is very costly. He said right now he does not know how much usage the Town gets number wise but he imagines it is mostly... he would say the outlying districts that use the landfill. He said most people in the center of Delmar have their barrels out there and are picked up commercially. He said he does really think that the Board should give some real thought to modernizing the transfer station. He said there should be some money appropriated for this at this time because whether it is closed this year, next year or the year after, it’s going to cost the Town in the end.

Supervisor Egan said just for Mr. Jasinski’s information, there is no discussion about expanding this landfill. She said this all has to do with closure. Mr. Jasinski said that is what he understood until Town Engineer Deyoe got up and started talking and then he got a little confused on it. Supervisor Egan said this has to do with establishing a closure plan. Mr. Jasinski said one of the things that bothers him a little bit is that the Town saw this coming and they did purchase a few acres to the east of the landfill. He said he believes the Town paid about \$150,000. Supervisor Egan noted pre-3 years ago it must have been. Mr. Jasinski said just about unless time flies faster in his mind. He said there is some acreage there if anything is going to be done, the Board should look at how much is there in that. He said the Town does have the old landfill that is there that pipes come out of. He said he always wanted to go up and see whether he could light a match next to them and see what would happen. He thanked the Board. Supervisor Egan thanked Mr. Jasinski.

Supervisor Egan said in regard to the resolution in front of the Board, the only correction is that there is a reference to the General Fund Capital Reserve Fund but actually it is not, it is the Landfill Closure Fund.

Councilman Kotary said he just wanted to add one point before moving on. He said to address one of Mr. Jasinski's questions about or suggestions about having a fund set aside, the Board does have that. He wanted to make sure that everybody knew that they have been putting funds aside and will likely continue to put funds aside toward closing. Supervisor Egan said it has not been contributed to in quite a while and just again for full disclosure, the money that is in that account is not sufficient to close the landfill. Mr. Kotary agreed. The Supervisor said there was some foresight a while ago knowing this was coming. She said it does have to be added to continually.

Supervisor Egan said other than the correction regarding the General Fund Capital Reserve Fund that should be the Landfill Closure Capital Reserve Fund, is there a motion to accept the resolution.

The following resolution was presented for adoption:

RESOLUTION NO. 8

**RESOLUTION AND PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 28<sup>th</sup> day of February 2007, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to fund the procurement of engineering services related to the closure of the Rupert Road C&D Landfill, and

WHEREAS, it is estimated that the costs of said work will not exceed \$ 90,000; and

WHEREAS, in recognition of these needs, funds for such purpose are in the Landfill Closure Capital Reserve Fund; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the engineering services related to the landfill closure as described above; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$ 90,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Landfill Closure Capital Reserve Fund the funds necessary up to \$ 90,000 in said reserve fund; and

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

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

AYES: Ms. Egan, Mr. Plummer, Mr. Kotary, Mrs. Dawson.

NOES: None.

ABSENT: Mr. Messina.

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Supervisor Egan thanked Town Engineer, Erik Deyoe.

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The next item was to consider a motion to adjourn the Presentation of the Facilities Need Analysis until March 14, 2007. Supervisor Egan said back on February 14, they actually hoped to have 3 presentations that evening. She said as a result of the snowstorm, they have had some scheduling problems after that. She said the Facilities Need Analysis is one item that Councilman Messina would like to be in attendance for and therefore she asked for a motion to table this item.

The motion was made by Mrs. Dawson and seconded by Mr. Plummer to table the Presentation on the Facilities Need Analysis until the Town Board meeting of March 14, 2007. The motion was passed by the following vote:

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

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The following item was to consider a motion to adjourn the Presentation by Edwards and Kelsey of the Slingerlands Integrated Pedestrian Network Plan until March 14, 2007. Supervisor Egan noted Edwards and Kelsey had a prior commitment for this evening, so they have requested a change to March 14, 2007.

The motion was made by Mr. Kotary and seconded by Mr. Plummer to table the presentation of Edwards and Kelsey for the Slingerlands Integrated Pedestrian Network Plan until March 14, 2007 as requested. The motion was passed by the following vote:

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

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The next item was a presentation of the New Scotland Road Hamlet Charrette study. Supervisor Egan said this was Mike Morelli and Ed Kleinke.

Mr. Morelli, Deputy Director of Economic Development and Planning, said when the Town Board adopted its first ever comprehensive plan back in August 2005, one of the tier one priorities was to develop a hamlet master plan for New Scotland Road generally between the Price Chopper site and the Blue Cross site. He said in August of 2006, they had a pre-charette meeting with the property owners and stakeholders and really was an opportunity for people to speak, provide thoughts and comments – what did they want to see this hamlet look like when it was developed. He said they had a full charette on September 15, 2006 all day on Friday and again on Saturday the 16<sup>th</sup>. He said there was over 100 participants.

Mr. Morelli said they received the hard copies, a copy of which should have been flagged for each Board Member. He said Ed Kleinke was going to make a brief power point presentation on this. He said Ed is a landscape architect and participated a great deal at the charette and is also a resident of Maher Road near this site. He said they have asked Ed to walk them through very briefly the power point presentation.

Mr. Edward Kleinke thanked Mr. Morelli. He said Mr. Morelli briefly outlined the process and that steps that were undertaken to get from an item in the comprehensive plan and recommendation to some actual pen and ink on plans and drawings. He said those steps involved stakeholder input session that was led by a facilitator and in that session, if you were there you will remember that all of the people there were talking furiously and the facilitator, Burt Wolf, was writing furiously and in the latter part of that session, he put all of his sheets on the wall and dots were placed on things that were thought to be priorities.

Mr. Kleinke said out of that whole session came a number of priorities that were really introduced as part of the charette, the design portion of the process. He said couple things that really struck him that the group thought were important and he wanted to mention briefly. He said the top 5 which at least 30 percent of the participants identified as being important, included developing a traditional town center that was built for the pedestrian; having the current residents in the hamlet have a say in determination in the final design of the hamlet; being able to purchase or find the majority of our personal convenience service needs within the future hamlet area; since we are creating some thing new, perhaps we should develop a central heating and cooling facility, kind of along the line of environmental friendly

green building, green development; and was having the design of the architecture and the hamlet reflect the unique history and character of the Town.

Mr. Kleinke said the challenge with all the participants at the charette session was to find a way to begin to put those top priorities into some form of action and design. He thinks the first slide which is on the cover of the booklet that we received from our consultants kind of reflects how some of those issues were really reflected at least graphically. He said he would like to show briefly on the cover. He said they talked about having a pedestrian friendly environment and some of the concerns in terms of pedestrian friendly related to how do we deal with cars and people in the same spaces; how do we make pedestrian safe areas so that people can walk; how do we create areas that are available to the public and not have to worry about cars and other vehicles sort of imposing themselves into that area; and how do we develop an architecture that maybe is reflective of some of our history that has some interest and character to it. So this slide kind of reflects all of those things -- parking, pedestrian orientation, some safety, some sidewalk area that is separate from parking and vehicle access, architectural concepts and in this slide a central pedestrian green area that reflects that traditional village center, hamlet center kind of concept.

Mr. Kleinke said a number of concepts were produced as a result of all of the involvement by all of the people. Mr. Kleinke said there are 3 and this is one of those and basically it reflects the boundaries of the hamlet area. He said it shows New Scotland Road is along the bottom part of the slide and looping over across the top was what will be the extension of Route 85. He said it also shows New Scotland Road and Cherry Avenue extension. He said the block on the top is the Price Chopper plaza. He said the area has a long and linear character so the concepts for development that people talked about related in a very linear fashion. He said they talked about a central pedestrian concourse so that people could walk from a parking area through a series of buildings and safe pedestrian ways to other service and offices and, perhaps, residences within the hamlet area.

Mr. Kleinke said they also talked about development along New Scotland Road. He said New Scotland Road then becomes more of a local street and all the traffic that now runs on New Scotland Road will be carried on the extension of Route 85. He said the physical orientation although it is long and linear has a very connected feeling to New Scotland Road.

Mr. Kleinke said each of the options had a perspective sketch that was developed, noting if you were at the charette one of the fellows was sort of drawing furiously putting down some of everybody's thought in a graphic form and he produced just a concept of how some of those plans may work. He said on the left side was the Normanskill Creek, the City of Albany boundary and on the upper part was New Scotland Road, the lower part was Route 85 and what will be the extension of Route 85 and on the corner was Maher Road.

Mr. Kleinke said they also talked about having some parking, having a concourse of pedestrian ways to get in and among the buildings and so all of the plans that are in the report are reflected in a graphic presentation like this.

Mr. Kleinke said each of the options also looked at what happens to vehicles and what happens to traffic as they try to get it in and around and through the hamlet area. He said each concept has a plan that shows traffic circulation, proposed land use and zoning, parking areas which was a significant issue that people were relating to, and wetlands, open space, recreational uses. He said the goal of the charette was to find ways to make all of these things happen in a unified and overall design and plan for the hamlet.

Mr. Kleinke said each of the options had another graphic that was a cross section and looking at it from an end view. He said some of the thoughts were the extension of Route 85, the core area of the hamlet and the New Scotland Road street area. He said the major development occurs in the middle between the 2 streets and highways. He noted one of the concepts for parking was having some

in sub-level garage structure so that surface parking is not taking up all of the space.

Mr. Kleinke said the other aspect of this that is important is the character of the New Scotland Road side is very much more pedestrian, more street level, smaller scale. He said the buildings are smaller and it shows very clearly that there is a safe pedestrian separation from cars and people. He said that was one of the priority goals.

Mr. Kleinke said the next slide was prepared by Dave Dembling, an architect who lives just off of this area and having attended the charette he put this together. He said he had a lot of thoughts about how this area should be developed. He said Mr. Dembling had a plan that has very much of a vehicle orientation along the Route 85 extension corridor and a pedestrian type of street that New Scotland Road would become with buildings off of it. He noted Mr. Dembling also did a sketch that would be the New Scotland Road concept, very villagy, buildings up close to the street and sidewalk, some parking, through traffic that would be very local relating to these buildings and businesses and residences.

Mr. Kleinke said the sketch on the front cover again shows just a portion of what the common area in one of the plans was and reflects those concerns about how do you deal with traffic, pedestrian access, pedestrian friendly kinds of environments, public spaces and architecture. He said there was another sketch showing another concept of, perhaps, how these spaces around the buildings can be made more pedestrian oriented including how people are brought outside the buildings to maybe a plaza area with some canopies and overhangs and lighting in different ways, as well as, signage.

Mr. Kleinke said one of the concerns was also people on bicycles. He said there was a sketch showing a bike lane along a sidewalk which is separated from the parking and street area. He said the bike rider might appreciate not having to contend with cars along the street. He said another concept for the New Scotland Road area is the very small, very narrow, very pedestrian oriented on both sides, access across to some of the business and residential components. He said the goal was to make New Scotland Road a non-busy driving area but a pedestrian friendly, pedestrian oriented kind of streetscape.

Mr. Kleinke said again a number of thoughts in terms of what the hamlet should look like, the integration of being able to live in this area and the next sketch showed business on the first floor and perhaps residences on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. He said if you look at the middle way in the background is a building that doesn't look like any of them and he was guessing that the artist thought that could be an office structure, non-residential. He said if you look closely at the slide, you will see right in the middle there is a little meandering walkway reflective of being able to live in the hamlet, purchase your personal service needs in the hamlet and be able to walk to work and the cars would be on the peripheral and on the outside. He said the other element shown in this sketch is a little bit of the environmentally friendly concerns that people had in terms of the development treating surface water run off as an example. He said this sketch shows a lot of the concerns and issues related by the group at the charette.

Mr. Kleinke parking was always a big issue in the discussions. He said the next slide showed a different way to deal with it. He said instead of having surface parking lots, this has parking that is not necessarily underground but covered with decks and those decks then become available pedestrian areas, pedestrian walkways, plaza areas, spaces between the buildings that do not get filled with cars. He said you will see the cars but you do not have to cross paths with the cars and this has a central pedestrian way right through the middle, a concourse of sorts as shown in another plan and all of the other aspects of architecture, landscape and pedestrian orientation.

Mr. Kleinke said a couple of the details that came out of the charette in terms of the design of the hamlet, certainly environmentally friendly, talking about storm water and having the edges be filtering areas for storm water to reduce the

pollutant load that goes off of the site into the natural environment. He said another example of how that can be achieved through a landscape planting strip. He said there is an example of there being cars but we do not necessarily exclude any kind of landscape elements with those cars. He said the 2 can be in the same environment and both can survive. He said these are some of the things that were included in the report.

Mr. Kleinke said also so that everyone who has seen in their travels some of these elements around the countryside, the report includes some good examples of this kind of development throughout the country. He said it is not just limited to nice warm climates, a number of these sites are located in northern climates where all the things like snow and ice and weather of winter have to deal with and yet they demonstrate that the goal and design of the Slingerlands hamlet that has been expressed as part of the charette is, in fact, achievable in upstate New York environment.

Mr. Kleinke suggest that everybody, if you have a chance, take some or all of this material be put on the website. He said there is a hard copy or 2 here at Town Hall if you want to stop by and take a look at it. He said some great information and some listing of preferences and what people thought was good and not good some of the examples. He said there was a wealth of information and a lot of effort went into it and certainly as a resident of the area, he appreciated the opportunity to participate in it and he is sure his neighbors and people who live in the area did also. He said that's a short version of their presentation and he would be happy to take any questions from the Town Board.

Supervisor Egan thanked Mr. Kleinke. She asked if the Town Board had any questions or thoughts.

Councilman Kotary said he did not have any questions but he did participate in the charette and he wanted to compliment George's staff and everybody else for doing such a great job. He said there was some really interesting things that came out of it and he thinks in some ways it addresses some needs that a lot of residents in Town have talked about. He said not only things that we already have – sidewalks and bike trails that they are working on – but he was particularly fascinated by the extent to which those who participated in the charette really wanted to think outside of the box and to include some things like arts and cultural needs. He said one think that came up was having an amphitheater or having an indoor and outdoor stage facility where a lot of local groups can now stay in the community as opposed to having to go and rent facilities outside of the community. He said he thought that was really neat. He said he thinks there has been a lot of talk about the open space preservation and environmental conservation. He said one of the other things to hear was how people wanted to keep the architectural history but to take this opportunity to build something new but do it in a very tasteful way. He said that not only represents well the rich history that we have in Town in terms of the architecture but also to try to expand it and create facilities that will be part of that history. He said he thought it was a fascinating experience and for all those who participated and came up with a concept from the Supervisor on down, he said it was really incredibly helpful, useful and positive. He thanked Mr. Kleinke for the overview and noted it was very good. Mr. Kleinke thanked Councilman Kotary.

Mr. George Leveille, Director of Economic Development and Planning, added a couple things noting Mike and Ed have done a great job. He pointed out that they have had at least 4 meetings with the immediate folks who are impacted by these discussions – people who own homes and property in the area. He said they have been actively involved. He said they previewed this presentation with them and they had a very good turnout.

Mr. Leveille said the question they raised was where do we go next and that is a very good question. He said he thinks where that is that essentially that the core of this area is land that is controlled by developers. He said there is some independent home owners in there but primarily the land is owned by development interests. So, Mr. Leveille said their hope is as the developers advance project

concepts in this area, they will utilize this as a guideline. He said this is what folks in this area said they wanted, this is what the community finds appropriate and use this as a way to try and integrate these ideas into development projects as they come forward. Mr. Leveille said that is really the next step.

Mr. Leveille said this is really the end of this process. He said this was to create consensus about the character of this area and the types of things that should be in there to reinforce the hamlet that has been there since the comprehensive plan has been done. Again, he said he also wants to thank New York Planning Federation and Catherine Daniels, who helped him in putting this together. He said this little effort required \$15,000 and he thinks there was a lot of bang for the buck., a lot of input from residents and stakeholders like Mr. Kleinke and Mr. Dembling who basically provided a lot of additional services at very low cost to the Town. He thanked everyone.

Supervisor Egan thanked everyone. She said she would not underestimate the staff time that went into that too. She said it was several staff members that were involved both days and it really was fun to be here. She said for anyone who missed it too, one of the things that's really enabling an idea like this to happen is the Route 85 extension. She said there was a media event last week for the award of the contract to Delaney Construction is official. She said they have been over at the site for DOT and they have a pre-construction meeting next week. She said it is happening and noted she tried to get everybody out there in shovels and hats but everybody wimped out and said it was too cold.

The Supervisor said you will see the construction trailers are there and the tractors are already there. She said they expect to be moving earth, depending on the snowfall, within the next 3 or 4 weeks. She said they are looking at a completion date of summer of 2008.

The Supervisor said they asked once the pre-construction meeting gets started and a little bit better with the staging, ideas are going to be that we will have a public meeting to let everybody know what the plans are, what the approximate timing is – again, with the idea of trying to keep everyone in the loop as much as possible.

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Supervisor Egan asked if there was any public comment on non-agenda items. Mrs. Marie Capone said Mr. Kleinke did a very good presentation. She noted Ed was born and raised in this Town and asked why on earth they have to have Saratoga Associates. At the same time, she said, you are spending the people's money, big building, boy are we going to need more cops. When you canned Bruce Secor, you replace him by a man named Homer something. The Supervisor indicated it was Oliver Holmes. Mrs. Capone said when you ask a question here, it's Mr. Leveille that answers. He doesn't have the title but he does the job. Supervisor Egan thanked Mrs. Capone.

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Mr. Norman Moran said he wished Jim Potter was in attendance because he wanted to make a request of the Town Attorney. He said he is beginning to think there is a conflict of interest between the Town and Saratoga Associates. He said Saratoga Associates came up with the grand plan and modification to that right straight along. He said now they are being hired for the waterfront survey for us and on top of that they represent... they are in cahoots with the VISTA program. And, he is beginning to think, there is a conflict of interest and he would like Mr. Potter to send a letter telling me that he has looked into it and there is no conflict of interest and what the basis is for it.

Supervisor Egan said there is no need for a letter, she said she can tell him is that the LWRP, the comp plan and all the projects the Town has engaged Saratoga Associates in has gone to bid. She said there is a bid process and they would be more than happy to chat about that. In regard to his reference to the VISTA, the Supervisor said Saratoga Associates is retained by the private

developer, BBL, and has nothing to do with the Town. She said they are not representing the Town in that regard.

Mr. Moran said they are consulting with them and based on information they have gotten from the surveys they have done for the Town. He said I guess if nobody is going to address that to me, then I will take it up with the Comptroller's office. Supervisor Egan said she thought she just did address it. She thanked Mr. Moran. Mr. Moran said she was welcome.

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Mr. Jarod King said a couple things. He said basically he also appreciates the amphitheater too. He said also with regard to the charette presentation that the Blue Cross Blue Shield building probably should go because obviously that is the area that is more suited for walking type area. He said the questions that he had about what was presented is a little bit different than what was experienced at the charette. He said that was why he has questions.

One of the questions, Mr. King said, was the issue of the wetlands. He said the natural wetlands are actually closer to New Scotland Road. He said he knows that State law allows for you to move wetlands so as you preserve the same amount but that's obviously more expensive and I thought that a lot of us were actually pushing it more toward New Scotland Road because it would be more logical based upon what is actually there.

Mr. King said the other and the big question he had was the issue of scalability because, obviously, we have a little bit of a down real estate market right now and you can build whatever but that doesn't mean people necessarily come. He said this is kind of an urban build out with urban density and I am not sure that would be supported. He said he remembers hearing Connie Kontogiannis mention the fact that they could actually sell or build fast food restaurants forever because that's where the demand is right now with that kind of traffic. He said it may not be something we want, per se, to look at or whatever but that's where the demand is. He said the question that comes is, should we be focusing more on if fast food restaurants is what the world will support, maybe how they look is more important than necessarily building things that the market will not support.

Mr. King said he loves the idea of the large sidewalks or something for bicyclists. He said he would share an insight which is that basically when you build buildings very close to a road, you can never expand the road. He said one of the reasons you build buildings a little farther away from the road is so that when the Town has to eminent domain to expand a road like maybe Delaware Avenue, you have some room. He said that is why he would also suggest this for New Scotland Road.

Mr. King said the thing he absolutely loved which is an idea talked about was the parking underneath the decks. He said he thought that was a great idea but it gets into the issues of scalability. He said there will be the requirement of elevators at that point for disabled or older people. He said will this ultimately be able to support that which he is not sure about. He said the idea is like we could start with one thing now, 20 years from now it could look like something else. He said obviously if private landowners on New Scotland Road side eventually want to sell, there is a plan. He said at least what is it going to look like in the next 5, 10 or 20 years, etc. He thanked the Board.

Supervisor Egan thanked Mr. King.

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Mr. Robert Jasinski said he sat listening to this, noting he sat through a few of the meetings and it was very good concept. He said he liked it and he has some qualms, some different minor things like where does drainage go, the permits that will be need to go into the Normanskill. But, he said, one of the things that struck him very hard as he looked at this was, the Town has always revolved around the businesses that are in the Town. He said we promote quite a bit of literature that says, promote your businesses that are in Town, buy off local businesses and

everything. He said he is wondering if some consideration and maybe George can think about this that if this plan goes through, noting he is wishing for all good things, are we going to bring in lots of businesses from other areas. He said should we some way try to integrate the businesses we have here in Town like on Delaware Avenue or something. He said because as you open up a new area, you are going to take a certain amount of business from local people. He said what he is saying is -- have a big heart like you do on Valentine's Day and think about these people too. He said see if there is some way you can bring them into with at least a thought and what their thoughts are. He said something like this when it does finally open going to drive them out of business. Mr. Jasinski thanked the Board.

Supervisor Egan thanked Mr. Jasinski and said this was a good point.

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The Supervisor asked if anyone else wished to address the Board. Dr. Tim Talmadge asked if he could make a comment about the stop signs. The Supervisor said sure. Dr. Talmadge said he wanted to add on a request to the recommendations that were put forth to have a stop sign placed on the 2 corners of Burhans Place and Capital Avenue that do not have stop signs. Supervisor Egan said the Board did that noting the public hearing is over and the Board noted the additional stop signs. Dr. Talmadge thanked the Board. Supervisor Egan thanked Dr. Talmadge and noted his letter was made part of the record.

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Supervisor Egan asked if there was anything else this evening. There was none.

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The Supervisor asked for a motion to adjourn to Executive Session to discuss pending litigation.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve adjourning to Executive Session to discuss pending litigation. The motion was passed by the following vote:

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

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The motion was made by Mr. Kotary and seconded by Mrs. Dawson to adjourn the regular Town Board meeting at 7:12 p.m. The motion was carried by the following vote:

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

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Town Clerk

#### EXECUTIVE SESSION

There was no formal action taken at the Executive Session.