

TOWN BOARD
JANUARY 25, 2006

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
Tim Gordon, Councilman
Samuel Messina, Councilman
Kyle Kotary, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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

The Supervisor asked if there was any public comment on the agenda items. She asked that other comments be held until the end of the meeting.

Mrs. Capone said there is one thing and she does not know if it is on the agenda or not but it should be. She said the Chief of Police has lost 2 officers and the Board refuses to add 2 more on the budget and asked if the Board should do something before there is an attack in their homes. Supervisor Egan thanked Mrs. Capone noting it was not on the agenda but thanked her for the comment. Mrs. Capone said the Board should do something about it because it is the whole community that will suffer from the lack of officers. The Supervisor thanked Mrs. Capone and asked if there were any comments on an agenda item.

The motion was made by Mr. Messina and seconded by Mr. Kotary to dispense with the 30-minute public comment period. The motion was passed by the following vote:

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

The next item was to approve the Town Board minutes of December 28, 2005. Mr. Gordon made a motion to approve the minutes and Councilman Plummer noted he would abstain due to his not being in attendance. Supervisor Egan asked Town Clerk Newkirk what is done in this instance. Ms. Newkirk noted ordinarily if the Councilmen read the minutes and become familiar with the content, they could approve them. She said it is entirely up to the Board Members. Councilman Plummer noted he did read the minutes so he would second the motion.

The motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the Town Board minutes of December 28, 2005. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon.
Noes: None.
Absent: None.
Abstain: Mr. Messina, Mr. Kotary.

The following item was to acknowledge receipt of the 2005 Annual Report from the Town Historian. Supervisor Egan noted this is the first report from Dr. Houghton. She said he has been busy and very involved with many of the things that are going on in Town and based on one of the items further along on the

agenda, he will be busier with the Quadra-Centennial matter. She said if there are any questions; feel free to contact Dr. Houghton.

The next item was a request from Town Clerk, Kathleen A. Newkirk, for adoption of resolution regarding new Dog Licensing Program with NYS Department of Agriculture and Markets. Supervisor Egan asked if there were any questions. The following resolution was presented for adoption:

RESOLUTION

WHEREAS, the State of New York has amended Section 110 of the Agriculture and Markets Law; effective January 15, 2006, to allow the issuance of multiple year dog licenses for up to three (3) years; and

WHEREAS, the authority to issue multiple year licenses is at the option of the issuing municipality; and

WHEREAS, it will be in the best interests of the residents of the Town of Bethlehem to be able to purchase dog licenses for multiple years, up to three (3) years;

NOW THEREFORE, in consideration of the foregoing, it is hereby

RESOLVED, that as of January 15, 2006, the Town of Bethlehem is hereby authorized to issue multiple year dog licenses for up to three (3) years on such terms and conditions as are set forth in Section 110 of the Agriculture and Markets Law of the State of New York, effective January 25, 2006.

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

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

Noes: None.

Absent: None.

The following item was a request from Oliver Holmes, Commissioner of Public Works, for approval to go to bid for Materials. Could advertise February 1, 2006 and open bids on February 14, 2006 at 2:30 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one Materials, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 1st day of February, 2006 and that bids be received up to 2:30 p.m. on the 14th day of February, 2006 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from Commissioner of Public Works, Oliver Holmes, for approval to go to bid for Meters. Could advertise February 1, 2006 and open bids on February 14, 2006 at 3:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one Meters, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 1st day of February, 2006 and that bids be received up to 3:00 p.m. on the 14th day of February, 2006 at which time the

bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Oliver Holmes, Commissioner of Public Works, for approval to go to bid for Chemicals (Chlorine). Could advertise February 1, 2006 and open bids at 3:15 p.m. on February 14, 2006.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one Chemicals (Chlorine), pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 1st day of February, 2006 and that bids be received up to 3:15 p.m. on the 14th day of February, 2006 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

The next item was to remove from table and consider contribution to Albany County Volunteer Recruitment and Retention Taskforce. Supervisor Egan noted she was asking for another motion to table this item. She noted Town Attorney Potter has made a request for some information having to do with what type of entity the Taskforce is and has not received that.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to table the consideration of a contribution to the Albany County Volunteer Recruitment and Retention Taskforce. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval of award of bid for one track-type sidewalk snowplow-snowblower with sander for use by the Highway Department. Supervisor Egan said the permissive referendum period expired with no comments and three (3) bids were received on January 4, 2006.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the award of bid for one (1) track-type sidewalk snowplow-snowblower with sander for use by the Highway Department to Cyncon Equipment, Inc., Rush, New York at the bid price submitted as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from Engineering Division, Terrence Ritz, for approval of acceptance of deeds for 56 Couse Lane.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the acceptance of a deed for 56 Couse Lane, Slingerlands, NY from Mr. and Mrs. Gerald Wright for highway right-of-way purposes. The motion was passed by the following vote:

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

The next item was a request from Director of Economic Development and Planning, George Leveille, for approval of resolution authorizing the Supervisor to execute an agreement with Department of State for LWRP grant. Supervisor Egan noted this was talked about previously that the grant had been received and this is the paperwork that follows that award.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve authorizing the Supervisor to execute the agreement with the Department of State for the LWRP Grant as requested by George Leveille, Director of Economic Development and Planning. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Kotary.
Noes: None.
Absent: None.
Abstain: Mr. Messina.

The next item was a request from Chief of Police, Louis Corsi, for authorization of Supervisor to execute agreement with Mohawk and Hudson River Humane Society. Supervisor Egan noted this is an annual agreement.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to authorize the Supervisor to execute the 2006 Agreement with the Mohawk and Hudson River Humane Society.

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

The following item was a request from M. David Leafer, Assessor, for consideration of amendment to Town Code regarding Alternate Veteran's Exemption and consider setting public hearing. Could advertise February 8, 2006 and hold public hearing February 22, 2006 at 5:45 p.m.

The motion was made by Mr. Messina and seconded by Mr. Kotary to set a public hearing for February 22, 2006 at 5:45 p.m. to consider a proposed Local Law amending the Code of the Town of Bethlehem regarding the Alternate Veteran's Exemption as requested by M. David Leafer, Assessor. The motion was passed by the following vote:

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

The following item was a request from Director of Economic Development and Planning, George Leveille, for consideration and appointment of CACC Members. Supervisor Egan noted there was a Memorandum presented to the Board Members setting forth some background, mission, some proposed meeting

schedules and more importantly a recommendation of member appointments. She said the appointments came from a request for people who were interested to send a letter of interest or resume to her. She said she considered those applications, together with the comprehensive plan direction and as any actions move forward, they look for a broad based balanced view representing diverse views of the community. She said they are ready to present the group that are listed in the Memorandum.

Councilman Plummer said he is very supportive and it is a good list and it is very well balanced and representative of the community. He thanked the appointees for their willingness to serve.

Supervisor Egan said for public purposes, the group is Michael DiPaolo, Jeff Freeman, Nancy Heinzen, Libby Liebschutz, John Mead, Valerie Newell, Ted Putney, John Smolinsky, Mike Waldenmaier, Matt Watson and Caleb Wistar.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to appoint the members of the CACC (Michael DiPaolo, Jeff Freeman, Nancy Heinzen, Libby Liebschutz, John Mead, Valerie Newell, Ted Putney, John Smolinsky, Mike Waldenmaier, Matt Watson and Caleb Wistar) as recommended in the Memorandum dated January 19, 2006 from George Leveille, Director of Economic Development and Planning. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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Supervisor Egan thanked those members who were in attendance and indicated Director Leveille would be contacting them for the setting of the first meeting. She said there would be 2 and 3-year terms that will be pulled out of the hat and be better defining and detailing the exact mission.

The Supervisor said for reference, this is a totally Town Board controlled committee and will be tasked by the Board so she would envision them getting a subsequent memorandum clearly setting forth what things are being recommended to be referred out to the CACC. She said one thing not on the agenda but she thought should be addressed to get things moving is the appointment of a chairperson for the committee. She said having come through BPAC and having had a very good working relationship, she proposed John Smolinsky as the Chairperson for this committee.

The motion was made by Ms. Egan and seconded by Mr. Messina to approve the appointment of John Smolinsky to the position of Chairperson of the CACC.

Councilman Kotary said he thought Mr. Smolinsky is a great choice. He said he has a history of being active in the community and will be a very good person to keep this moving forward. He said he supports this also.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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Supervisor Egan asked for a motion to task the CACC to come back to the Board with a list of potential or things CACC will do.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to task CACC to come back to the Board with a list of potential or things CACC will do. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

PUBLIC HEARING BEGAN 5:45 p.m.

SUPERVISOR EGAN: Let's go back to the public hearing matter, which has to do with the creation of a drainage district for Milltowne Plaza, Wemple Road. Again, this has to do with storm water districts. It's something that has been an ongoing issue and will continue to be a very serious issue that the Town faces as we go forward. I guess the first thing; Kathy and I were discussing this about having to read the notices. The reading was dispensed with and the notices were indented on the minutes.

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 January 25, 2006 at 5:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider creation of drainage district for Milltowne Plaza Subdivision, Wemple Road, Glenmont to maintain the stormwater management system. The maximum amount proposed to be expended for the improvement is not to exceed \$21,480.00 per year; no fee for hook-up will be required; and cost of the proposed district to the typical one or two family home will be \$231.

DESCRIPTION
MILLTOWNE DRAINAGE DISTRICT
Town of Bethlehem
County of Albany
State of New York

Beginning at a point in the southwesterly boundary line of a town road known as Wemple Road at its point of intersection with the division line between lands on the north now or formerly of Andrew J. and Beverly A. Schoonmaker and lands on the south of the herein described parcel, all as shown on a map entitled "Milltowne Plaza Subdivision" dated February 27, 2002, last revised October 4, 2002, prepared by Boswell Engineering and filed in the Albany County Clerk's office on October 16, 2002 in Drawer No. 172 as Map No. 11232; thence running from said point of beginning the following four (4) courses are along the first mentioned southwesterly boundary line of a town road known as Wemple Road:

1. S 24°-11'-00" E (66.99) feet to a point;
2. S 31°-13'-00" E (197.46) feet to a point;
3. S 38°-30'-00" E (270.97) feet to the point; and

4. S 42°-06'-00" E (876.04) feet to the point in the division line between lands on the southeast now or formerly of Margaret H. and Richard J. Thayer and lands on the northwest of the herein described parcel; thence S 47°-54'-00" W along the last mentioned division line (288.08) feet to a point; thence the following three (3) courses are along the rear of Lot Nos. 281, 271 Wemple Road, Lots 42, 46, 50 and 54 Huntswood Lane:

1. N 41°-29'-45" W (248.73) feet to a point;
2. S 24°-42'-08" W (431.10) feet to a point; and

3. S 58°-46'-02" E (422.39) feet to the point in the division line between lands on the southeast now or formerly of Delmar Development Partners, LLC and lands on the northwest of the herein described parcel; thence the follow two (2) courses are along the last mentioned division line:

1. S 52°-22'-58" W (246.05) feet to a point; and

2. S 51°-20'-15" E (81.60) feet to a point in the division line between lands on the southeast now or formerly of Carl L. and Margaret H. Barkman and lands on the northwest of the herein described parcel; thence S 45°-09'-00" W along the last mentioned division line (459.00) feet to a point in the division line between lands

on the southwest now or formerly of Jenkins Management Co. Inc. and lands on the Northeast of the herein described parcel; thence N 31°-17'-00" W along the last mentioned division line (208.62) feet to a point in the division line between lands on the south now or formerly of the aforementioned Jenkins Management Co. Inc. and also along lands now or formerly of Hegeman, Schimmel, Aupperle, Kuzdzal, Bauss, Stiles, and Bohl and lands on the north of the herein described parcel; thence N 73°-14'-00" W along the last mentioned division line (739.70) feet to a point; thence the following three (3) courses are along the westerly and northwesterly boundary line of a proposed town road to be known as Amsterdam Avenue:

1. N 16°-46'-00" E (45.46) feet to a point;
2. In a general northerly direction along a curve to the right, having a radius of (300.00) feet, a central angle of 17°-41'-39" and an arc length of (92.65) feet to a point; and
3. N 34°-27'-39" E (10.39) feet to a point; thence the following four (4) courses are along the rear of Lot Nos. 63, 61, 57, 53 and 51 Brookhaven Lane:
 1. N 52°-35'-58" W (214.49) feet to a point;
 2. N 32°-32'-54" W (240.28) feet to a point;
 3. N 18°-13'-10" E (64.82) feet to a point; and
4. N 29°-33'-01" E (116.32) feet to a point in the southerly boundary line of Lot No. 47 Brookhaven Lane; thence S84°-18'-25"W along the last mentioned boundary line(25.00) feet to a point; thence the following five (5) courses are along the rear of Lot No. 47 Brookhaven Lane, through the land to be conveyed to the Town of Bethlehem and along the rear of Lot Nos. 39, 35, 33, 27, 23, 19, 15, 11, 9 and 5 Brookhaven Lane:
 1. N 18°-13'-10" E (166.73) feet to a point;
 2. N 8°-46'-50" W (582.30) feet to a point;
 3. N 17°-43'-10" E (350.00) feet to a point;
 4. N 50°-06'-29" E (142.95) feet to a point; and
 5. N 36°-39'-51" E (70.64) feet to a point in the division line between lands on the north now or formerly of William H. and Grace H. Walbiling and lands on the south of the herein described parcel; thence S88°-46'-00"E along the last mentioned division line (57.43) feet to a point in the division line between lands on the west now or formerly of William H. and Grace H. Walbiling and lands on the east of the herein described parcel; thence N04°-47'-36"E along the last mentioned division line(296.72) feet to a point in the division line (253.33) feet to a point in the division line between lands on the northeast now or formerly of Catherine Schoonmaker and lands on the southwest of the herein described parcel; thence S32°-13'-00"E along the last mentioned division line (253.33) feet to a point in the division line between lands on the northeast now or formerly of Andrew J. and Beverly A. Schoonmaker and lands on the southwest of the herein described parcel; thence S32°-13'-00"E along the last mentioned division line (101.60) feet to a point in the division line between lands on the north now or formerly of Andrew J. and Beverly A. Schoonmaker and lands on the south of the herein described parcel; thence the following two (2) courses are along the last mentioned division line:
 1. S 88°-46'-00" E (229.36) feet to a point; and
 2. N 79°-20'-00" E (51.48) feet to the point of beginning.

Containing 54.828 acres of land more or less.

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)

CHRISTINE MCNAMARA County of Albany, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 11 day of January 2006.

/s/ Christine McNamara

Sworn to before me this 17 day of January 2006.

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

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on January 11, 2006, 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
17th day of January 2006.

/s/ Julie McNeil
Notary Public

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The motion was made by Mr. Plummer and seconded by Mr. Kotary to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

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SUPERVISOR EGAN: Great, we are ready to take testimony then from anyone who would like to be heard in regard to the formation of a storm water drainage district for the Milltowne Plaza area. Please come forward. You need to just identify yourself.

MS. LEARY: Linda Leary. I am an attorney with Donald Zee's office and we represent the developer, Traditional Builders Limited. And, just for purposes of the Board and the audience, at this point, what the developer has agreed to do in conformance with the Town's requirements would be to construct the drainage district for a 93-lot subdivision. We will give to the Town a letter of credit for the construction and installation, which will be in the amount of \$400,620 to ensure that it is constructed and installed correctly. Also a letter of credit will be presented

thereafter for the maintenance of the system for the amount of \$30,100 and that will be in place to maintain the system until such time that the Town accepts it.

The other requirement was that the Town was concerned and wanted to make sure that anyone purchasing a home and a lot in the subdivision would be put on notice that this is a special drainage district and, therefore, in the future for the Town to be able to maintain it should it need to be cleaned, etc. that they would be subject to a special district tax for maintenance. So, that language is in the deed to each of the proposed homeowners, as well as, it will be noted in their contracts of sale.

SUPERVISOR EGAN: Does anybody have any questions for Ms. Leary? Great. Thanks, Linda. Is there anyone else that would like to give testimony in regard to this particular matter? Great. Do I have a motion to close the public hearing?

The motion was made by Mr. Gordon and seconded by Mr. Plummer to close the public hearing at 5:50 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Town Clerk

The Supervisor asked the Board if they had any questions or whether they were ready to take action on the previous public hearing matter. She noted there were a couple things that had to be done with regard to the establishment of the district.

First, Town Attorney Potter recommended a couple changes to the resolution. Mr. Potter said the first step would be to pass SEQR noting there are no negative impacts as indicated. This would be a negative declaration, he said. The second is the resolution to adopt the storm water district. A couple changes were made, noting the legal description had the elimination of the paragraph immediately following that as unnecessary, according to Mr. Potter. He said the second paragraph that refers to improvements in the amount of \$21,000 has also been eliminated, noting the Town will not be incurring a capital cost. He said that is actually a projected maintenance cost into the future and it is not necessary to include that in the resolution. He said the next paragraph will be retained and the final paragraph is eliminated that authorizes the Supervisor to execute an application. He said that is not an applicable procedure. He said the body of the resolution remains the same.

Supervisor Egan asked for a motion to approve the SEQR as a negative declaration.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve a negative declaration regarding SEQR for the Establishment of the Milltowne Plaza Drainage District. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The Supervisor next asked for a motion to approve the resolution for the Milltowne Plaza drainage district with corrections as noted by Town Attorney Potter. The following resolution was presented for adoption:

In the Matter of
Creating MILLTOWNE PLAZA

RESOLUTION APPROVING
MILLTOWNE PLAZA DRAINAGE DISTRICT

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

WHEREAS, a petition dated the 24th day of February, 2005,
Has been duly presented to the Town Board of the Town of Bethlehem, County of Albany,
State of New York, with the necessary map and plan attached thereto according to law,
requesting that there be creation of the Milltowne Plaza Drainage District, as hereinafter
described, to be established in the Town of Bethlehem and,

WHEREAS said Town Board duly adopted on the 28th day of December, 2005,
an order reciting in general terms the filing of said petition, the boundaries of said drainage
district, the improvements proposed, the maximum amount proposed to be expended for
said drainage district, and specifying that the said Town Board shall meet at the Bethlehem
Town Hall, 445 Delaware Avenue, Delmar, N. Y., on the 25th day of January, 2006, at
5:45 o'clock P.M., to consider said petition and hear all persons interested in the subject
thereof concerning the same, and

WHEREAS, certified copies of said order were duly published and posted
according to law, and the Town Board did, at the time and place specified in said order,
duly meet and consider the matters of the creation of said drainage district, and heard all
persons interested in the subject, who appeared at such time and place, concerning the
same and,

WHEREAS, the evidence afforded at such time and place requires that the Town
Board make the determinations hereinafter made:

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town
of Bethlehem, County of Albany, and State of New York that it be and hereby
is determined as follows:

1. The aforesaid petition is signed and acknowledged as provided by
law and is otherwise sufficient.
2. That all of the property and property owners within the proposed
drainage district are benefited thereby.
3. That all of the property and property owners benefited are included
within the proposed drainage district.
4. It is in the public interest to establish the proposed drainage district
as hereinafter described it, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the creation of
the MILLTOWNE PLAZA DRAINAGE DISTRICT, as hereinafter described:

Beginning at a point in the southwesterly boundary line of a town road known
as Wemple Road at its point of intersection with the division line between lands on
the north now or formerly of Andrew J. and Beverly A. Schoonmaker and lands on
the south of the herein described parcel, all as shown on a map entitled "Milltowne
Plaza Subdivision" dated February 27, 2002, last revised October 4, 2002, prepared
by Boswell Engineering and filed in the Albany County Clerk's office on October
16, 2002 in Drawer No. 172 as Map No. 11232; thence running from said point of
beginning the following four (4) courses are along the first mentioned
southwesterly boundary line of a town road known as Wemple Road:

5. S 24°-11'-00" E (66.99) feet to a point;
6. S 31°-13'-00" E (197.46) feet to a point;
7. S 38°-30'-00" E (270.97) feet to the point; and
8. S 42°-06'-00" E (876.04) feet to the point in the division line between
lands on the southeast now or formerly of Margaret H. and Richard J. Thayer and
lands on the northwest of the herein described parcel; thence S 47°-54'-00" W
along the last mentioned division line (288.08) feet to a point; thence the following
three (3) courses are along the rear of Lot Nos. 281, 271 Wemple Road, Lots 42,
46, 50 and 54 Huntswood Lane:
 4. N 41°-29'-45" W (248.73) feet to a point;
 5. S 24°-42'-08" W (431.10) feet to a point; and
 6. S 58°-46'-02" E (422.39) feet to the point in the division line between lands
on the southeast now or formerly of Delmar Development Partners, LLC and lands
on the northwest of the herein described parcel; thence the follow two (2) courses
are along the last mentioned division line:
 3. S 52°-22'-58" W (246.05) feet to a point; and

4. S 51°-20'-15" E (81.60) feet to a point in the division line between lands on the southeast now or formerly of Carl L. and Margaret H. Barkman and lands on the northwest of the herein described parcel; thence S 45°-09'-00" W along the last mentioned division line (459.00) feet to a point in the division line between lands on the southwest now or formerly of Jenkins Management Co. Inc. and lands on the Northeast of the herein described parcel; thence N 31°-17'-00" W along the last mentioned division line (208.62) feet to a point in the division line between lands on the south now or formerly of the aforementioned Jenkins Management Co. Inc. and also along lands now or formerly of Hegeman, Schimmel, Aupperle, Kuzdzal, Bauss, Stiles, and Bohl and lands on the north of the herein described parcel; thence N 73°-14'-00" W along the last mentioned division line (739.70) feet to a point; thence the following three (3) courses are along the westerly and northwesterly boundary line of a proposed town road to be known as Amsterdam Avenue:

4. N 16°-46'-00" E (45.46) feet to a point;
5. In a general northerly direction along a curve to the right, having a radius of (300.00) feet, a central angle of 17°-41'-39" and an arc length of (92.65) feet to a point; and
6. N 34°-27'-39" E (10.39) feet to a point; thence the following four (4) courses are along the rear of Lot Nos. 63, 61, 57, 53 and 51 Brookhaven Lane:
 5. N 52°-35'-58" W (214.49) feet to a point;
 6. N 32°-32'-54" W (240.28) feet to a point;
 7. N 18°-13'-10" E (64.82) feet to a point; and
 8. N 29°-33'-01" E (116.32) feet to a point in the southerly boundary line of Lot No. 47 Brookhaven Lane; thence S84°-18'-25"W along the last mentioned boundary line(25.00) feet to a point; thence the following five (5) courses are along the rear of Lot No. 47 Brookhaven Lane, through the land to be conveyed to the Town of Bethlehem and along the rear of Lot Nos. 39, 35, 33, 27, 23, 19, 15, 11, 9 and 5 Brookhaven Lane:
 6. N 18°-13'-10" E (166.73) feet to a point;
 7. N 8°-46'-50" W (582.30) feet to a point;
 8. N 17°-43'-10" E (350.00) feet to a point;
 9. N 50°-06'-29" E (142.95) feet to a point; and
10. N 36°-39'-51" E (70.64) feet to a point in the division line between lands on the north now or formerly of William H. and Grace H. Walbiling and lands on the south of the herein described parcel; thence S88°-46'-00"E along the last mentioned division line (57.43) feet to a point in the division line between lands on the west now or formerly of William H. and Grace H. Walbiling and lands on the east of the herein described parcel; thence N04°-47'-36"E along the last mentioned division line(296.72) feet to a point in the division line (253.33) feet to a point in the division line between lands on the northeast now or formerly of Catherine Schoonmaker and lands on the southwest of the herein described parcel; thence S32°-13'-00"E along the last mentioned division line (253.33) feet to a point in the division line between lands on the northeast now or formerly of Andrew J. and Beverly A. Schoonmaker and lands on the southwest of the herein described parcel; thence S32°-13'-00"E along the last mentioned division line (101.60) feet to a point in the division line between lands on the north now or formerly of Andrew J. and Beverly A. Schoonmaker and lands on the south of the herein described parcel; thence the following two (2) courses are along the last mentioned division line:
 1. S 88°-46'-00" E (229.36) feet to a point; and
 2. N 79°-20'-00" E (51.48) feet to the point of beginning.

Containing 54.828 acres of land more or less.

And be it FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized and directed to file a certified copy of this resolution in duplicate in the Office of the State Department of Audit and Control at Albany, N.Y., together with an application in duplicate for permission to so create said drainage district in the

manner and form prescribed by Section 194 of the Town Law of the State of New York within ten (10) days after the adoption of this resolution, and be it

The foregoing resolution was presented for adoption by Mr. Messina, seconded by Mr. Gordon and duly adopted by the following vote:

AYES: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary

NAYS: None.

ABSENT: None.

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Supervisor Egan thanked Town Attorney Potter, Town Engineer Erik Deyoe, Oliver Holmes Commissioner of Public Works and Bob Feller worked very hard along with Terry Ritz for getting this done.

The next item was a presentation by BBL of Draft Design Feasibility Study and Economic and Fiscal Impact Analysis for Technology Campus. Supervisor Egan asked Mr. Hebert to continue. Mr. Hebert with BBL Development and there were 2 presentations. One was a feasibility study done by Creighton Manning Engineering at the request of DOT to allow for an application by the Town for a betterment to transform a planned right-in, right-out intersection for the VISTA technology park to a roundabout intersection. He presented some of the information about the study.

Mr. Hebert noted Mr. Rob Camoin from Camoin Associates, their economic impact analysts also did a brief presentation on the economic impact to the area.

Mr. Hebert said the betterment is the roundabout proposed for the LaGrange Road existing road location where it would intersect the Bypass. He said through the feasibility study, they think a roundabout with the same design as used in the other roundabouts would be appropriate. He noted wetlands were also examined and would not be affected. He said there would be a new Town road at the entrance to VISTA and sidewalks would be maintained by the municipality. He said DOT maintains lighting within the intersection unless a special agreement with the Town is requested to deal with ornamental lighting. He said he thinks this is a secondary issue.

Mr. Hebert said the permits are a straightforward process and they will apply for the highway work permit and do a full traffic analysis study and do engineered plans for submittal to DOT for review and approval. He said the level of service at this intersection at full build-out in 2015 is level service A in the morning and C in the p.m. A level is excellent and level C is acceptable for traffic, according to Mr. Hebert.

Director Leveille noted another advantage of the right in, right-out or the roundabout is that under the right-in and right-out, movements would be in right/out right, forcing traffic back into another roundabout and back down New Scotland Road. He said the advantage of the roundabout is it allows traffic to make a left turn movement to hear out of the Town. He said they feel most of the traffic for this development will be commuting in the morning and out in the evening.

Councilman Plummer inquired about the number of roundabouts in a short distance. Director Leveille said there is enough space between that that should not be a problem. He noted sometimes the roundabouts have a tendency to slow traffic, which would be beneficial in this area. Mr. Plummer then asked if this roundabout would be similar to the one in Voorheesville. Supervisor Egan said that one is a single lane and is smaller while this is a double lane. The Supervisor said Malta has 5 in an area that is less in length and this area.

Councilman Kotary asked if there was any information on the speed limits that will be proposed for this area. Mr. Leveille said this has been a topic that has been discussed at length. He said the goal and design objective is to maintain a smaller speed. He said they would like this to have a local main street feel as

opposed to a highway. He said DOT determines speed based on what actually occurs when vehicles get on there. He said they will be doing tests of the vehicles coming through this area and determine a safe speed. Mr. Leveille said they are hoping for 40 or 45 miles per hour.

Supervisor Egan asked Director Leveille to explain the betterment and why it is being proposed. Mr. Leveille said the advantage of the betterment is if the municipality requests a betterment at the beginning of a project, then DOT will design the project and under the unit costs in their bid, the betterment will be constructed. He said it allows for the coordination of design and the construction so that the road is not built and then a year later a developer comes in a year later for a work permit to rip it all up and build their improvement. He said allows the planning to go on together, the pricing to be done once and the coordination to occur simultaneously for the construction. Mr. Leveille noted the SEQR work for the project must be completed before DOT can actually build the betterment. He said they are trying to coordinate the schedules so that the SEQR process that began last month will conclude at about a time when they are getting ready to get in here and start completing this design and construction about a year from now.

Councilman Gordon asked why the assumptions related to traffic were made and noted people from Bethlehem and other areas would be working at this location. Mr. Hebert said as large a park as this is with all the businesses they are marketing toward, not just here but nationally, there is going to be a large mix of different individuals from the whole Capital Region that will be working in this park. He said it is almost academic that a good percentage of that traffic volume will be coming from all parts. He said they converge at 90 and 85 and will come right down through the Bypass into the park. Director Leveille noted this is a typical suburban pattern where people leave and where they wind up to work other than the central like Albany where you have a migration of workers into the city. He said we are near that core here and many workers will be coming from outside the Town and typically from the north, west or east using the highway system.

Director Leveille noted ultimately there would be an agreement between DOT and the Town for the betterment. He said the Town is working on other betterments that relate to infrastructure and extensions and things of that nature. He said they would be formal agreements. He said at this point, that is all they want to do.

Mr. Camion of Camion Associates next covered the fiscal impact study to give an overview of the economic benefits that will be a result of the development of the campus.

Supervisor Egan noted VISTA is offering the creation of a trail system throughout the park. She noted that was a heads up to CACC. She said this may be one of their first tasks to work with BBL. Mr. Hebert said he would like to sit down and review the thoughts on that. Supervisor Egan thanked Mr. Hebert.

Mr. Camion thanked the Board. He said it is an exciting project for the Town and the Capitol Region as a whole. He said the report was done last year and some minor changes have been done to the Empire Zone program both State and local. He said they wanted to modify the report to reflect those changes, nothing major. He said the difference between the economic impact study and a fiscal impact study is that economic impact study really assess more or less jobs, output which is often times related as sales, earnings. He said fiscal really converts that into what does that mean to a taxing jurisdiction. He said there are costs and benefit involved.

Mr. Camoin said LOCI takes into account both the costs and benefits. He said benefits include investment into the facility, spending going on in the community while that is happening, once it is up and running and operating spending by both businesses, as well as, employees that are working their in the community. He said the cost includes any subsidy for making the project happen, any operating support, i.e. pilots for example for its operation, as well as, any costs whether it be public safety, highway work that is required. He said the LOCI

model is a background developed by George Tech and widely recognized and used. He said they used Implan also which is done through the University of Minnesota. He said that provides some of the input into the LOCI model, which is multipliers, which it really assesses or measure one new dollar into a local economy churns before it then ups, and leaves.

Mr. Camoin said project inputs are jobs that are created, total wages that will be paid, investment in the facility, sales that are going to be made by the businesses that are part of the facility, their purchases, utility consumption, and community data that was inputted. He said that included demographics, economic data, the budget, school district budgets, tax rates, etc. He said and then of course there are formulas that are a part of the LOCI model. He said estimates for construction, based on the size of the project, the number of employees, and again, the Implan that uses the multipliers that are input which are specific to Albany County. He said they also use the LOCI model to calculate and punch out numbers that are specific to the Town of Bethlehem and the school district.

Mr. Camoin noted they looked at the economic impact to Albany County as a whole with a facility of this size and after 10 years once it is up to 90 percent occupancy, there is approximately 4,000 jobs that are going to be there. He said when you account for those new jobs and the businesses that help support the businesses that are in the park, you really are looking at close to 7,500 new jobs throughout Albany County as a whole. He said this is a significant project. He said you are looking at a very significant impact to the County.

Mr. Camoin said they take the information through LOCI and look at what it means to the school district in financial terms and to the Town. He said not all projects are positive and when this analysis is done, they do not always reflect such good results. He said given the assumptions, they are looking at a net impact to the school district when you sum up 20 years of additional tax revenues that are going to come into the school district, 50.8 million dollars in additional tax revenue.

Mr. Camoin said the Town is not quite so significant but if you look at the tax bill the majority of it is going to the school district. He said the net effect over a 20 year period is 2.5 million dollars almost. Town Attorney Potter asked if there was any inflation adjustment built into this for the years beyond the first few. Mr. Camoin said these are in today's dollars. He said those numbers with inflation could be higher.

Councilman Plummer asked if he read correctly that some of the Empire Zone changes would make this eligible about 20 percent. Mr. Camoin said 20 percent would not be eligible for Empire Zone and thus may look for a Pilot to replace that. Mr. Plummer said 80 percent of the entire build out would be eligible for Empire Zone designation. Mr. Camoin said that was correct. Mr. Plummer further asked if the Town has that designation now. Director Leveille said the Town does, noting they recently approved resolutions supporting Albany County's amendments and made this part of the Albany County Empire Zone. Mr. Plummer said the figures reflects that 80 percent. Mr. Camoin said it did. Mr. Plummer said the 20 percent would be IDA incentives. Director Leveille said they assumed modest abatements, middle of the road, typical 45 feet type just to account for the fact they may not all be Empire Zone eligible. He said you have to remember that Empire Zone reimburses the company for what taxes they pay to the local jurisdiction so the Town is 100 percent paid. Councilman Plummer asked Director Leveille if the company comes to the IDA, they are automatically eligible or does it depend on the kind of activity that they do. Director Leveille said it depends on the business itself meeting the qualification tests. He said the area has been designated to enable the companies to apply for benefits.

Councilman Messina said in the final part of the analysis, noting he has looked at these modeling things before, the effect of such a contribution would mean either an increase in services provided by jurisdictions or a reduction in property tax rates. He thinks for the Town Board as they move forward, that

balance and achieving goals in both those directions and working with the school board is kind of where the action is at.

Supervisor Egan thanked Mr. Camoin. Mr. Moran asked what language has to be made to get the wildlife out of the area. He said he just got hit and has back problems, noting there is a large population of deer in this area. He talked to the Supervisor about it and she said you couldn't do anything about it. He asked where they were going to put the wildlife, back over into Slingerlands and that area. He said the studies are made but do they ever consider the impact on wildlife. Director Leveille said as part of the environmental review process would be the proper time to raise this question. He said there will be a lot of public meetings in that regard. He said they do take that into consideration. He said they will do things to try and maintain a healthy habitat for the wildlife that is there. Supervisor Egan thanked Mr. Moran.

Supervisor Egan asked if there was anything else. There was nothing. She asked for a motion authorizing the betterment place holder with DOT for the roundabout for the entrance to the VISTA.

The motion was made by Mr. Gordon and seconded by Mr. Messina to authorize the betterment place holder with DOT for the roundabout for the entrance to the VISTA. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Egan next introduced the CACC Members that were in attendance at the meeting. She said these are familiar faces and thanked each person for serving on the CACC.

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The Supervisor said the next item was a discussion of creation of Quadracentennial Committee. Supervisor Egan said she provided correspondence that was received from the State committee. She said 2009 is the 400th anniversary of Henry Hudson sailing up the Hudson River. She noted she has been talking to Mr. Mathusa for the last couple years about this and it is upon the Town to get motivated and operational and get ready for this celebration. She said the State committee is asking for information in regard to if there is a committee, does the Town have funding sources in place or what types of things the Town is thinking about. She said she would like to start tasking a group of willing volunteers to kind of take this over and getting involved. She said the State committee has already established a tentative calendar as to locations where events will be happening during 2009. She said she would like our Town group to be represented as we move through this. Her thoughts, she said, as Parker has graciously volunteered to jump in and get involved and there are other people he has proposed and if everyone seems to be on board with this, she said they will get some kind of formal presentation or proposal to the Board for the next Board meeting. She said it would be a small committee to start with until they got moving and determined if they need more members or not.

Councilman Messina said his feelings are that given the organizations and communities that are already involved and the leadership that is committed to this, we should be involved and he is glad we are moving forward to establish this. He said he sees a real opportunity here to connect this with several things, one being the local waterfront revitalization program initiative. He said he does not see any down sides to the Town's active involvement.

Supervisor Egan said she will work with Mr. Mathusa between now and the next Board meeting and get some quick ideas and let the committee work from there.

The Supervisor noted IMAC had their first formal interview with their first department and it went very good. She said she got feedback from the Department head and they are working on putting the first report together that will be coming to the Town Board. She thinks in general form they now know what that form will look like. She said there would be a general synopsis as to what has happened and copies of the generic and special questionnaire that went to the particular department with an overview of how the interview went and then some suggestions from IMAC to the Town Board as to future actions. She said they would be working to put that together.

Supervisor Egan said they have reports from every department and it is overwhelming on certain days with some of the paperwork. She noted the intern started working and will be coming to a Board meeting. She said he produced more work than they have seen in quite a while.

Supervisor Egan said a couple things not on the agenda; she provided letters to the Board from the YMCA. She said it was from Bill Flynn who is a Board Member of the YMCA and indicated the YMCA is before the Planning Board for the addition to the facility and through the process there were some changes that occurred and a request that came as a result of a traffic study that happened at the end of last year which slowed down the process from the YMCA's Board perspective. She said the Planning Board has done an awesome job staying on top of this and making sure the Town is protected and it looks like the YMCA is slated for a February 7th calendar. She said their approval should be coming the first week in February.

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Supervisor Egan introduced Brian Wood of Albany County EMS. The Supervisor said the Town pays \$370,000 pays to Albany County to provide EMS services.

Mr. Brian Wood gave an overview of the service since the program began 10 years ago and a lot has changed since then, noting the new Board Members and administration. He showed some of the changes in a PowerPoint presentation.

Mr. Wood said they cover the 6 towns south of Albany. He said the staffing has also grown indicating their current numbers. He also mentioned there are (3) three vehicles operating 7 days a week 24 hours a day. Mr. Wood also mentioned the numbers in regard to eligible candidates to fill their needs. He said full time staff now is up to 4. He said there are 39 part time paramedics and 12 emergency medical technicians. He said in 2005 the last civil service list had 5 candidates for 4 positions. He said there is a serious staffing issue, not just faced by Albany County but by pretty much in the Northeast because of the large transitional over to paid staffing, most of the municipal ambulance and EMS agencies because of the day time problems. He said in 1996 there might have been 10 agencies region wide. He said pretty much now every county now in the 6-country region that covers and governs paramedics in this area are paid.

Mr. Wood said in regard to calls, 3800 in 1997 and they just finished up their stats, 4534 calls and almost 3,000 in Bethlehem. He said in 1997 they had 4 vehicles blanketed throughout the area that is covered now and no back-ups. He said now they are on a 4-year replacement program now. He said they have 4 primary ALS vehicles, 2 command support vehicles and 3 spare vehicles. He said they placed a new command vehicle, which broadens the capabilities to help with fire fighters on limited victim incidents. He said the vehicle will not handle a plane crash but a motor vehicle accident with multiple patients, they can handle. He said additional ALS gear is also on board.

Mr. Wood next reviewed the equipment used with the vehicles.

Mr. Wood also gave information regarding their budget. He commented that there is not a lot of overhead built into their budget. He said they do not have a

lot of administrative staff, managers, tied up in offices. He said they try to keep them all in the field to keep the cost down.

Mr. Wood also exhibited the pay scales for agencies within the region that are comparable to this service. He said this is the lowest cost service in the area and does not mean that they cannot attract people because of money. He said they offer good work conditions, flexible schedules but it shows that sometimes you run into a case where you get a paramedic that works a couple part time jobs.

Mr. Wood said some of the numbers exhibited are not set in stone. He said EMS is the third service in the emergency services triangle. He said police and fire departments have been around for 100 or 125 years and they have had time to build some of their salaries. He said the second thing is the respect and notoriety that they are a 3rd service and they are part and part of the emergency services triangle.

Mr. Wood said the future challenges include recruitment – more and more agencies every year another agency comes on board – they hire people and they take away from the core group of people. He said a couple hundred calls a year are added. He said Bethlehem occupies a huge percentage of their calls.

Councilman Gordon asked who the medical director was. Mr. Wood said a doctor out of St. Peter's and works closely with Mike Daley who is Delmar's Medical Director and Dr. Oshcall who lives in the southern end of Town. He said these 3 doctors really help in Town and they will respond if they hear something really bad. He said there is no limit to what they can do if a doctor is on site.

Councilman Messina thanked Mr. Wood for the work they do all the time. Mr. Wood said no problem.

Supervisor Egan asked if there were any other questions and thanked Mr. Wood. She commented now they know where the money goes.

Supervisor Egan asked if there any other comments before the end of the meeting. She asked for a motion to go to adjourn to Executive Session to discuss pending litigation.

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

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

The motion was made by Mr. Messina and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 6:55 p.m. The motion was carried by the following vote:

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

Town Clerk

EXECUTIVE SESSION

The motion was made by Mr. Kotary and seconded by Mr. Gordon to approve the settlement of the GEH San Partnership v. Town of Bethlehem

certiorari as discussed in executive session. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

Abstain: Mr. Plummer.