

TOWN BOARD  
JANUARY 26, 2005

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  
George Lenhardt, Councilman  
Thomas Marcelle, Councilman  
Tim Gordon, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Egan invited everyone to join in the pledge of allegiance. She thanked everyone for coming and opened the meeting with public comment on any item on the agenda. Mr. William Kelleher handed a statement to the Board Members. He said he agrees with the Town's plan to hire a Commissioner of Public Works who is also a licensed professional engineer. He had one recommendation to make and that was that the position should be covered by Civil Service. He said let's eliminate politics from engineering completely, noting it has done a lot of harm to this town.

Mr. Kelleher said the personnel in the Engineering Division must have experience, take pride in representing the town and know that every time there is a change in the town's administration they do not have to worry about losing their job.

Supervisor Egan said the town engineering position is Civil Service protected. She said the DPW Commissioner position is not, noting it is two different positions. Mr. Kelleher said he understood that, noting he has looked at the description of the positions last year and he understood that the town engineer requires a PE license and that would be covered by Civil Service. He said the description for the engineer prohibits the town engineer from getting involved in water or sewerage, noting the town does need a licensed engineer for the water and sewerage. He said previously there were a lot of engineers brought on as consultants and reports were compiled. Supervisor Egan thanked Mr. Kelleher.

Mrs. Capone, resident, said she was going to bring a point up about the cost of prescriptions and the seniors who cannot afford them. She said every 2 years the people get a raise but the seniors do not get it. She said they have to live with what they have. She said the costs keep going up. She said the format of the town is being changed and hiring's are being done saying they are going to have to pay for it. She asked that they think of the seniors when they do everything. She thanked the Supervisor. Supervisor Egan thanked Mrs. Capone.

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The first item was to approve the Town Board minutes of January 12, 2005.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the Town Board minutes of January 12, 2005 as submitted. The motion was passed by the following vote:

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

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The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of use of Recreation Capital Reserve Funds

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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.

for repair and paving to parking lots at Elm Ave Park and North Bethlehem Park and remarcite of the L Shaped pool at Elm Avenue Park. Supervisor Egan said there is a notice for the permissive referendum authorizing \$85,000 for these matters.

The following resolution was presented for adoption:

**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 26<sup>th</sup> day of January 2005, 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 pave and repair parking lots and roadways at North Bethlehem Park, and Elm Avenue Park, and remarcite the L-shaped pool at Elm Avenue Park, and

WHEREAS, it is estimated that the costs of said work will be approximately \$85,000 and,

WHEREAS, in recognition of these needs, funds for such construction are in the Recreation Capital Reserve Account; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the parking lots, connector roads, and pool remarciting and,

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve monies to fund this project up to a maximum amount of \$85,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Recreation Capital Reserve Account the funds necessary up to \$85,000 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. Lenhardt, was seconded by Mr. Plummer and duly adopted by the following vote:

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

NOES: None.

ABSENT: None.

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The following request was from Administrator, Nan Lanahan, Parks and Recreation Department, for approval to use Recreation Capital Reserve Funds for renovation of toddler spray pool at Elm Avenue Park, including engineering services. Supervisor Egan noted funds have been set aside for this project for several years and a target completion date is set for May 2006. She said the area is over 30 years old and not adequate at this time.

The following resolution was presented for adoption:

**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 26<sup>th</sup> day of January 2005, 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 renovate the toddler spray pool area with new water play equipment and mechanical upgrades at Elm Avenue Park, and

WHEREAS, it is estimated that the costs of said work will be approximately \$400,000 and

WHEREAS, in recognition of these needs, funds for such construction are in the Recreation Capital Reserve Account; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest and safety to renovate the toddler spray pool area with water play equipment and mechanical upgrades and,

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve monies to fund this project up to a maximum amount of \$400,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Recreation Capital Reserve Account the funds necessary up to \$400,000 in said reserve fund; and

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

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

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

NOES: None.

ABSENT: None.

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The next item was to acknowledge receipt of the Town Historian, Joseph Allgaier's, annual report for the year 2004. Supervisor Egan said he has been busy and is gearing up for the 2009 400<sup>th</sup> celebration of Henry Hudson being here. She said he has been in contact with the county trying to get something moving on that. Supervisor Egan officially thanked him for all of his services and wish him well in his new endeavor with the County.

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Request from Department of Public Works, Engineering Division, for approval of reduction of bonding for Delmar Village, Phases 1 and 2. Supervisor Egan noted this was work completed in 2001 and there is a little work to be done, however, this request is to reduce the bond to \$35,000. She said the builder also requested this be made retroactive to August of 2001 and there has not been the establishment of any authority for the Board to do this.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to approve the reduction in bonding for Delmar Village, Phases 1 and 2 to a new bond amount of \$35,000 effective this date as requested by Delmar Development Partners, L.L. C., Connecticut, and recommended by Terrence Ritz, Engineering Division, Department of Public Works. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The following item was to adopt the resolution setting fees for the conduct of elections for the year 2005. Supervisor Egan noted the surrounding area fees were reviewed and feel this is in the middle of the fees.

Councilman Plummer inquired about the party representatives, asking what that was for. Town Clerk Newkirk explained it has been on the schedule each year and indicated these are people from each of the political parties who review the machines prior to election for accuracy. Councilman Plummer asked if it was limited to just that. Town Clerk Newkirk indicated it was.

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

RESOLVED, that in accordance with Election Law, Section 3-420, and Town Law Section 27, Subdivision 2, the following shall be the fees for the election officials for 2005:

Inspector	Primary \$100.00
(Presidential year when 2 days	Registration Day \$30.00

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are required)	Registration Day \$60.00
	Election Day \$130.00
	Instructions \$10.00
Chairman	Return of Supplies to Town Clerk's Office \$8.00
	Mileage for above returns and instructions per mile \$.30
Poll Clerks	Election Day \$125.00
Janitors Primary Day and Election Day -	\$25.00
Custodians	Per Machine \$20.00
Technicians	Per Day \$32.00
Party Representatives	\$10.00 per hour

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

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The following item was to adopt the resolution setting polling locations for conduct of elections for the year 2005.

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

RESOLVED, that in accordance with Election Law, Article 4, Subdivision 4-104, the Town Board of the Town of Bethlehem, hereby designates the following named locations as polling places for any election to be held in the Town of Bethlehem effective May 1, 2005 through April 30, 2006:

<u>District</u>	<u>Polling Location</u>
1	North Bethlehem Fire House 589 Russell Road, No. Bethlehem
2	The Terrace at Beverwyck 41 Beverwyck Lane, No. Bethlehem
3	Slingerlands Fire Dept. 1520 New Scotland Rd., Slingerlands
4	First United Methodist Church 428 Kenwood Ave., Delmar
5	Elsmere Grade School 247 Delaware Ave., Elsmere
6	Bethlehem Town Hall 445 Delaware Ave., Delmar
7	Slingerlands Fire Dept. 1520 New Scotland Rd., Slingerlands
8	Bethlehem Town Hall 445 Delaware Ave., Delmar
9	Bethlehem Library 451 Delaware Ave., Delmar
10	First United Methodist Church 428 Kenwood Avenue, Delmar
11	Educational Services, BCHS 90 Adams Pl., Delmar
12	Elsmere Fire Department 15 West Poplar Dr., Elsmere
13	Selkirk Fire Dept. #2 Glenmont Rd., Glenmont
14	Parks & Recreation Building 261 Elm Ave., Delmar
15	Bethlehem Town Hall

16	445 Delaware Ave., Delmar Bethlehem Lutheran Church
17	85 Elm Ave., Delmar Delmar Fire Dept. 145 Adams Pl., Delmar
18	Hamagrael School 1 McGuffy Lane, Delmar
<u>District</u>	<u>Polling Location</u>
19	Bethlehem Central Middle School 332 Kenwood Ave., Delmar
20	St. Stephen's Episcopal Church Elsmere Ave at W. Poplar Drive, Delmar
21	Glenmont Grade School 328 Route 9W, Glenmont
22	Selkirk Fire Dept. #2 301 Glenmont Rd., Glenmont
23	Adams Station Apartments 1 Juniper Drive, Delmar
24	Delmar Fire District Annex Feura Bush Rd., Delmar
25	Glenmont Grade School 328 Route 9W, Glenmont
26	Bethlehem Vol. Ambulance Service 1121 Route 9W, Selkirk
27	Parks & Recreation Building 261 Elm Ave., Delmar
28	Bethlehem Historical Museum 1003 River Rd., Selkirk
29	Selkirk Fire Dept. #3 3 Bridge St., So. Bethlehem
30	Selkirk Fire Dept. #1 Maple Ave., Selkirk

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

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The next item was a request from Building Inspector, Mark Platel, for approval of renewal of dumping permit for 81 Beaver Dam Road, Selkirk.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the renewal of a dumping permit for Mr. Angelo Gigliotti, 81 Beaver Dam Road, Selkirk, New York as requested by Mark Platel, Building Inspector. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was a request from Commissioner of Public Works, George Leveille, for approval to go to bid for Chemicals and Materials. Could advertise February 2, 2005 and open bids on February 16, 2005.

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

WHEREAS, the Town desires to advertise for bids for the purchase Chemicals -- Commercial Sulfate of Alumina and Activated Carbon and Liquid

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Chlorine in 150 lb cylinders and one (1) ton cylinders—for the year 2005, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 2<sup>nd</sup> day of February, 2005 and that bids be received up to 2:45 p.m. on the 16th day of February, 2005 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

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

WHEREAS, the Town desires to advertise for bids for the purchase of Materials for the year 2005, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 2<sup>nd</sup> day of February, 2005 and that bids be received up to 3:15 p.m. on the 16th day of February, 2005 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

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The following item was a request from George Leveille, Commissioner of Public Works, for approval to go to bid for Directional Drilling Services. Could advertise February 2, 2005 and open bids on February 16, 2005.

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

WHEREAS, the Town desires to advertise for bids for Directional Drilling Services, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 2<sup>nd</sup> day of February, 2005 and that bids be received up to 3:00 p.m. on the 16th day of February, 2005 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None

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The next item was to acknowledge receipt of the Preliminary Plat for the Troubador Estates Subdivision, Route 9W, Selkirk from the Planning Board for information purposes.

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The following item was a request from Chief of Police, Louis Corsi, to permit carryover of vacation time for detective. Supervisor Egan noted this was Detective John Cox, noting the town policy does not permit the carry over of

vacation time except in certain cases. She said the Police situation is a little more complicated having to do with contract requirements. The Supervisor noted in this particular case, Detective Cox was out on medical leave for a good portion of 2004 and has over 200 hours accumulated vacation time. She said because of the language in the contract, it only allows a carry over of vacation time with approval of the Chief of Police or other wise it cannot be carried over unless it had to do with on the job injury or direction of the Town. She said there has been a request of the Board on behalf of Detective Cox and the Police Department to make an exception to this particular policy in this case. She asked if the Board had any questions or comments. There were none.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the carryover of vacation time for Detective Cox as requested by Chief of Police Louis Corsi. The motion was passed by the following vote:

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

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The following item was a request from Chief of Police, Louis Corsi, for approval of appointment of a Telecommunicator. Supervisor Egan noted this appointment is from a certified list of eligible candidates as provided by the Civil Service Commission and is a budgeted position.

The motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the appointment of Jared L. Willard, Watervliet, New York to the position of Telecommunicator effective January 29, 2005 at an annual salary of \$33,522 as requested by Louis Corsi, Chief of Police. The motion was passed by the following vote:

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

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The next item was a request from Chief of Police, Louis Corsi, to accept donation to DARE. Supervisor Egan noted Ms. Farr is one of the more regular contributors to the DARE program and it is most appreciated.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the acceptance of a DARE donation from Nancy Farr in the amount of \$30 as requested by Louis Corsi, Chief of Police. The motion was passed by the following vote:

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

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The next item was a request from Louis Corsi, Chief of Police, for authority for Supervisor to execute DCJS grant. Supervisor Egan noted the grant was received in the approximate amount of \$50,000. She noted there is a match but it has already been budgeted in the 2005 budget.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Supervisor executing the DCJS grant in the approximate amount of \$50,000 as requested by Louis Corsi, Chief of Police. The motion was passed by the following vote:

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

Absent: None.

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The next item was a request from Supervisor Egan to appoint a new Commissioner of Public Works effective 2/28/2005. The Supervisor said as many people know, they have been chatting about it for quite a few months, the need to do some restructuring internally in regard to making the workings of town government a little more professional and effective. She said they have advertised for Town Engineer and they recognized that it was important to have a license Professional Engineer on staff. She said there is one but they felt it was important to have another one. She said in the process they were lucky to have several qualified candidates who applied and went through an interview process. She said both of the final candidates are town residents. She said she feels both are going to be incredible assets to the Town of Bethlehem.

Supervisor Egan said the Town Engineer position is not subject to Board approval and is an appointed position that Mr. Leveille will be making. Mr. Eric Deyoe has accepted the position and introduced Mr. Deyoe. Mr. Deyoe said he was working for the City of Albany and said it is a pleasure to work for the Town of Bethlehem where he lives. He said he is excited about being here because a lot of the great things happening in town. Supervisor Egan thanked Mr. Deyoe.

Supervisor Egan said the second individual is Mr. Leveille who is being fired as Commissioner of Public Works. She noted she became acquainted with Oliver Homes through the interview process and I became clear he had tremendous assets that he could offer to the Town. She said he is a town resident and introduced Mr. Holmes. She said she would like a motion to appoint Mr. Holmes. She asked if anyone had any questions of Mr. Holmes.

Councilman Plummer said he would like to make a statement that Mr. Holmes' experience and responsibilities with the capital budget in excess of 200 millions dollars at Williams College and noted the town is not quite at that level yet. Mr. Holmes said that was okay. Councilman Plummer said we do not want to get to that level that quickly either. Mr. Holmes said he is looking forward to working with the town also and noted it is a wonderful opportunity.

Councilman Lenhardt said this position is appointed every 2 years as discussed asking if this was correct. Supervisor Egan said this one is a 2 year position. She said Mr. Holmes will be effective for the 2 year position.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of Oliver Holmes to the position of Commissioner of Public Works, effective February 28, 2005 at a salary of \$84,495. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was a request from Supervisor, Theresa Egan, to appoint new Director of Economic Development and Planning effective February 28, 2005.

Supervisor Egan noted as she indicated, she fired Mr. Leveille and now would like to rehire him. She said one of the things being done is trying to identify areas here within town government that can be made more efficient and more professional and make things more streamlined. She said one of those things as discussed is combining planning and building and economic development. She said as most everyone knows when Mr. Leveille came on his background was in economic development for many, many, many years. She said it is important to get him back doing what he does best. As everyone knows according to the charts provided to the Board, Supervisor Egan said they are looking to combine building,

planning and economic development including a portion of the engineering staff being taken for plan review. She said at this time the request is to approve the appointment of Mr. Leveille.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the appointment of Mr. George Leveille to the position of Director, Economic Development and Planning effective February 28, 2005.

Councilman Lenhardt noted this one at this time is an annual appointment and confirmed that this is the one that is being researched. Supervisor Egan said that was correct.

Councilman Marcelle said he had one comment. He said this is a great opportunity to for the town. He said he thinks when he first got involved and decided to run, one of the things he thought was universally recognized in the town was a perception if not a reality that people who wanted to build businesses and develop commercial properties were inhibited to do so in a timely fashion. He said it was not economically feasible because of some of the inefficiencies inherent in Town government. He said he thinks this appointment and Mr. Leveille's appointment in particular will address some of those concerns. He congratulated Mr. Leveille and Supervisor Egan for a step in the right direction. Supervisor Egan thanked Councilman Marcelle. Councilman Lenhardt concurred.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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Supervisor Egan officially commended and thanked Mr. Leveille for everything. She said he got thrown into a position last year at her request and came in and did a phenomenal job. She said they have laughed and when she is feeling bad for him, Mr. Leveille would say it is just water and pipes. She said he has done a great job taking some very difficult and complicated situations and working through them. She told Mr. Holmes the good thing is that he is still here to help out and at the same time the town can utilize his strengths in the new position.

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The next item was a request from Supervisor Egan for use of Capital Reserve Funds for remodeling of Town Hall. Supervisor Egan said as a result of these 2 new position employees, the town hall is bursting at the seams and she said often times she is sitting at the desk with her assistant because her office is being used for conference rooms. She said having looked at this, there are a couple things that have happened. She said as previously mentioned there will be a space needs request for proposal sent out for study of a town-wide look at the facilities. She said there is a short time problem of space and renovations will be done at the town hall. In order to accomplish the work, there was a request for use of Capital Reserve Funds for the remodeling of Town Hall in an amount not to exceed \$200,000. She said this was mentioned previously and the thought was to keep it down around \$150,000 but cost estimates have shown the cost may be higher. She noted they are going to try and keep it to the \$150,000. She noted at the end of 2004, \$400,000 was transferred into the Capital Reserve Fund, noting the fund is still in good shape. The following resolution was presented for adoption:

#### **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 26th day of January 2005, 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 renovations of office space at Town Hall, and

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WHEREAS, it is estimated that the costs of said work will not exceed \$200,000; and

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

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the renovations 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 \$200,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the General Fund Capital Reserve Fund the funds necessary up to \$200,000 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. Lenhardt and duly adopted by the following vote:

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

NOES: None.

ABSENT: None.

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The next item was discussion of the status of moratorium and possible extension of moratorium. Supervisor Egan said the moratorium is due to expire on or about March 31<sup>st</sup> of this year. She said the comprehensive planning process is moving forward and running about a month or so behind. She said it because imperative, not only because the process is running behind, but all of a sudden there was a lot of information toward the end of the process that they felt was important that the process be slowed down a little to allow all the residents and the people who had been participants in the process ample opportunity to review the actual draft plan over the next couple of weeks. She said it is important to be able to review the subdivision, as well as, the new zoning ordinance regulations and provide for meaningful input. She said this meant that they needed to add another public workshop or two. She said as a result, they are going to be bucking the end of March deadline and it makes sense to her to extend the moratorium so that the comprehensive plan can come up for a vote, as well as, review the subdivisions and any changes of the zoning ordinance and not allow projects to proceed in no man's land where the old regulations may still be in place but we know the new ones are coming. She said she wanted to have discussion about this and get the Board's information on this, noting a public hearing will have to be held.

Councilman Plummer asked what the additional workshops that have been conducted delays -- maybe a couple months. Supervisor Egan said it will probably be a couple months. She said clearly Mr. Leveille and Mr. Mathusa are both in attendance, as well as, several other members. There have been several people who have indicated to keep the moratorium on as long as you want. She said they have some developers who are concerned about it and people with projects that are in the pipeline. She said they have concern. She said they talked to the zoning consultant the beginning of the week and there are certain statutory notice requirements that have to be gotten to even with the public hearings. She said quickly, a reminder, BPAC has to hold a public hearing on the comprehensive plan before it can get voted out to the Town Board. She said that is scheduled for March 3.

Supervisor Egan said depending on the results of that public hearing, the Town Board may be presented with the comprehensive plan the first meeting in March. She said that is if everything goes well.

The Supervisor said once the Town Board received the plan, a public hearing will have to be held. She said the Board must have its own public hearing on it. She said at least a couple weeks to get that notice appropriately done and have the hearing. She said at the same time that this is happening, the subdivision

regulations and zoning ordinance will be floated. She said those discussions will be held almost simultaneously.

Supervisor Egan said after the public hearing, if that all goes successfully and it gets adopted, the next thing is to have a public hearing on the zoning ordinance regulations. She said all of this has SEQR implications, as well as, notices to Albany County and various other things. She said what the zoning consultant has requested and thinks would be prudent would be a 6 month extension of the moratorium to allow any contingency just in case something does not go right as planned. She said the thought is that this can be done sooner than that but with the idea being not to have to come back and ask for a second extension, the suggestion is to extend it for 6 months.

Councilman Plummer said in his judgment that seems overly long. He said he can understand how the planning consultant but based on what has been outlined, it seemed to him the Board should be in a position to have those public hearings and be in a position to vote by the end of June, beginning of July. Town Attorney Potter said one of the things for both, the comprehensive plan and certainly the zoning plan, is there has to be a referral to the Albany County Planning Board. He said statutorily they have 30 days to review that and potentially there is a 60 day time frame that is completely out of the control of the Town Board. Councilman Plummer asked if that was as it relates to the comprehensive plan. Town Attorney Potter said the comprehensive plan would be 30 days and the zoning plan would be 30 days also. Councilman Plummer asked if that was after the Town Board acted. Town Attorney Potter said it has to be before the final conclusions are drawn.

Supervisor Egan said the Board not only has to notice the public hearing but provide them notice and at least 30 days to comment before any action can be taken. She said she agrees with Councilman Plummer that it will be done by the end of June but she again said this has been a very long and comprehensive process to get to this point and she hopes and has every reason to believe that once the Board gets to the public hearing stage of this, the kinks will have been worked out that have come up.

Director of Economic Development and Planning, George Leveille, added for everyone to think of the practicalities for transitioning the Board, Planning Department staff and the development community to a whole new set of regulations. He said the fact that they have a number of applications, in house, that need to be transitioned and they would have the opportunity to do an internal review of those in terms of how they relate to the ordinance. He said from a practical side they could arrive in the same place in 6 months that they might arrive had the moratorium been pulled off 3 months earlier in terms of getting ready to deal with the fact of a whole new ordinance. He said they are going to prepare a handbook that will be a guide for citizens and the Board and for applicants so they understand the new code. He said they can begin to internally process the over 1,000 units in process that held up by the moratorium. He said they now have to be review in terms of the how they relate to the new ordinance. He said there is no reason that that review cannot start before the end of the moratorium period. He said it will provide a soft landing for being able to make the transition to where we stand with all the applications that have been held up because of the moratorium and to work with them to refine the applications to be in conformance with the new ordinance.

Councilman Plummer asked if this was envisioned when the process was first started, noting they talked about it being a year. He further asked if it was ever envisioned that there was a need for a transition time that would continue the moratorium. Director Leveille said he was not sure if it was to be honest. Councilman Plummer asked if Mr. Leveille feels that is necessary. Mr. Leveille said he thinks a soft landing is appropriate because they do have quite a few applicants in house who have been waiting patiently for a year almost at his point. He said they want to start the review of those as soon as they have the new

ordinance in the next 30 to 60 days or drafts of it. He said they can begin to look at those applications and help them move along faster so that by the time the moratorium is lifted they can hit the ground running. He said they have been trying to plan this but they did not want to take away from the comprehensive plan process which has been very intensive and exhaustive so they have added meetings to the comp plan side to make sure that the process was appropriate and what the public had asked for.

Councilman Plummer asked about setting the public hearing to do this extension at this meeting or if it could be voted to have the hearing for the extension. Supervisor Egan said she did not think it has to be specific to set the time. She said if it is noticed that there will be a public hearing for an extension of the moratorium and that the testimony received can determine that extension, she thinks it is fine. She said she thinks it is getting an okay and consensus from the Board that the hearing date is scheduled. Town Attorney Potter said to remove any doubt, the Board can specify that it's to consider extending the moratorium between 3 to 6 months. Supervisor Egan said that could be put in and said the only question she had was that Albany County Planning Board has to be notified. Town Attorney said yes. She said she did not know whether it has to be 30 days before the hearing or whether it is 30 days from the hearing before action is taken. Town Attorney Potter said he would have to look into that. Supervisor Egan said she thinks the best way to do this, if there is consensus, is to say we would have the public hearing sometime in February. She said she thinks the best was would be to indicated no less than 3 months and no more than 6 months.

Director Leveille said they will also prepare for the Board's information a memo that lays out the legal things, a realistic schedule, to give a basis for determining if it is adequate or not. He said February 3<sup>rd</sup> meeting and the March 3<sup>rd</sup> public hearing will tell a lot about where it is in regard to the public with the plan.

Councilman Marcelle said he does not want to interrupt the vision of the Supervisor, but sometimes he has noticed whether it is government or himself writing a brief, that the time can be filled up. If you are given 6 months you use the time, but if he is given 3 months, he can get it done. He said the thing he worries about is when the moratorium was enacted, a year was decided, and a lot of builders said that seemed reasonable. He said the moratorium would be lifted in the spring and there was a building season that could be had. He said he understands the need to extend it but the shorter the better. He said he would have some concerns if it gets to September and the season is almost lost. Supervisor Egan said she agreed wholeheartedly with Councilman Marcelle. She said she thinks what they are getting hooked on is the SEQR and the notice requirements. She said they already started the timeline by having the discussion on Monday with all the consultants. She said they are trying to revise the draft based on some of the changes that came up. She said they will be getting that to the Board hopefully within the week. She said they will go ahead and set the hearing on it for the end of February and go from there if that is acceptable to everybody. Councilman Plummer said that was good.

Councilman Gordon had a question for counsel. He asked if the moratorium were extended for 6 months and they found after 3 months or 4 months that they wanted to lift it, do they have to hold a public hearing to lift the moratorium. Town Attorney Potter said he would tend to think not. He said a local law would have to be passed to shorten or lift it but he did not know if there would have to be a notice to Albany County. He said that could probably be done in fairly short order.

Mr. Leveille said they were thinking in the extension language they would provide for the ability to begin processing applications that were already filed during the moratorium period once the period is reached to be ready to move on. Supervisor Egan said it addresses the people who have been waiting. She said they certainly recognize that those who have been waiting are entitled to get this off as soon as possible. She said it is certainly not the intention to inconvenience or take

any other rights to build away from anybody. She said they are looking to do this as expeditiously as possible.

Mr. Leveille said some of the projects in the pipeline waiting are going to be very consistent with the comprehensive plan so they are going to want to get them done quickly and get them moving because they do, in fact, implement the recommendations that will be in the plan. He said they understand the need to get things underway quickly.

Supervisor Egan asked for a motion to set the public hearing date for the last meeting in February to consider extension of the moratorium for a period not less than 3 nor more than 6 months.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to approve setting a public hearing on February 23, 2005 to consider a local law for the extension of the moratorium for a period no less than 3 months nor more than 6 months. The motion was passed by the following vote:

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

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The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval of purchase of one (1) 4-wheel drive pickup truck from State contract and approval to go to bid for one (1) 1-ton dump truck. Could advertise February 2, 2005 and open bids on February 15, 2005 at 2:30 p.m.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the purchase of one (1) 4-wheel drive pickup truck from State contract as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) 1-ton dump truck, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 2nd day of February, 2004 and that bids be received up to 2:30 p.m. on the 15th day of February, 2004 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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The following item was a discussion about creating a Citizens Advisory Council in regard to proposed EPA/GE Dewatering Facility. Supervisor Egan noted that Councilman Plummer will excuse himself from this item to be consistent with his position regarding a conflict with General Electric issues. Councilman Plummer noted that General Electric is a client of his. He said he cannot act upon this item.

Supervisor Egan said as everyone knows, there was a public meeting by EPA last week. She said it was held at the Delmar Reformed Church and noted there was close to 200 people in attendance. She said it was wonderful and she was very happy to see everyone attend. She said unfortunately there were a lot of unanswered questions and she thinks it is the nature of the beast at this point.

Supervisor Egan said a very quick update is that as most everyone knows, Bethlehem was named as one of the 2 final sites along with Fort Edward for a dewatering and/or transfer facility having to do with the pcb dredged material from the Upper Hudson. She said the fact of the matter as everyone sits here we still do not know what it is. She said there is also the possibility this site may be nothing. She said the answers are not there, not because they are trying to be coy -- she did not think -- but because GE is still trying to negotiate the final disposal sites for the pcb or hazardous material. She said once the site can be negotiated, then they can start negotiating the means of transportation – is it rail, is it barge, which rail, is a combination thereof. She said the one thing that is known is that it is not trucks. She said that part of the decision is that it cannot be trucked through the streets.

Supervisor Egan said she is being told that at the latest it would be late spring before we are made aware of what that is. She said hopefully within the next 4 to 5 weeks. She said she does know that GE has met with representatives of OG Real Estate to start the negotiation process and they are occurring between GE and representatives of OG Real Estate directly. She said she has had discussion with the representative of GE, as well as, the new representatives of OG Real Estate as to where they are trying to go with this. She said OG Real Estate was not provided with any more answers than the Town was the other day in regard to length of project, what type of project anything to that effect.

Supervisor Egan said she does not have a lot more definitive things to let anybody know, however, one of the things and why it is on the agenda was to have a discussion in regard to a Citizens Advisory Council or something in regard to the project to get input. She said it does seem to be on everybody's radar now and there were a lot of comments and very good ones at the meeting. She said certainly things that have been echoing what the Town has been saying since last February when the Town got involved in this. She said she wanted to know what the feelings of the Board are.

Councilman Marcelle thanked Mr. Potter for meeting with him concerning another Town issue but he sent some legal citations which he has not fully investigated yet. He said he thought he has made it clear that he has a lot of problems with this (1) that this was a site, obviously, for a billion dollar economic development to improve our waterfront and (2) his biggest fear, outside of it just affecting the people down there is if some type of dewatering facility or transfer station goes up there it becomes a permanent dump site even after whatever the length of the pcbs cleanup is over. In other words, he said, once the infrastructure is there it becomes a natural use for that land and those facilities to continue doing whatever. He said he has a big concern and thinks that a Citizens Advisory Council to be proactive to try to at least influence – and the whole universe of knowledge is not known – until GE works backwards, how the transportation is going to be but now that people have realized how it is going to affect them and the smells and the health and Albany County and Dr. Crushetti are going to monitor a lot of this. He said he would rather be proactive and he thinks it is a great idea not that he is 100 percent convinced that legal action is out of the question but leaving that aside, just totally aside, he thinks this will at least give the citizens a chance, a forum to communicate with the Town, EPA in somewhat of a regular way. He said he thinks this should be formed, noting he does not know what the details should be.

Supervisor Egan said she agrees and wanted to be clear just so that they know what they are being told anyways is that upon completion of the project which they are now estimating to be 6 years but she thinks anyone involved with

any governmental project knows, it is not going to be 6 years, it will probably be something more than that. She said it would be returned to a condition that is consistent with the Town's vision for the property. She said she knows there certainly has been situations in the past where the project was turned into a water processing plant for municipalities. She said in this particular case, having talked to O.G. Real Estate, as of today, their plans are to continue with their project in some shape or form. She said things like the bulkhead improvements, the infrastructure, the road improvements, water and sewer type things would probably stay but the building itself would be removed at the conclusion of the project. She said, again, there is no guarantee at this point but that is what is being told. She said the land would be returned to a condition that was consistent with the town's vision or the individual owner's vision.

Councilman Marcelle said he can understand that in theory. Supervisor Egan agreed. Mr. Marcelle said after a decade or more, which we all know it will be that long of use there, there is going to be a certain reality that will set in. He said whether once it becomes part of the community it will be accepted, that is what he is worried about. He said this is his hope and it is something the town should fight hard for. He said he has no doubt that any member of the board or community is not going to fight for that but he still worries that once the town gets this those promises made during the engagement are not always going to be kept up during the marriage. Supervisor Egan said that happens and she agrees.

Councilman Lenhardt said he deferred to Councilman Gordon, noting he has his own comments for last. Councilman Gordon said he thinks BPAC has been very effective and a citizen advisory committee naturally makes a lot of sense here. He noted we need a watch dog group, the more the better really for any project of governmental endeavor, especially on the Federal level. Supervisor Egan said one of the things that she immediately started asking for was for somebody other than the town to pay the town for us to be able to retain our own experts in this matter to serve as consultants. She said they will be able to talk to the town about air quality and someone who is not a GE person or an EPA person. She said when they met with Commissioner Crotty, she indicated she would petition also for GE to come up with those funds to provide that assurance for the communities that are being affected. She said they will continue to pursue that also.

Councilman Lenhardt said he was going to disagree before he gets to the Citizens Advisory Council. He said as he stated at the EPA meeting, he still does not understand the economic logic that they are using. Theoretically, he said, they picked our site because we are a deep water port, however, he does not hear them discussing where these deep water barges are going to land and transport the toxic waste overland via rail to wherever it is going to be dumped. He said, if in fact, that is the reason they are using the site, he expects that this 10 year period will probably be longer than that because they will have to have similar hearings wherever they are going to put these deepwater barges ultimately. He said he would prefer to deal directly with the EPA. He said the Members of the Town Board are elected – unless the Citizens Advisory Council, which he just heard Supervisor Egan say – is comprised of experts in the field. He said general citizens from the community he does not favor. He said he would prefer it be the Town Board dealing directly with the EPA.

Supervisor Egan said it was not her view that the advisory council would be dealing with the EPA. She said it was more of a forum in which citizens could have some impact and create a group that could gather information, ask questions. She said she agreed with Councilman Lenhardt that she is not petitioning to abdicate any of the responsibility. She said she spent half a day gathering information and writing a letter to GE. She said she was going to spend most of tomorrow at the CAG meeting in Saratoga. She said she certainly intends, from a Town Board perspective, that the Board will stay readily engaged in this.

Supervisor Egan said the reason she threw this out was that what has been seen, the residents want to have information and want to be engaged. She said she

thinks this may be a form in which to provide that information and allow feedback both ways. She said it is just for discussion purposes.

Councilman Lenhardt asked if he could add something, noting this was discussed before the meeting, there was a comment in the Spotlight which he quickly reviewed, that indicated and gave him the impression that Mr. Rosalle's said something will go there even if it is not ultimately a dewatering facility and he did not hear him say that. He said maybe he missed it, noting that what he heard him say was that it will either be a full dewatering site, a transfer site or it will be nothing except what O.G. Real Estate would propose it to be. Supervisor Egan said she and Mr. Lenhardt chatted before the meeting and said it was the same thing that she heard at the meeting.

Supervisor Egan asked if the Board wished to table this item or if the Board wished to take a vote. Councilman Marcelle said he was ready to vote on it but he would suggest that this be defined. Supervisor Egan suggested that internally, those who have been involved in what has happened, come up with some criteria and float it out and put it on the agenda for next meeting. She said it could be stipulated that this is in no way deferring any authority from the Town Board to the group.

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Supervisor Egan noted updates regarding the agenda for the Association of Towns that was on the last agenda and Mr. Flanigan asked if anyone had any comments on items to please get them to him.

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The Supervisor noted with the Porco matter, she believed the grand jury is going back into session on Friday. She said as anything else occurs, she will certainly let everyone know.

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The Supervisor said the EPA was talked about, noting she did get a letter from Dr. Crushetti already and a copy of the resolution the Legislature did outlining the people that will be the point people from the County Health Department. It included what type of services they will provide in regard to monitoring the air quality of whatever, if anything winds up down at the location. She noted she did send thank you notes.

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Supervisor Egan said with regard to the planning, the next big item is February 3, 2005 with the public workshop on the draft plan. She said the draft comprehensive plan is available on the Town website, available at Mail Boxes Inc. at a cost of less than \$6 per copy. She said at last count they have sold over 40 copies. She said the public hearing by BPAC will be held March 3, 2005.

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The Supervisor advised everybody that on February 11, 2005 doors opening at 6:30 and show beginning at 7:30, there is going to be Rock to Rebuild, the Capital District Benefit for Tsunami Relief at the Palace Theater.

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Supervisor Egan said one of the young town residents, Sarah Hamilton, asked to put a bin in Town Hall for collection of teddy bears to send to the children of tsunami and she received a thank you indicating the bin resulted in the donation of over 800 teddy bears. She said they negotiated with one of the carriers that the transportation of these were being donated also. She thanked everyone who donated.

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Supervisor Egan also officially recognized and congratulate the Highway Department noting on the front page of the Spotlight is certainly recognizing the

exemplary Highway Department for a third party study done, private but nationally published study, on snow and ice control. She said it reads that the town's method of clearing and controlling roads before, during and after snow storms and ice storms is one of the best in the northeast. She wanted to commend Mr. Sagendorph and the staff again for doing a phenomenal job.

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The Supervisor said the last thing she had as an update is doing the second State of the Town in conjunction with the Chamber of Commerce on Friday, February 4, 2005 at 8 in the morning. She said that will be in the auditorium.

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Supervisor Egan asked if anyone wished to address the board. Mrs. Capone asked on the line of the Police Department what the letters DCJS meant. Supervisor Egan said Division of Criminal Justice Services. She said it is the State Agency that gives the grants.

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Mr. William Kelleher said in his statement he had a misunderstanding that he learned about yesterday. He said Mr. Leveille emailed him and informed him that Oliver Holmes had a P.E. license. He said he thought he was being hired because of the license. He said he is not being hired for that. He said he had looked into this last year in great detail and he cannot understand why the Town Engineer job description eliminates the water and sewers. Mr. Kelleher said he is recommending that would satisfy his objective and he certainly thinks it would help the town if the description of it changed to include water and sewerage. Supervisor Egan said she could not comment but they certainly will look into it. She said one of the things that comes to mind is that some of the descriptions are civil service provided by the County. She said it is not as simple as the Town just changing it. She said there may be a petition process that has to be done.

Supervisor Egan noted the Comptroller and the Director of Economic Development and Planning note that the Town has additional requirements from the civil service description. Mr. Kelleher agreed that could include water and sewerage.

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Mr. Ken Daves, Delmar resident, noted it should come as no surprise that he supports the notion of starting a committee to discuss the EPA/GE dewatering facility or whatever the Town is in store for. He said, as everyone knows, there have been quite a few advocates for stepping up and taking matters into their own hands as a committee to whatever ability they are able to do. He thanked the Supervisor. Supervisor Egan thanked Mr. Daves.

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The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to adjourn the regular Town Board meeting at 6:38 p.m. The motion was carried by the following vote:

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

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Town Clerk