

TOWN BOARD  
JULY 12, 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 Board and asked them to join in the pledge of allegiance.

The Supervisor asked if there was any public comment on any agenda item. Ms. Linda Jasinski said since the Board will be talking about the new website, she commented that it is pretty but she finds the drop down menus on the top rather annoying when they top there way down rather than smoothly come down. She said there is also when you go to the Town departments the list is so long it ends down on the bottom of the screen. She said it is not as easy to find things as for agendas and stuff like that. She said sometimes you have to go through a couple screens and keep in mind that people who have dial-up loading all the nice colors and pictures and going from one screen to another to get to where they need to go does take a lot of time. She said this does not affect her due to her having high speed.

Ms. Jasinski said likes being able to get the forms right on the site so you can get them, fill them out and bring them in or send them in. She said she liked the left hand side with the upcoming items to click on. She said an idea of putting a calendar for the month or the next couple months or something so that each day you can see these are the things going on and click on it and go right to the agendas. Supervisor Egan thanked Ms. Jasinski.

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

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

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The first item was to approve the Town Board minutes of June 14, 2006. Councilman Messina said they all occasionally follow-up and want to talk to a resident or whatever based on comments made, in the future he asked that residents names be included.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the June 14, 2006 meeting as submitted. The motion was passed by the following vote:

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

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The next item was a request from Jeffrey Dammeyer, Director of MIS, to award bid of surplus PCs.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the award of surplus PCs to Asset Disposition Group, Inc. for a total sum of \$2,001 as requested by Director of MIS, Jeffrey Dammeyer. 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 noted everyone is happy with the new pcs.

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The next item was a discussion of the Town's new website. Supervisor Egan said they wanted to advise everyone that the new website is up and running. She said Mr. Dammeyer is here to answer any questions. She said she has received a lot of comments on it from State, municipal people, as well as, residents using it with some pretty constructive comments, as well as, a lot of praise. She said Mrs. Alexander is here from MIS Department also and extended her thanks for the great work. She thinks it looks wonderful. She said she does know that Mr. Kotary started some discussion about changing the logo or the tag line but he is the only one that she has heard from. She asked the other Town Board Members to send to her their comments on changing the logo line.

Councilman Messina said the links and drop downs are working pretty good, are a good job, and these things, as everyone knows, are iterative and you make improvements. He said he recalls Mr. Kotary's comments on revisions to the tag line and he will go back and review it again. He said he thought the recommendation was good and clear.

Councilman Gordon echoed Ms. Jasinski's remarks about the drop down in departments. He said maybe it is the age of his pc but it was a little bit like an amusement arcade game and he was having a hard time clicking on the department he wanted because it was moving around quicker than he could catch up to it. He said maybe that has been corrected.

Councilman Kotary said he thought it has been because he noticed it at first as well but he went on today and the scrolling is much slower and much more manageable. He said he thought it was some sort of a sequencing or timing issue. He said the only other comment is that he thinks it looks great. He said he probably will pass on comments to have patience as this moves forward. He said every piece of information that he looked for was on there and he thinks it is a wonderful asset and reflects well on the community. He thanked Mr. Dammeyer for all the work.

Mr. Dammeyer said in regard to the department list, it was a challenge to try and include every department in the amount of space you have. He said not only including the departments like Economic Development and Planning but the divisions within that. He said divisions were also broke out and that creates the longer list. He said when you see the left handed list, the scroll bar on the right will let you scroll down to view all of those.

Mr. Dammeyer said if people do not like the way the top names are dropping down, they can get a consensus but most people do like that. He said it is a pretty standard format so you are not clogging your home page with all the items but waiting to hover your mouse over it and then see them.

Supervisor Egan said as everyone starts using it, there can be some changes. Mr. Dammeyer said the contact us page has a submission form that people can put in their comments and they will go the MIS department. He said if there is a comment directed to a department, they can forward it. He said they are going to try and break it down so a choice of departments will be available. The Supervisor noted they have already responded to some comments.

Supervisor Egan thanked Mr. Dammeyer noting great work.

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The next item was a request from Commissioner of Public Works, Oliver Holmes, for approval for Raw Water Supply Options Study. Supervisor Egan said they received a packet in regard to this. She asked if there were any questions.

Councilman Plummer said he supported this and the direction that Commissioner Holmes is taking. He said what he is trying to understand is, if the goal is to try and determine if the raw water purchase from the City of Albany, once transmitted from the Alcove Reservoir to the filtration plant is ultimately cheaper and in the Town's best interest, than doing the updates at the Vly Creek Reservoir. He asked if this was the ultimate comparison. Commissioner Holmes said it was and elaborated that this will evaluate the two mentioned – understand the cost and complexities of installing the raw water line from the Alcove to the Clapper Road plant and the economics and the technical feasibilities with that and compare it to the other alternatives to the Clapper plant which includes a pre-treatment facility to take out the iron and the manganese which are currently being looked at – so they will understand the cost and the impacts of that approach versus the other approach which is to look at what is already in our pocket on the New Salem plant with the cost and the capacity options that will be developed. He said the Town will then have a menu of choices when this is done in the fall to allow to determine what the best approach technically, financially and in the Town's best interest to go forward.

Councilman Plummer asked Commissioner Holmes when he talks about the treatment that this will be compared to separate from Vly, is that what is going on at Clapper Road right now. Mr. Holmes said it is currently going on now. Mr. Plummer said so he has not concluded that we should not continue that. Mr. Holmes said they are evaluating several pre-treatment options and we have to understand what those implications are from the cost perspective to construct them and the operating cost perspective to operate them over whatever lifetime we can expect. He said they have to analyze that in the context of how long will those new wells last. He said he is keeping all of that in mind. Mr. Plummer said he did not think that was an option. Mr. Holmes said he has not discounted it yet. He said it all has to be put on the table.

Supervisor Egan said we are operating at 3 million gallons a day. Mr. Holmes said 3 million gallons a day with the well field that is currently in operation. Supervisor Egan said the issues that they have to do with the cost of the pre-treatment that is currently being done, as well as, other options and cost of various maintenance things and all this has to be evaluated under the old Earth Tech agreement too and determine where the Town is going with that contract. She said all of that does play into it.

Councilman Plummer said it always made sense to him if that could be set aside and to try and find an alternative. He said he thought the approach that was talked about by purchasing the raw water from the City of Albany was the solution. He said he sees in this proposal that they are going to spend time on preparing the Albany raw water possibility with what exists today. Mr. Holmes said that was correct. Mr. Plummer said he wondered if that was necessary because it seemed to him the ultimate goal is to try to reduce the cost of the upgrades at Vly. Mr. Holmes said that was correct. He said one of the options is if they can find a way to operate the Clapper plant to ultimately a 6 million gallon a day capacity, that would forego or perhaps put off for a long, long time the significant investment at Vly. He said there are some things that need to be done because it is a 50 year old plant to maintain the 5 million gallon a day capacity but the previous plan was going to push it up to 10 million gallons a day. He said there may not be a need for that kind of expansion.

Councilman Plummer said instead of peaking with the 10 million at Vly, if the analysis works out with the City of Albany raw water, what they would look at is increasing that to whatever number to compensate. Mr. Holmes said the real goal, the global goal, is to produce about 11 million gallons a day and the Clapper

plant was originally designed to do 6 million and the Vly plant can do 5. So, according to Mr. Holmes, if that combination can be made to work long term, that gives the Town a capacity of 11 million gallons a day on average.

Councilman Plummer said he thought he read in the information the goal would be to try to get – if an arrangement with the City of Albany – about 6 million gallons a day of raw water. Mr. Holmes said that was correct. Mr. Plummer said the 6 million reason is because that is what the plant can accommodate. Mr. Holmes said that is what the treatment plant can handle and it is also when you look at the Alcove Reservoir what they have available to sell to the Town as a limit. He said it matches up nicely.

Councilman Plummer asked under that scenario the Town still would not know if there will be a purchase of finished water. Mr. Holmes said that is an opportunity. He said it is a backup if something happens that the Town would have the ability to continue to purchase water from the City of Albany. Mr. Plummer said he knew at one point they were not interested in selling the raw water so obviously something has happened. He thought it was very positive. Mr. Holmes said you just have to look at their financial statements.

Councilman Messina asked about task 7 and maybe it was an expansion of where Mr. Plummer was going with his and that is it talks about under the subtask, they will perform a simple payback analysis to determine the acceptable rates for the purchase of water from Albany. He said he is interested in a little more of an expansion on what that gives us, is it going to help the Town in negotiations, is the rate going to be something else. Mr. Holmes said what they are actually doing is backing into a range of what this viable raw water cost and have the consultant do what the cost of the pipeline and the operating cost to run that. He said that would give a case of what an acceptable range of raw water to get to a finished water number that they could sell within the rate schedule that is reasonable. He said the negotiations with Albany will be between the Town of Bethlehem and the Albany Water Board and City of Albany. He said he has already had preliminary negotiations and set the stage for that.

Supervisor Egan thanked everyone.

The motion was made by Mr. Messina and seconded by Mr. Gordon to approve the Raw Water Supply Options Study as requested by Commissioner of Public Works, Oliver Holmes. 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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The following item was a request from Oliver Holmes, Commissioner of Public Works, for approval of upgrade to software and hardware for Water Plant Control system. Supervisor Egan said information was provided and asked if there were any questions.

Councilman Plummer said he sees what is being done and it is a good package deal but if they were to implement and do this and then make changes based on the analysis that this group is going to do, would that matter. Mr. Holmes said it would not. He said what has been done is that this has been looked at in the sense that the equipment and the software packages that they are installed will be in operation regardless of the outcome. He said the Clapper plant is going to run and it is a question of whether it is going to run with Albany water running through the filter system or it is running with well water. He said the controls and the monitoring would be the same.

Councilman Kotary asked how often Mr. Holmes anticipates a need for upgrade software. Mr. Holmes said he would look at Mr. Dammeyer who does the MIS work and normally you look in the range of 3 to 5 years on a lot of hardware/software. He said what has happened is out in New Salem some of this is

over 10 years old and what is down at Clapper is over 10 years old at this point, so this is overdue. He said it was put off waiting to understand about a year and a half ago what happened at the New Salem plant. He said since they elected to postpone the reconstruction of that facility, they have this hardware/software problem that has been growing. He said this is an appropriate time to move that forward since they can use it regardless of what decisions are made in the future.

Councilman Kotary asked if there was any chance that some savings could be seen as a result of that being better managed. Mr. Holmes said what he sees is an opportunity of how they manage the pumping activities and so there may be some energy costs that come out as a result of doing this. He said he does not have it analyzed to date. He expects to see something there. Mr. Kotary said the bottom line is, either way the equipment is antiquated and there is a need to upgrade. Mr. Holmes agreed and said it has to be done now or later and his dilemma is the Clapper plant is essentially operated and only manned during the daytime so his ability to have that management tool out at the other plant that we are online 24/7 is imperative for him to run a good operation.

Councilman Messina noted there were 2 vendors listed and said he was recommending one and asked if those were the only 2 players. Mr. Holmes said they have done a lot of work looking at both of these and the product is out there and some water treatment facilities are still using it but it does not have a lot of support in the northeast anymore and when this goes down, he needs to have technicians that come out and help get it up in a hurry. He said there are a lot more installations in the northeast and the pricing was better, including the service recommendations.

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the upgrade to software and hardware for Water Plant Control system as requested by Commissioner of Public Works, Oliver Holmes. 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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The next item was a request from Commissioner of Public Works, Oliver Holmes, for approval of Vly Creek Reservoir Boundary Survey. Supervisor Egan said the information provided regarded a proposal presented by C. T. Male. She asked if there were any questions.

Councilman Plummer asked why we were doing this now. Mr. Holmes said there are 2 reasons, one has to do with watershed security. He said there is a lot of renewed interest in what goes on and how we protect the watersheds as a result of what happened September 11. He said the AWWA, APWA Homeland Security, et al, have really suggested to a lot of the industry that there should be a better understanding of what the property boundaries are and how to better protect them. He said the Town does not have a very good survey of what is owned by the Town. He said he wants to establish the boundaries and if there are opportunities for enhancing the watershed management, land next to the reservoir system, he feels he would like to know what that is and how to go about ensuring that it is protected in the future. He said this is the first step.

Supervisor Egan said one of the issues was actually pre-Mr. Holmes and pre the security system we have out there now, there was a security person patrolling in what they thought was the watershed area and there were certain areas of conflict with residents and other people up there using the property and their claim as to what they thought they owned versus what the Town owns and other things. She said on various levels this is a very good thing to get done. She said her thought would also be would this help with the storm water management program and what will need to be done going into 2008. Mr. Holmes said he did not think it would do much for the storm water in a sense but it really manages what our reservoir is and how we look at what activities may take place in the future. He said the land is

developable out there, farmland, and somebody could come in and do something different. He said they would want to know where the boundaries are and what conditions would be required within the Town of New Scotland if somebody chose to be building in the watershed.

Councilman Plummer asked if there was any money in the Homeland Security for this. Mr. Holmes said not that he has found, noting it seems to be going south.

Supervisor Egan asked if there were any other questions.

Councilman Kotary said he did not have any specific to this but in general he had a question noting there have been several expenditures today and was asking if they are appropriating previously budgeted dollars or budgeting new dollars. Commissioner Holmes said what he needs to do after this happens is with a couple other smaller Capital items and he will probably come back with a list of the capital expenditures that would come out of the water reserve. He said those funds will come from there and he will need a request from the Town Board to expend monies from the Water Fund Capital Reserve account. Mr. Kotary said so it is new spending but using savings or reserves to do this.

Councilman Kotary said another observation and it is particular to Mr. Holmes's department but also in general, they have had several cases recently of outsourcing and he thinks it would be helpful in the covering memos to have a little explanation of why there is a need to outsource. He said clearly with the survey he thought it was obvious. He said with some of the other requests, he would assume with the water supply option study, the analysis has been done but he was looking at is a third party opinion and additional resources to get additional input. Mr. Holmes said that was correct. Mr. Holmes said what you find when he comes to ask for an engineering study is to get the third party opinion, to draw on additional resources and other experts advice that would not normally be inhouse or to challenge his thinking. He said he wants everyone when he comes back to understand that the plan has been tested and all agree it is the right move.

Councilman Gordon asked how urgent Commissioner Holmes feels this needs to be done this evening. Mr. Holmes said he needs to keep these things moving. He said they have been talking about this for a while and they are at the point where they believe it is time to move forward and develop the options. He said they are all at a parallel path so they can come to some good answers about what the water supply options are for the Town. He said we are in a good position that we have a contract to purchase additional finished water but he has a plan for the set of wells that he would describe as somewhat precarious. He said there is a system in New Salem that if you were to come visit and realize that it is 50 years old and it needs substantial investment just to kind of update it with new modern equipment. He said life looks good at the surface but they have a lot of work to do to get this facility where it needs to be for the future. He said he believes it is time to start.

Councilman Gordon asked how many acres there are. Mr. Holmes said he does not have the number off the top of his head but hundreds, like a couple square miles almost. Mr. Gordon said presently there are a number of financial concerns. Mr. Holmes said he was right but you have to understand that what they have diligently done in the last year and a half is to set aside and scrub the operating budget so that they can establish a capital reserve that will fund not only the study but start to make a significant capital investments in the infrastructure that in some cases is 90 years old. He said there is a long way to go.

Councilman Gordon said he did not know how other Board Members feel about it but he would like to review it a little further before he makes the expenditure. He said if other Members want to go for it, that is fine but he prefers to review it a little further and take a look at it in 2 weeks. Supervisor Egan said she is comfortable at this time and Mr. Holmes has gone through it and she believes it is an operational matter that has been on the books for quite a while and moving

forward. She said as was talked about, the reserve funds are available to allocate to this. She asked if there were any other questions at this point.

Councilman Messina said no questions but a comment, he said in the briefing sessions and at Town Hall, he met with Mr. Holmes and he knows the water issue is paramount in everyone's mind. He thinks staff has done a good job on this and he has confidence in them and he will support this at this time.

Councilman Kotary added that he thinks it is one of the most important issues to be addressed and he is comfortable moving forward as well. He said particularly knowing or having the comfort that they have the reserve funds in order to see what he sees is an investment in and of itself. Mr. Holmes said currently there is 1.2 million dollars in the water reserve. Supervisor Egan said with about 50 million dollars of demands on capital costs but that is okay. Mr. Holmes said he is working on it again this year.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the Vly Creek Reservoir boundary Survey as requested by Commissioner of Public Works, Oliver Holmes. The motion was passed by the following vote:

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

Noes: Mr. Gordon.

Absent: None.

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The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of acceptance of donations to the Maple Ridge Park playground. Supervisor Egan said as was talked about over the last several months, Mrs. Lanahan together with very significant numbers of members of the community to basically create the playground at Maple Ridge. She said the funds were raised by the Friends of Maple Ridge Park and there is a list of the families and businesses that contributed and it is over \$8,000.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to accept donations in the amount of over \$8,000 from the Friends of Maple Ridge Park for the construction of the playground as requested by Administrator, Nan Lanahan, Parks and Recreation Department. 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 stated that if anyone has not been down there, it is a very neat playground and did the ribbon cutting in the rain. She noted Stewart's provided the ice cream.

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The following item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of seasonal appointments.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the appointment of seasonal appointments as listed on the Memorandum dated July 12,2006 from Nan Lanahan, Administrator, Parks & Recreation Department at the titles and salaries indicated. 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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The next item was a request from the Supervisor to authorize Supervisor to execute the revised betterment agreement for Route 85 extension. Supervisor Egan noted this was not necessary to put on but several meetings ago, they had a fairly in depth discussion about this and the Board authorized the executing in substance the agreement. She said it came back and she thought it should go back on. She noted she and Town Engineer Deyoe have been through it, spoke with DOT and Highway Superintendent Sagendorph has reviewed it. She said Comptroller Kehoe has the funding ready to cut the check for the betterments to be sent to DOT. She said at this point, she asked for re-authorization for her to sign this.

Councilman Plummer asked to have his memory refreshed on this item. He asked if this was for the water mains to provide the water to go into the site. Supervisor Egan said it was. Mr. Plummer said there were other betterments done also. The Supervisor said there is a listing where it is all going and that is what it is and the 2 \$2500 allocations are for the 2 developers for their improvements. They are just placeholders. Councilman Plummer said the water main is specifically to provide the water to the facilities at the site. Town Engineer Deyoe said it is the beginning of the extension of the water main from the bypass near Mahar Road or that section and there will be a 6 inch water main.

Councilman Plummer asked Director Leveille if there are a couple other betterments that were approved for this as well or was it a separate arrangement with DOT when they talked about the roundabouts. Supervisor Egan said that is the \$2500 placeholders. Mr. Deyoe said they were the placeholders for the driveway access. Mr. Leveille said that was done as more of an informal commitment to them that we wanted those betterments. He said this is a more formal action. Mr. Plummer asked if this was the only betterment that the Town has at this site. Mr. Leveille to his knowledge yes.

Councilman Messina asked about the funding source. Town Engineer Deyoe said that was approved previously and was water capital reserve. Comptroller Kehoe said it was water budget April 12, 2006.

Supervisor Egan said as an update, once this is gotten and this is executed and the stuff is sent back along with the maintenance agreement, DOT needed it back by like the third week in July so they will more than meet that with the check on this. She said they are waiting for comments on an Army Corps permit and she is being told that they are still looking to let the contract on this and start construction in September. The Supervisor said this is still on schedule.

Highway Superintendent asked about the median improvements. Supervisor Egan said part of the median improvement is part of the roundabout construction which is a DOT project. She said due to some heavy duty negotiating in regard to the maintenance agreement, the Town is taking on the maintenance of the foot bridge in exchange for which DOT as part of their project is doing median improvements on Cherry Avenue Extension. She said those improvements are about 2,000 linear feet from the intersection with New Scotland Road. The Supervisor said it will be pretty much from the roundabout at New Scotland and Cherry Avenue Extension almost to the north entrance to McCormack Road. She said in addition to that they will be talking to them about doing the additional improvements, obviously a Town expense, as this moves forward.

Supervisor Egan said she will go ahead and sign this and cut the check.

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The next item was a request from Town Engineer, Erik Deyoe, to accept easements for "Mansions" sanitary sewer pump station.

The motion was made by Mr. Kotary and seconded by Mr. Gordon to approve the acceptance of easements for "Mansions" sanitary sewer pump station as requested by Erik Deyoe, Town Engineer. 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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The next item was a request from Director of Economic Development and Planning to replace intern on short-term basis. Supervisor Egan said this item is withdrawn. She noted the proposed intern would not work out.

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The following item was to consider replacement appointments of Joanne Cunningham and Joe Richardson to the Bethlehem Industrial Development Agency. Supervisor Egan said with the enactment of some recent legislation which is very complicated, the long and the short is Mr. Leveille and Mrs. Kehoe as Town employees could not remain as official Members of the IDA. She put before the Town Board these names and their resumes were provided.

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the appointment of Joanne Cunningham, Delmar, New York and Joseph Richardson, Slingerlands, New York as Member of the Bethlehem Industrial Development Agency. 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 introduced Mr. Richardson and said they are looking forward to continuing to work with him and thanked him.

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The next item was a request to consider the SEQR negative declaration regarding Meadowbrook Subdivision, pending recommendation from Planning Board. Supervisor Egan said the Planning Board met last evening and in a 7-0 vote approved referring it back to the Town Board with a recommendation for the Board to declare a negative declaration on this item. She said it is up to the Town Board to adopt the negative declaration.

The following resolution was presented:

**RESOLUTION NO. 30**

TOWN BOARD  
TOWN OF BETHLEHEM  
SEQR RESOLUTION  
DETERMINATION OF SIGNIFICANCE / NEGATIVE DECLARATION  
APPLICATION FOR BUILDING PROJECT APPROVAL  
PLANNED DEVELOPMENT DISTRICT  
(a.k.a. PRD NO. 1)  
MEADOWBROOK SECTION 3

WHEREAS, the Town Board of the Town of Bethlehem has received an application and Environmental Assessment Form (EAF) from Gladstone Development Corporation for Building Project Approval to develop Section 3 of former Planned Residence District (PRD) Number 1 as a 48 lot single family housing development to be known as Meadowbrook Section 3; and,  
WHEREAS, the development parcel consists of 66.43 acres of land located on the west side of Blessing Road between the Brookhill Subdivision and the Normans Kill, and is currently zoned Planned Development District (PDD); and,  
WHEREAS, Section 128.44 of the Town of Bethlehem Zoning Law contains procedures for the establishment of a building project within a Planned Development District and said procedures authorize the Town Board to approve a building project upon referral to, and recommendation of, the Town Planning Board; and,  
WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,  
WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(a), the Town Board at its meeting of December 12, 2001: (1) determined that the

Building Project application constituted an "action" subject to SEQR; (2) identified other involved agencies for the purpose of coordinated review; (3) made a preliminary classification of the project as an "Unlisted" action; (4) required a full Environmental Assessment Form to assist the lead agency in its determination of significance; and (5) determined that the proposed action was not located in a certified agricultural district and therefore not subject to the provisions of the Agriculture and Markets Law; and,

WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(b) the Town Board at its meeting of December 12, 2001 also initiated a coordinated review of the action, declared its desire and intent to be lead agency for SEQR review, and subsequently circulated the Building Project application, full EAF and supporting materials to all involved agencies; and,

WHEREAS, the Town Board at its meeting of December 12, 2001 also referred the Building Project application to the Planning Board for a recommendation on both the application and on a SEQR Determination of Significance; and,

WHEREAS, the Planning Board has reviewed and considered the building project application, the Full Environmental Assessment Form, supporting materials prepared by the project sponsor and comments on the application provided by the Town Designated Engineer, the Town Engineering Division and the Town Department of Economic Development and Planning; and,

WHEREAS, said application and supporting materials include: (1) preliminary project plans which address site layout, utilities, storm water management, grading, open space and other site development factors; (2) an EAF Parts I, II, and III addressing potential environmental concerns; (3) a geotechnical report addressing issues related to slope stability; (4) a traffic impact study addressing project generated impacts; (5) a Phase I and Phase II cultural resource investigation addressing potential historic and archeological concerns; (6) a wetlands delineation report identifying Federal jurisdictional wetlands; (7) a storm water management report; (8) a line of sight traffic analysis of the project; and, (9) other materials addressing project design and potential environmental impacts of the project; and,

WHEREAS, the Planning Board, satisfied that the identified areas of environmental concern have been adequately addressed by the applicant, adopted a Resolution at its meeting of July 11, 2006, and said Resolution recommends that the Town Board issue a SEQR Negative Declaration with respect to the Meadowbrook Section 3 application; and,

WHEREAS, the Town Board has independently reviewed and considered the building project application and Full EAF for Meadowbrook Section 3, the supporting materials submitted by the applicant, and comments from the Town Designated Engineer and Town Staff; and,

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

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby confirms that it is lead agency with respect to SEQR review of the Gladstone Development Corporation application to construct a building project known as Meadowbrook Section 3 along Blessing Road; and,

BE IT FURTHER RESOLVED,

that based upon its review of the building project application, the full EAF and other supporting materials submitted by the applicant, comments on the application submitted by the Town Department of Economic Development and Planning, Town Designated Engineer, Town Engineering Division and involved agencies, the recommendation of the Town Planning Board, its own independent analysis of the application, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that approval of the building project application for Meadowbrook Section 3 constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

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

BE IT FURTHER RESOLVED,

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

BE IT FURTHER RESOLVED,

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

#### A. Project Description

1. The proposed development parcel is located on the west side of Blessing Road between the Brookhill Subdivision and the Normans Kill, and consists of 66.43 acres of land zoned Planned Residence District.
2. The project site is currently undeveloped and fully covered with small trees and intermingled brush.
3. The predominant topographic feature of the site is a wooded ravine system which runs along the Normans Kill and an unnamed tributary. The site topography consists of slopes ranging from 2% to 8% in the areas where development is proposed. Considerably steeper slopes, on the order of 10% to 30%, exist in other areas of the site, predominantly along the Normans Kill and its unnamed tributary.

The project site is located in a rural area and within 1500 feet of NYS Route 85 (New Scotland Road). Land use in the immediate vicinity of the project site consists of a combination of residential uses and undeveloped land. Presently, the site is bounded to the north by undeveloped land and to the south and west by the Normans Kill. The site is bordered to the east by Blessing Road and the Brookhill Subdivision.

4. Zoning in the immediate vicinity of the parcel consists of Planned Development District lands. The Planned Development District allows a variety of housing types with maximum densities of eight units per acre for multifamily dwellings.
5. Preliminary plans for the project indicate that 48 single-family residential units are proposed for the development site.
6. The scale of the proposed project has been downsized since the time of the 1993 concept plan submittal. At that time 148 units were proposed. This project change results in a SEQR reclassification of the project from a Type I action to an Unlisted action.
7. The layout of the project has been designed to generally avoid the ravine and wetland areas of the parcel. The ravines and wetlands constitute the primary elements of the project's open space system.
8. Preliminary plans and the applicant's EAF indicate that project construction would impact approximately 23.91 acres of currently undeveloped land. This land would be converted to 48 building lots, the roadways, and the detention basin. Included in this impacted area is approximately 0.10 acres of federal regulatory isolated wetlands which would be filled as a result of project construction.

Conceptual plans and the applicant's EAF indicate that upon project completion, approximately 42.52 acres of the site would remain undeveloped and in its natural state. This would include approximately 5.32 acres of delineated federal wetlands and 3.86 acres of surface water area (i.e. the Normans Kill).

9. Preliminary plans indicate that upon project completion, approximately 42.52 acres would remain as deed restricted open space for use by the homeowners association.
10. Conceptual plans include provisions for storm water management, water supply, sanitary sewage disposal, landscaping, and site grading.
11. The proposed site development will result in the construction of residences along the banks of the Normans Kill on the westerly side of the site, and will include development along the banks of the unnamed tributary on the easterly side of the site. Site development in these areas will include the construction of compacted fill embankments and the installation of slope drains to maintain slope stability. In addition, deed covenants will be provided to prevent the clearing and placement of fill material in backyard areas where slope stability could be affected by such actions.
12. The concept plan for storm water management indicates that post-development storm water runoff from the site will be controlled through the use of a storm water treatment basin situated within the floodway fringe area of the Normans Kill. Storm water would be collected on site in catch basins and conveyed by pipe to the storm water treatment basin. There will be no direct discharge of runoff from the storm water treatment basin to the Normans Kill, as the discharge water will flow over grassy or vegetated areas prior to reaching the Normans Kill.
13. The project site is located in both the Town water and sewer districts. Both services are available to the parcel.
14. Access to the site would be provided via proposed Glad Boulevard from Blessing Road. An existing three way intersection (Blessing Road with Meadowbrook Drive on a stop sign leg) would be transformed into a four way intersection with Glad Boulevard and Meadowbrook Drive as stop sign legs.

## B. Evaluation of Potential Environmental Impacts

1. Although the project will result in the construction of residences along the bank of the Normans Kill on the westerly side of the site, and will also include development along the banks of the unnamed tributary on the easterly side of the site, the project will not have a significant or long-term adverse impact on slope stability. Such development in these areas will include excavation and placing of embankments. All work done in association with earthwork on slopes must maintain slope stability. In addition, deed covenants will be provided to prevent clearing and placement of fills in backyards where slope stability may be affected by such actions.
2. There are several lot locations on this site where the lots were analyzed in order to establish the safety of the site for the proposed structure from the top of the slope, or to determine the depth of slope drains to provide the required safety factor at the building and backyard area. Slope drains will be installed on these lots, raising the factor of safety against slope shear to greater than 1.3. The backyard areas which will have this degree of safety are defined on the plans by a 4:1 safe slope setback line. In areas where drains in backyards have not been designed, the backyards have a safety factor of 1.3 or greater. One drain per lot will be constructed where drainage is relied upon for stability. Very little discharge is expected from these slope drains and no erosion protection is required at their outlet. In addition, site specific soils report will be prepared for any lot that has a proposed foundation footprint on the downhill slope of the slope setback line.
3. The project will not have a significant or long term adverse effect on existing air quality. The nature of the land use is such that it will not produce industrial related air emissions, nor will it result in the generation of significant traffic that might contribute measurably to auto related emissions. Any potential impacts to air quality which may result from the project are expected to be construction related (i.e., dust), of short-term duration and minor impact, and can be minimized by employing good site development practices. In addition, 42.52 acres of the site will remain undeveloped from earthwork and excavation activities. The westerly side of the site will not have the trees removed, which will provide a partial windscreen. The erosion and sediment plan will make provision to minimize dust by constructing a truck entrance area and spraying of water on the access road.
4. Although the development of the site will include the installation of a storm water collection system within the floodway fringe area of the Normans Kill to collect and convey storm water to the Normans Kill, the project will not have a significant or long term adverse effect on surface water quality. The site development plans for the project are being prepared to provide for treatment of storm water in accordance with the New York State Department of Environmental Storm Water Management Design Manual. Specifically, the project will have a storm water pollution prevention plan (SWPPP) and a storm water management plan (SMP) which will include the previously noted treatment basin and related forebay to meet required water quality requirements. In addition, the Town of Bethlehem is a designated MS4, and the project requires compliance with the requirements of SPDES General Permit for Storm Water Discharges from Construction Activities.
5. The construction of the entrance road to the site will include the installation of a culvert and the placement of related fill material across the unnamed tributary to the Normans Kill. The fill material to be used at this location will originate from on-site sources. The site has existed as undeveloped land for many years, and there are no known areas of contamination on the parcel.
6. Although the site is not located in the vicinity of a protected stream, it does lie proximate to the Normans Kill. Construction of the storm water treatment basin within the floodway fringe area of the Normans Kill, including the construction of the entrance road to the site and multiple culvert crossings of the unnamed tributary, all have the potential to impact these two (2) water bodies in terms of runoff from construction activities (e.g., erosion, stream siltation and sedimentation). However, these impacts will be mitigated by development of an erosion control plan to be implemented during the period of project construction. In addition, once the installation of the treatment basin and culvert crossings has been completed, the newly placed fill material will be treated with grass seed as soon as possible in order to establish a vegetative cover on

these areas.

7. The project will not have a significant adverse effect on wetland resources. There are no State regulated wetlands in the vicinity of the project site. Although the site itself does contain 5.32 acres of delineated federal wetlands, only 0.035 acres of such wetlands will be filled as a result of project construction. However, an equal amount of wetland area will be constructed on site, and existing wetlands will be enhanced by additional plantings.
8. The project will not have a significant or long-term adverse effect on existing noise levels in the vicinity of the project site. The land use does not involve the operation of heavy machinery or other activity that would produce a noticeable increase in outdoor noise levels. Any increases in such noise level would be construction related and of a short-term duration.
9. The project will not result in a substantial increase in solid waste production. The project would entail the construction of 48 single family residences.
10. The project will result in an increase in traffic volumes on area roadways. The proposed subdivision is forecast to generate 44 trip ends in the AM peak hour, and 57 trip ends in the PM peak hour.
11. The traffic study prepared for the project, dated revised through February 2003, studied two intersections in the vicinity of the project: Krumkill Road/Blessing Road and Krumkill Road/Schoolhouse Road. The study indicates that there will be a minimal impact at the Krumkill/Blessing intersection in both the am and pm peak hours.
12. At the Krumkill/Schoolhouse intersection the study indicates that development generated traffic will exacerbate an existing deficiency at this intersection. The southbound approach to the intersection during the pm peak hour is forecasted in the no-build condition to operate at Level-of-Service F during the design year of the study (2004), with average delay of 212.5 seconds. For the pm peak hour build condition (2004), the study forecasts that delay will increase on the approach to 280.6 seconds of delay, resulting in an increase of 68.1 seconds on the southbound approach.
13. In order to help mitigate this impact to the maximum extent practicable, the applicant proposes to participate with the Town in the construction of highway improvements in the immediate vicinity of the above referenced intersection. When coupled with proposed improvements by Albany County at the intersection, it is anticipated that the improvements will resolve traffic delay issues and restore the intersection to an acceptable level of service. Specifically, the applicant is proposing to contribute a sum of one thousand dollars (\$ 1,000) per lot to be used to partially offset the cost of construction of the realignment of Blessing Road. Said realignment will relocate Blessing Road so that it aligns directly with Schoolhouse Road, thereby reducing the quantity of left turn movements on the southbound approach that contribute to delay at the intersection.
14. The project will not have a significant adverse effect on flooding or drainage problems in the area. The storm water management for the site will include a storm water treatment basin within the floodway fringe area of the Normans Kill. The construction of the storm water treatment basin will reduce the cross-sectional area at that location, resulting in a rising of the floodway elevation during the 100 year storm event. The increased elevation has been estimated to be less than six (6) inches, which is within the allowable range as stated in the Federal Emergency Management Agency, Town of Bethlehem N.Y. Floodway Data publication. This condition is also discussed in the storm water management report for this project.
15. The storm water treatment basin will be constructed using site materials, which will be placed in accordance with the recommendations in the geotechnical report for this project. The embankment slopes will not be greater than 3:1 and will be compacted to 95% minimum, proctor. The basin slopes will be planted with fescue and Kentucky bluegrass, which are acceptable for velocities of 5 feet per second. The estimated velocity in the Normans Kill subsequent to treatment basin construction will be less than 5 feet per second. The high water associated with the 100-year flood will not have a significant effect on the stability of slopes. These levels do not persist long enough to saturate substantial volumes of soil so that the pore pressure or piezometric surfaces would change materially.
16. Construction within the floodway of the Normans Kill will disturb

existing vegetated surfaces that could result in erosion. However, during the construction phase of the project, short-term non-structural measures, such as performing construction during the dry weather season, will be practiced. Structural practices will be those set forth in the erosion and sediment control plan. Once the treatment basin and related systems are completed, runoff from the site will be directed to the basin to prevent direct discharges to the Normans Kill. Inlets to the storm water collection system will be protected from entrance of silt and debris as shown on the erosion control plan.

17. Following construction there will be no direct discharge of runoff to the Normans Kill. All storm water, prior to reaching the Normans Kill, having traveled over grassed or vegetated areas will have traveled through trenches which provide detention or will have traveled through the storm water treatment basin and through wetlands. Subsurface slope drains in the rear of lots along the Normans Kill will collect and discharge only extremely small amounts of groundwater.
18. The project will not have a significant adverse impact on vegetation resources. Communication received from NYS Department of Environmental Conservation dated June 28, 2002 indicated that the endangered Nodding Pogonia plant has historically been located along the banks of the Normans Kill to the east of the project area. Consequently, North Country Ecological Services investigated this particular area of the site and were unable to ascertain the existence of the plant. If existent, the time of year (fall) of the investigation and other seasonal weather conditions, together with deer browsing, may have made the plant unidentifiable. However, since the proposed development will not occur along the banks of the Normans Kill, it is the opinion of North Country Ecological Services that the project will not have a negative effect on Nodding Pogonia, if in fact the plant does exist along the banks of the Normans Kill on the project site.
19. No critical or significant wildlife habitat is known to exist in the area of the proposed development. However, deer, rabbits and turkey have been observed on the site. It is further assumed that various bird species, including pheasant, are inhabitants of the area. Wildlife will be able to migrate to the north, south and west of the proposed development to an area that will not be affected by this development and is a natural wildlife area. At the location of the crossing of the unnamed tributary to the Normans Kill, two (2) culverts for animal passage are being constructed to allow and promote passage of wildlife through the area to access the Normans Kill shore and return to the wildlife area northerly of the development. The area all along the shore of the Normans Kill will be left undeveloped and in its natural state as a continued natural wildlife area.
20. Review of the Town's environmental inventory files indicates the project site does not contain any designated Critical Environmental Area.
21. The project will not have an adverse impact on agricultural resources. Review of the Town's environmental inventory files indicates the project site is not located in a certified Agricultural District and has not been used for agricultural purposes in the recent past.
22. The project will not have an adverse impact on archeological resources. However, in 1996 a Phase I and Phase II Cultural Resource Investigation were conducted for the Meadowbrook Section 3 project. The investigation was done by Collamer & Associates, Inc. The Stage 1A Archaeological Site File/Literature Search Report reported that there was a high potential for identification of evidence of both prehistoric and historic occupation or use and that a Stage 1B field investigation(s) be conducted. The extensive number of prehistoric archeological sites within one mile of the site, in association with the favorable physiographic characteristics identified in the project limits, suggested a relatively high probability for encountering evidence of occupation or use within the site.

The Phase 1B investigation recovered 45 historic artifacts and two prehistoric artifacts. The sporadic distribution of the historic material indicated that these artifacts represent secondary deposits associated with the continual occupation and use of the land. These resources did not appear to constitute a historic site. The investigation recommended additional investigations.

During the Phase 2 Site Evaluation numerous subsurface investigations were made. No diagnostic artifacts indicating a definitive association with a particular phase or period of prehistoric development were recovered.

Thus the found artifacts may represent stray finds or single incident occurrences associated with a larger site, outside the project area or a site which has been destroyed by subsequent historic activities. This phase recommended no further investigations.

The New York Office of Parks, Recreation and Historic Preservation has reviewed the project in accordance with the New York State Parks, Recreation and Historic Preservation Law, Section 14.09 and have submitted the opinion that the project will have NO IMPACT upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places. (see Exhibit E of the Full EAF)

23. The project will not have an adverse impact on historic properties.
24. The project will not have a significant adverse impact on aesthetic resources. The Normans Kill is not in the New York State Wild and Scenic River system, nor is the site considered an aesthetic resource. Along the entire southerly and westerly side of the site, and at the Normans Kill or in very close proximity, is a tree line. The tree line on the westerly side of the site screens the site with trees 15 feet and taller and directs one's line of sight upwards. On the southerly side of the site, the existing tree line is further back from the shore and directs one line of sight upward also. However, the line of sight will strike the roof lines of proposed buildings. Line of sight sections are included in Exhibit D of the Full EAF.
25. The nature of the proposed land use is such that it will not result in a major change in the use of energy or create a hazard to human health.
26. The project will not have a significant adverse impact on open space or recreational resources. The land is presently privately owned and unavailable to the public. The space along the Normans Kill is ideal for boating, walking and picnicking. A Homeowners Association will be formed making the open space available to the residents of the Association.
27. The project will not have a significant adverse impact on existing neighborhood or community character. The overall site contains approximately 66 acres and will include 48 developed lots, which will total approximately 24 acres. The remaining acres will remain as vacant undeveloped land. The overall density will be well below that allowed by Town Code.
28. Review of the site in the field and with available environmental data revealed no other environmentally sensitive characteristic of the parcel, or issues which have not been addressed, or areas requiring further study.

On a motion by Mr. Kotary, seconded by Mr. Messina and a vote of 5 for and 0 against, and 0 absent, this RESOLUTION was adopted on July 12, 2006.

Councilman Gordon asked how many units are anticipated in this. Mr. Mathusa said 48 units.

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Supervisor Egan said that was the end of the agenda items. She said the only thing she added as an informational thing that came down this week and she thinks she provided copies to the Town Board Members was that she and Commissioner of Public Works, Oliver Holmes, received notice from DEC this week that in conjunction with the Governor's goal to make the Hudson River swim able in 2009 also commensurate with the 400<sup>th</sup> anniversary, they are going to require that the Town start disinfecting the effluent from the wastewater treatment plant. She said the good news is that we already have the equipment, as a result of the emergency situation we were in and the permit, it is there and they are going to be working through this. She said there will be some operational cost and have to modify the permit but it is something that there will be more about. She said the good news is we are actually ahead of the curve on this one. She suggested if anyone had any questions, please contact Commissioner Holmes following the meeting.

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Supervisor Egan asked if there was any other business for the Board. There was none.

The Supervisor asked if there was any other public comment on non-agenda items. There was none.

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The motion was made by Mr. Messina and seconded by Plummer to adjourn the regular Town Board meeting at 6:12 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.

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Town Clerk