

TOWN BOARD
JUNE 8, 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 welcomed everyone and invited them to join in the pledge of allegiance. The Supervisor asked if anyone had any comment on any item on the agenda.

Resident Robert Jasinski inquired about the request from the Department of Parks and Recreation for adoption of a resolution to use \$125,000 from the parkland set aside fund to develop Maple Ridge Park, Selkirk. He asked if that was located on Elm Avenue East. Supervisor Egan said it is near the highway garage. Mr. Jasinski noted there was one that time and effort have been put into a park there already. The Supervisor noted this is the same park, a new one. She said it has been roughly graded, some of the parking lot subsurface is starting to go in and the request is to use funds to pay for the stuff done, as well as, the further development of the park. Mr. Jasinski said he sees Town employees doing work down there, or at least the equipment. Supervisor Egan said this was correct.

Mr. Jasinski next asked how much money was in the set aside fund. Park Administrator, Nan Lanahan, said there was about \$130,000. Mr. Jasinski said this would almost deplete the fund amount. Supervisor Egan said yes but this is a fund that is self-replenishing based on the parkland set aside fees. Mr. Jasinski said it is self-replenishing by a development when a house is built, noting they give money to the fund. The Supervisor said based on the parkland set aside fee for the Town. She noted it was a Town ordinance.

Mr. Jasinski said there is a moratorium. The Supervisor agreed. Mr. Jasinski said there will probably not be that much into it until the moratorium is lifted. Supervisor Egan said the moratorium is going to be lifted the first week in October or 30 days after adoption of the master plan and the zoning ordinance, whichever occurs first. Mr. Jasinski said this fund will be depleted until that time. Supervisor Egan said that was correct but there is not a lot of money that goes into this fund on a recurring basis. Mr. Jasinski asked how many homes are down in this area. Supervisor Egan said there are several subdivisions in that area. Mr. Jasinski asked again how many homes were there. The Supervisor said she did not know the answer to that. Mr. Jasinski said she did not really answer his question. Supervisor Egan asked which was question was not answered. Mr. Jasinski said he would like to know why \$125,000 is being spent and how many people there are in the area and actually what is it going to do. Supervisor Egan said it is a Town park that will be available to all of the Town residents just like the Elm Avenue Park and the South Bethlehem Park. Mr. Jasinski said the Elm Avenue Park is a major park and it does draw more people from Town-wide whereas this is a regional park and regional parks do not draw that much. The Supervisor said she did not know if she agreed with that statement but there are other parks within the Town and noted in North Bethlehem and South Bethlehem also. Mr. Jasinski thanked the Supervisor.

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Supervisor Egan asked if there were any other questions on agenda items. There were none.

The first item on the agenda was a presentation by Center of Economic Growth and request for resolution to adopt a regional compact. Supervisor Egan introduced David Rooney from Center of Economic Growth. Mr. Rooney thanked the Supervisor and Board. He said he appreciated the time to come and speak with the Board about a program and project that is important to the Town of Bethlehem but also to the region as a whole. He said the notion is how can a regional development compact be created., noting it is a voluntary agreement among municipalities to begin to look at some challenges and how they can continue to work together and gather information as they do planning for the type of technology growth that is underway within the region and more growth that can come.

Mr. Rooney said he believed the Board had a copy of the compact itself. He said this compact has been arrived at after some work with the Members of the Local Government Council, noting the Town of Bethlehem is a member of the Capital District Regional Planning Commission, the transportation committee and members of the Tech Valley Chamber Coalition. He said working together they came up with some guiding principals for consideration as important decisions are made on a local level about the type of development and growth that is desired.

Mr. Rooney said the document is here for consideration and focuses on some principals of having a comprehensive and economic development plan in place that was adopted and arrived at an open public process. He said this community has been engaged in this process for quite some time now.

Mr. Rooney noted there is no cost involved and it is a voluntary program, mentioning that home-rule is the rule of law in the State of New York. He said the goal is to provide additional information for communities to make as informed decisions as possible. He thinks what they can do with communities who adopt the compact is to go out and market this region for growth, technology companies in particular, and that is one of the primary roles that Center for Economic Growth has in working in this region. He said they hear from companies and the companies are looking for communities who understand what they want and understand the growth opportunities they want to pursue. He said there is a predictable process in place regardless of how long that process is to consider growth opportunities and consider developments that come to them. He said they think that communities who adopt this compact and look at these characteristics and consider them for their communities will be well positioned for them to be able to go out to market and say these are communities who are prepared for discussions with companies and discussions with individuals who want to come and locate in a given community or a given region.

Mr. Rooney noted this is the 9th community that he has had a chance to chat with over the last six weeks or so. He said 8 communities thus far have adopted the compact. He noted the City of Troy, the Village of Green Island, the City of Rensselaer, Town of East Greenbush, Town of Colonie, City of Amsterdam, City of Cohoes. He said the first community to do so was the City of Cohoes, Mayor McDonald

Supervisor Egan thanked Mr. Rooney and everyone at CEG knowing how much work has been put in for this entire region. She said everyone has their fingers crossed that it will pay off in the very near future.

Councilman Plummer said he thought this was good and is supportive of it. He said in regard to the comprehensive plan is being done is to attract certain commercial investments within specific areas. He asked if it was Mr. Rooney's view that the comprehensive plan is extremely attractive to the private sector when they are looking for locations. Mr. Rooney said that is exactly the case. He said the intent is demonstrated and expressed a desire for commercial activity. He said the parameters and structure the Town places to that is a very important asset, not only for your residents, but also for the companies who may be looking. He said the companies want to know the process is in place and that this has been thoughtful in its approach. He said he thinks it is very important.

Councilman Plummer said maybe Mr. Rooney can help market the Town once the plan is adopted. Mr. Rooney said that is all part of the role that they play as a regional economic development organization.

Councilman Gordon said he appreciated Mr. Rooney's coming in and was pleased that the Town can be a member of the top 10 here. He asked without naming any specific towns, if Mr. Rooney was coming to the Town because of the comprehensive plan. He asked if there were any towns that were not up to speed. Mr. Rooney said there are towns at various levels of action and effort and progress in this endeavor all around the region. He said many communities have not even gotten off the dime and others are well on the way. He said the Town of Colonie has been engaged in a similar type of project over many years.

Supervisor Egan said Mr. Leveille has been very active in several of the committees at CEG. She said she is a member of the Local Government Council and noted Mr. Rooney is marketing the Town really well.

Supervisor Egan thanked Mr. Rooney. She said Director of Economic Development, George Leveille, drafted a proposed resolution which is the adopting resolution for the compact. The following resolution as presented for adoption:

Resolution No. 21

Resolution

WHEREAS, the Town of Bethlehem is a community that encourages dialogue and cooperation with neighboring and regional communities about issues, challenges and opportunities that transcend municipal boundaries, and,

WHEREAS, it is recognized that the Town will become increasingly diverse as the region grows and that diversity in terms of age, household size, race or ethnicity, and economic status is a positive attribute for the Town, and,

WHEREAS, the Town desires to sustain and enhance public services in a fiscally responsible manner and achieve a balance of residential commercial, industrial development and open space, and,

WHEREAS, the Town desires to create a business friendly environment that is supportive of small business, encourages entrepreneurship, and helps assure the provision of quality, living wage employment and a diverse economic base, and,

WHEREAS, the Town desires to promote commercial and industrial growth in appropriate locations and encourages the reuse or redevelopment of existing sites and building as an alternative to development of "Greenfield" locations, and

WHEREAS, the Town recognizes its significant cultural, historic and natural resources and desires to protect and enhance these resources for future generations, and,

WHEREAS, the Town encourages the use of flexible land use regulations and creative land development techniques to retain the economic value of rural land, and,

WHEREAS, in conjunction with willing landowners, the Town desires to conserve quality open space throughout the Town and create a network of open lands to provide wildlife habitat and potential recreational trail corridors, and,

RESOLVED, that the Town of Bethlehem joins with other Capital Region communities in adopting the attached Regional Development Compact, expressing its commitment to responsible growth, economic vitality and social and environmental sustainability of both the Town and the Region.

The foregoing resolution was presented for adoption by Mr. Plummer and seconded by Mr. Marcelle. The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

Supervisor Egan said the next item was a presentation by the Legislative Gazette. She introduced Gina McCarthy, noting she was a resident of Bethlehem. Ms. McCarthy said the Legislative Gazette started this program about 12 years ago called special reports. She said he knew there was associations and organizations that have

issues with the Legislators, Governor's office and they do not have the funds to buy advertising in the paper which is a good vehicle to get the message out. She said a few years ago there was a decision to go to the municipalities – towns, counties, different places – to see if they might be interested in profiling their town. She said they have had a number of places do this.

Ms. McCarthy noted this does not cost the Town a dime. She said it is free and they sell advertising to support it. She said for every page they sell, the Town would get a page of editorial space to fill. She said if the material is not written or there is no one who has the time to write it, they will provide the Town with a writer or the Town can hire a writer and they will pay for it.

Councilman Lenhardt asked where the papers are distributed. Ms. McCarthy said they distribute throughout the State, free publication and they have points in the Legislative Office Building, the Empire State Plaza, different State offices, town offices, cities and libraries. Councilman Marcelle asked if this was an insert into the Legislative Gazette. Ms. McCarthy said it could be, indicating the Town of Colonie's was a 16 page insert. She said they like to get at least 16 pages to make it an insert. She said if it is smaller than that, it is just incorporated into the newspaper.

Councilman Marcelle said he knows it does not cost the Town anything. He asked how it serves the Town's interest. Ms. McCarthy said if there are economic development issues that need addressing, different town's information is whatever the town wants it to be. She said it can be political or what a great town Bethlehem is and why people would want to live here. She said it is a matter of whatever the Town wants. Councilman Marcelle said some of that direction would fall upon the Supervisor's office.

Councilman Plummer said from his experience as a lobbyist, he sees the Legislative Gazette all the time. He said it is in the Capitol and has featured various communities throughout the State and a lot of the people in the private sector pick it up. He said it goes back to talking about economic development in certain areas and certain kinds of economic development, noting it is surprising how many people pay attention to this and look at it as an opportunity. He said it is a place to reach out and see what is in a town. He said this could be used to promote the Town and it provides state-wide exposure to it. Ms. McCarthy thanked Mr. Plummer.

Supervisor Egan said some get delivered here at the Town hall. Councilman Marcelle said he sees them all over the place. He commented that there is zero fiscal impact and thus he is not opposed to the extent that it is considered valuable. He said if the Supervisor and Director of Economic Development and Planning compose this, he has no objection. Supervisor Egan said she would let him read the script before it is submitted.

Councilman Gordon asked about the ratio between advertising and editorial. Ms. McCarthy said it is half advertising and half editorial. Mr. Gordon said looking through the Colonie edition, he noted a lot of retailers besides the regular vendors who might want to do business with the town or might see it to their advantage. He said he was pleased to see a lot of the advertisers were local merchants. Ms. McCarthy said that was correct and the readership is just the State workers noting they are on the concourse and they get picked up every week. She said the interns that write the paper are the ones who deliver it and they are not going to deliver any more than they have to because they have to pick up copies from the week before. She said they distribute about 15,000 and have a subscriber base also. Ms. McCarthy said the Town will pick the day, noting if there is something going on that you want to do it for, the Town can pick the date indicating it takes 6 to 8 weeks..

Councilman Gordon asked when they publish. Ms. McCarthy said they do not publish in July and August. Mr. Gordon asked if the interns are still working. Ms. McCarthy said they are because they have to deliver the last newspaper in the end of June or they do not get their last paycheck.

Supervisor Egan asked if there were any other questions. There were none. She thanked Ms. McCarthy.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to proceed and undertake the project with the Legislative Gazette. The motion was passed by the following vote:

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

The next item was a request from Town Clerk, Kathleen A. Newkirk, for approval of payment of training for Voting Machine Custodian.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve payment of training for Voting Machine Custodian as requested by Kathleen A. Newkirk, MMC, RMC, Town Clerk. The motion was passed by the following vote:

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

The following item was a request from Town Engineer, Erik Deyoe, for allowance of easement encroachment 95 Queen Anne Drive, Slingerlands. Supervisor Egan noted it has to do with the placement of trees between properties to create a buffer. She noted the Engineering and Highway Departments have looked at this and it is acceptable as long as 10 feet is maintained between the trees when fully grown.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the allowance of easement encroachment as 95 Queen Anne Drive, Slingerlands, New York with no less than 10 feet maintained between the trees when fully grown as requested by Erik Deyoe, Town Engineer.

Councilman Gordon asked who was going to dig the holes in the right spot as indicated on the map. Town Engineer Deyoe said they will go by and inspect it. He said the holes will be dug by the owner's landscaper.

The motion was passed by the following vote:

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

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

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of seasonal personnel as listed in the Memorandum from Nan Lanahan, Administrator, Parks and Recreation Department, dated June 8, 2005 at the listed titles and salaries. The motion was passed by the following vote:

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

The next item was a request from Town Engineer, Erik Deyoe, for acceptance of deeds for Elsmere Avenue Sidewalk project and authorization of fee conveyance. Supervisor Egan said she was proud to announce that she thinks every one of them has

been obtained so the project can start. She said there were previous presentations with regard to the fees that are set forth.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the acceptance of deeds and authorization of payment of fees regarding the Elsmere Avenue Sidewalk project as requested by Erik Deyoe, Town Engineer. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a presentation by Erik Deyoe, Town Engineer, regarding SPDES General Permit for Stormwater Discharges. Supervisor Egan said the draft report was in the packets and has been available at the Town Clerk's office the last couple of weeks. She said it is part of the requirements in regard to education and outreach. Mr. Deyoe proceeded with a power point presentation regarding the Town's storm water program. He noted this is a requirement under the existing permit with DEC on an annual basis. He said this was to update the Board on the status and provide some opportunity for public comment.

Mr. Deyoe said the program has been passed down by EPA and DEC to the local level. He said it is rooted in the Clean Water Act. He said it requires any regulated MS4, which applies to part of the Town of Bethlehem, to develop, implement and enforce the storm water management program. He said they provide a deadline of 2008. He said the ultimate goals in a broad sense are to reduce the discharge of pollutants into water bodies and improve and protect water quality.

Mr. Deyoe said the Town in 2003 submitted the permit to begin a process of developing the storm water program. He gave the following 6 minimum control measures in the program requirements:

1. Public education and outreach;
2. Public involvement, participation in development of the program;
3. Maintenance of the program;
4. Illicit storm water discharge, detection, elimination;
5. Construction site runoff control and post construction runoff control; and
6. Developing a program for pollution prevention and good housekeeping.

Mr. Deyoe said it is primarily geared for the Town's operations.

Mr. Deyoe said in regard to public outreach and education, he provided samples of what the EPA guidelines show could be done and not necessarily requirements. He said the Town has included a section in the Town hazardous waste flier that goes out from the Highway Department on an annual basis which talks about how homeowners can help in preventing storm water pollution. He said there is also the annual report and presentation. He said, as far as public involvement, there are public meetings and citizen panels that can be done. Another possibility, according to Mr. Deyoe, is to have watch groups, developing a call center where the input could be received from the community if there were problems out there. He said there is an adopt-a-drain program that could be considered. He said the activities this year have been in the reporting and the annual presentation.

Mr. Deyoe said, as far as, what the Town has done, one is that we have hired a GIS specialist and done significant work in developing the GIS base map. He said the Town under grant with Local Government Records Management Improvement Fund with the State Education Department has procured some GIS equipment to field locate storm water outlets – everything from storm drains to hydrants to whatever is to be put into the GIS system. He said they have done the flier with the household hazardous waste and a blurb on the website.

Mr. Deyoe said the Town has been able to establish long term maintenance agreements for new development. He said there is a legal obligation from the applicant and the developer to maintain their storm water in accordance with the requirements. He said they have done some maintenance of the storm water drainage model, noting it is somewhat of a limited model, and will enhance it where they can.

Mr. Deyoe noted the Town also does a town-wide household hazardous waste, street sweep and brush pickup. We do all that type of thing and this reduces the sediment load on the storm water system and reduces potential pollutants into the end water. He said there is a mandatory recycling program, pet waste ordinance, in-house and out-source training with the Highway and Engineering staff. He said they have done a sewer system instruction project with the Highway Department.

Mr. Deyoe said the bulletin board on the second floor has a lot of information about storm water. He said there is a lot of good information up there and encouraged everyone to stop up and take a look at it. He said they plan on doing some utility billing inserts and enhance the Town's website with some more information. He said they are in the process of reviewing storm water districting and determine the best way to implement a special assessment district on new development and how they can encourage that in Town.

Mr. Deyoe said there was information from the Capital District Regional Planning Commission that is on loan and there is some information on the EPA website. He said some things residents can do is proper recycling; disposal of waste; picking up after the pets; storage and disposal of chemicals properly; inspecting the septic systems; and maintaining them properly. He said clean up of yard debris, minimizing to extent possible of pesticides and fertilizers. He said there are a number of major issues and he would encourage people to do what they can.

Town Engineer Deyoe also listed some websites for background information mentioning the EPA, DEC, as well as, the CDRPC. He said it would be helpful to anyone who is interested.

Councilman Marcelle asked about the amount of money involved. Town Engineer Deyoe said at this point it is too early to tell. He said there are operational impacts. He said he does not think they have defined the differential yet. Councilman Marcelle asked if this will require construction of any sort. Mr. Deyoe said not necessarily for the Town but the new development will pay for itself. He said there are operational impacts on the Town and they are trying to determine the best way to deal with that to the extent they can and have the new growth pay for what their contribution is.

Supervisor Egan said she is still trying to get her hands around this but they have started some internal meetings with all the staff that is relevant and she thanked Mr. Deyoe and also Gregg Sagendorph, Randy Passman, Oliver Holmes, George Leveille and Jim Potter. She said it has taken everyone at this point to try and get their hands around this. She noted expenses are inspections which will be an increased expense since in 2008 the Town becomes responsible for all this. Town Engineer Deyoe said it is inspection and enforcement noting basically the whole program gets passed down to the local level. Councilman Marcelle said an unfunded mandate. Supervisor Egan said that was correct.

Supervisor Egan said this is a significant issue the Town has to deal with. Mr. Deyoe said it establishes storm water management as its own utility and how we deal with that on a forward going basis. He said it is a big change, big impact. Supervisor Egan said as soon as they get their hands on dollars, the Board will be the first one to know.

Councilman Gordon asked Town Engineer Deyoe what he is characterizing as operational impacts. Mr. Deyoe said development of pond dredging, micropools and ways to deal with storm water contaminants in a biological level. He said there is periodic dredging and maintenance of ponds, backing out and cleaning out the clean

water system, storm drains, catch basins, piping. He said there are several mechanical/precast structures that through a series of filters or vortexing take sediment out of the water. He said they have to be cleaned out periodically and noted these are the kinds of impacts that are expected beyond what is currently done.

Supervisor Egan said for the Board's information, in case it is heard from developers, it is not Town mandated. She said DEC has approved certain systems and that is really pretty much what they have approved. She said it is trying to work within the standards that create some friction with developers in the Town. Mr. Deyoe said they are coming on board. He said everyone realizes the impact and they have all heard about the fines that some developers have gotten from DEC for not complying with the new regulations.

Supervisor Egan thanked Town Engineer Deyoe and said it was a great job.

The next item was a request from Supervisor Egan for adoption of resolution extending real property tax deadlines for persons deployed by military. The Supervisor said this resolution was passed by the Albany County Legislature about a month ago, several weeks at least, and to be effective, the local municipalities also have to pass it. She said the resolution in the packets was the Albany County resolution relative to Bethlehem.

The following resolution was presented for adoption:

Resolution No. 22

RESOLUTION

WHEREAS, State law authorizes Albany County and other municipalities to support Reservists and members of the National Guard called to active military duty, their spouses or domestic partners by extending the deadline to pay real property taxes or the imposition of penalties or interest for late payment, and

WHEREAS, Under the State Real Property Tax Law Section 925-d, the deadline for payment of county property taxes would be extended to 90 days after the end of deployment and would apply to payments made from real property tax escrow accounts, and

WHEREAS, the Town of Bethlehem desires to support Reservists and members of the National Guard called to active military duty by relieving them of the worry of meeting property tax payment deadlines while they risk their safety and sacrifice their time with families and careers fighting in Iraq or Afghanistan or assigned to other parts of the world in the war on terror, and

WHEREAS, Authorization for the 90-day extension for payment of County and Town property taxes can be granted only to qualified residents of those municipalities that have enacted similar extensions under Section 925-d of the State Real Property Tax Law, since towns, cities or villages within Albany County collect County property taxes along with their own taxes, now, therefore be it

RESOLVED, That the Town of Bethlehem hereby enacts the provisions of the Real Property Tax Law Section 925-d authorizing the extension to 90 days after the end of deployment, of County and Town real property tax collections or the imposition of penalties or interest for late payment for members of the Reserves and National Guard deployed for active duty, other than training, their spouses and domestic partners, in those municipal jurisdictions within Albany County that have enacted similar extensions under Section 925-d.

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

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

Noes: None.

Absent: None.

The following item was a request from Administrator, Nan Lanahan, Parks and Recreation, for adoption of resolution to utilize \$125,000 from the Parkland Set Aside Fund to develop Maple Ridge Park, Selkirk. Supervisor Egan asked if there were any questions.

Councilman Marcelle asked Mrs. Lanahan if the set-aside passed in 2001 required developers to put in some money to fund parks. Mrs. Lanahan said this was correct. Mr. Marcelle said that this is not a separate tax but a dedicated fund. Mrs. Lanahan said it is not a tax, these are developer fees that are paid totally by the developers. Mr. Marcelle said the developers have an option to create green space within the project or to contribute money. Mrs. Lanahan said it is not necessarily their option, explaining it is brought to the Planning Board and if they have land that they would rather donate in lieu of the fee, the Planning Board will evaluate that or confirm with her to decide. Councilman Marcelle said there is a process by which they go through. Mrs. Lanahan said the land is not really desirable and she would rather have the money. Mr. Marcelle thanked Mrs. Lanahan.

Councilman Gordon asked what kind of improvements will be done, noting it is a new park and asking if this is the first these funds have been used. Mrs. Lanahan said this was the first time. Councilman Lenhardt said there was a list of the improvements included in the Board information. Mrs. Lanahan said the budget given to the Board kind of highlights the basic things that are being planned. She said the land was given by the developer of the 2 developments, Charlew Builders, some time ago. She said they just took over the deed last year. She said no development was started until that time. She said part of the agreement with the developer is that they would clear and do some preliminary grading in the parkland. She said if you have seen work going on there by other than highway workers, that is who is doing the work. She said that was part of the arrangement in acquiring the land and it was not anything the Town has spent money on.

Mrs. Lanahan said other than that, the Highway Department has done some excavation work to prepare the parking areas and the basketball court and they will settle for a while now. She said they will be hiring an outside contractor to come in and do some fine grading and seeding to get grass growing and things moving. She said then they will be looking at putting in the basketball nets and posts and building a playground. Also she said there will be a nice large green area that can be used as a soccer field or just a play area. She said it should serve the neighborhoods very well.

Councilman Gordon said with the land being donated and outside of the Highway Department's work, the Town is really able to build the whole park with these funds. Mrs. Lanahan said she anticipates that they will probably have to spend some money out of the Recreation Reserve account too based on the estimates. She said that could change, it is a rough estimate right now and depends on how generous the Highway Superintendent is with his services. She said Mr. Sagendorph is pretty generous.

Mrs. Lanahan said you can spend \$10,000 on a playground or you could spend \$100,000 on a playground. She said it depends on what is being looked at and how much money is left. Councilman Marcelle asked if there was any plan to solicit potential contributions. Mrs. Lanahan said she has considered that. Mr. Marcelle said as an example, in South Bethlehem, Callanan Industries did a lot to contribute to that park. Mrs. Lanahan said they can certainly explore those possibilities. Mr. Marcelle said there are some new corporate neighbors in Glenmont that may want to show that they are dedicated to the community. Mrs. Lanahan said playgrounds are good for that and they can get their name on a sign and a lot of people see it.

Mrs. Lanahan said it does deplete most of the funds but as soon as the moratorium is lifted, and development starts again, there will be money brought back in again. Councilman Plummer said he thought this was okay since when they passed this in 2001, the motivation was to set aside money to do just this. He said he thinks this is great. Mrs. Lanahan said it is going to serve a lot of new residents that live over in that area.

Councilman Lenhardt said the money allows the Town a controllable area rather than areas spread all over the place. Mrs. Lanahan said this was correct.

Councilman Gordon asked when this will have a grand opening. Mrs. Lanahan said her goal is the fall of 2006 depending upon how quickly they can get the area taken care of this spring and get the grass growing. She said they are still doing the water park for 2006 also.

The following resolution was presented for adoption:

Resolution No. 23

RESOLUTION

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 8th day of June, 2005, duly adopted, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to fund the Maple Ridge Park development project and

WHEREAS, it is estimated that the costs of said work will not exceed \$125,000; and

WHEREAS, in recognition of these needs, funds for such purpose are in the Parkland Set Aside Fund; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the project as described above; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the Parkland Set Aside moneys to fund this project up to a maximum amount of \$125,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Parkland Set Aside Fund the funds necessary up to \$125,000 in said fund; and

BE IT FURTHER RESOLVED, that the Town Board approves a budget modification for the project as described above, with an increase to the Parks and Recreation Capital Expenditure line item (110-7120-551-22-03), and a corresponding increase to Planning Board Fee revenue (110-0000-327-21-15), in the amount of \$125,000.

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

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

NOES: None.

ABSENT: None.

Supervisor Egan asked if there was any other public comments. Resident Marie Capone asked in regard to the military extension, how many persons were currently from Town and in the service. The Supervisor said she did not know, asking the Receiver of Taxes and Assessments. Mrs. Mendick said she had no idea. She said it certainly is well worth it. Mrs. Capone agreed noting this is not the idea. She said the town has no idea of what is going on.

Mrs. Capone next asked about Hudson River Construction Company getting the pool ready and why the park is using these people. She said Mr. Sagendorph used to do it and it was fine. The Supervisor said she did not think Mr. Sagendorph did the marciting of the pools. Mrs. Capone said there was never a company who came and did it.

Mrs. Capone said the Spotlight mentioned the Town has named 15 people to be on the health group asking who they are. Supervisor Egan said it was the individuals who applied and showed interest in the EPA dewatering facility. She said it included Cathy Barber, Paul Barrett, George Bercharlie, Ralph Cohn, David Decancio, William Helmer, John Hockenbury, Elaine Humphrey, Kyle Kotary, James Moran, James Schwab, Paul Supple, Burton Thorne, Carrie-Lynn VanApeldoorn, Harry Wilbur and Roslyn Zorzi. Mrs. Capone said there is a lot of people they don't know. She suggested it be put in the Spotlight.

Mrs. Capone said she asked before when people are hired to give a background on the people. She said you hire a person, they do not know why the person is coming here, they see them in the hall and we have no clue as to what it is. She said in the Spotlight they hire a Principal at the middle school and there was all kind of background on the person. She said maybe this kind of thing could be done, noting the previous administration did it. That's called open government. She said the previous administration put it in the Spotlight indicating it was the law and open to the community. Supervisor Egan thanked Mrs. Capone.

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Supervisor Egan asked if there were any further comments. Mr. Robert Jasinski thanked Mrs. Capone, noting she was always interesting. He said with regard to the comprehensive plan with dates and times set, he noticed that there are special requests or special zoning requests from the Planning Board for quite a few items on this, and asked if that takes the Town Board out of the loop. He said he feels the citizens are governed with out representation on a number of items that are in the comprehensive plan. He said they will not be able to come up and talk anymore. Councilman Plummer asked if Mr. Jasinski could be a little more specific about this. Mr. Jasinski asked if this was all going to be approved by the Town Board once it goes to the Planning Board or if the people meet the requirements of the comprehensive plan and the Planning Board approves it, is it done and that is the way it goes. Supervisor Egan said she agreed with Councilman Plummer that she was not sure what Mr. Jasinski was asking. She said the Planning Board members are appointed by the Town Board and therefore, the Town Board is still answerable for the Planning Board. She said she disagreed with Mr. Jasinski's statement regarding who was making decisions. She said she was not sure what he was asking on the zoning issue.

Mr. Jasinski said on the comprehensive plan or the zoning many times it says special permit for different development and different sections and everything else. He said the permits are going to cost money so there will be a fee. He said they will have a longevity of 3, or 6 months, a year and asked if this all goes through the Planning Board. Supervisor Egan said a special permit application would go through the Planning Board. Mr. Jasinski said the Town Board would no longer be needed and therefore, money could be saved. Supervisor Egan said she disagreed because the Town Board does lots more things than issue special permits. She said she is not sure if that was what Mr. Jasinski was asking. She said the comprehensive plan and zoning are 2 different things. She said she did not want to mix apples and oranges. She said if he was asking that in the zoning ordinance there are certain zones, hamlets, commercial, and within each zone there are various uses listed. She said some of the uses are by-right and some are going to be with site plan approval and then some require a special permit. She said if the question is the ones that require a special permit where they go, she said they go to the Planning Board.

Mr. Jasinski then asked about the other ones. Councilman Marcelle asked for the purpose of understanding the comments, was the concern about the number of uses that require special permit. He said it is not a rare instance in his view. Mr. Jasinski said it is quite a few. Mr. Marcelle said Mr. Jasinski was not talking about a specific example but generally. Mr. Jasinski said yes, generally. He said you add up the special permit things that are required through the Zoning Board and everything else and it is quite a list. Supervisor Egan said it is not through the Zoning Board but the Planning Board. She said certain things do go to the ZBA. Mr. Jasinski said he was no lawyer and there are 3 lawyers here and asked if they could tell him every part of this. Town Attorney Potter said he would address what he thought Mr. Jasinski was asking. He said a special permit use represents a judgment by the Town Board as the legislative body that that use is appropriate for that zone. He said, however, the Town Board makes the determination that certain criteria have to be met. He said it has to be compatible with the neighborhood, an appropriate use for that area. He said that was delegated to the Planning Board and they can look at the project specific issue but the Town Board is a legislative body and makes the judgment that in general those uses listed as special permit uses are appropriate for that area. Mr. Jasinski said that clarifies it a little but he will go back and read it. He thanked the Board.

Director George Leveille said Mr. Jasinski is probably referring to the prevalence

of special permits in the rural parts of Town and he thinks during the comprehensive plan process they heard that there was a desire for a lot of flexibility in use in rural parts of Town. He said in the core zoning districts it is pretty clear what the prevailing uses were and they wanted to create flexibility in the rural parts of town so a lot of different uses could be permitted in those areas. He said unfortunately some of the uses may have odors, sound, noises, lights and things that might be obnoxious to a neighbor. He said by permitting these uses, it says in general these things should be allowed to occur. He said there are 47 uses permitted alone in the rural district. He said this is a phenomenal, astronomical amount of uses. He said you would not see that many uses in most zoning classifications, however, about 20 are subject to special permit based on the types of things that might occur in terms of noise and impacts that might negatively impact a neighbor. So, he said there are quite a few special permits but generally as you move toward the rural areas and many more uses permitted but many more of those are subject to a more detailed review to make sure that there are not negative impacts on the neighbors.

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Supervisor Egan asked if there were any other comments. Mr. Michael VanVranken said some weeks ago he asked the Board to consider one of his questions about mailbox hutches. He asked if there was any more information on that – whether an individual can place mailbox hutches on the Town property and if that is done as an unwritten license and therefore the individual does not lose his or her complete interest in the hutch or any structure on the Town property. He said Town Attorney Potter indicated he presumed or believed that was the case. Town Attorney Potter said he has not done any further research on this item. He said he believes the Town allows it as long as it deems it appropriate. He said if the Town chose to disallow it, it remains the property of the individual but they would not be able to continue to use it on the Town property. Mr. VanVranken said this was fine, he just did not know if there was additional information or anything else. Town Attorney Potter said he did not have any.

Mr. VanVranken also brought up an idea or some ideas, indicating he has not followed or come to the meetings on the comprehensive plan. He said he wondered if the Town Board is interested and has an interest in oversight and development of CIDS or common interest developments. He said there are some 300,000 CIDS now incorporated across the United States and there are some here in the Town. He said he did not know if this has been addressed in detail in the plan. He said it includes PUDS or planned unit developments -- example would be Chadwick Square and Walden Fields, coops, condominiums such as Woodgate or possibly condominiums to be developed in Beacon Harbor. He said each CID creates a new corporation and a new government or a mini-government within the Town of Bethlehem. He said each mini-government or separate government significantly impacts its sub-community and may well impact and interact with the Town of Bethlehem's governance and its elected officials.

Mr. VanVranken noted he enclosed a few paraphrases from a book on the topic and it deals with the growing tendency toward the privatization of government within governments across the United States. He said he hopes the Town Board may be interested in these items and wonders if these CIDS coming into Town will be handled by the Planning Board, the Zoning Board, or will they need special zoning permits, etc. or will they be the ultimate responsibility of the elected officials or the Town Board. Mr. VanVranken proceeded to make some comments from the book.

Supervisor Egan thanked Mr. VanVranken indicating she will make sure everyone gets a copy of the information..

Supervisor Egan mentioned the next Board meeting is the evening of the public hearing regarding the comp plan and zoning ordinance and the SEQR information. She confirmed the fact that the meetings are one hour, however, times had to be set and allowance will be made for enough time as needed to complete the hearings for each of the items. She said ground rules are to be set – sign in and if you wish to speak an index card is filled in with name, address and phone number. She said since this is a public hearing, a record must be kept. She said speakers will be called in order as they signed in

and limit comments to 3 minutes which seemed to have worked well in the past. She said she will have this information published on the website.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to adopt the rules and procedures for the public hearings and post them on the website as set by Supervisor Egan. The motion was passed by the following vote:

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

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Supervisor Egan said there will be a very brief presentation before the comp plan portion of the hearings. She said that hearing will be closed after comments. The Zoning and Subdivision Rules and Regulation hearing will begin with a brief presentation, the Supervisor noted. Following the hearing, the SEQR hearing will be done Supervisor Egan said. Councilman Marcelle requested that the hearing notices be posted at the Town Hall and at the Library. Supervisor Egan noted she will also make sure the Spotlight and Ravena News Herald has information as well. She said one other thing is that there will be no pooling of time so there is 1 speaker. She said this has happened at other meetings.

Councilman Marcelle said he saw a letter in the Spotlight after Memorial Day regarding the flags and taking care of them. He said he knows there is a tendency to forget but we are at war now. He said it was during Memorial Day and since our sons and daughters dying at distance land, he thinks the flags were appropriate and proper. Supervisor Egan thanked Mr. Marcelle.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to adjourn the regular Town Board meeting at 6:05 p.m. The motion was carried by the following vote:

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

Town Clerk