

TOWN BOARD
JUNE 25, 2008

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 6:00 p.m.

PRESENT: John H. Cunningham, Supervisor
Samuel Messina, Councilman
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Mark Hennessey, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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Supervisor Cunningham noted there was a smaller crowd than usual now that school is out. He asked Barbara Hodom to lead the pledge of allegiance.

The first order of business was for public comments on agenda items. Mr. Robert Jasinski noted his daughter did not come tonight because her daughter was graduating from the middle school to the senior high school. He wanted to say that his granddaughter got a 98 on Earth Science which was the highest in the Ravena-Coeymans-Selkirk Central School District. Supervisor Cunningham noted congratulations to his granddaughter, indicating that is terrific news.

Mr. Jasinski said he had a couple questions but Mr. Leveille was kind enough to answer a couple of them. He said the one request from Parks and Recreation Department to adopt a resolution endorsing the grant application from the Open Space Conservancy to the NYS Department of Recreation and Historic Preservation for improvements to the Colonial Acres Golf Course. He said the Town has only owned that for less than a year. Supervisor Cunningham said the Town does not own it, it is leased. Mr. Jasinski asked what kind of improvements are being looked for and is it a matching grant. The Supervisor said the way it is structured is that the Open Space Institute is going to apply for the grant and they are going to use the purchase price that was spent on the project as the match. He said this is to allow the Town to apply for more money because there is a larger amount to match back to. He said now it is to accomplish getting water and sewer back into the facility so real bathrooms can be put in. He said there needs to be some improvements to the garage facility also for storage and discussion of a possible path but they have to wait and see how much grant money they get.

Mr. Jasinski said the Town will need to put money toward it. Supervisor Cunningham said no, the Town of Bethlehem is committing to provide \$100,000 in services and funds to support the grant and the remainder of the match comes from the Open Space Institute. He said the concept is that the Open Space Institute spent \$850,000 to buy it and that would be their match. Mr. Jasinski said due to the fact that this is only a 9 hole course, does the Town have any figures on how much it has produced or before the possession of it or what it is producing monetary now. Supervisor Cunningham said they do not have any updates but he will do it when they do the half year report on the finances which will be the end of July. He said from their understanding the books were not really tight from the previous owners. He said their numbers indicate that the project grossed about \$150,000 a year. He said from the projections, the Town is looking to be ahead of that.

Mr. Jasinski asked if that was 1/3, double or 1/2. Supervisor Cunningham said he did not have that number but he would have numbers when the finances are done for the first half. Mr. Jasinski said it will be broken out then. The Supervisor said that it would. Mr. Jasinski said that is a very important part. He said he would hate to see it buried in the Parks and Recreation financials.

Mr. Jasinski next commented on the land divisions, saying he understands that will be spoken about. Supervisor Cunningham said he would be. He said he is in agreement with the proposal. He thanked the Supervisor

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Mr. Norman Moran said he is confused. He said he looks at the agenda and sees where judges D and D went ahead and made an appointment and now the Board is going to rubber stamp it. He said below it, it says it is requesting the Board's approval to appoint Holly Wedell to a vacancy in the Justice Department. He asked what is going on, noting in one case they don't and in another case they do. He said on the back side, there is an approval for hiring of seasonal personnel for the Parks and Recreation Department. He said he would think all hiring should be done by the Board. He said the other question was if the person hired currently employed by the Town of Bethlehem. Town Board Attorney Potter began to say the appointment.... Mr. Moran said he was asking the questions of Mr. Cunningham. Supervisor Cunningham said he has asked Counsel to answer the questions. Town Attorney Potter said he would give a legal opinion. He noted Mr. Moran asked why the Board is not making the appointment of the Court Clerk and stated there is a Section of the New York State Town Law, Section 20 that provides that the Justices appoint their own Clerk, not the Town Board. He said the Town Board is acknowledging the appointment by the 2 justices of their own Clerk. He said that answers that question from the legal end.

Mr. Moran asked again if this person is currently on the payroll or was she on the payroll before this appointment. Town Attorney Potter said no, she currently works for the County. Mr. Moran said now that she has been appointment. Mr. Potter said she has worked for the County and upon acceptance of this appointment, she would be working as a clerk for the Town. Mr. Moran said we are talking patronage here. Supervisor Cunningham asked Mr. Moran if he had another question. Mr. Moran said he is sure there are people on the payroll in the Town that were qualified to get a promotion. He asked if they were considered. Town Attorney Potter said he could not speak to what the justices did. He said they have appointed their clerk. Mr. Moran said it is starting to stink out here.

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Supervisor Cunningham asked if there were other comments on agenda items. There were none.

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HEARING BEGAN: 6:10 P.M.

SUPERVISOR CUNNINGHAM: Okay, we'll move on to the public hearing on the adoption of Local Law to prevent a change in the assessment methodology for properties converted to condominium. I need a motion to request waiver of the reading of the call of the hearing and indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes.

On a motion by Mr. Messina and seconded by Mr. Kotary the reading of the call of the hearing was waived with direction to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

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TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 25th day of June 2008 at 7:00 p.m. to consider a proposed Local Law amending the Code of the Town of Bethlehem, to prevent change in assessment methodology for properties converted to Condominium.

All interested persons and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who are in need of assistance in order to participate should contact the Town Clerk at 439-4955, Ext. 1183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, MMC, RMC
TOWN CLERK

STATE OF NEW YORK) SS:
COUNTY OF ALBANY)

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and the attached Legal Notice was published in the Town's legal newspaper, The Spotlight, on June 11, 2008 and that I posted the Notice of Public Hearing on June 11, 2008 on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this

25th day of June, 2008.

/s/ Julie S. McNeil

Notary Public

SUPERVISOR CUNNINGHAM: Very good. So, we are now in public hearing portion of this agenda regarding a change in assessment methodology. Just to be clear... currently the law provides for apartment complexes to change the methodology for assessment by becoming a condominium association. We're going to be changing that law locally so that that methodology is no longer available to them. And, does the Board have any comments on that?

Okay. Any comments from the public? Very good. Can I have a motion to close the public hearing?

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to close the public hearing at 6:12 p.m. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

Town Clerk

Supervisor Cunningham asked if the Board was ready to approve the Local Law.

The motion was made by Mr. Hennessey and seconded by Mr. Messina to approve the adoption of Local Law Number 2 of 2008 amending the Code of the Town of Bethlehem to prevent lower assessments of converted condominiums pursuant to Section 581 of the Real Property Tax Law and Section 339-y of the Real Property Law. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was to approve the Town Board minutes of May 28, 2008.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the Town Board minutes of May 28, 2008 as submitted. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was to approve the Town Board minutes of June 11, 2008. The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the Town Board minutes of June 11, 2008 as submitted. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

Supervisor Cunningham noted the next item was not on the agenda. He said Commissioner of Public Works, Josh Cansler, has been asked to come in and give the Board an update. He said there is a sewer issue on Elsmere Avenue between Poplar Drive and Kenwood Avenue which is going to cause a closure of that road for approximately 3 days beginning July 8. They are not certain, according to the Supervisor, and noted he asked the Commissioner to come in and give a brief update.

Commissioner of Public Works, Josh Cansler, said most people have probably seen the cones and barrels on Elsmere. He said there is a section of the sewer main that goes down Elsmere Avenue that is currently failing, actually 2 sections about 30 or 40 yards apart. He said they are going to have to replace these. He said they are trying to hold off until after the school year and fortunately it won't be that long. He said that will be replaced with a start date of July 8th and try to get it done in a couple days but they have scheduled 3 days. He said the section between Kenwood Avenue and Maple Avenue will be shut down from the 8th to the 10th of July. He said they will start at about 6 a.m. on the 8th of July.

Mr. Cansler said obviously Elsmere is a main thoroughfare here in Bethlehem and Delmar so that will affect a lot of people. He said the sewer main that goes under the road will close both lanes in the area. He said they have been working with DOT and the Bethlehem Police Department of come up with the best route to detour traffic for a couple days. He said south bound will take a right on Herber Avenue and left on Glendale and come back on Kenwood to get back on Elsmere Avenue. North bound vehicles when they get to Kenwood will be detoured to the right and go up Ridge Road, take a left on Poplar and go back onto Elsmere to Delaware Avenue.

Mr. Cansler said there are 2 different breaks but they are going try and fix one break one day, back fill and hopefully open the road at night indicating this is their plan. He said then open it next day and fix the second break and open it at night.

Commissioner Cansler said there will be notification including advertisement in the Times Union and the Spotlight. He said they are trying to detour trucks to try and prevent them coming through the neighborhoods by trying to detour them down Elsmere to the bypass. He asked if there were any questions. Supervisor Cunningham asked about flagmen. Mr. Cansler said there will be a flagman at the corner of Elsmere and Kenwood and also at Poplar Drive and Herber

and Elsmere. He said they will also have one at Glendale because it is a difficult turn there.

Councilman Hennessey said he had 2 questions. He said there is obviously a lot of houses that are on the affected streets, asking what happens to the residents there. Mr. Cansler said there are only 2 houses where the break is going to interfere. He said the first has their driveway on Kenwood and Elsmere so they will be able to get in and out. The other house, according to Mr. Cansler, they were talking to them to try and be able to use a neighbor's driveway. He said there is really only one house that will not be able to get into their driveway.

Councilman Hennessey said local traffic to those houses can still go through. Mr. Cansler said people who live on this section of Elsmere will be allowed to get in to their houses, everyone else will be detoured around.

Councilman Hennessey asked how it will affect water service in the area. Mr. Cansler said it is a sewer main break. Mr. Hennessey said so no water problems there. Mr. Cansler said there won't be a problem with water and it will be bypassed for sewer.

Supervisor Cunningham asked if the streets will be made one way for this period or can traffic flow in the opposite direction. Mr. Cansler said the road is big enough to handle both directions. The Supervisor thanked Commissioner Cansler.

Supervisor Cunningham asked Mr. Jasinski if he had a question. Mr. Robert Jasinski said because it is a smaller side street, and Bender Lane has a lot of cars parked out on the street, is there going to be no parking on the street posted. He said the fire company is there and might have to swing down the street. Commissioner Cansler said they are going to ask the residents on the streets not to park in the street. Mr. Jasinski said he hopes they all obey him and thanked the Supervisor. Mr. Cunningham asked Mr. Sagendorph if he wished to make a comment. Mr. Sagendorph said they have proposed both Ridge Road and Glendale as parking on one side only. Supervisor Cunningham said the Police are putting out a teletype that will alert all authorities and all interested parties that this road will be closed so emergency vehicles are aware of it and the proper notifications go out. He said they will also alert the media to keep people apprised of this. He said his recommendation is that if someone uses this road during rush hour to try and avoid them.

Supervisor Cunningham thanked Commissioner Cansler.

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The next item was a presentation by the Department of Economic Development and Planning, Michael Morelli, regarding an application to the New York State Department of Transportation for a Safetea-Lu Transportation Enhancements Program Grant. Mr. Morelli said the grant application is being submitted this Friday through NYS DOT's transportation enhancement program. He said they are looking at a portion of New Scotland Road from the roundabout at Cherry Avenue near the Price Chopper up to the intersection at Mahar Road. He said as the Board is aware, they have been involved in a hamlet design plan for this portion of New Scotland Road. He said the comprehensive plan speaks to try and create a main street, vibrant hamlet there.

Mr. Morelli said they are trying to create a complete street providing balance. He said a lot of vehicular traffic goes through this area now and they are trying to create a walkable main street design where it is safe and comfortable for vehicular traffic but also for pedestrians, bicyclists. He said they are looking to put in sidewalks, decorative street lights and DOT has done a very nice job on the east side of New Scotland Road all the way from Cherry Avenue down to the City line. He said they have put in granite curbing, sidewalks, streets trees and so on. He said they would like to build on that to apply for a grant for the west side of New

Scotland Road. He said this portion of New Scotland Road is broken into 3 areas – section 1 is from the roundabout at Cherry Avenue up to the entry into the Price Chopper Plaza a distance of some 440 feet. He said they are looking to put in curbing, sidewalks, 5 foot bicycle lane, street trees, decorative street lamps.

Mr. Morelli said the next section is about 750 feet and it brings it up to the Dominion Gas line. He said again that area has a lot of wetlands in there. He said again, they would be trying to narrow it down a little bit. He said the final section from the northside of the Dominion Gas line up to Mahar Road – a distance of about 1400 feet. He said this is really the greatest opportunity to really try to create a very main street, traditional design. He said they feel there is room here but a curb let in for parking; wider sidewalks and potentially a pedestrian bump-out so they can access across the residential side of New Scotland Road.

Mr. Morelli noted they received a letter from the President of the Terramere Homeowners Association endorsing and supporting the grant application. He said they also received letters of support from Windsor Development who owns Price Chopper Plaza and has an option on the Blue Cross building and the 4 acre vacant piece right across the street. He said they have a letter of support from BBL, KKS Properties submitted a letter of support; the Bethlehem Chamber of Commerce, as well as, Mohawk Hudson Land Conservancy.

Mr. Morelli said they feel that what this is, is implementing the goals that were approved by the Town Board as part of the comprehensive plan to try and create a very walkable traditional, pedestrian oriented main street along this portion of New Scotland Road. He said the entire distance they are talking about is about 1600 linear feet, about ½ mile.

Councilman Dawson asked how much was being applied for. Mr. Morelli said they are looking for about \$1.93 million. He said there is allowance of up to \$2.5 million, the maximum amount you are allowed to apply for. He said they are expecting they will be awarding or notifying of a successful application by the end of this year.

Councilman Hennessey asked if this anticipates bus transportation and things like that. Mr. Morelli said it does. He said again as this whole objective of creating a balanced street, public transportation is also a component of it. He said they did get a letter of support from CDTA. Councilman Hennessey said this was great. Mr. Morelli said he would leave a profile for each of the members that will be included in the application.

Supervisor Cunningham thanked Mr. Morelli.

The following item was a status report from the Department of Economic Development and Planning, George Leveille, regarding the activities of the Bethlehem 20/20 Advisory Committee. Supervisor Cunningham noted the committee has been meeting since January and he thought they promised an update. Mr. Leveille said he provided a Memorandum that outlined some of the major topical points. He said to summarize those, there has been 5 meetings to date and there is an excellent group of community representatives. He said they have been engaged in information downloading to the committee.

Mr. Leveille said they are beginning the process of idea generation and done something a little created and will see how it plays out. He said they have created a discussion board or forum or other list serve where the committee can actually share and exchange ideas on an ongoing basis by going on and looking at different topics. He said that is a first for him in terms of advancing advisory involvement and participation.

Mr. Leveille said they are going to be doing some financial modeling associated with this. He said they will be looking at different growth scenarios for the Town. He said the Department has been working on a model that begins to

look at growth projections from now until 2020. He said they are also going to take a look at fiscal ramifications working with Comptroller Kehoe and her depth of knowledge in terms of trends and revenue history. He said they will also look at different economic development scenarios and do a risk assessment of the existing tax base not assuming that that will be here forever. He said from that, hopefully, the committee will make recommendations to the Town Board.

Mr. Leveille said in the fall they expect they will be in a position that preliminary recommendations will start to formulate. He said they will hold some public meetings to talk about some of the ideas and get public input on those. He said they also intend to do a community survey, a follow-up to the community survey done as part of the comprehensive planning process. He noted they were greatly enlightened by that survey and think it is a good time to update the viewpoints of the community through a random sample. He said it will probably involve somewhere between 1500 and 2000 surveys that are mailed randomly to Town residents and property owners.

Mr. Leveille said Pam Robbins a member of the committee has graciously offered the assistance of her firm, Policy Research, to really develop and analyze the survey. He said the Town's responsibility will be limited to postage. He said this is a really great thing on their part as a community benefit to the Town.

Mr. Leveille said they are in the preliminary stages of trying to share information and really get a feel for what the potential is for this committee. He said he thinks in the months ahead and by the time the next report is done in the next quarter they will have a little more tangible information on where the committee is heading.

Supervisor Cunningham thanked Mr. Leveille. Councilman Messina said something that Mr. Leveille and he discussed briefly a while ago and he did not raise it but meant to, was with the discussion board, the opportunity of Board Members to get there in the morning once and awhile and spend an hour or so and pick up what they can. He said they are not looking at materials because the committee is appropriately dealing with those but he wonders if Mr. Leveille and the Supervisor and Mr. Ringler and Ms. Egan could consider and take under advisement to provide access to the discussion board so the Board can stay informed as to how things are going on. He said a lot of work is being done and he is not asking for an answer tonight to see if that's not a reasonable way for the Board Members to stay ahead of the curve so when the reports come forward they will know some background. He said this was just something to think about. Supervisor Cunningham thanked Councilman Messina. Mr. Leveille said he would bring that back.

Supervisor Cunningham asked if there were any other questions. He thanked Mr. Leveille.

The following item was a request from Town Justices Paul Dwyer and Ryan Donovan to acknowledge the retirement of Barbara Hodom as Town Court Clerk effective July 18, 2008. Supervisor Cunningham invited Katrina Charland to come forward and Barbara Hodom. He said as a lot of people are aware, Mrs. Hodom has been the Court Clerk for 30 years and has announced her retirement as of July 18, 2008. He said they are acknowledging that and there was a presentation.

Ms. Charland said on behalf of Bethlehem Youth Court she wanted to thank Mrs. Hodom for all of her support over the years. She said she was new having only been here a few months. She said in that time Mrs. Hodom has been a tremendous help and they will really miss her. Mrs. Hodom noted Ms. Charland is doing a good job and said she should continue. Ms. Charland thanked Mrs. Hodom.

Mr. Richard Hartunian said he is the chairman of the Youth Court Board. He said it is his pleasure, noting he is not new but he has been around a long time, to be here to recognize Mrs. Hodom as an old and dear friend and friend to the

court system where he has served many years. He said everyone speaks highly of Mrs. Hodom but particularly he was in attendance in his capacity as the Director of the Youth Court to thank her for her support of the program and present a Certificate of Appreciation. He said they wish her well in her retirement.

Mrs. Hodom thanked the Town Board, Town Supervisor, past Town Board Members, past Supervisors and especially all the wonderful judges that she served. She said they have been great. She thanked everyone again and encouraged the Town Board and Supervisor to continue the education for the Court Clerk that takes over. She said it is very, very important and that is what she recommends. Supervisor Cunningham thanked Court Clerk Hodom and congratulated her.

The next item was a request from Town Justices Paul Dwyer and Ryan Donovan to acknowledge the appointment of Patricia Parsons as Town Court Clerk effective June 30, 2008. Supervisor Cunningham noted the Justices have appointed Patricia Parsons to fill the position, effective June 30, 2008. He noted this was for acknowledgement.

Councilman Messina said these things are not easy for him because sometimes he feels he is paddling upstream and maybe that is his role these days. He said he wanted to point a couple things out. He said he welcomes Patty Parsons, indicating he knows Patty and believe she has the attitude and certainly people skills to do a great job. But, he continued, where he has been both on Town Board issues and since he considers the court part of our Town responsibility even though the justices appoint, he is compelled to make the same statement again.

Mr. Messina said this is a \$58,000 a year job, has control of over \$1 million of receipts and it is a responsible position. He said that is why they have just given Mrs. Hodom the appropriate kudos and commendations for a job well done. He said, as far as he knows, there was only one candidate and he did not see either justice in attendance or the candidate to talk with them or see the support they have for moving forward. He said that is just a little bit surprising and unfortunate. He said his strong recommendation, again, whether it is appointed or volunteer positions, whether it is on the court or whether it is in Town government is to seek a bit more competition, post for jobs so people know they are out there, trust that the process – whether the justices are doing it or the Town Board – will work out well balancing everything they have to balance and he would say the words trust, courage and political leadership come to mind. He said that was his little statement on that and he thanked the Board. Supervisor Cunningham thanked Councilman Messina.

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Just as an update, Supervisor Cunningham said Ms. Parsons had a conflict and could not be in attendance.

The following item was a request from Human Resources Manager, Mary Tremblay-Glassman, to set compensation and vacation for the newly appointed Town Court Clerk.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve 7 days vacation in 2008 and 15 days vacation on January 1, 2009 as per the recruitment guidelines for senior level appointments for the Court Clerk, Patricia Parsons, as requested by Mary Tremblay-Glassman, Human Resources Manager. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was a request from the Human Resources Manager, Mary Tremblay-Glassman, to appoint Holly Weddell, Senior Keyboard Specialist, to fill a vacancy in the Justice Department.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the appointment of Holly Weddell, Selkirk, NY to the position of Senior Keyboard Specialist, Grade 8, Step 1, effective June 30, 2008 for the Justice Department vacancy as requested by Human Resources Manager, Mary Tremblay-Glassman. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was a request from Town Engineer, Erik Deyoe, to award contracts for Elsmere Avenue, Thatcher Street and John Street pump station improvements to Mercer Construction (General Construction) and Stilsing Electric (Electrical Construction). Supervisor Cunningham said this is an ongoing project.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the award of contracts for Elsmere Avenue, Thatcher Street and John Street pump station improvements to Mercer Construction (General Construction) and Stilsing Electric (Electrical Construction) as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The following item was a request from Deputy Commissioner of Public Works, Erik Deyoe, for authorization to advertise for bids for the removal and disposal of sediment, sludge and debris from the aeration tanks at the Dinmore Road Waste Water Treatment Plant.

The following resolution was offered by Mrs. Dawson and seconded by Mr. Hennessey:

WHEREAS, the Town desires to advertise for bids for the removal and disposal of sediment, sludge and debris from the aeration tanks at the Dinmore Road Waste Water Treatment Plant. pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 2nd day of July, 2008 and that bids be received up to 3:00 p.m. on the 16th day of July, 2008 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

Councilman Messina said a rather technical point but in the past Comptroller Kehoe and he talked about when public notice is done but not the actual approval of bid there may not be a need to really do that under Town Law and he thought Mrs. Kehoe found out some of that when she went to the Association of Towns. He said he wanted to note this as a reminder in the notes that maybe some levels or limits could be looked at and for the smaller dollar amount things not get this on the paperwork because it is not needed. He said then they could take action when needed, noting this could be done perhaps down the road. Supervisor Cunningham said they had agreed to that but this was on the agenda because it is a significant dollar amount. Mr. Messina said that is okay. He asked Comptroller Kehoe if the process had been changed. Mrs. Kehoe said there was no specific dollar amount determined. Supervisor Cunningham said they just said significant and noted he would make sure and he agrees noting that it is his goal on that also.

The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was a request from Town Engineer, Erik Deyoe, to accept a Right of Way (ROW) conveyance at 48 Thatcher Street required for Thatcher Street Pump Station construction.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the acceptance of a Right-of-Way deed for 48 Thatcher Street, required for the Thatcher Street Pump Station construction, as requested by Erik Deyoe, Town Engineer. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The following item was a request from Deputy Commissioner of Public Works, Erik Deyoe, for authorization to advertise for bids for repairs to the Fire Training Tower on Center Street, Delmar.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve going to bid for repairs to the Fire Training Tower on Center Lane, Delmar, NY as requested by Deputy Commissioner of Public Works, Erik Deyoe. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was a request from Town Planner, Jeffrey Lipnicky, to approve an application to amend Building Project Approval No. 35, Waldenmaier PDD (a.k.a. Walden Fields). Supervisor Cunningham explained that Walden Fields is a Planned Development District and there was a request from a resident to move his driveway off Elsmere Avenue onto Sedgwick Road. He said this requires Town Board approval. Mr. Lipnicky noted this also needs a SEQR determination.

The following resolution was presented for adoption:

RESOLUTION NO. 27

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION

DETERMINATION OF SIGNIFICANCE/NEGATIVE DECLARATION
APPLICATION TO AMEND BUILDING PROJECT APPROVAL
WALDENMAIER PLANNED RESIDENCE COMMUNITY
AMENDMENT NO. 2 TO BPA NO.35

- WHEREAS, the Town Board of the Town of Bethlehem has received a request from Michael Rowe, the owner of property located at 350 Elsmere Avenue, for an amendment to Building Project Approval No. 35 which would allow driveway access to his property from Sedgewyck Drive; and,
- WHEREAS, said amendment would authorize the reconfiguration of property lines on the south side of Sedgewyck Drive and the conveyance of a 0.01 acre parcel of land from the Walden Fields Homeowners Association to Mr. Rowe for the purpose of constructing a driveway; and,
- WHEREAS, the Town Board has received a short Environmental Assessment Form ("EAF") for the project with Part I completed by the applicant; and,
- WHEREAS, the State Environmental Quality Review Act (SEQRA) 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 SEQRA; and,
- WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for

approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and,

WHEREAS, 6 NYCRR 617.6(b)(4) indicates that for Unlisted actions an agency is not required to conduct a coordinated review with other involved agencies (provided that it determines the action will not have a significant impact on the environment) and may proceed in its SEQRA review as if it were the only involved agency; and,

WHEREAS, the Town Board has independently considered both the information provided in the EAF and application;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board hereby determines that:

- 1) approval of the proposed Building Project Approval Amendment constitutes an Unlisted action which is subject to SEQRA,
- 2) the proposed action does not involve a federal agency, or any another agency,
- 3) the proposed action is not located in Agricultural District, and
- 4) a short EAF is adequate for determining the significance of the proposed action; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby declares it is lead agency with respect to SEQRA review of the proposed action; and,

BE IT FURTHER RESOLVED,

that based upon its review of the project, the EAF, review of the proposal by Town staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Town Board hereby finds that approval of **Amendment No. 2 to BPA No. 35** 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 is based upon the following facts and conclusions:

1. The proposed amendment does not significantly change the project or any of the reasons upon which the Town Board's April 10, 2002 Negative Declaration for the project was based.
2. The project entails the transfer of land from the Walden Fields Homeowners Association to an adjoining property owner, Mr. Rowe for the purpose of allowing the property owner driveway access to a Town street. The driveway would be located in an area of the site that was to be maintained by the Homeowners Association as a green area between the Walden Fields development and Mr. Rowe's property
3. Implementation of the proposal would improve driveway safety in that it would move the location of the driveway from a major street to a local street.
4. No new areas of potential concern have been identified.

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 to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Mrs. Dawson, seconded by Mr. Messina, and by a vote of 5 for, and 0 against, this RESOLUTION was adopted on June 25, 2008.

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The motion was made by Mr. Messina and seconded by Mr. Kotary to approve an amendment to Building Project Approval No. 35, Waldenmaier PDD (aka Walden Fields) as requested by Town Planner, Jeffrey Lipnicky. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The following item was a request from Senior Planner, Robert Leslie, to approve Amendment No. 6 to Building Project Approval No. 29, Terramere Planned Development District (PDD) Nos. 2 and 7; to allow the construction of a pergola at 7 Hughes Common. Supervisor Cunningham noted that Terramere requires Town Board approval because of the PDD approvals. He noted there was a letter from the homeowners association in support of this construction.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve amendment No. 6 to Building Project Approval No. 29, Terramere Planned Development District (PDD) Nos. 2 and 7 to allow construction of a pergola at 7 Hughes Common, Slingerlands as requested by Senior Planner, Robert Leslie. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, to adopt a Resolution endorsing the grant application of the Open Space Conservancy to the New York State Department of Parks, Recreation and Historic Preservation for improvements to Colonial Acres Golf Course.

The following resolution was presented for adoption:

RESOLUTION NO. 26

Resolution

Endorsing the grant application to the NYS Department of Parks, Recreation and Historic Preservation by the Open Space Conservancy pertaining to improvements at Colonial Acres Golf Course.

WHEREAS, the Colonial Acres Golf Course is a vital component of the Town's recreational facilities; and

WHEREAS, the facility is in need of numerous upgrades and improvements such as; extension of an 8" water service line into the property, design/construction of public bathrooms (including the related force main and grinder station), lockers, changing area, demolition of existing Clubhouse, design/construction of new Clubhouse (including an office, pro shop, expansion of the environmental education room/display, small kitchen to serve light fare food items), expansion of outdoor deck area (20' X 30"), development of 5,000LF Nature Trail, demolition of existing Maintenance Building, design/construction of new Maintenance Building (20' X 50') two bay capacity, and re-paving of existing parking lot area; and

WHEREAS, grant funding is available to result in resolving the above described deficiencies, through the NYS Office of Parks, Recreation & Historic Preservation; and

WHEREAS, it is possible to use the value of the Colonial Acres Golf Course property towards the required 50% match; and

WHEREAS, there is an additional amount of \$100,000 in available Town funds that can be targeted to this project; and

WHEREAS, the Sponsor/Applicant is eligible to apply for amount, not to exceed \$940,000 for this project; and

WHEREAS, the Open Space Conservancy, Inc. is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at the Colonial Acres Golf Course, a site located within the territorial jurisdiction of this Board; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, be it resolved by this body that the Town Board of the Town of Bethlehem hereby does approve and endorse the application of the

Open Space Conservancy, Inc. for a grant under the Environmental Protection Fund for a park project known as the Colonial Acres Golf Course Improvement project and located within this community.

This motion to adopt the resolution was made by Mrs. Dawson, was seconded by Mr. Messina, and duly adopted by the following vote:

AYES: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

NOES: None.

ABSENT: None.

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Councilman Hennessey said in an earlier presentation there was a question asked by Mr. Jasinski about whether there was any Town resources being expended on this. He asked if the amount was \$100,000. Supervisor Cunningham said the Town is committing \$100,000 match funds out of the Capital Reserve Funds or it can be done with in-kind services. Nan Lanahan, Administrator, Parks and Recreation Department, said in-kind services can be used toward the \$100,000. The Supervisor said the Town will have people working down there and that is where the in-kind services will come from.

Councilman Messina said as an outstanding golfer he has been out there and the course looks great and thanked Mrs. Lanahan for all the work done there, it really is superb. He said this project is pretty good and wished he could find a way to get \$940,000 by investing \$100,000 and therefore a good deal for the Town. He said the infrastructure is absolutely needed and more people will come when these improvements are done. He asked about the 5,000 foot trail's location – will it be around the border or through the middle or how was it going to work. Mrs. Lanahan said it is designed to go around the perimeter of the property.

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

The motion was made by Mrs. Dawson and seconded by Mr. Messina to approve the appointment of seasonal personnel as listed in the Memorandum dated June 25, 2008 from Administrator, Nan Lanahan, at the titles and salaries listed. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was a request from Director of Economic Development and Planning, George Leveille, to authorize the Deputy Director, Michael Morelli, to approve land divisions. Supervisor Cunningham said at the request of Mr. Jasinski, currently George Leveille is the person who is authorized by the Board to do land divisions which is where there is a large lot and it is divided into 2 to allow multiple buildings to be built. He said Mr. Leveille's duties have changed a lot and they probably will change more over the next couple months and it is appropriate at this to recognize that Mike Morelli is going to be the person primarily responsible for that so he was asking the Board to allow Michael as Deputy Director to also make those approvals.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the authorization of Deputy Director, Michael Morelli to approve land divisions as requested by George Leveille, Director of Economic Development and Planning. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The following item was a request from the Commissioner of Public Works, Josh Cansler, to authorize the Town Supervisor to sign a Temporary Easement Extension Agreement between the Town of Bethlehem and Edward and Sally Jennings. Supervisor Cunningham said this is an easement to access the wells along the Hudson River for the Clapper Road Water Plant.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to authorize the Supervisor to sign a Temporary Easement Extension Agreement between the Town of Bethlehem and Edward and Sally Jennings as requested by Commissioner of Public Works, Josh Cansler. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was a request from Gregg Sagendorph, Superintendent of Highways, for the Town Board to adopt a Revised Maintenance Resolution and execute Revised Maintenance Agreement with NYSDOT pertaining to Route 85 improvements. Supervisor Cunningham said in his opinion this is very good news, this will allow DOT to complete the upgrade of the median strip on Cherry Avenue Extension all the way to Kenwood Avenue. He said there used to be macadam with weeds in it and they have upgraded part of it to put grass in it and they will go all the way to Kenwood Avenue. He said the Town will maintain the property.

Councilman Hennessey said he has heard from a ton of people at this point that they like the improvements and it is a drastic improvement over where it was before. He wanted to make sure that this was pretty clear.

The following resolution was presented for adoption:

Resolution No. 28

**RESOLUTION BY THE TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

A resolution modifying and clarifying previously passed Town Resolution #33, adopted at a meeting held on April 12, 2006, which authorized the Town Supervisor to execute a long-term maintenance agreement with the State of New York for certain maintain responsibilities along New York State Route 85 in conjunction with New York State Department of Transportation Capital Project, PIN 1125.24 (Slingerlands Bypass Extension).

WHEREAS, the Commissioner of the New York State Department of Transportation (hereafter referred to as "Commissioner") has authorized the construction of raised medians, roundabouts, sidewalks, and landscaping on highways identified as New York State Routes 85, 140, Cherry Avenue. and Route 910E, New Scotland Road, within the jurisdiction of the Town of Bethlehem, Albany County, New York; and

WHEREAS, the New York State Department of Transportation (hereafter referred to as "State") shall provide these improvements under the construction of the Slingerlands Bypass Extension, PIN I 12514 (hereafter referred to as "Project") and as detailed in the final contract drawings of the Project (as amended); and

WHEREAS, the Town of Bethlehem desires to have these improvements features within the improved, highway and the Town understands that it will have responsibility to inspect, maintain and repair certain features on a regular basis, at its own expense; and

WHEREAS, the Town further understands that, as described in the referenced maintenance agreement, the Town will be responsible the following maintenance activities related to the landscaped center median, sidewalks, roundabout medians, and pedestrian accommodations within the revised Project limits:

- A. Replacement of dead, dying, or damaged plants, except as covered under any period of establishment guarantees within the State contract terms;
- B. Weed control and removal, fertilization, and watering of grass, shrubs and tress;
- C. Debris removal and minor repairs to sidewalks and trail;

- D. Mowing grass utility strip between the curb and sidewalk;
- E. Maintain, repair or replenish, as necessary, all mulched areas;
- F. Snow removal from sidewalks, trail, pedestrian refuge areas, and pedestrian bridge over the Krumkill;
- G. Graffiti and debris removal from the pedestrian bridge over the Krumkill;
- H. Trimming of trees and/or shrubs and mowing grass within roundabouts and raised medians;
- I. Minor and isolated surface repairs, including spalling and potholes.

WHEREAS, the Town further understands that the term of said maintenance activities shall be for a period of twenty (20) years from acceptance of the completed work, or until such improvements are removed by the State, or until the Commissioner or his authorized representative determines, in writing, that maintenance of these improvements by the Town is no longer required;

NOW, THEREFORE, BE IT RESOLVED THAT the Town of Bethlehem shall enter into said long-term maintenance agreement with the State for the maintenance activities described; and

BE IT FURTHER RESOLVED THAT the Town Board of the Town of Bethlehem authorizes the Town Supervisor to execute said agreement on behalf of the Town of Bethlehem; and

BE IT FURTHER RESOLVED THAT the Town Clerk is hereby authorized and directed to transmit *five (5)* certified copies of this resolution to the State Department of Transportation.

The foregoing resolution was presented for adoption by Mr. Messina at a regular meeting of the Town Board on June 25, 2008 and seconded by Mr. Hennessey, and passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

Supervisor Cunningham asked if there was any new business from the Board. There was none.

Supervisor Cunningham made the following announcements:

- Community clean-up day was held last Saturday, John Smolinsky and Councilman Dawson were on hand to help. It was successful and the next day will be July 26. They were happy to see that there was not a lot of trash along Route 32.
- On July 4, 2008 there will be 2 celebrations. One at Town Hall with the reading of the Declaration of Independence by Assemblyman Tim Gordon and Supervisor John Cunningham. Following the reading there will be free ice cream. That event will be followed by the celebration at the Town Park where there will be a chicken barbeque and other activities including Captain Jack (children's magic), Skip Parsons Riverboat Jazz Band, Cranberry the Clown, an Air Bounce and face painting.

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Supervisor Cunningham asked if there was any public comment on non-agenda items. Mr. Robert Jasinski asked the Board's indulgence on this pathway around Colonial Acres saying he knows you have all good golfers but he is concerned to make sure that the Town liability covers in the event somebody is walking and gets hit with a ball. He just wanted to call that to the Board's attention.

Mr. Jasinski said the other thing is storm water management. He asked if the Board has seen the article in the Spotlight. He said if not, he gave a copy to each Board members. He said Michael Breslin states that the County is going to have a storm water coordinator. He said he knows the Town Board has talked about it and he said the Towns can go in and pay a smaller fee than if we hire our

own storm water coordinator. He said he wished the Town Board would look at this and see if it is more feasible. He noted Town Engineer Deyoe has spoke about hiring. Supervisor Cunningham said he believes that the Town is required as an MS4 to have a storm water management person on staff. He said, however, they are planning on participating in a coalition of communities in Albany County to consolidate a lot of that work at the County level – the educational stuff, the reporting stuff that was done earlier this year – so that they will be working to participate at the County level where the Town can on that.

Mr. Jasinski said if we hire somebody, we will be hiring them full time, so where would be our savings. Supervisor Cunningham again noted the Town still needs a person in Town to police the storm water. Mr. Jasinski asked if a salary has been set on that yet. The Supervisor said they have not, noting the Commissioner of Public Works appoints the employee. Commissioner Cansler noted the salary has been set and he believes it will be \$54,000. Mr. Jasinski thanked the Board. Supervisor Cunningham thanked Mr. Jasinski.

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Supervisor Cunningham asked if there were other comments on non-agenda items. There were none.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to adjourn the regular Town Board meeting at 6:50 p.m. The motion was carried by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

Town Clerk