

TOWN BOARD
MARCH 26, 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 Supervisor Cunningham 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

- - -

Supervisor Cunningham welcomed everyone to the regular meeting. He noted we would begin with the pledge of allegiance and invited all to join in.

The Supervisor noted the first item was public comment on agenda items. There were none.

- - -

SUPERVISOR CUNNINGHAM: Next item is a public hearing to consider the acceptance of maps and plans for improvements to the Bethlehem Sewer District Pumping Stations at Elsmere Avenue, Thatcher Street and John Street in the Town of Bethlehem. I need to have a motion to waive the call of the meeting.

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 by Mr. Messina and seconded by Mr. Kotary. 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 NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold public hearings on March 26, 2008 and April 9, 2008 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider making application to the Small Cities Community Development Block Grant program for the South Albany Sewer District. The application will be to secure financial assistance for necessary sewer improvements to the district.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, ext. 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,

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

on March 5, 2008 and that I posted the Notice of Public Hearing on March 6, 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

26th day of March, 2008.

/s/ Julie McNeil
Notary Public

- - -

SUPERVISOR CUNNINGHAM: Mr. Cansler you're up.

COMMISSIONER OF PUBLIC WORKS CANSLER: Before we get into the actual public hearing part of it, we'd like to give a brief overview of the pump stations, where we stand now and just give everybody an idea of what we have as far as pump stations here in the Town of Bethlehem. This is what we will be covering during the overview. Talk about the pump stations, then I'll turn it over to our Town Engineer Erik Deyoe who will talk about the methodology we used to determine which pump stations should be replaced first. He'll show you some photos of some of the pump stations and the current condition they are in. Give you an overview of the SCADA program which will be included as part of the pump station improvements. Then we'll talk about construction that we'd like to do over the next 3 years on our pump stations, funding and required actions. Then we'll take some questions.

We have 37 pump stations here in the Town of Bethlehem. In case you are wondering what a pump station is, that is what pumps your sewage from where it's at now down to the sewer plant on Dinmore Road. Your sewage runs out of your house it will run down a gravity line or some kind of line down to a pump station. From there it will be pumped to another pump station or out into the main gravity trunk line that runs down to Dinmore Road along 144. As you can see here, there is about a 210 to 30 year life expectancy on the pump stations. Some of the pump stations were constructed in the 1930s and most of them were constructed in the 70s and some in the 80s and 90s. You can see that we've done some reconstruction on a few stations in the 90s and we've done reconstruction here about 3 years ago on 2 of the pump stations. Eighteen of the pump stations are beyond that 20 to 30 year design life and 11 of them are nearing the end of the design line. So, basically, 29 of our pump stations are at the point where they need something done to them. A lot of the pump stations were put in the 70s and 80s were put in using Federal money, and unfortunately Federal money is not available any more to renovate those pump stations. At this point I'm going to turn it over to Erik Deyoe who is going to talk about the engineering, the construction and the current condition of the pump stations that we have.

TOWN ENGINEER DEYOE: I'm short on hands, so I'm going to use the mike stand. Josh just took 2 minutes of my 5 minute presentation and I have 20 more slides to go through. So, we're going to fly through this pretty quick. We started this process about a year ago and as you can see there are a lot of pump stations that are in marginal condition and we had to come up with a way that we could try to evaluate 29 or so marginal stations to figure out to prioritize them. So, we went through a process where we short listed 14 of the worst conditioned stations based on our own experience and then went through a comparison process which we stole from the drinking water industry that we used during the security evaluations right after 911. Basically went through that process you develop a series of categories that identify kind of the values of your system and in our case we were talking about initial cost of the improvements. The service area side which is essentially a measure of how much of the service area and how many people are served by an individual pump station, environmental considerations and concerns – so are there existing areas where a pump station may overflow or a sanitary sewer overflow and those are concerns for us from an environmental compliance standpoint,

minimizing operation and maintenance both the operation maintenance costs and our efforts and then worker safety obviously is an issue.

Just to go through some of the issues we have at these stations, this is the Elsmere pump station, you can see this is a 1930s vintage station basically, the configuration is that the gentleman standing on the discharge manifold pipe right here, you've got a discharge pipe out of one pump. What you can't see, or see very well, is this is the driveshaft for that pump so the motor is above grade, that is the access hole to get into this station – so, any equipment that needs to be moved or worked on needs to be taken out of this access hole as well as the driveshaft spin which is a worker safety issue from the standpoint of people get in and out of these holes. These are all permit required confined spaces given there are potentials for volatile gases as well as falling and tripping issues as well. So, there is concern from worker access and safety aspect. Confined spaces entry, this is the John Street station. It's a little hard to see with the lights in this room but you see the floor of the pump station here, basically through an access port similar to a large manhole you either climb down those stairs but to do that the workers not only have to check for volatile gases with a gas meter but they have to go out in pairs and be confined space certified to center into that space. They need to be harnessed up with tripods, harnesses, it presents a real issue. A couple stations have actually generators within the station which presents an issue from a gas standpoint as well and when those generators are in operation we can't actually enter the space.

This is a picture of, I believe the John Street pump station as well. You can see that these are corrosive environments. You've got wet conditions, below grade, there are corrosive gases in the environmental which either way the electrical panels – this a 30 year old or so electrical panel, parts are hard to come by, they are hard to get. Not only that pumps and other replacements parts are hard to come by which requires long lead times for any repairs. So, obviously you can't stop sewage flow, it's not like water that you can revalve it and you can rearrange how flow leaves peoples houses or comes to it. You can't stop people from flushing toilets, unfortunately, so there is no way to stop flow and we need to make sure these are in operation most of the time.

This is a picture of the top of the Thatcher Street pump station in Selkirk. You can see here, obviously it is deteriorated on the surface which isn't a tremendous issue although it does present an issue, from a water tightness standpoint and potential structural issues as well. So there are concerns from a structural standpoint with the pump station covers and lids.

Outdated pumps that I eluded to before, basically these are old pumps for the most part there aren't suppliers that supply us with kind of ready pumps available to us to just take one out and put it back. They are all custom fits and one offs. There really is no way for us to have one in stock available to work on. So, if we have a pump failure, we are looking at long lead times. In fact last summer if you recall, we had the Blessing Road pump station fail as it got submerged and we were out of service at the pump station for 16 weeks while we were awaiting additional replacements parts. So, it presents an issue for the neighborhood while you are under bypass and it is a big issue.

This is a picture of the Glenmont pump station, you can see it again, these corrosive environments. This is an electrical LB, elbow, and you can see the exposed conductor along with the corroded pipe conduit and this is the back of that elbow blown off from the rust. These are corrosive environments again that really it's one of the issues we're going to deal with in these pump stations.

SCADA -- basically the existing pump stations, at least two-thirds of them anyway don't have any notable alarming. They are basically audible alarms so basically we're relying on the neighbors and the Bethlehem Police force to notify DPW that we have a failed condition in one of the pump stations. There are a few pump stations that alarm back to the discharge or rather the dispatch office in the Bethlehem Police Department's office, however, there is no direct alarming back to DPW. So, there is a long timeframe between when the system actually goes into alarm and we're actually onsite to make repairs and in some cases, that long delay

presents an issue that can cause additional equipment failures and it was noted again in the Blessing Road failure last year.

Beyond the alarming, we've got issue of the lack of data acquisition. These are incredibly intensive from a labor standpoint. DPW spends about \$200,000 a year just doing inspections of these pump stations. There is no active work, it's just us basically making sure the pump stations are in operation because we are so concerned about the reliability and they are so critical in our network.

So, what's being proposed. Effectively the replacement program we are proposing is similar to the 2 replacement projects that were done in 2005 at Bender Lane and Delaware pump station. Basically the replacement is with a submersible pump station. There will be 2 pumps in that station. They would alternate and provide for redundancy and all the electrical equipment would be brought up to at grade in an electrical building so they will be accessible and easy to work on. The pumps can be removed through slide rails. It's a submersible station similar but way bigger than your typical sump pump in your house. So, they are operated by floats, the pumps themselves are submersed in the sewage. Its good from an ease of operation standpoint and from a long-term investment standpoint it's better for the next group of Town Engineers and Commissioners of Public Works to repair as they need to be repaired in the next 20 or 30 years as well.

In 2008, we're actually actively finishing the design on the Elsmere Avenue pump station, John Street pump station and Thatcher Street pump station. They are basically at final design at this point. They've been submitted to the Health Department for final review. We actually initiated that design in March of last year at the recommendation of the Town Board.

In addition to that when we've gone through the analysis of those projects, we identified a force main... two force main projects, one on the discharge side of the Elsmere pump station. We need to upsize the discharge line from an 8 to a 10 inch to allow for the additional pumping flow out of the station. Aside from that, the Rockefeller force main along Route 32 has been... failed numerous times in the last 10 years and also is restricting flow from other pump stations that pump into it. So, we're recommending some force main replacement there.

In 2009, we'll actually begin... we'll be proposing the beginning of the improvements to our SCADA system. Basically our SCADA system is a big computer network. So, you're going to create a computer backbone that's going to be a communication between each of the sites back to a home computer. We're going to try to integrate the pump stations SCADA system with the water systems SCADA system so we can kind of use 1 backbone for both systems. So, 2009 we're proposing to do instrumentation control at 7 stations. The 3 being the ones constructed in 2008 along with 4 of the critical stations in the network – being Bender Lane, Delaware, Rockefeller Road and Blessing Road. We've also proposed the reconstruction of the Kenholm pump station on Dumbarton Drive, the Hudson pump station on Hudson Avenue, Skycrest at the end of Peel Street and Kenwood pump station in Slingerlands.

There are also 2 different force improvements that need to be done as well. We're looking at doing some improvements to the trunk sewer downstream of the Rockefeller Road force main that looks like there's a restriction there. We've evaluated and there's 2 force main improvements downstream of the Hudson and Kenholm pump stations that we are looking at as well.

In 2010, we roll out SCADA to the rest of the pump stations so we'll have instrumentation and control to collect data and be able to control remotely the other pump stations. So, by the end of 2010 we'd have SCADA at all the pump stations in Town. This is an overview of the 2008-2009 pump station improvements -- the red dots are the 2008 improvements, the blue squares are the 2009 improvements.

Funding, the overall project estimate for the entire project right, now including soft costs and contingencies, is \$5.2 million. Obviously the Capital Reserve is insufficiently funded for that \$5.2 million. So, we are looking at a funding

approach where we would request approval of the Town Board to authorize bonding. We would take BAN's out to deal with us keeping on schedule through short term financing. We're also looking at the opportunity of using New York State EFC which is the organization that administers a clean water State revolving fund to get into a low interest loan program. We're evaluating whether our bond rate would be lower than an interest rate and trying to find the best option here.

Next steps – tonight we are having a public hearing relative to the maps, plans and reports given to the Town Board previously. At the recommendation of both the consultant and our bond counsel, we're going to hold a separate public hearing to consolidate all the maps, plans and reports for all these projects into one. This will allow us the opportunity to capitalize on the EFC funding that may be available to us. So, on the meeting of the 9th, we will accept the map and plan. The Board would... we're proposing that the Board would accept the map and plan for the overall project of \$5.2 million. We'd then schedule a public hearing for the 23rd and on the 23rd we'd hold the public hearing address the SEQR issues for the overall project, request the Board pass a resolution approving the project, adopting bond resolutions and then authorizing us to go to bid on the 2008 construction.

That's all the presentation I have. If there are any questions from the Board, I'd be happy to address them now.

SUPERVISOR CUNNINGHAM: Yes, I just have 1 more question, on the SCADA system that we are going to have installed by 2010, will that finalize the entire water and sewer network? In 2010 everything will be in the SCADA system?

MR. DEYOE: We're working on some additional upgrades at our water plants and outside water facilities so I envision.... I haven't done those schedules comparatively but I would envision by the end of 2010 they'd be completed.

SUPERVISOR CUNNINGHAM: Okay, thanks.

COUNCILMAN KOTARY: And, also on the SCADA, is that going to tie into our GIS system so that we'll eventually not only you'll get those real time alarms but then we'll be able to, you know, collect that data over time and then overlay it with our GIS maps so that we can better analyze where things are going wrong or not going wrong?

MR. DEYOE: Not directly integrated with GIS primarily from a security standpoint. This will be a completely isolated network so there is no ability for a hacker to get in and kind of mess with our water and sewer. But, we could integrate data from... have the ability to get data, store data and then get some out and put it into GIS.

COUNCILMAN KOTARY: Also, I know we had some issues previously with spring floods and you know, just a question although there is no snow on the ground now, do we anticipate any potential flooding or emergency situations where we might have to expedite any of these pump stations or do we think we are okay? Can we withstand more flooding or that type of thing at some of these stations?

MR. DEYOE: I think we are okay for now. We've... as part of these projects, we are doing flow monitoring to look at what the current demand is on an average day, as well as, the peaking factors that happen during the wet seasons as well. So, we've timed this out in a way that we're addressing the bigger environmental concerns from an overflow standpoint and a backup standpoint sooner in the project. That's why we've selected the 3 that we selected for 2008.

COUNCILMAN KOTARY: Good and the third question according to the revised schedule you look at early May. We'd go to work right away on this as soon as we completed the April 23rd steps.

MR. DEYOE: Yes, at this point the critical path is going to be the funding timeline, the 9th and the 23rd April meetings. The only other obstacle at this point

in a way is the approval of the Health Department and they are looking at it right now. So, I expect that to be on the ... path.

COUNCILMAN KOTARY: Okay and then just the final question and Judi it may be a little bit more the funding option, the EFC, which is kind of a new revelation. It was in our memo but just talk about what choices we may be faced, you know, how this is good news.

COMPTROLLER KEHOE: It should be good news. We are going to go wherever we can get the lowest financing cost on that. EFC is just one of the options we will look at. Our bond counsel has worked on many EFC deals. We really want to look at that differential. There are many procedural requirements. A lot of 'i's' to dot and a lot of 't's' to cross with the EFC program so you really want to make sure you have a great savings to go with the program but its' part of the larger bonding pool and we'll explore it to make sure we get the best rate.

COUNCILMAN KOTARY: And, it would be potentially qualified to finance the entire amount that would need to be financed through the EFC?

MRS. KEHOE: Yes.

COUNCILMAN KOTARY: So, it's an either or, it's not a combination.

MRS. KEHOE: Correct.

COUNCILMAN KOTARY: Gotcha.

MRS. KEHOE: Correct.

COUNCILMAN KOTARY: Thanks, Judi.

MRS. KEHOE: You're welcome.

COUNCILMAN HENNESSEY: Can I have one more questions, Judi, if you don't mind? What is the approximate differential between the standard way we do financing and the EFC? I mean, just ball park.

MRS. KEHOE: The market is a little volatile right now so I'm not sure what that differential would be but I would guess somewhere between one-half point to three-quarters of a point in interest.

SUPERVISOR CUNNINGHAM: Thank you, Judi. Oh, I'm sorry.

COUNCILMAN DAWSON: I have a question.

SUPERVISOR CUNNINGHAM: For Judi or for Erik?

COUNCILMAN DAWSON: I think Erik. You said the total is about \$5 million. I know its tough to anticipate things that may arise along the way but this is primary for the pump stations, we've already done the Dinmore Road pipe. What's this going to lead to? What's the connection that may come up next in terms of our sewer system? The pipes in between?

MR. DEYOE: That's a pretty big question.

COUNCILMAN DAWSON: Yeah, I know.

MR. DEYOE: The Town's got 160 miles of sewer main in the ground. As Josh eluded to, we have 39 or 37 pump stations.

COUNCILMAN DAWSON: 37.

MR. DEYOE: And, they're all essentially at the same point in their lives and there will be more costs beyond this project.

COUNCILMAN DAWSON: Right.

MR. DEYOE: In terms of the magnitude and timing, we're working through those evaluations. I don't have an answer for you tonight for that.

SUPERVISOR CUNNINGHAM: And, also last year the RFP on the wastewater treatment plant.

COUNCILMAN DAWSON: Right, I understand the plants are separate but I Just know in these types of systems you start fixing one part and then all of a sudden you realize that your connections may not be as reliable. There will be more to come.

MR. DEYOE: There will be more to come and we've done our best to determine the most immediate issues first and we're trying to address those issues right now.

COUNCILMAN DAWSON: Okay. Who knows better pumps, maybe our pipes won't be able to handle it. All right. Thanks.

COUNCILMAN MESSINA: Erik, I think in terms of the future the point Joann talked about wraps with a couple other key issues – what 20/20 is doing, and as has been brought up here before as well as for the public -- comprehensive capital plan and financing. So, I think that is something we will not take our eyes off. When visiting the pump stations along with some of other Board Members, I think it was very persuasive to see what was there and when you made your presentation and Josh took his minute or two to do his piece – the 3 things, ongoing maintenance costs; the cost that would happen if we had a critical emergency situation; and for me particularly workers having to climb down into those holes rather than having a system where they can bring the apparatus up out is very persuasive. So I think that is the nature of the project that has key components and there will be support, I hope.

MR. DEYOE: Thank you.

SUPERVISOR CUNNINGHAM: Hold on, one more question.

COUNCILMAN HENNESSEY: I've had a bunch of constituents come to me and talk to me about flooding on Elsmere Avenue. Will any of this work help to alleviate those conditions?

SUPERVISOR CUNNINGHAM: Where are you talking about flooding?

COUNCILMAN HENNESSEY: Right near the CVS there under the underpass.

MR. DEYOE: No, this won't address any of those issues, Mark, this is strictly the sanitary sewer issue, it will not address storm sewer.

SUPERVISOR CUNNINGHAM: Any other questions? Okay. Can I have a motion to close the public hearing? I'm sorry, oh yeah, this is a public hearing. I guess the public gets to participate too. Do we have comments from the public on? Sorry, Linda.

MS. JASINSKI: Linda Jasinski. Question, the 5.2 million is just for these planned 3 year improvements?

SUPERVISOR CUNNINGHAM: Yes.

MS. JASINSKI: Does that include the interest we'll have to pay on the bonds as well?

SUPERVISOR CUNNINGHAM: Yes.

MS. JASINSKI: Yes, estimated because hopefully we're going to get a good rate on that with the...

COMPTROLLER KEHOE: That does not include the interest.

MS. JASINSKI: That does not include the interest.

MRS. KEHOE: The contract authorization, yes.

MS. JASINSKI: I have to tell you for someone who comes up here and tells you to stop spending money and watch what we are spending. This certainly does seem to be something we need to spend money on even though it is a huge amount and I'm not even on sewers. I'm on a septic system myself but there's... I can imagine if people cannot flush their toilets in this Town. Bad enough when I can't.

SUPERVISOR CUNNINGHAM: I don't want to be sitting in that office when people can't flush their toilets.

MS. JASINSKI: So, I definitely approve of this particular spending and I think it needs to be done to help our whole infrastructure and start looking into what else needs to be done in that water and sewer area.

SUPERVISOR CUNNINGHAM: Thanks, Linda. Are there any other comments from the public? Now can I ask for a motion to close the public hearing?

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to close the public hearing at 6:30 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

Public hearing began: 6:32 p.m.

SUPERVISOR CUNNINGHAM: Next is the public hearing to consider grant application for South Albany Sewer Improvements.

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 by Mr. Messina and seconded by Mr. Kotary. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearings on March 26, 2008 and April 9, 2008 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider making application to the Small Cities Community Development Block Grant program for the South Albany Sewer District. The application will be to secure financial assistance for necessary sewer improvements to the district.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, ext. 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 March 5, 2008 and that I posted the Notice of Public Hearing on March 6, 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

26th day of March, 2008.

/s/ Julie McNeil

Notary Public

SUPERVISOR CUNNINGHAM: You're up on this one too? Okay.

MR. DEYOE: Just when you thought I was done. Since tonight we're going to go through a brief overview of the grant application that we are making for the South Albany Sewer District – on behalf of that Sewer District for improvements to their sand filter system. We've gone through this before so this will be a quick presentation.

Background, basically the district is comprised of 23 parcels. It's isolated from the remainder of the Town infrastructure so that basically they are on their own down there with a private well system, water treatment building, water storage building and on the sewer side there is a collection system and small pump station, some septic tanks and a sand filter system. The existing filter as was brought to the Board's attention a couple times before, is failing. The Town was issued a notice of violation in July of 2007 and we're in the process of finalizing a consent order from DEC that was issued initially in December of 2007. The bottom line is that the sand filter must be replaced and we're looking for a grant to offset the cost of that replacement. At this point, I'm going to turn it over to Karen Clark, she is the project manager from Clough Harbour and Associates and will go through some of the details on the project.

MS. CLARK: Hi. I'm just here to kind of give some information, background on the evaluations that have been done so far to date and answer any questions about where we are in the grant application process. As Erik indicated, unfortunately the sand filter in the South Albany Sewer District system started failing in 2006. The Public Works Department did valiant efforts to try and salvage the filter media that was there, unfortunately to no avail. In 2007 they asked us to do a preliminary evaluation of multiple alternatives to try and be a little bit proactive because they knew eventually the DEC was going to be asking them to replace the filter.

So, we look at 3 different alternatives – One was to replace the filter in kind; one was what was called a recirculating sand filter and one is what is called a package waste water treatment plant.

The replacement of the existing filter in kind we did not feel would not meet the long term needs of the Town, sorry of the Sewer District. They were having some

trouble meeting the permit effluent limits as it stood right now so they needed to embark on some additional improvements for the facility.

The recirculating sand filter costs about \$425,000, that's including a contingency and engineering so that should be the entire funding needed for the project and it was about 50 percent cheaper than the package treatment plant alternative.

So, essentially it is going to be on the same site. We're going to be reusing 2 of the septic tanks that are already there, installing a recirculation tank about 8500 gallon storage tank underground. There will be some pumps in there that will send the wastewater up to an open sand filter basically located in the same area. The water then will percolate through the sand filter and recirculate back to the circulation tank before going back out. It basically circulates 4 times so it gets extra treatment versus the single pass sand filter that you have right now. The DEC also had changed the permit limits in terms of the DO requirement – the dissolved oxygen requirement – of the wastewater before it hits the stream and that was also something the sand filter was not able to meet. So there will be a small little dissolved oxygen system installed to meet that requirement.

So where we are right now, essentially there are 23 homes in this Sewer District and obviously to afford \$425,000 on 23 homes is unrealistic. So, we searched out all sorts of different funding alternatives – rural development, the Environmental Facilities Corporation that you heard about before and the Community Development Block Grant. The...

It really is imperative that we move forward with this Community Development Block Grant because it is really the only true grant program out there. Rural Development possibly could offer some grant money but there is also a loan component also and the economics is not favorable based on only 23 homes in the district. This is the first of 2 public hearings we are going to have to hold on the grant process application basically to offer information to the constituents and take any comments from the public and, of course, the Board.

We've the draft application in the works. One of the key components is an income survey which we've been working on for some time and we're getting very close. We only need 2 more respondents out of the district and we'll meet the needs of what we need to do for the application. We've been in contact with them several times a week and have been promised that those 21 surveys will be turned in. So, we are very optimistic that we will meet that goal.

I do have some... a form if there is anyone in the audience that would like to issue any comments or questions on this or offer a letter of support that could be included in the application. We'd be happy to accept those as well.

SUPERVISOR CUNNINGHAM: Great, thank you.

MS. CLARK: Any questions?

COUNCILMAN DAWSON: This option for the recirculating sand filter was described in the background memo as a long-term solution, how long?

MS. CLARK: And you know our mechanical equipment, just as Erik was talking about with the pumps, normally it is like a 20 year life cycle for any kind of mechanical equipment such as that. The filters that you have right now lasted about that long. It's not a 50 year alternative, we can't say that. It's definitely a 20 year life cycle for a filter made that is properly maintained.

COUNCILMAN DAWSON: And, does this system – I understand it currently supports 23 parcels – is there potential for further development on the system or is this its max?

MS. CLARK: It's not at its max. I don't know the number – there are a certain number of people that were not in the District that have not built. I think it is 2 or 3 homes, if I am correct, not a significant amount but...

COUNCILMAN DAWSON: It would take a few more but not designed for much more than that.

MS. CLARK: The problems that they had in 2006, really resulted in the excess of flows that had come in and the water and sewer project that was done just before that has significantly reduced the flows to the system. I know that the Town is currently monitoring those flows and it can certainly be evaluated whether more can be...

COUNCILMAN DAWSON: So that would extend both its the life, as well as, the...

MS. CLARK: Unfortunately, that was really the problem, the excess flows were pushing the solids through the septic tanks where it was supposed to stay basically going into the distribution pipes and clogging the filter media. So, it was just an uphill battle for the Town to just keep cleaning out the lines and once it had percolated out into the filter media it was almost...

COUNCILMAN DAWSON: All right, thank you.

SUPERVISOR CUNNINGHAM: Yes, I had a question. I know that we had discussed the grant process and the residents that need to fill out the applications in order for the Town to get the grant, what is the status of that, have we gotten all the applications in? Do we need more support for that?

MS. CLARK: The income survey?

SUPERVISOR CUNNINGHAM: Correct.

MS. CLARK: Yes, we have 19 out of 22 that we need 1 that we don't have to get information on that residence. So, we technically only need 2 more because we need 95 percent commitment... response rate. At this point based on the responses that we have it does qualify for the low to moderate income. So, we only need 2 more respondents, no matter what their income is and we'll still be fine in terms of the overall.

SUPERVISOR CUNNINGHAM: Do you need any support from the Board on getting those other 2 or have you been in contact?

MS. CLARK: Yea, we've been calling them about 3 times a week. We actually mailed out 2 more to the 2 that we are missing. We mailed them on Friday and talked to them on Monday. They indicated they will come and if the don't we probably will call them at the end of this week and just offer to go pick them up.

SUPERVISOR CUNNINGHAM: All right, good. Good, thank you. One more question.

COUNCILMAN HENNESSEY: Is there some longer term solution that we could have pursued that might have helped us on a 50 year basis that we are not looking at?

MS. CLARK: No.

COUNCILMAN HENNESSEY: ...given the conditions?

MS. CLARK: Even the package plant that was 50 percent more, I think it was about \$675,000 you still have a tank, mechanical equipment and that's really... 20-25 years out of something that is really the best you can do before you have to start a major rehab again.

COUNCILMAN HENNESSEY: So, this is the best solution for this situation.

MS. CLARK: For this situation, absolutely.

COUNCILMAN HENNESSEY: Okay.

MS. CLARK: Just because they are so remote, they are no where near any other Town facilities. That, obviously, would have been an alternative but piping it into the collection system was just significantly more money than this alternative.

SUPERVISOR CUNNINGHAM: Okay, thank you very much.

COUNCILMAN MESSINA: Jack, it's Sue?

MS. CLARK: Karen.

COUNCILMAN MESSINA: Sorry about that I thought I heard you mention something about the package sewage treatment was not viable. When I read this, I looked at the focus under item 1 for option 1 replacement of single pass sand filter and 2, recirculating sand filter. And, that's the way that presentation was. It's not documented here that one was taken off the board, was that done because of costs, the recirculating one?

MR. DEYOE: We're not looking directly at the memo but the 2 best alternatives were either single pass or recirculating. In the report Clough Harbour prepared for us in the spring of last year, August of 2007, included the analysis of that package plan. It was literally double the cost of the recirculating system and so we really probably didn't draft it in your memo but if you'd like to look at the report we have it available.

COUNCILMAN MESSINA: No, not at all, just in reading this thing I didn't see why it was dismissed. I understand now, as long as you have the data.

MR. DEYOE: We looked at it initially because it provides an enhanced level of control of the treatment process but those benefits are not offset by the cost difference.

COUNCILMAN MESSINA: Great, thanks Karen.

COUNCILMAN KOTARY: And, I'm sorry if this was already covered but, you know, this is a project that clearly needs to happen. We are working on the financing for our next step and a question. When would we hear on the grant and whether or not we got it?

MS. CLARK: Oh, I'm sorry.

COUNCILMAN KOTARY: And, how that moves, what happens then?

MS. CLARK: I'm sorry, we do have 1 more public hearing that we have to do and then on April 21st is the deadline for the applications. They indicate they typically get back to respondents early September so that's when the next phase – the design and construction would be launched. They don't reimburse anything before the grant is awarded but they indicate early September is when they start announcing the awards.

COUNCILMAN KOTARY: Great, thank you.

SUPERVISOR CUNNINGHAM: Any other questions?

COUNCILMAN DAWSON: I'll just follow-up on that, if they announce the grant in early September and then you said we proceed with the design. So, how long do you expect it would be between notice of getting a grant and being able to start the construction or notice of not getting the grant and having to come up with alternative financing?

MS. CLARK: Well, the design is a relatively short period, probably 2 months, and we're estimating the construction – we want it to be a rather aggressive

construction because you are going to have to haul the wastewater out of this as we are building the new facility so we don't want that to be an extended period. Right now, according to your consent order, you have until 2010 to get your new facility constructed. Ideally because you are doing some interim measures of hauling wastewater out of the existing system to keep it as operational as possible, you know that's just taking time away from your staff to do other things. So, the idea...

COUNCILMAN DAWSON: And, costing money.

MS. CLARK: Sorry?

COUNCILMAN DAWSON: And, costing money.

MS. CLARK: So, the ideal thing would be to finish the design in the fall, get it reviewed by the DEC in December/January and then be ready for like a spring construction, maybe May of 2009. If for some reason the Community Development Block Grant is not successful then the next round of Environmental Facilities funding would be in the winter of 2008. So, we would have to apply for the loan program there. I'm sorry did I say 2008, I'm sorry, 2009. So, it would be like December 2008 or January of 2009, would be the funding program for EFC.

COUNCILMAN DAWSON: So, we can continue what we are doing in the mean time? Are we okay?

MR. DEYOE: As Karen eluded to, we're pumping the station 3 times a week to try to lessen the load on the station. DEC is aware of that and they've basically said that's the best we can do right now so they are allowing us to move forward on that basis. And, they have allowed us to do that over the period of the consent order until the new facility is up and running.

COUNCILMAN DAWSON: Okay, thank you.

SUPERVISOR CUNNINGHAM: Okay, I'll remember this time, we'll open this up to the public. Is there public comment on the sand filter system for the South Albany Sewer District?

Okay, great. Can I have a motion to close the public hearing?

The motion was made by Mr. Messina and seconded by Mrs. Dawson to close the public hearing at 6:45 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 said next he has been asked to move an item up on the agenda. Due to some scheduling problems, the next item is the request from Director of Economic Development and Planning, George Leveille, to adopt a Resolution of Support and Concurrence with the Albany County Empire Zone Regionally Significant Project Application.

Director Leveille said he appreciated moving this item up for the applicant. He noted there were representatives in attendance also who can answer any questions. He said Albany County has passed a local law to authorize the extension of their Empire Zone throughout Albany County to 158 West Yard Road. He said as part of the process of affirming this with New York State, the municipality must affirm that with a resolution of its own, noting a resolution has been provided.

Mr. Leveille said David Buko is here on behalf of the building owner and asked Mr. Buko to give an overview of the project. Mr. Buko thanked Director

Leveille and noted he also had Gina Cummings with Rural Logistics with him. He said the building is a 354,000 square foot building on 158 West Yard Road. He said it was previously was American Honda and then James River Paper and sat vacant for a significant period of time. He said with NYS they lured Daisy Tech to come in and operate in the Town and after a bankruptcy got stuck with the building for a while. He said they were very fortunate enough to land a company named Rural Logistics with the opportunity to get an Empire Zone designation. He said Rural Logistics does all the distribution for Burton Snowboards. He said Burton Snowboards is a small company founded in Vermont, probably one of the most international names in snowboards but bigger than that apparel. He said they are operating in the entire building and approached New York State and Albany County. He said their anticipation if they get the Empire Zone is to create over 300 jobs over a 5 year period. They project in year 1 over 90 jobs and close to that right now. He noted they are highly confident they are close to that right now. He said they are highly confident they will do this. He said this will create the opportunity for them to pay full taxes and create another Empire Zone within the Town of Bethlehem so the resulting incremental revenue to the Town of Bethlehem will enable them to stay on a long term basis on the Town. He said this is very important and they are focusing on hiring locally. He said they are hiring a lot of the high school students during the interim side and have been a very good corporate citizen.

Mr. Buko said he is also on the Empire Zoning Board so he has to recuse himself a little bit in terms of being the building owner. He said he thinks this is one that the property used to be in the Empire Zone, a portion of it, and he thinks it is one with the change in the regulations, they have to go to regionally significant which means 300 or more jobs. He said it is a win/win for everybody.

Supervisor Cunningham asked if anyone had any questions. He thanked Mr. Buko.

The following resolution was presented for adoption:

RESOLUTION No. 8

**TOWN OF BETHLEHEM
RESOLUTION OF SUPPORT AND CONCURRENCE
WITH THE ALBANY COUNTY EMPIRE ZONE
REGIONALLY SIGNIFICANT PROJECT APPLICATION**

WHEREAS, New York State has created the Economic Development Zone program to encourage industrial and commercial development in selected municipalities across the State, and

WHEREAS, Albany County, as an eligible municipality, received original designation of an Economic Development Zone made up of sub-zones including portions of the Town of Guilderland and the City of Watervliet, and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional Empire Zone areas, and

WHEREAS, the Albany County Legislature has passed Local Law 1 of 2008 to revise the Albany County Empire Zone to encourage industrial and commercial development by designating a regionally significant distribution project at 158 West Yard Road in the Town of Bethlehem, and

WHEREAS, the Town of Bethlehem is committed to the development of new business within the proposed zone, and

WHEREAS, the Town of Bethlehem wishes to support and concur with the Empire Zone regionally significant project application,

NOW, THEREFORE, be it resolved that the Town Board, in its capacity as governing body of the Town of Bethlehem, does hereby support and concur with the Albany County Empire Zone revision application.

Resolution was adopted on March 26, 2008.

/s/ John H. Cunningham
Supervisor, Town of Bethlehem

/s/ Kathleen A. Newkirk
Town Clerk

The Supervisor said the next item was an update regarding Vista Technology Project. Mr. Bill Herbert from BBL Development Group gave a view of the modifications that have been worked on over the last several months. He said basically they had one point in time received comment letters that were received from the Army Corps of Engineers for the wetland permit which is critical for what is being established. He said it came to light that there were 2 issues involved with the overall layout for Vista that they wanted to address. He said they believe the outcome will be deemed positive, noting there have been a lot of good improvements that came as a result.

Mr. Herbert said the Army Corps received comment letters first of all from U.S. Fish and Wildlife who expressed their concerns about the amount of wetland destruction that was involved in the approved Master Plan. As a refresher, Mr. Herbert indicated the light green areas are existing wetlands. He said the old plan had the main drive going up through a good portion of the existing wetlands. He said one of the things they took into account was where there was wetland destruction and what they could do to possibly mitigate that. He said there was other wetland destruction on the north side of the pipeline they wanted to consider in that effort as well. He said Dr. Jones also saw the development plans and they walked out on site and realized the original alignment of Vista Boulevard was too close to provide any kind of a realistic buffer for him. He said Dr. Jones is going to live in the house for the initial stages of development of Vista and basically need some visual protection for his home.

Mr. Herbert said with the 2 things in mind, they took the Vista Boulevard and shifted it above and to the north of the existing wetlands and basically took it to a terminus, kind of a modified roundabout, around the existing LaGrange cemetery. He noted they are going to make that kind of a ceremonial hub in the middle of the campus. He said by doing so, they eliminated almost half of the wetland disturbances including elimination of a cul-de-sac they had in one area north of the Dominion line. He said they got to the point with all the savings of wetland destruction, they decided with some other shifts in the overall design that they could get to a no destruction of wetlands scenario. He said there is one isolated wetland in the context that does not matter.

Mr. Herbert said they took the design one more level and the new design for Vista has no wetland impacts. He said that is a good environmental improvement but it is also very important for them to get Vista off the ground this year and they do not have to wait for the wetland permit process to take place. He said they have no time frame constraints and they can pretty much wait all the time they need to make a decision like that so they felt it was a very good improvement for time frame purposes for Vista.

Mr. Herbert said there is a little bit of a change out in use too that is being proposed. He said the hotel was proposed at the end of the lower end of the site and what they would like to propose is a collection of 4 condominium buildings. He said the reason is that now that they have everything in place as far as the roads and all, they know this area is pretty much forever wild wetlands around anything they would build there and from the road you cannot see it very well. He said it is more suited to a residential type of build out than a hotel. Basically, they also know there is a market for condos right now and they would enjoy the benefit of on site amenities of their own – shops, restaurants, etc. – according to Mr. Herbert. He said it works in harmony with the nearby hamlet goals of living, working and playing in the same onsite environment and they can offer all that at Vista and want to make it a component of their site.

Mr. Herbert said they are looking at the possibility of 48 condominiums and they would be upscale. He said basically the lower forested area will now have a more residential feel and basically in terms of a hotel, the market at this point in time would never be able to support a hotel financially. He said they know once the build out in Vista is substantial that a hotel would make it. He said later on in the life of the park, they perceive the possibility that Dr. Jones may relocate and get out of the middle of everything and they could then take his nice designed home and expand it like a Glen Sanders type of hotel with existing old home converted,

rooms attached on an annex and then conference type space and space for large meetings and get togethers, etc. and be supported by the critical mass of Vista at the proper time during their development.

Mr. Herbert said a couple other things have changed and he thinks they are positive. He said they had over 10,000 lineal feet of public roads throughout the old Vista plan and they have been changed to be only the right in/right out coming up to meet the Vista Boulevard which runs and terminates. He said instead of public roads reaching out into the other areas, those are privately owned and therefore there is a savings of 50 percent on the amount of public roads to be built and particularly important to the Town of Bethlehem maintained. He said that is a savings to the Town without any tax loss. He said it is a large site and this is significant.

The presentation just heard on sewer issues, particularly with pump stations, Mr. Herbert said they have a change that they feel will be viewed as a positive particularly when you take the number of sewer stations originally planned. He indicated the locations on the exhibited map. He said they were able to reduce that by 67 percent going from 3 to 1 sewer pump stations. He said the maintenance savings for the Town are appreciable there. They have been able to minimize that and make that up with any kind of grinder pumps on the remote ends of Vista, according to Mr. Herbert.

Mr. Herbert said the reengineering they have done to enhance the gravity sewer capability of the site and greatly reduce the mechanical pump station inclusions, again goes very much to the positive as a change to the Master Plan.

Mr. Herbert said as a reminder, Vista is going to contribute its fair share of offsite sewer improvements toward the same goal of improving the overall capacity of the Town for everyone's benefit, including the businesses at Vista. He said as far as sewer, he thinks they have had a couple good improvements to the picture to offer.

Mr. Herbert said they agree with the MED zoning that includes a mix of uses that this is going to put this apart from the other tech parks that are vying for the new businesses to come in. He said in that they will offer and have always intended to offer retail amenities not just for the park itself but for surrounding neighborhoods. He said this is how the MED zoning reads. He said they shifted the retail and instead of having frontage all the way around, it is at the Boulevard and the roundabout which they just had built into the bypass. He said the retail parking itself is pulled away and then they are going to put a high-end restaurant shielding the parking from the bypass and there is a real nice Vista monument sign. He said the retail is a little more compact and identified a good list of uses for the retail – branch banks, the high end restaurant, pharmacy, a market -- and the mixed use building they started with shifted so that the back end of the building faces into the woods and nobody has to see it. He said there will be offices over shops as before and the offices will have pretty nice views into the woods and views out the front onto the rest of the retail area at the front end of the site.

Mr. Herbert said basically those uses and some mixed local uses – coffee shops, local businesses, mom and pop's – that is what they are wanting to bring into a so called full service collection of retail uses that not just Vista but the surrounding areas could benefit from. He said he would show graphics a little later.

Mr. Herbert said one other benefit going with the mix now is that obviously the tax base goes up when they start building buildings and they can get many of the building projects underway in 2008, as well as, some primary use projects. He said they have a union headquarters and training center planned at the middle of the park and since they are going to build the whole road in Phase 1, they can access that right away. He said that is another 30,000 square feet plus another 23,000 square feet of office space. He said they have interest in that from some professional office type users over the past year as well. He said he spoke with the

medical office group that intends to occupy the majority of the MOB, calling to reconfirm their plans to move to Vista.

Mr. Herbert said they have a lot of primary and secondary uses that he is trying to illustrate time frame wise without needing to get an Army Corps permit and wait for that. He said with all the other changes that have been identified, they know the interest is there. He said they want to get going and he thinks the Town would like to see this get started. Mr. Herbert said he talk about some of the other primary uses they have been marketing and a little about their strategy.

Mr. Herbert said one other improvement to the site, they thought would be appropriate after some input from others is a sidewalk system in Vista for pedestrian use noting it is pretty long sidewalk and they have added a small public park at the front end of the site at the front corner of the retail area so that someone can get a sandwich and have a seat and enjoy an outdoor lunch and walk back to work and then there is a gazebo and the possibility of a couple others instead of just walking a break can be taken also. He said they are trying to add a couple more features that will add to the amenity package. He said they promote this to the companies they are reaching out to.

Mr. Herbert said it would be hard to see but he exhibited a drawing of what is seen from the bypass. He said there will be a Vista masonry monument sign heavily landscaped with an American flag. He said that will be the center piece as you come up and enter the park. He said a glancing view of the architecture can be seen behind this area. He said this will be a similar Williamsburg type building they are proposing. He said there is a high-end restaurant and this structure shields the parking from the bypass. He noted that was something the Board asked them to look at. He said they are trying to hit the marks to make the appearance they want. He said they think it will be a very welcoming environment.

Mr. Herbert invited anyone to take a look, even though it is hard to see, they think the appearance of Vista particularly from the very entrance both with the monument sign, the little park they have in the corner and the retail village is going to be compelling. He said they had a quick rendering done to show the type of architecture the condominium buildings will have. It is again traditional notes to it, according to Mr. Herbert, and it is a nice mix of masonry and cedar siding. He said the actual architecture and levels and all of that are just getting started.

Mr. Herbert said the second road becomes kind of a quiet residential neighborhood with the sidewalk leading down into the busier hub of retail offerings that everybody that works in the park passes and even works within as they go out to the rest of the park. He said the building locations for the park are uniform in terms of the parking with very little in the front of the building, more to the back and sides. He said one thing they had to do is try and change the footprints in a way to save wetlands. He said it took away a lot of parking fields that had to be redistributed.

Mr. Herbert said it is the same square footage as the old Master Plan. It is 1.4 million square feet and they said they were going to hold to 20 percent secondary use for the hotel, the retail, etc. and they are at 18.8 percent. He said it has been redistributed with some good quality uses but they have stayed under the goals they set for themselves. He said by the MEDD rules, they could go to 30 percent secondary use. He said phase 1 is still a 50/50 mix of secondary uses to primary being the office, the medical office, union headquarters and the other technology building.

Mr. Herbert said they are approaching market by building a technology based business park with mixed uses. He said that is meant to be the way by which they draw the technology business in. He said they are now shovel ready, the roundabout is in place and they can bring people to the site. He said approval wise, they will go to the Planning Board for site plan approval next. He said basically over the past 4 years, not 4 months, he has been actively involved with CEG that has been all around the world promoting tech valley and as a sponsor they are present at all the events. He said the day the announcement of the roundabout

opening for PR purposes, CEG send out 15,000 emails to heads of micro-electronic companies all over the world. He said they are working very hard for them.

Mr. Herbert said beyond that locally they are working with C. B. Richard Ellis on a continual basis with local and actually national accounts reaching out to micro-electronic businesses – 50 targeted businesses that they are actively pursuing just in micro-electronics. He said beyond that they are looking to attract other businesses including clean tech – solar panels and this kind of thing. He said he met with a site selector last week to talk about a solar panel manufacturer distributor that is looking in the area. He said their service in terms of power and water and such can support that. He said they do not need to go into something high powered for that type of business and it would be an excellent addition to the park.

Mr. Herbert said he is getting calls from out-of-town brokers who are calling before he calls them. He said the area, in all honesty, picking up as far as the level of interest as far as outside the Capital region. He said one of the primary users that he hopes to land for Vista he spoke to yesterday. He said this was unsolicited and they are looking everywhere in the area but they wanted to include Vista on a site visit for up to 300,000 square foot bio-technology manufacturing facility. He said they are very serious about in the area and heard about Vista. He said he told them about the status of Vista and approvability and sent the marketing information and Empire Zone benefits.

Mr. Herbert said things have turned the corner and they are seeing the interest they knew would be here. He said the timeliness of it they could not dictate but they are starting to see the fruits of their labor. He said those kinds of businesses are easily achieved here where he might have to take a collection of 3 buildings that are smaller and make them 1 larger building. He noted this is easy and can be done in several areas of Vista.

Mr. Herbert recapped the fact that they will be pursuing site plan approval on the overall phase 1 to bear out the mix of primary and secondary meets muster and then individual site development plans are going to be cranked out very quickly so that they can go to the next level. He said the collective changes to Vista they think has consistency with the way it was laid out and the statistics of what was presented last are very consistent with what they have now. He said he thinks it is all positive.

Supervisor Cunningham asked if the Board had any questions for Mr. Herbert. Councilman Dawson said she thought it was great news about preserving the wetlands and shows how much can be done to preserve what's good about this area. She said she has a concern but she does not know enough about the potential impact – the pros and cons – of switching from the hotel to the condominiums. She said obviously there is an impact on the Town services, expenses as well as revenues, so she does not know enough about that but expects it is not just an insignificant replacement. She said there is probably more detail that she would be interested in at some point.

Mr. Herbert said there will be a lot more detail on the concept but as far as what he would consider an impact of the number of units – be they condo units versus rooms at a hotel – he believes it is like 60 or 70 hotel rooms versus 48 condos. He said they are really replacing small hotel rooms with larger dwellings. Councilman Dawson said she was talking about impact on schools and services and it will be different. She said she does not know enough about what it will be. Mr. Herbert said they will fill in the blanks on the detail of it.

Councilman Dawson said the second comment, she knows these are just artists renderings and are not necessarily what the buildings are going to look like but she asked if he said there will be a consistent architectural theme, if he will, to the buildings. She said because even the color drawings that we have here, in her eye, show a mixture of architecture. Mr. Herbert said in particular with the village retail sector, they want to try to make that very much uniform and have like a clock tower accent on both of the buildings as seen in the renderings. He said they will

work with the same mix of materials for all of the buildings. Councilman Dawson said if you look at the picture with the Vista monument, there is some structure on the right side that to her seems inconsistent with the rest. Mr. Herbert said they took another restaurant that they are building currently and laid that in there. He said he would agree that that should be changed to something more traditional style. Councilman Dawson said she would leave that up to Planning Board Chairman Mathusa to be sure that we do that. She said she remembers Mr. Mathusa's famous line at a meeting not too long ago – we don't do ugly anymore.

Councilman Messina said he is looking at a memo to Mike Morelli prepared and although he does not think the Board has to act here, what is really being sought is the Board's assessment of consistency with the original Master Plan and out of all that he said, he would tell what the driver is for him. He said it is that faces change here, timing is changing but over the next years we will get to the project we want. Mr. Messina said what factor is most important is that it is a competitive world out there and like to see this move forward. He said that is what his hopes are. He said the list of advantages that have been scoped out by Mr. Herbert far outweigh the disadvantages and even though he probably would have liked this to roll out initially as planned, if that's not marketable he thinks they have to support reasonable change.

Councilman Kotary said he had a couple quick comments and suggestions. He first thanked Mr. Herbert and BBL and all of the other partners for working closely with the Town and George Leveille and his department, Mike Morelli and everybody else. He said he knows this has been going back and forth on a lot of potential tenants and uses. He said he is very encouraged by the presentation. He said one more wetland, green space being protected is great, the park is great, he loves the concept of having a nice visual entry as they have talked about not only Route 85 and the roundabouts but Vista is really being part of a beautiful gateway to our community. He said he thinks that is outstanding, as well as, connecting sidewalks and some small pocket parks with what we are all looking at as a potential for the New Scotland hamlet and connecting to a greater sidewalk, as well as, a smaller park connection. He said on the hotel/condo question, he actually is personally very much in support of that switch. He said he thinks it is very encouraging to look at a more attractive, marketable use but also like with the changes, they have lowered the secondary use which again could be much higher. He said they really appreciate that. He further said very much encouraged by his working with the Town Board to decrease the number of pump stations. He said they just had their presentation on that and they all know how important that is to try to lower the burdens, as well as, one of the things overlooked was cutting down on the public roadway. He said they are all happy and Mr. Sagendorph is happy that it will cut down on cost maintenance. He said without having any numbers, he looks at this and sees the changes are not only good for better marketing the project to the public and companies but also looks like they are getting to a project that is going to be better for the Town on the cost versus the benefits. He said this is great. He said he sees the condos adding to potential, positive revenue and tax revenue.

Councilman Kotary said one other quick thing, he said they talked about adding green space and they talked about the solar project. He said they are really excited to hear about that and that is – leave one bit of encouragement, as we are pulling in tenants, he would really love to see any efforts to create green buildings and to really work with Mr. Mathusa who is on the Board of NYSERDA and working with them to find out what kinds of grants, what types of projects are out there. He said to still make the project cost effective but to try and be as green friendly as possible. He said thanks for the work they have done on this. Mr. Herbert noted they are welcome.

Councilman Hennessey said he especially appreciates the fact that they are lowering the cost of the Town to construct the roads and he thinks that is tremendous savings to the taxpayers. He said the union that they are bringing in from what he understands is a for profit union, asking if this was correct and noted they will be paying taxes. Mr. Herbert said they will be paying taxes. Mr. Hennessey said this is tremendous. He asked about public transportation and what

access will be available for that. Mr. Herbert said they met with CDTA maybe a year or so ago and they talked about the possibility of – and it is going to happen – there will be a bus stop at some point that makes the most sense along the front of the site, as well as --- bear in mind, they are talking about phasing the project too – they said there is a possibility of a stop there and then at an appropriate location back at the sort of middle of the rear cluster of buildings. He said basically there will be 2 stops noting they do not want to overburden the number of stops they have to service but they do see this as a very large development and if tenants are going to use a bus, they are going to want the ridership. He said that was pretty much the discussion.

Councilman Hennessey asked Mr. Herbert to talk about the Jones residence. He asked if he is amenable to the plan that eventually will take the property and convert it into something else. He asked if this has been discussed with Dr. Jones. Mr. Herbert said they did discuss it with Dr. Jones and it is a matter of timing. He said at some point in time, it probably makes sense to allow the technology business to completely take over the whole language of the park and to find another residence. He said Dr. Jones said he sees the adaptive reuse of this, it is a good idea. Councilman Hennessey said he supports that and thinks it is a great reuse and something the Town needs at this point. He said everything he has heard sounds very positive and they are moving ahead full speed. He said he appreciates the work they are doing and the work of the staff.

Supervisor Cunningham asked if there were any other comments from the Board. He thanked Mr. Herbert.

The next item was the approval of Town Board minutes of February 27, 2008. The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the Town Board minutes of February 27, 2008. 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 by Councilman Messina to adopt a Recruitment Process. Councilman Messina said he would like to make a motion to adopt a Recruitment Process. He said he would like to request a revision. Supervisor Cunningham asked that the motion get a second and then go to a motion to revise. Councilman Messina said this was okay. Supervisor Cunningham asked for a second to the motion. Councilman Kotary seconded the motion.

Councilman Messina thanked the Supervisor and noted what is before the Board which was distributed 2 weeks ago, is called recruitment guidelines. He said quickly in terms of background, what they are about is in a page or 2 do what he thinks open government and good government is all about. He said to have a formal procedure that the Board agrees to let the public know via various ways about the availability of appointments, of recruitment that is going on to both paid and volunteer positions. He said this is separate from the things that Comptroller Kehoe must do with respect to Civil Service. He said it relates to vacancies that occur on this Board, on the Planning Board, the Zoning Board and in many other committees.

Mr. Messina said the second part of that relates to a process the Town Board could advance to interview perspective candidates and the third part would result in the action that the Town Board takes to appoint. He said that is kind of how the process would work and what it is intended to be – the goal – is to just continue to make Bethlehem as good as it can be and he thinks as good as it should be. He said to open up the process, to allow 35,000 residents to know about the opportunities for appointment and to broaden the base of interest, enthusiasm and involvement in government. He said he does not feel this is complex. He said he thinks it is good government and what he would like to propose is because anything

can be approved as certainly his words can be improved – he proposed to the Supervisor that a small committee be established to look at this further and reporting back to the Town Board. He noted he would like to be on that, given the amount of time he has spent on this item. He said that is where he is at.

Supervisor Cunningham asked Mr. Messina if he was making a motion to amend the proposed guidelines? Councilman Messina said he is making a motion to amend. The Supervisor asked what the amendment was. Mr. Messina said the amendment is that the Board create a group to work on these and report back to the Town Board with its recommendations. He said that group could be composed of Town Board Members, as well as, other staff. The Supervisor said that would not be an amendment to the process that you propose. He said that is a different resolution all together. He asked if Mr. Messina wanted to amend the plan that was put forward. Councilman Messina said he does not want to amend the plan he put forward. Supervisor Cunningham asked if there was further discussion.

Councilman Kotary said first of all he thanked Councilman Messina for spending a lot of time on this. He said they have had a lot of conversations about encouraging dialogue, opening up government and addressing opportunities for people in Town to get involved through elected, appointed or volunteer positions. He said there have been a lot of discussion on all points. He said with regard to the memo or recruitment guidelines that were presented, he had a couple of comments. He said one is that he agrees in terms of what they are doing, disagree in terms of or differ in terms of his view on the way the process has gone on in terms of people. He said they have expanded the number of citizen committees, increased the number of opportunities for citizens to participate in various things from CACC to 9W, etc. He said they have also increased the number of public notices and those types of opportunities. He said every appointment since he has been on the Board, they have not only asked for residents to submit resume but he has looked at every resume that has ever come across his email or his desk or in his email box. He said he has called people, as others have also, an opportunity to do. He said he thinks and he is not sure where the amended motion, if they are planning on voting on the proposal. He said if the Board is voting on the proposal, there are some specific issues that he thinks need to be addressed.

Councilman Kotary said one is the public notice and the time frames on which I think can put unnecessary constraints on the ability to be able to appoint people, either again if a position becomes vacant or as the Supervisor deems necessary or the Town Board deems necessary that they need to create additional opportunities for members of the public to participate on committees, as well as, the other section on desired qualifications which again he thinks it is pretty clear when they are talking about Zoning Board, Planning Board, CACC or whatever, there is information out there as to what exactly the Board is looking for.

Councilman Kotary cautioned about getting into specific, restrictive qualifications. He said he thinks anyone who is interested should have an opportunity and be evaluated on the merits as well. He said in addition to that, he thinks if they were to vote on a recruitment guideline or anything that involves the process of selecting people or appointing people, he believes and he would ask Counsel, that it would be in a Town law or resolution format. He said he is not sure about that. He said he would defer to Counsel on that.

Councilman Kotary said he would end by saying that he thinks the Board has expanded greatly over the last year or so, the number of people that have been involved, as well as, the opportunities for people to participate. Supervisor Cunningham thanked Mr. Kotary.

Councilman Dawson said she wanted to echo Mr. Kotary's comments and she also thinks she has a pretty good idea of what Councilman Messina's intention was. She said she thinks as the opportunities grow and all of the work that needs to be done, they have increased participation of Bethlehem town residents in a number of the committees, work groups, task forces, whatever you want to call them. She said she also wants to acknowledge the fact that as someone who was appointed to the Town Board, she knows very well that the residents have that opportunity when

they go into the voting booth to decide whether or not the Board has made good choices. She said she takes that very seriously and does not want to be misunderstood by now appearing to formalize and put in place rules that might be misperceived as now kind of closing the door after they have all gotten in. She said she agrees with the intent which is to continue to look for ways to increase citizen participation in where Bethlehem is today and where they are going in the future. She said she would not be voting in favor of putting these guidelines in place as they are written. Supervisor Cunningham thanked Councilman Dawson.

Councilman Hennessey said the State Town Law already provides for the way that Town Boards go about making appointments. He said it is in subsection 5 of Section 64, the State Town Law. He said he thinks that is sufficient for granting flexibility for the Town Board Members that they need in making decisions. He said he would echo Councilman Dawson's statement about liking the idea of being accountable to the public and does not want to create some stilted process that will separate the rest of us or give us cover when they make an appointment.

Councilman Hennessey said every appointment that he has been a part of thus far since coming on the Board a short time ago he has been very proud of and very happy about. He said telling the truth, there are some appointments that have been made before he came on the Town Board that he is also very, very proud of. He said he has learned to work with a lot of the people who are sitting in the room and respect all of them. He said he looks forward to working with them in the future and he cannot turn back in good faith and say those decisions were made wrongly. He said he does not think this is Councilman Messina's intent. He said he thinks Mr. Messina is – not wanting to speak for him – but he thinks he is trying to move forward with the best foot. He said he appreciates that and thinks he has been a good friend and person and someone who has been a mentor to him at times. He said it brings him great sadness to say he will vote against this but he thinks in spirit they are in the same place. Supervisor Cunningham thanked Mr. Hennessey.

Supervisor Cunningham also commented that he appreciates the work Councilman Messina has done and the spirit in which it is being brought forward to the Board. He said he read through the proposal and considered it and he thought about it and why would they need some guidelines. He said he went to Mr. Messina's goals and the goals say that these guidelines are intended to ensure that individuals of the highest degree of capability and experience are appointed to boards, commissions, committees and task force within the Town of Bethlehem.

Supervisor Cunningham said he thought about sitting at the table and starting with Councilman Messina, he was appointed and Mrs. Dawson was appointed, Kathy Newkirk has been appointed, Jim Potter has been appointed, Kyle and Mark has been appointed twice. He said if that is a pretty good list of people that are capable and experienced. He said he then started thinking about looking out in the audience and thinking about Parker Mathusa, John Smolinsky, George Leveille and he thinks Linda Jasinski is here and thinking about other names which he listed many. He said his point is that they came up with a very good list of people that are capable, experienced and do an excellent job serving this Town.

The Supervisor said the other thing he thought about is that what is important to remember here is that a lot of these appointments are policy positions. He said the Town Board has been elected to advance certain policies and it is important for them to have the latitude and flexibility to appoint individuals that support their policies. He said he does not think a blind process is conducive or supportive of that type of an idea.

Supervisor Cunningham said finally the other issue that he has with this item is that he thinks it overlays a process that currently works with the Board with a whole level of bureaucracy that he does not see any value. He said there is no evidence that there is a value to adding this and getting the same results they are currently getting. He said basically have said all that, he said what they have is a solution without a problem and he will not be supporting this motion.

Councilman Messina said this is discussion before the vote. Supervisor Cunningham said absolutely. Mr. Messina said he wanted to start by letting the public know about accountability, something as simple as notice on a website about appointments for a reasonable period of time. He said the Board has not been consistent with that and have not always done that and that is a very simple step to take. He said before he put these forward he said had a conversation with the Supervisor and said we can't commit to that. Mr. Messina referred back to the Organizational meeting and stated that was different than in the past. You say we don't have a problem that needs to be fixed. I say we have a problem because we don't have agreed upon process among the Town Board Members to address the items that items that he was discussing. The Supervisor thanked Mr. Messina and asked if there was any further discussion and there was none.

The motion was made by Mr. Messina and seconded by Mr. Kotary. The motion was failed by the following vote:

Ayes: Mr. Messina

Noes: Mr. Cunningham, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Absent: None.

The Supervisor stated that the Moody's Rating with some anticipation of Bond Issues that the Town will be doing and the rating came back as an A1 which means were are extraordinarily credit worthy. He thanked and commended Comptroller, Judi Kehoe, for her hard work and said we appreciate everything she does. Mrs. Kehoe thanked everyone. (defective tape – some information not available)

The next item on the agenda was a presentation on the Year End financial performance by Comptroller, Judith Kehoe. She said with the budget of 2007, they were looking at a planned use of fund balance of about \$384,000 and the good news for 2007 is it is about halved, just under \$200,000 shortfall in the General Fund operating budget. She said they scaled back on some of the discretionary costs and that was in anticipation of a possible shortfalls in the sales tax and mortgage tax. She said fortunately, they came in stronger than expected. She said the total sales tax revenue for 2007 was \$9.8 million. She said even though about 1 percent higher than last year's number, it was in fact above what was budgeted. She said that was something that was sighted in the Moody's Report. She said they like conservative budgeting and the Town seems to have hit that for 2007 and for the mortgage tax although it had dropped about 11 percent from the 2006 levels, we still came in ahead of budget. The crystal ball they try to get as sharp as possible, she said, did work out favorably for the General Fund in 2007.

Mrs. Kehoe said in the Highway Fund they had planned on using about \$194,000 of fund balance in 2007 and essentially it broke even. She said that break even includes a transfer of \$89,000 into the Capital Reserve Fund. She said the Board had approved this at the end of the year for the purchase of equipment. She said Water and Sewer Funds similarly had operating surpluses. She said the Water Fund was about \$580,000 and the Sewer Fund was about \$378,000. She said if you look at the final totals, they invested about \$1.6 million dollars in total for the 2 funds in the Capital Reserves and this was to anticipate the project with the pipeline and pier replacement at the Dinmore Road facility and some of the other projects that have been approved in the Water Fund.

Mrs. Kehoe said even though they are showing a deficit of about \$718,000 in the Water Fund, that is not an operating loss, but an investment of prior years surpluses into our Capital Reserves.

Comptroller Kehoe said she also gave the Board some information about the Capital Reserve Funds and where they are with the projected use of funds with the projects the Board have already approved. She said there is still in the General Fund just over \$500,000 available for future projects, just under \$800,000 in the Highway and about \$2 million for the Water and Sewer funds combined.

Mrs. Kehoe said she indicated the fund balance percentages even with the potential use of fund balance in the 2008 budget and those numbers range between almost 19 percent and up to 24 percent. She said that is another thing that Moody's was impressed with – 1. that the Board has been supportive for the budgets that have been presented and 2. that they have maintained the reserves. She said they noted in several spots in their report the economically sensitive revenue sources within the General Fund with the sales tax and the mortgage tax. She said this is recognized in local government finances as a concern potentially when you have the higher fund balances that allows you to weather unexpected results within the revenue sources.

Mrs. Kehoe said the audit is scheduled for the first week in May. She said the state report will be filed by the end of April and it is that State report that the auditors will be performing their work on. She said they will look at internal controls and have a full report on that. She said that can be expected by early June.

Mrs. Kehoe asked if there were any questions on the preliminary 2007 numbers. Councilman Messina mentioned in addition to the applause that she rightly deserved, he thinks the Town Board Members have seen her rightly stand tall and strong to fight for maintenance of Capital Reserve Funds and other balances in accordance with the Comptroller's guidelines. He said it is a tough job to do when they are dealing with budget issues and looking for resources so for her professionalism and being a little tough, he thanked her. Supervisor Cunningham asked if there were any other comments or questions on finance.

Councilman Hennessey just wanted to say Comptroller Kehoe is doing a terrific job. He said this is wonderful work, noting he has seen a lot of towns throughout the State that are struggling with the kind of finances we do not have. He said he is thankful to have Comptroller Kehoe help the Town Board have the finances we do have. Comptroller Kehoe said it is her pleasure, she enjoys what she is doing. She said she had her 16th anniversary about a month ago with the Town. She thanked the Board for having her.

Councilman Kotary said he had no question but wanted to thank Mrs. Kehoe and stress the importance of this positive rating and giving the Town the ability to be able to do a lot of these Capital projects that the Town is faced with over the next few years. He said especially with so many projects coming together at once. He said, again as Councilmen Messina and Hennessey, have said it is not only a combination of Mrs. Kehoe's diligent efforts but also the overall financial position that the Town is in with regards to everything from the reserves and budgets to having a low and moderate level in terms of taxes. He said they have really been able to draw line and hold the line and keep everything in balance very well during turbulent times. He said this is a perfect case of when prudent fiscal management pays off in the end and will pay off by not only giving the ability to borrow at a lower rate but to be able to borrow in the first place.

Mrs. Kehoe said along those lines, issuance of debt is a very common way for municipalities to finance their projects and you want to do it appropriately and the key is to keep it at manageable levels. She said she thinks the Town is poised with even knowing the Capital needs that the Town has looking at the longer term projections. She said it is being done at a very responsible way and there is a long track record of maintaining stable tax rates. She said she thinks that is easier for the citizens when they are trying to plan for their escrow payments and manage their household finances. She said they know what to expect, no nasty surprises from the Town of Bethlehem.

The next item was a request from Comptroller, Judith Kehoe, for approval of appointment of Bond Counsel and Special District Counsel. Supervisor Cunningham said this is in relationship to the discussions about the bonding that is going to be done. He said counsel is specialized and at recommendation of the Town Attorney and Comptroller, they are going to appoint Hodgson Russ Attorneys, LLP and McNamee, Lochner, Titus & Williams, PC as bond counsel.

Town Attorney Potter said this is not a change at all in the policy, Hodgson Russ, and McNamee, Lochner has been providing these services since before he was appointed Town Attorney in 2004. He said because there are a number of bonds coming up, they thought it would be appropriate to bring it back to the Town Board.

The motion was made by Mr. Messina and seconded by Mrs. Dawson for the appointment of Bond Counsel and Special District Counsel, Hodgson Russ Attorneys, LLP and McNamee, Lochner, Titus & Williams, P.D. as requested by Comptroller, Judith Kehoe.

Councilman Dawson asked why there were two. Town Attorney Potter said he thinks that is appropriate to give the Comptroller and him the option to go to the people who seem most appropriate for the particular task at hand. Councilman Dawson said it seems to her that you could get different answers from two firms. Comptroller Kehoe said not with the professional attorneys. She said they get the law. Town Attorney Potter said they hope there is one right answer and they get it from both sets of attorneys. He said they would only go to one attorney per project but this gives the flexibility to go to the people that have the most experience with that particular project. Mrs. Kehoe said there are some bond anticipation notes outstanding that have been renewed and it makes sense to continue with the same firm that has started those projects. She said that is another reason that they have the 2 listed.

Councilman Messina said he wanted to state for the record that the experience of these two counsels on the IDA have been outstanding. He said they give straight forward advice and words that can be understood. He said they have been professional and he will support them for that reason.

The motion was carried 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 Comptroller, Judith Kehoe, for approval of proposed language clarification on Police Collective Bargaining Agreement. Mrs. Kehoe said this is a technical clarification for the recently approved contract with the police. She said it relates to health insurance coverage for officers who are out under General Municipal Law Section 207-c which are those who are receiving disability benefits. She said this clause essentially grandfathers officers who are currently under the 207-c status who are in the process of filing for retirement a 3 month window to file for retirement. She said it gives them an 18 month grace period where the Town would cover them as the application is winding its way through the State Police and Firemen's Retirement System.

The motion was made by Mr. Hennessey and seconded by Mr. Messina for the approval of the proposed language clarification on Police Collective Bargaining Agreement as requested by Comptroller, Judith Kehoe. 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 was a request from the Comptroller, Judith Kehoe and the Director of Economic Development and Planning, George Leveille, to retain Camoin Associates for the development of financial models to be used as part of the Bethlehem 20/20 initiative under contract not to exceed \$15,000.00.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to retain Camoin Associates for the development of financial models to be used as part of the Bethlehem 20/20 initiative under contract not to exceed \$15,000.00 as requested by Comptroller, Judith Kehoe and the Director of Economic Development and Planning, George Leveille. 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 acknowledge the receipt of a Report on Capital Reserve Funds. Supervisor Cunningham asked if there were any questions for the Comptroller. There were none.

The next was a request from Town Planner, Jeffrey Lipnicky, to accept an application for Amendment to BPA 25, Dowerskill Village Sec. 2B and consider adoption of SEQR Resolution.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to accept the application for Amendment to BPA 25, Dowersill Village, Section 2B 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 Resolution was presented for adoption:

Resolution No. 7

TOWN BOARD
TOWN OF BETHLEHEM

SEQR RESOLUTION

CLASSIFICATION OF ACTION AND LEAD AGENCY DESIGNATION
APPLICATION TO AMEND BUILDING PROJECT APPROVAL NO. 25
DOWERSKILL VILLAGE SEC. 2B

- WHEREAS, the Town Board of the Town of Bethlehem has received an application, Environmental Assessment Form and related materials from Jenkins Building Corporation to amend Building Project Approval No. 25, previously approved by the Town Board on January 10, 1999; and,
- WHEREAS, the proposed amendment would effect 10.2 acres of land located in the Dowerskill Village Planned Development District and said land was previously approved for development of 64 multi-family apartment units; and,
- WHEREAS the current proposal is to develop 10 single-family homes on approximately 4.1 acres of the parcel and retain the remaining 6.1 acres as undeveloped land; and,
- WHEREAS, Section 128-40(F) of the Town of Bethlehem Zoning Law contains procedures for amendments to previously approved Building Projects, and said procedures authorize the Town Board to approve such amendments upon referral to and recommendation of the Town Planning Board; and,
- WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,
- WHEREAS, the SEQR regulations found at 6 NYCRR 617.6(a) require that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether the action involves a federal agency; (3) whether other agencies are involved; (4) the appropriate preliminary classification of the action; (5) whether a full or short environmental assessment form is necessary; and (6) whether the action is located in an agricultural district and subject to applicable provisions of the

Agriculture and Markets Law; and,
WHEREAS, 6 NYCRR 617.6 establishes procedures for coordinated review of Unlisted actions where more than one agency is involved;
NOW, THEREFORE, BE IT RESOLVED,
that the Town Board of the Town of Bethlehem hereby determines as follows:
(1) the application by Jenkins Building Corporation to amend BPA No. 25 constitutes an action that is subject to SEQR;
(2) the preliminary classification of the action shall be designated as "Unlisted";
(3) Full Environmental Assessment Form is necessary to determine the significance of the action;
(4) the proposed action is not located in an established agricultural district and therefore is not subject to the provisions of the Agricultural and Markets Law;
(5) coordinated SEQR review of the action will be undertaken in accordance with 6 NYCRR Part 617.6;
(6) a federal agency, specifically the U.S. Army Corps of Engineers, may have jurisdiction in this matter;
(7) other involved agencies with respect to this action may include: (a) the New York State Department of Environmental Conservation; and (b) the Planning Board of the Town of Bethlehem; and,
(8) interested agencies with respect to this proposal may include the Albany County Planning Board and Town Departments of Public Works, Building, and Highway; and,

BE IT FURTHER RESOLVED,
that the Town Board hereby authorizes and directs the Town Department of Economic Development and Planning to initiate coordinated review of the action by filing a copy of the Building Project application, SEQR materials and appropriate notice with involved agencies, and notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice; and,

BE IT FURTHER RESOLVED,
that the Town Board as an involved agency with the broadest governmental powers for investigation of the environmental impacts of the proposed action, hereby declares its desire to assume Lead Agency status for the purpose of SEQR review; and,

BE IT FURTHER RESOLVED, that having notified the involved agencies of the Town Board's desire to be Lead Agency, the Town Board hereby declares it shall be Lead Agency for SEQR review of the proposed action unless objection to such designation is received from any involved agency within the above specified thirty day (30) time period; and,

BE IT FURTHER RESOLVED,
that the Town Board hereby refers the application to the Town Planning Board for a recommendation on both a SEQR determination of significance and the proposed Building Project amendment, said recommendation to be provided consistent with the procedures as outlined in the Town Zoning Law.

On a motion made by Mr. Messina, seconded by Mrs. Dawson, and a vote of 5 for, 0 against, and 0 absent, this RESOLUTION was adopted on March 26, 2008.

The next item was a request from Director of Economic Development and Planning, George Leveille, to adopt a Resolution of Support and Concurrence with the Albany County Empire Zone Regionally Significant Project Application.

The following Resolution was presented for adoption by Mrs. Dawson and seconded by Mr. Kotary:

RESOLUTION No. 8

**TOWN OF BETHLEHEM
RESOLUTION OF SUPPORT AND CONCURRENCE
WITH THE ALBANY COUNTY EMPIRE ZONE**

REGIONALLY SIGNIFICANT PROJECT APPLICATION

WHEREAS, New York State has created the Economic Development Zone program to encourage industrial and commercial development in selected municipalities across the State, and

WHEREAS, Albany County, as an eligible municipality, received original designation of an Economic Development Zone made up of sub-zones including portions of the Town of Guilderland and the City of Watervliet, and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional Empire Zone areas, and

WHEREAS, the Albany County Legislature has passed Local Law 1 of 2008 to revise the Albany County Empire Zone to encourage industrial and commercial development by designating a regionally significant distribution project at 158 West Yard Road in the Town of Bethlehem, and

WHEREAS, the Town of Bethlehem is committed to the development of new business within the proposed zone, and

WHEREAS, the Town of Bethlehem wishes to support and concur with the Empire Zone regionally significant project application,

NOW, THEREFORE, be it resolved that the Town Board, in its capacity as governing body of the Town of Bethlehem, does hereby support and concur with the Albany County Empire Zone revision application.

Resolution was adopted on March 26, 2008.

/s/ John H. Cunningham
Supervisor, Town of Bethlehem

/s/ Kathleen A. Newkirk
Town Clerk

The next was a request from Administrator of Parks and Recreation Department, Nan Lanahan for approval of Supervisor signing the Clarksville Playground Agreement.

The motion was made by Ms. Dawson and seconded by Mr. Hennessey for approval of Supervisor Cunningham signing the Clarksville Playground Agreement as requested by Nan Lanahan, Administrator of Parks and Recreation Department. The motion was carried 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 Administrator, Parks and Recreation Department, Nan Lanahan, for approval of appointment of seasonal personnel.

The motion was made by Mr. Messina and seconded by Mr. Kotary for approval of appointment of seasonal personnel as listed on the Memorandum dated March 26, 2008 at the Titles and Salaries listed on file in the Town Clerk's Office. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

The next was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of award of bid for one (1) Turf Sprayer to Grassland Equipment and Irrigation Corporation, Latham, NY at a bid price of \$24,561. Supervisor Cunningham noted this would be used at the Colonial Acres Golf Course to replace some equipment a little older than anticipated when the golf course was taken over.

The motion was made by Mrs. Dawson and seconded by Mr. Messina for approval of award of bid for one (1) Turf Sprayer to Grassland Equipment and Irrigation Corporation, Latham, NY at a bid price of \$24,561 as requested by Nan

Lanahan, Administrator, Parks and Recreation Department. The motion was carried 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 Highway Superintendent, Gregg Sagendorph, for approval of purchase of heavy-duty tandem-axle dump truck from State contract.

The motion was made by Mr. Kotary and seconded by Ms. Dawson for approval of purchase of heavy-duty tandem-axle dump truck from State contract as requested by Highway Superintendent, Gregg Sagendorph. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

Supervisor Cunningham said he had to add one new item that came in and it is a request from Chief of Police for acceptance of \$500 grant made to the Police Department from CITGO Petroleum Corporation to offset equipment costs.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to accept a \$500 grant from CITGO Petroleum Corporation as requested by Louis Corsi, Chief of Police. 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 said he had a couple announcements and then go into new business and public comment.

- Stacey Whitely who served on the Youth Court has resigned. Her last day will be April 4, 2008. Interviews are being conducted. Note was made that she has done a terrific job for the Youth Court which is a very valuable program. This is not a Town service but the Town supports it, provides office space and provide grant money for the program.
- Next meeting of the Bethlehem 20/20 Committee will be at 7:30 a.m. on April 11, 2008 at the Elsmere Fire Department on the second floor.
- Community Clean-up Days will begin in April in conjunction with Earth Day. First clean-up day will be April 20, 2008. He said they look for volunteers to assist with this. Groups or individuals may sign up on line on the 3rd Saturday of each month on the Bethlehem website.
- Announced the Times Union has been running what they call the Bethlehem Blog and they invited the Town to participate in this. He said the Town will be putting informational items on the blog about things going on in the Town. Connection will be provided to sign over to the blog from the Town's website. He said they are still working on that.
- He asked that Town residents who are interested to please sign up for the e-newsletter. He said there are only about 400 residents accessing the newsletter. He said it is a monthly newsletter sent out electronically to residents.
- He briefly talked about 4 grants that are being applied for as follows:

1. Safe Routes to School on the Orchard Street to Cherry Avenue, Crestwood Lane. Grant application is for \$170,000. Project estimated to be \$324,000.
2. Realignment intersection of the VanDyke Road in conjunction with the VanDyke Spinney project. Grant to improve local intersections to be applied for.
3. Applying for the intersection at Route 9W and Feura Bush Road to install a roundabout. Grant for \$1.2 million.
4. Grant to install sidewalks along Feura Bush Road from Elsmere Avenue extending down toward Colonial Acres.
5. Grant to be applied for at the end of June, Safety Lieu. He said they do not have the specifics on this but it will be grant money to improve the district around the new Slingerlands Hamlet Zone.

Supervisor Cunningham asked if there were any new business from the Board. Councilman Messina said there is a lot on the agenda however a couple issues that began a while back. He said one was the commitment of the Board to advance a Task Force to review a noise ordinance in the Town of Bethlehem. He said this has been proceeding well. Group has met about 6 times, reviewed a dozen ordinances, had meetings with outside community members on how it has gone in their community. He said he is very happy that the citizens representatives and the Police Department rep, as well as, the Codes rep are working well together and they hope to follow the Memorandum from the Supervisor which was issued about 8 months ago. He said they hope to have within the month the public meeting and then be able to make a recommendation to the Board on a noise ordinance before proceeding.

Mr. Messina said the other one is something that got started a while back. He said he saw a program that was truly amazing. He said he spoke with the Supervisor and then he brought MADD into it and it is called SAFE – sports are for everyone. He said it was an amazing program where young people with developmental disabilities have an opportunity to engage in athletic activities including soccer, basketball, softball and baseball. He said they are brought onto a field and high school athletes participate in the process and run these kids literally in wheelchairs in a sports environment that they would never configure in in their entire lives. He said there have been some delays on this but they are on track to move forward to have a program in the fall of the year and it will be soccer. He said it will be low budget, and they will start to work on getting some public information out and everyone will be briefed on their progress. Supervisor Cunningham thanked Mr. Messina.

Councilman Kotary said he thinks another sport for SAFE which is a wonderful program is sled hockey, ice hockey. He said he is involved with this. He asked in regard to the noise ordinance who is on the Task Force and what is the next step. Mr. Kotary said mention was made of bringing something to the Board and asked if it is a public meeting. Councilman Messina said the next task of the Task Force as described in the 4045 elements that the Town Board agreed to, is for the Task Force to have a public meeting to solicit public input. He said he drafted a document that is 4 or 5 pages that in the first week of April the Task Force members are going to get together and review to see if they agree upon that being the foundation piece to solicit input. He said after that, they will be prepared to report back to the Town Board on whether they think the noise ordinance is a viable thing before time is spent drafting an ordinance. He said that where it is right now. He said there is more staff work but they are kind of at the end of the process short of the public meeting and then they will give recommendations.

Mr. Kotary again asked who was on the Task Force. Mr. Messina said Tim Beebe, Deputy Chief of Police; and Jennifer (a resident who expressed an interest in these things); Gil Boucher from the Codes Division; Robert Jasinski; and himself. Supervisor Cunningham thanked Mr. Messina.

- - -

Supervisor Cunningham asked if there was any other new business.

- - -

The Supervisor next asked if there were any public comment on non-agenda items from the public. Ms. Linda Jasinski said she has not seen Mr. Messina's proposal for the new hiring thing that he wanted but she can say that she has questioned some of the hirees and the people who have been hired but as working with them being a citizen who keeps an eye on the government and what is going on, she has come to respect them and good decisions have been made on a lot of them. She does feel, however, she does not want to see the Board get bogged down in protocol and having to do things because sometimes you do need to move faster than whatever but she certainly would like to see a little more availability of these appointments and positions and committees that are coming up be made known to the people.

Ms. Jasinski said she goes through the website and finds things and she searches for things and sometimes has a difficult time finding them and she knows people who have applied to some of the openings and been repeatedly overlooked without a real reason, knowing why, and she thinks when a committee comes up or a position that maybe does not have to be civil service that it has to be posted for so long, we can let people know that every year there is an opening in the Planning Board and there is an opening in the Zoning Board and who will be up for reconsideration. She said in this way people do realize that there is somebody, it is not just okay here's the organizational meeting, let's do it. She said she would like to see the public more informed of what is available.

Ms. Jasinski said she would also like to see and most of the people are who work for the Town, our Town residents be encouraged because they are the ones who live in Town and know what is going on not that our non-town employees do not but certainly there is a perspective of living in Town and seeing what is going on and keeping up with it that is very helpful to the employees as well. Supervisor Cunningham thanked Ms. Jasinski.

- - -

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 8:03 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