

TOWN BOARD  
MAY 9, 2007

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 5:30 p.m.

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

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Supervisor Cunningham welcomed everyone and invited them to join in the Pledge of Allegiance. He introduced Patrick Oates a 7<sup>th</sup> grader from the Middle School led the Board in the Pledge.

The Supervisor asked if there was any public comment on agenda items. There were no comments.

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

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

Noes: None.

Absent: None.

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The Supervisor noted the public hearing cannot begin before 5:45 p.m. and therefore they would move to the following items on the agenda.

The next item was a request from Director, Karen Pellettier, Senior Citizens Services, for approval of acceptance of a donation on behalf of Bethlehem Senior Chorus from the tenants at Ohav Shalom Apartments.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the acceptance of a donation in the amount of \$50 on behalf of the Bethlehem Senior Chorus from the tenants at Ohav Shalom Apartments as requested by Karen Pellettier, Director, Senior Citizens Services. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The following item was an interim report from Comptroller, Judith Kehoe. Supervisor Cunningham asked Mrs. Kehoe to present her report. Comptroller Kehoe said this is the interim report for the first 4 months of 2007.

Mrs. Kehoe said the auditors just finished their field work yesterday on the 2006 financial numbers, that report will come the first meeting in June. Mrs. Kehoe said she gave a little summary information on that to the Board on the last page of the Memorandum. Mrs. Kehoe noted we did better than expected in 2006 but again the full details will be coming in the report from the auditors.

Mrs. Kehoe said for the first 4 months the Highway, Water and Sewer Funds appear to be in line with budget. She said they do not know of any reason why the target amounts will not be hit in the balance of the year. She said the

Highway Fund is subject to weather fluctuations. She said Water and Sewer will be subject to the actual billing. She said the expenditures are in line with budget.

Mrs. Kehoe said in the General Fund, the big event and the reason why the report was waited for was to get the first quarter sales tax receipt. She said it is noted in the Memorandum noting it was somewhat below the quarterly budgeted amount, noting it is really too early to tell where that will end up. She said they will know a lot more when the 2<sup>nd</sup> quarter monies are received. An estimate on the mortgage receipts was received, according to Comptroller Kehoe, and it was slightly below budget but not a major cause for concern at this point either. She said they may come in a little bit shy on the revenues in the General Fund but will be coming in a little lower on the expenditures as well.

Comptroller Kehoe asked if there were any specific questions on the report. She said there are a lot of details in the report due to all the funds being disclosed.

Councilman Plummer asked if it was the same accounting for the other funds as well. Mrs. Kehoe said that was correct, noting that she attached the detailed expenditures, prior year's history, as well as, the year to date amounts and the projection to the budget and a request for a similar analysis for Highway, Water and Sewer which will be done and forwarded.

Councilman Messina said he would try and speak loud, asking with regard to mortgage tax receipts or sales tax receipts – noting he knows we wait for the next quarter to see if there are any changes up or down – does it make sense to kind of find out what is happening in surrounding communities to know what is likely to happen. He asked if that is a reasonable test to make any time they want. Comptroller Kehoe said surrounding communities will be experiencing the exact same thing that we are because it is shared on a per capita basis within Albany County. She said if you were to look outside, go to Rensselaer or Schenectady County, it is sort of a different economic situation with what she liked to call the Albany shopping mecca that we have between Crossgates and Colonie Center. She said we see the benefit of that and if those types of benefits were not available in the other communities, it would not be directly comfortable. She said she relies more on trending from prior quarters and then she looks at the regional economic news and estimate it using that.

Supervisor Cunningham asked if there were any other questions for Comptroller Kehoe. There were none and the Supervisor thanked Comptroller Kehoe.

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The following item was to acknowledge receipt of the Town of Bethlehem Industrial Development Agency audit for year ending December 31, 2006. Supervisor Cunningham asked if there were any questions. There were none.

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

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the appointment of seasonal personnel as listed in the memorandum dated May 9, 2007 and requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was a request from Town Engineer, Erik Deyoe, for acceptance of 2 deeds for easement purposes, 530 Feura Bush Road, Delmar.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the acceptance of 2 deeds from Ms. Jane Fox and Mr. James Gaudette, Glenmont, NY as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

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

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The following item was a request from Erik Deyoe, Town Engineer, for acceptance of deed for easement purposes, 614 Route 9W, Glenmont.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the acceptance of a deed from SOBE Properties, LLC, Selkirk, NY as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

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

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The next item was a request from Town Engineer, Erik Deyoe, for acceptance of deed for right-of-way purposes, 317 Delaware Avenue, Delmar.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the acceptance of a deed for right-of-way purposes from Alta East, Inc., Middletown, NY for 317 Delaware Avenue, Delmar, NY as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

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

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Hearing began: 5:45 p.m.

SUPERVISOR CUNNINGHAM: This is a public hearing to consider a proposed Local Law amending the Code of the Town of Bethlehem, Chapter 87, Pesticides. For the purposes of the public hearing, I would like to ask for a motion to waive the reading of the call of the meeting and motion to indent Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting.

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

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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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 a public hearing on May 9, 2007 at 5:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending the Code of the Town of Bethlehem, Chapter 87, Pesticides.

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 439-44955, Ext. 1183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk, MMC, RMC  
TOWN CLERK

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State of New York)  
County of Albany )

The undersigned is the printer (or publisher) of SPOTLIGHT, a weekly newspaper published in Delmar, New York. A notice regarding Amend Notice for Pesticides was published in said newspaper once in each week for 1 successive weeks, commencing on 4/25/07 and ending on 4/25/07. The text of this notice as published in said newspaper is as set forth below, or in annexed exhibit. This newspaper has been designated by the Clerk of Albany County for this purpose.

The Spotlight  
 Colonie Spotlight  
 Guilderland Spotlight

/s/ Kristina Maldonado  
Designee of Printer

Sworn to before me this 9 day of May 2007.

/s/ Sharon A. Doldo, Notary Public, Onondaga County

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STATE OF NEW YORK)  
COUNTY OF ALBANY) ss.:

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 that I posted on April 25, 2007, a Notice of Public Hearing, a copy of which is hereto attached, 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  
9<sup>th</sup> day of May 2007.

/s/ Julie S. McNeil  
Notary Public

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The motion was made by Mr. Messina and seconded by Mrs. Dawson to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

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SUPERVISOR CUNNINGHAM: Okay. We're going to start the public hearing portion of this meeting regarding the use of chemical pesticides in the park area and I am going to ask Nan Lanahan and Oliver Holmes to come up and speak to that first. And, then we will get public comment.

MRS. LANAHAN: Good evening. I just thought I would give you a... let me... this is just kind of a brief overview of some background on the... this working? It's just some background on the... when the pesticide was first enacted, why we are coming to you now looking for some changes to the current code, what we've

tried, as far as, alternative to pesticides and how we would like to handle pest management if we do move forward.

In 1998 the Board approved to change our Code to what it is currently banning pesticides all together by the year 2000. At that time there was a group called Bethlehem Pesticide Watch Group. I'm not sure they are still in existence. I haven't heard anything about them in many, many years. They approached the Board, the Board was pretty favorable to it. I'm not sure if there was a lot of argument or discussion about it at the time. Currently there are certain exceptions made for treatment of water, treatment of swimming pool water, stinging insects and you know, any other hazardous public safety hazard.

We've come to you now because we've had numerous letters and calls from various community members, soccer in particular, complaining about the condition of the soccer fields at Elm Avenue Park. They've been infested with grubs. The birds and the animals get in and eat the grubs and as any of you have seen in your lawns, the same thing happens on our sports turf. One of the fields had to be taken off line totally. There were 10 games, practices all week, that had to be moved for an entire year. So, it was quite an impact on the soccer group. We also had an infestation of caterpillars, I don't know if you recall that but throughout the pool area and all the trees we just had mass swarms of caterpillars. And, I would not have opened the pool complex if they were still around. They were just in masses on the trees.

The other idea was with the impending or the possibility of us taking over the use of a golf course, if we were to operate it our current Code says that... any land that we own or operate we would not be able to use pesticides and it would be imperative that we are able to use some form of pesticides on a golf course.

So, that's sort of the background and as we got going, I urged Supervisor Egan at the time that we need to enlist the help of the Pesticide Management Committee which the Code calls for. So, that Committee was formed consisting of the folks that you see on your... on the letter here. They've been meeting periodically over the last few months and Oliver was a member of that Committee... I think maybe there are some others who are here if need to. I will let Oliver take it from there.

MR. HOLMES: Well, former Supervisor Egan asked us to convene to really look at the issue of no pesticide use on any Town property given the situation that Nan has described to you. And, what we understood is given the invitation of the golf course people to come and talk to us about what their current management practices were and when I say management practices what we are talking about an integrated pest management program. And, the golf course has a superb one in existence in that they have been recognized by the Audubon Society for the manner in which they run their facility and it is really an outstanding effort to use everything but synthetic chemicals up on to the point where you take those step functions and there are no alternative left and then you proceed that at the lowest risk or benign chemical use as possible. And, that have successfully done that for years and have been acknowledged by many for their effort to do that.

See, what we are looking at here is how does the Town look forward to helping Nan run the sports turf fields which receive an incredible of intensive use and it is difficult to take those fields off line without impacting a number of the sports programs and find our way to presenting a case that says – we have a pest management strategy that uses non-synthetics or organics or other techniques first until there are no alternatives and the field is in a condition that its stated in the prepared language of the Code that our Counsel has prepared that talks about you actually have to benchmark the damage to the field and assess it in such a way that if it doesn't meet that criteria, you cannot use any synthetic chemicals.

Now, synthetic chemicals come in all kinds and shapes and forms. Many people in Town use them. You can buy these variety of chemicals at any of the places like Hewitt's or Lowe's or K-Mart and they are right over the counter. And, you go from category 1 which is very hazardous, if you will, to category 4 which is very benign, even things like Roundup fall into the category 3 or 4 category.

And, what we are talking about here is using these on an only as needed basis as a preventative measure so you get ahead of the curve so to speak because what happens is if you wait too long, which is what has happened with the turf fields, they have been damaged severely and it's going to take quite a while to get them back in the shape they need to be in. Really taking them off line may be an answer here in order to bring it back.

But, repairing them in such a way that as you go forward, you continue to use the non-synthetic approaches until you meet that benchmark and then and only then are you allowed to use the compound that we are suggesting and which are category 3 which anyone can buy over the counter and you commonly see them for sale and you can commonly see them in the neighborhoods being used.

Included on our Committee were the people who represented the various interests and we had the folks from Parks who are working with these fields and can explain all the damage that was there. The folks from the golf course, Gregg Sagendorph from the Highway Department was here, as well to kind of speak to the issues that he was facing and we really narrowed it down to 2 particular cases. We really narrowed it all down to two particular cases. We weren't going to talk about highway because they have a program in place to use mechanical methods, i.e. just trimming it all and we didn't see it necessary to change that given the widespread use you'd have to incur of synthetics. So, really limiting it to what would happen to the golf course and what would be needed only if necessary to happen on the Parks & Rec. That is the case for this and what we wanted to do was bring this forward to you and then allow the public comment which is the reason for having the hearing. So that we could gauge the public sentiment on this particular issue given the widespread use that occurs on this particular park field but only the ... it's the general grassed areas where there is non-athletic activity does not get the kind of wear and tear so we wouldn't pursue it in those locations. So it is very limited in scope. Questions?

SUPERVISOR CUNNINGHAM: Okay, thank you very much. Are there individuals in the audience that would like to speak to the issue.

MR. HENNING: My name is Gary Henning. I live at 80 Chesterwood Drive in Selkirk. And, I'm testifying in favor of the proposed Code change. I'm the parent of 2 boys involved in Bethlehem soccer. I have a 10 year and a 6 year old and I've helped coach one of the Bethlehem travel teams in the past. And, that's how I got involved in this issue.

The fields... the Town park fields as opposed to the soccer plex fields have always been in terrible condition since... I've been here 3 1/2 - 4 years now. Always been in terrible condition and it's just not fun for the kids as you're going... as they're playing on the field and all of a sudden watch one try to kick and the ball just hits a bump and bounces up.

And, also more importantly, I think it's a safety hazard because when I was coaching last spring, one of the kids was running down the field and hit one of the depressions that was caused by the bare spot that had settled from the rain and what have you and twisted his ankle. So, I believe that, you know, judiciously used as put forth with this... with these proposed amendments, the fields could be in a lot better condition and which would benefit both the kids from an enjoyment standpoint playing the games and also from a safety viewpoint. Thank you.

SUPERVISOR CUNNINGHAM: Thank you very much. Hi, could you just state your name and address for us.

MR. SWEENEY: My name is Mark Sweeney, 16 Keith Road in Delmar.

MR. WHITMAN: I'm Brian Whitman, 505 Elm Avenue, Selkirk.

MR. WHITMAN: We're both members of the Bethlehem Soccer Club Board and we came here tonight to speak in favor of the proposed plan to use pesticides at the

athletic fields. Last year, particularly, we had quite a problem with the use of the fields which we rely on tremendously to serve over 3,000 kids in the interclub and other programs and to hold tournaments and such to help the program thrive. The condition of the fields generally is acceptable but the grub problem last year was quite exacerbated. There were large holes in the fields. Caused tripping hazards, puddles – we had a lot of rain last spring and it caused big problems for the kids, especially the smaller ones who would get tripped up in the uneven turf.

We have been long time supporters and users of the fields and we felt it was our obligation to come here tonight and tell you how we felt. We would support the use and the Town's efforts to improve the conditions of those fields.

SUPERVISOR CUNNINGHAM: Thank you, Brian.

MR. SWEENEY: We do use pesticides at the soccer plex fields which get the same or more use than the Town fields and very favorable results. We have a contract with a local company and I've forwarded the information on to Nan. I'm sure that was used in their decision to come forward. Thank you.

SUPERVISOR CUNNINGHAM: Okay, thank you very much.

COUNCILMAN MESSINA: Jack, you want Board comments now?

SUPERVISOR CUNNINGHAM: Sure. Is there anybody else that would like to make a comment. Okay, Sam.

COUNCILMAN MESSINA: Thanks, Jack. First of all, to the committee and the people on the committee that I know, I see in the audience, and did a good job. Thank you.

I have to raise some issues though and they are not issues of nature that I will not support such a statutory amendment, but they are issues of questions I have before we change via local government law a policy that has been in effect for 9 years. The first question is, this was implemented 9 years ago apparently for a reason. Bethlehem felt at that time that it was a good thing in its public environments to be pesticide free. Before I think we do anything that changes that, at least I feel, that in terms of my due diligence, I have to be really persuaded that it is the right thing to do. And, I assure you part of that will be safety, as well as, recreational enjoyment of our young people.

We've been given an overview tonight by Oliver and Nan and some documentation here and perhaps, after I look into that more, that will be it. But, I would like the opportunity to look at this question a little bit more because once we change again, that policy will probably be in effect for another decade. I'd also like to consider such things as – is there a reason for looking at the golf course and are other public recreational environments differently and separately? I think it is pretty well acknowledged that golf courses require the optimum in care to keep the greens in top notch shape and even Colonial Acres, which has won a couple of EPA awards, does use limited amounts of pesticides. So, maybe there is rationale to look at the 2 environments a little bit differently. At any rate, I guess as just one full Board Member, I'm saying I need a little more time to look at this one. And, unless that truly doesn't raise havoc with our fields, I'd like a couple more weeks and, Jack, I thought there might be a reason to extend the public comment purposes as well.

SUPERVISOR CUNNINGHAM: Thank you. Okay. Can I have a motion to close the public hearing?

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to close the public hearing at 5:59 p.m. The motion was passed by the following vote:

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

Councilman Plummer said his view on the previous public hearing that enough research has been looked at and he knows it is a real problem. He said his children were at the soccer plex also. He said he does think it's important to act as quickly as possible because the season is upon us. He said he knows the pressures that Administrator Lanahan is going through and he thinks the Town needs to be in a position as it relates to the golf course to be able to jump on it as soon as possible. He said he is prepared to support the amendments now.

Supervisor Cunningham said the point of effective use in the Town park has been passed for the year. He said there is no urgency as far as the park goes. Councilman Plummer said he grew up in that business and he does not think that is factual. He said the grubs are at their height right now and a lot of damage can be done and if you apply pesticides now, it is his understanding, that you can most definitely have a real positive effect. He said the soccer fields would be in good shape for the fall season. He asked Administrator Lanahan if this was correct.

Administrator Lanahan said she thinks we are past the preventative time because that would have been in the early spring. She said we may be at the time of reacting time to current situations if they can access the time status of where they are. She said the spring soccer season ends when school is over. She said it is possible that things could be done when they are done with their season that could help make the fields in better shape for the fall without losing a whole year. She asked Mr. Reagan from the Parks if that was fair to say. Mr. Reagan said it depends on what type of pest you are trying to treat. He said grubs go through a life cycle where you want to treat them when it is optimal time at the stage of development. He said that is coming up during the summer months. He said if you are trying to use the least toxic chemical that is the ideal time to treat.

Mr. Reagan said there are other chemicals you can treat any time of the year but the approach would be for the least toxic, least harmful chemical they can do and use. He said unfortunately with grubs other techniques they have tried or did not try but the scale and the magnitude of the park is so big it is not really feasible to do that. He said another example like how a dandelion would differ is that a dandelion in your yard versus a dandelion on a sports field is a different thing because on a sports field, you need a uniform texture of grass to expect how the ball will play, bump and roll and if you have a dandelion it is there for a certain amount of time and it dies but then there is a bare spot and then other weeds infest that spot or water will lay and through the action of feet and spikes and cleats, dig in and create a bigger bare spot. That problem compounds the next year, according to Mr. Reagan. He said spring is a good time to treat or in the fall. He said there are various techniques but they will always try to do it the least harmful.

Supervisor Cunningham thanked Mr. Reagan and asked if there was any more discussion. There was none. The Supervisor tabled the proposed local law until the next Town Board meeting.

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The Supervisor said the next item on the agenda was the discussion of the Dinmore Road sewer pipeline. He noted he spoke with the Town Board Members and said Commissioner Holmes will do a presentation on the present issue. Commissioner Holmes said this is a good precursor to what comes next. He said the picture is the Dinmore Road sewer line which is down near Route 144. He said you will notice there is something unusual about it in the fact that it is not straight. He said this pipe was built 33 years ago and it was straight and elevated to maintain gravity flows to the Dinmore Road waste treatment facility that conveys all of the Town sewage. He said this is a single point pipeline and if it were to fail, we would have quite a mess.

Commissioner Holmes said the Town and the Public Works Department have been monitoring this for over 10 years and it seems to have gradually been moving in all kinds of directions according to the season, temperatures and the amount of flow in the pipe. He said there is an 800 foot section and what you find is it is now deflecting it in terms of the pipe, the piers have moved and it is causing some concern about how much longer it will stay this way. He said they have done an engineering study that surveyed the pipe and piers and been monitoring at about 6 week intervals and it has shown continuous movement. He said realizing that this is a serious issue, they have implemented 3 strategies – 1. progressed an engineering look at providing temporary piers to hold this up; 2. implemented a plan to pump the sewage in a bypass operation with the appropriate amount of pipe and large pumps should that need to be done from manhole to manhole; and 3. there is presently a design project to replace this and go around near the road to provide a new pathway for this to take it to the treatment plant.

Commissioner Holmes said they have prepared a multi-phase strategy to make sure that this is monitored and there is an emergency plan in place and what is a long term plan which is in fact by the end of this construction season to replace this particular sewer line. He said it is 30 some years old and he would not say its life expectancy is past but there is a large concern about it. He said they will be coming back very shortly to provide with cost estimate and ask for approval. He asked if there were any questions.

Councilman Plummer said he assumes that there are engineers looking at this that are going to give us advice. Commissioner Holmes said they have lots of engineers working on it. Commissioner Holmes noted he goes down there a couple of times a week to look at it and monitor it. Councilman Plummer said he just found out about it a week ago and assumes that the sense of urgency is obviously apparent and that is why this is being done. Councilman Holmes said it does have a sense of urgency. Supervisor Cunningham said the pipeline is in motion and noted it is moving back and forth. He said it is monitored daily for leaks and asked where we are in our contingency plan now.

Commissioner Holmes said the contingency plan is in place. He said the plan is that they have identified suppliers locally who have sufficient amount of what is called light gauge piping that can be put next to the pipeline and have identified the supplier that has the large sewer pumps that would be installed at the upstream manhole and run basically alongside this pipe with one or two emergency pipe, of+ course, appropriately sized, and pump it down to the next manhole and drop it there and it would continue to go to the plant. He said that likely would be the scenario if one of the joints starts to leak. He said if the other piece that they are putting in parallel with this is engineering some temporary support structures at the 5 most critical joints and the piers associated with them to temporarily shore them up so that we mitigate potential for movement. He said those will be in place within the next 2 weeks. He said that is rapidly coming to closure.

Commissioner Holmes said third, they have already started the engineering design for a permanent replacement and will have the design within 3 weeks. He said that is when they will be able to come back to the Board with an appropriate estimate and take it to bid and start construction. He further noted in conjunction with that, they are talking to the 2 property owners whom they would need easements from and he believes Counsel has already been contacted about this.

Councilman Messina asked on the elevated system whether it was designed by an external engineer. Commissioner Holmes said he would assume so because part of the project in the 70s when they created the wastewater plant down by the river, a whole pipeline was put in from the river back into Town and designed at the same time. He said there is 800 feet of this particular kind and then another 5 miles of corrugated steel sewer pipe. Councilman Messina said the reason for his question was that he had heard that corrugated pipe was used on this and at least the test he gave is that no one every heard of corrugated piping being used on something like this. Mr. Holmes said that was correct. Mr. Messina said he is not suggesting a liability situation here but this is a mess because of a design feature or several poor design features. Commissioner of Holmes said there were 2 decisions

that were made primarily due to cost about this particular application where the elevated portion is, as well as, the approximately 5 miles of underground corrugated steel sewer pipe. He said when he understood that and went out and spoke with several consulting firms who primarily do this type of work, and when they were asked if they ever used this, they said they had not. Mr. Messina thanked Mr. Holmes.

Mr. Kotary asked if this will focus on the 800 feet that is above ground and is the anticipated solution putting a new pipe underground. Commissioner Holmes said the new pipe would be partially under a berm to try and maintain gravity flow. He said they believe they have an appropriate route identified and that is the design being worked on. He said it will not be on piers.

Supervisor Cunningham asked if there were any other questions. Hearing none, he thanked Mr. Holmes.

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The Supervisor said the next item was also missed on the agenda. The item was a presentation by Commissioner Holmes regarding an update on the DPW asset project. Commissioner Holmes did a presentation regarding the public works issues and asset management. He said there is a 10,000 foot view for public works, noting there are 3 components he will address. Commissioner Holmes said the first is the asset management piece, the capital plan that goes with that and then the financial component we need to work through to develop and implement a capital plan.

Commissioner Holmes said if you spoke with the Comptroller, asset management is managing money because that is an asset. He said public works, however, has assets and a significant amount of them. He said one of the definitions out there is a comprehensive and structure approach to the long term management of assets as tools for the efficient and effective delivery of community benefits, meaning water and sewer. He said asset management includes aging infrastructure, noting the 800 foot sewer line that was built in the 20, indicating there are sewer lines that go back into the early 1900s. He said he would speak more to that. He said they are reaching the end of their useful life. He said there is increased public awareness, indicating there have been people in the last several Town Board meetings talking about when are we going to fix some of the water and sewer lines around Town. He said after the recent storm, they had some problems. He said with regard to reduced funding, a lot of money that came from the Environmental Protection Agency and the New York State Department of Environmental Conservation in the 70s and 80s to kind of do the clean water act – help clean up our rivers and waterways. He said they provided significant funding to build the wastewater plant and a lot of the sewer infrastructure that exists. He said this has gone away and noted they are no longer doing this and, in fact, the Environmental Protection Agency is holding a number of seminars across the country telling municipal officials that they should not count on the money. He said that is kind of a change in business.

Commissioner Holmes said then you have to plan for future demand. He said there is a new comprehensive plan that identifies where, in fact, new development should be put – residential or commercial. He said they are inventorying all of the assets and looking at all the water lines, sewer lines, wastewater plant, filtration plant for the water supply system, sewer pump stations, water storage tanks, etc. He said they are doing a condition assessment. He said they are actually looking at what shape they are in, much like the sewer line that was just shown, reviewing it with all the other assets that Public Works has.

Commissioner Holmes said they are also performing a risk assessment. That's why, he said, the Dinmore line floated to the top of the list because they believe that is the no. 1 risk that is seen right now. He said not that there are not any other risks but it is a priority one. He said they are developing the integrated management strategy meaning just looking at the sewer pipes that are underground but how it works with the pump stations and how it works with the wastewater plant and how it works in conjunction with new development. He said they are

analyzing where upsizing or resize things or repair them and make appropriate decisions about how they move forward.

Commissioner Holmes said there are water mains owning over 1 million feet of water line, 190 miles. He said when you look at water main construction, this represents a national trend for construction and in the 1870s they started to build around the country. He said this corresponds with demographics of people. He said you can see the big spikes in the 30s after World War I and another big spike with the baby boomers after World War II. He said it was all housing, commercial building and we supported all of that. He said it is getting old and wearing out. He said what you now see is the pipeline replacement curve that has been developed, starts to look at the extent of the problem everyone is going to face. He said it is a ways out but it is coming at us and if we sit silently and ignore all the things underground, there will be serious difficulties will result in the not to distant future.

Commissioner Holmes noted here are the statistics for Bethlehem on the water side – looking at what we own, we have 374,000 feet of pipe installed up to 1930. He said there is another 395,000 feet of pipe that was installed up through the 1960s. He said this numbers amounts to about 1/3 of our entire asset inventory on water pipes. He said what this represents in regard to potential dollars when we look at this, this is a combination of all the sizes included in that inventory and that is almost 34 million dollars in 2007 estimates. He said there is another 47 million in the next era. He said we have a huge problem that is coming. He said it is not here yet but it is starting to appear.

Commissioner Holmes said the next asset was water tanks. He said the Kenwood water tank installed in 1928, Selkirk 1964, Elm Avenue 1979, Parks and New Scotland 1984. He said even the ones that they think are new are over 20 years old. He said the one pictured has a leak and the joke of it was let's get some bubble gum and plug it up but it had to be patched up. He said this has been done for a while. He said they do have a plan to go forward with repairs, noting some are extensive in the next 5 years.

Commissioner Holmes next addressed sewer mains. He said we own over 900,000 feet of sewer mains in the Town and what he exhibited was an operation where they had sewer collapse and the crews coming in to repair a section of sewer line. He said they run a tv camera through a sewer line in the Slingerlands area and what you see if water. He said it is not coming from a house or commercial use, it is coming from ground water because these pipes have an enormous amount of broken joints. He said they are leaking to the extent that on a normal day with no rain, they would see normally 4 million gallons a day flowing through the sewer system. He said on a rainy storm that we had several weeks ago, they peaked out at over 15 million gallons a day. He said that is almost 4 times as much water and it's not sewage, it is rain water and ground water getting into all the pipes that have cracks and broken joints.

Commissioner Holmes said assets for the water filtration plants. He said this particular one is New Salem, it has a 1.1 billion gallon reservoir and a dam structure with it. The filtration plant itself is good for 5 million gallons a day, according to Mr. Holmes, noting it is 50 years old. He said it is at the end of its useful life, noting it is being limped along right now and know it needs to be replaced. The Clapper Road plant, Mr. Holmes said, is back from the 90s and about 12 years old, looks relatively new by comparison. There are a set of wells that produce 6 million gallons a day, Mr. Holmes noted, and it works well relatively speaking.

Commissioner Holmes said more assets – there is the reservoir, the Vly Creek Reservoir with the dam and there is another reservoir out near the New Salem tank, that sits behind the tank, that holds 7 million gallons of water that's been sitting there since 1984. He said they are going to have to look at what they do with that.

Commissioner Holmes said the sewer plant on Dinmore Road is permitted for 5.9 million gallons a day, it's now 33 years old. He said it received its last update in the early 1990s. Sewer pumping stations, Mr. Holmes noted there are 39 of them. He said the ages are over 70 years old to 2 years old. He said 70 percent of them are now over 20 years old and they have not had any significant upgrade or major work done on them other than the 1 that failed.

Commissioner Holmes next addressed future demand. He said the comprehensive plan has identified areas where we can expect additional water and sewer demand. He said they have looked at that carefully and they have developed a potential water system demand and a sewer system demand as well. He said for a larger plan to make sure we can vanish the future and how we do it both from plant perspective and pipe perspective.

Commissioner Holmes said now that he has mentioned all the doom and gloom, there is a plan. He said they are developing a 10 year look ahead at what we need to do and how we prioritize all those things he just shown. He said they need to prioritize it for the water and sewer infrastructure. He said reviewing this plan annually could determine if the higher priorities are being accomplished and if any new ones emerge like the Dinmore line that must be pushed to the top of the list. He said it is a great plan and in order to have a great plan like that, capital is needed. He said looking at the financial plan needed to support the capital investments needed, the good news is that it does not have to be done tomorrow. He said it does have to be done and how. He said funding and as mentioned, a lot in the past was from the EPA and the State and that is not there. He said the interesting piece is a lot of people do not tend to understand this that the water and sewer infrastructure in Town associated with a lot of the development is paid for by the developer. He proceeded to give an example of Carriage Hill subdivision.

Commissioner Holmes said the pipe has been left sight unseen for a long, long time. He said there is very limited funding going forward. He said the operating budgets are to do the routine maintenance. He said the budget is going to continue to erode and there is no dealing being done with the larger pieces of funding. He said this cannot be done on an annual operating basis. He said financial strategies have to be looked at. He said they have worked with a consultant and looked at the historical rate structures. He said he has looked at the capital plan and the assets inventory to help them understand where they need to go long term with rates. He said what they would then do as a next step, at a future time, is the capital plan and provide a funding strategy to support these requirements along with the associated rate analysis as to how we get there. He said it is a comprehensive, integrated plan that we need to bring to the Board. He said this is the beginning of the assets, the capital and the financial wherewithal information as to how we get there.

Supervisor Cunningham asked if there were any questions. There were none. The Supervisor thanked Commissioner Holmes.

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The Supervisor noted they would resume with the agenda. The next item was a presentation by Department of Economic Development and Planning on Mixed Economic Development Districts (MEDDs). Director of Economic Development and Planning, George Leveille, said they will be talking briefly about the Mixed Economic Development Districts. He said Mr. Morelli and Mr. Lipnicky will also share in this presentation.

Mr. Leveille said there is an application in front of them for the first time for a mixed economic development districts. He said the overview will include information about the comp plan and 2005-06 zoning amendments. He said they will look at where the districts are on the map and the district purpose and incite into the regulations and the process that will be done as MEDD applications are considered. He said in the Comp Plan there is a shared vision of the future of the Town and the highlights appeared many times throughout the process. He said there are 6 successful mixed use center, modern industrial facilities and the use of economic growth and prosperity to help the town meet its diversity and the

expectation of its residents in a fiscally responsible manner. He said clearly a relationship to the presentation just done

Mr. Leveille said in the old days, heavy industry had elements to it that required it be located away from populations. He said it is clean and different today, indicating it is also more people-centric, technology centric and clean. So, the notion of integrating that development to where people are, neighborhoods are, services and accessibility exists is a notion that is not new to the world or our country but it is a tool communities are using to plan their communities in a fiscally responsible way and to create better interaction between these different uses. Mr. Leveille said clearly throughout the comp plan, it is talked about mixing uses, leveraging investment and creating mixed uses that are usually reinforcing.

Mr. Leveille said some of the community goals that relate to this tool are achieving a balanced tax base – clearly very important. He said they understand that we have an over-dependence historically on the residential taxpayer so the goal is to create opportunities for business investment and tax base expansion that does not place a burden on school districts and provides new tax sources to pay for community services. He said they want to create a business friendly environment. He said a lot of effort went into the comp plan to get the message out that this is a place where businesses are welcomed and encouraged to be. He said they also want to promote commercial/industrial growth in specifically designated locations so really thinking about where the opportunities are, where the infrastructure exists, where the accessibility exists for new industrial commercial investment.

Mr. Leveille said some of the deeper thinking about this that are really behind the master plan concept, the development master plan, would be to develop mixed uses, the creation of unique sense of place so the place is very important in this discussion. He said it is not just about developing industrial sectors that you are not near and don't see, the place is a very important part of the industrial location and the business location. He said it needs to have a very unique sense that's appropriate for your community, that's attractive and that includes amenities that the community can enjoy.

Mr. Leveille said the notion of careful planning establishing destination, economic development districts. He said these are words right out of the comp plan. The idea that it is a place you want to go, Mr. Leveille said, you want to be at, you want to work, you want to visit, you are comfortable living near and being a neighbor to. He said they want a design sites with a sensitivity and natural resources and special features of the landscape. He said working with the landscape and the wetland areas and using those as amenities to the property. He said using the wooded areas and the topography to create trails and opportunity for community recreation and the whole notion of incorporating public use areas such as recreation and gathering areas into the design. He said so the notion of having the Town Board approve a master plan is to ensure that these types of things are occurring in these modern industrial/commercial areas.

Mr. Leveille said in both 2005 and 2006 they amended the Town zoning law and amended the zoning map, establishing 4 districts within the Town where mixed economic development can occur. He said the 9W corridor has about 1,000 acres located primarily from Wemple Road to Clapper Road adjacent to the Thruway, a large zone, currently the 9W linkage study is considering transportation and land use in this corridor. He said they are considering the feasibility analysis for the proposed northern alignment of the Selkirk bypass. He said in anticipation of that in the comprehensive plan, they said they need to have the planned districts right near where they think accessibility will occur in the future. He said they are purposely locating here in the area of where they believe the northern alignment may wind up residing.

Mr. Leveille said in the Route 85 corridor, obviously a subject that is on the agenda, as with the extension of Route 85 at the Price Chopper Plaza and the Cherry Avenue Extension, they created a large mixed economic development district that actually straddles municipal boundary into New Scotland. He said there are about 300-400 acres in that area, all on the west side or backside of the

bypass extension. He said this is the site of the proposed Vista Technology campus.

Mr. Leveille said in the 144 corridor again, looking way down the road at future growth of the community, there is about a 600-700 acre area again between Wemple Road and Clapper Road on the west side of Route 144 that has been designated for mixed economic development district. He said by the location, you can see relates very much to the Route 9W corridor and the thinking about the northern alignment. He said those 2 districts were put in place in anticipation of a decision being made to add new accessibility to that area. He said there is also a very small area right down by Exit 22 on the west side of Route 144 where there is about 25 acres or so adjacent to that exit that are zoned for mixed economic development.

Mr. Leveille said these are the only 4 areas in Town that there is mixed economic development districts at this time.

Mr. Leveille noted the next section is the purposes of the district. He introduced Mr. Morelli. Mr. Morelli, Assistant Director, Economic Development and Planning, said the purpose is to encourage treatment of individual lots as part of an integrated plan to develop planned offices, industry, service, small scale retail, technology based businesses. He said residential uses are permitted to the business development. He said residential uses, specifically single families with one exemption, two family, three family are not permitted. He said multi family is permitted at a rate of not to exceed 8 units per acre.

Mr. Morelli said the development master plan is required for any development project located on any MED District of 5 acres or more or for a parcel less than 5 acres where a subdivision is being proposed. He said master plan is not required for a project on a parcel or collection of contiguous parcels of less than 5 acres provided no subdivision is required.

Mr. Morelli said for projects that a master plan is not required, they are still subject to site plan approval from the Planning Board. He said again, there is an exemption regarding single family house, if there is an existing single family house in an MED zone, it is exempt from the master plan process and they are also allowed to expand.

Mr. Morelli said primary uses for MED zones are industrial parks, light manufacturing, computers or similar type products, laboratories, offices, research and development, office parks and professional offices are permitted. Secondary uses specifically stated in the Code, Mr. Morelli said, are intended to provide services, support services for the MED district and for the surrounding residential neighborhoods. He said they are intended to be small scale services, small scale retail. He said large box retail is not permitted.

Mr. Morelli said again, multi family residential which he spoke about, a convenience store, bank, business offices, day care, nursery schools, fitness club, those types of things. He said also small scale retail, residential are permitted secondary uses.

Mr. Morelli said when they talk about primary and secondary uses, you are allowed to do up to 100 percent primary use. He said if you want to do a mixed district you could do not less than 70 percent primary and not more than 30 percent secondary. So, you can do a 70/30 split of primary versus secondary uses, Mr. Morelli explained.

Mr. Morelli said there was a concern that secondary uses might leap frog over the primary uses, so the Code allows for secondary uses to maintain a 50 percent ratio, total floor area, of uses constructed. He said you can do 50 percent secondary uses at the same time primary is being done. He said again, at the end, no less than 70 percent primary to 30 percent secondary can be done. He said in talking about the maximum impervious surface area, includes building, parking lots, paved areas and so on.

Mr. Morelli said maximum building heights is about 4 stories west of the Thruway and on the east side, 3 stories in height. He said what the Code talks about as far as sign standards, it is subject to approval by the Town Board as part of the master plan.

Mr. Jeffrey Lipnicky, Town Planner, said he would talk a little bit about the process. He said the first process is the master plan process. He said the master plan is a plan for the overall development of the parcels and contiguous acreage that are owned or controlled by the project sponsor. He said if the project sponsor owns a parcel of 40 acres but he also owns a contiguous parcel of 100 acres, what he has to do is come in with a concept or preliminary plan to develop all of his acreage within the district. He said the first step is to come in with a master plan – the language of the code is a development master plan – and at this stage, there are 2 boards involved. He said the Town Board is the approving agency and the Planning Board as an advisory agency. He said the whole process begins with an application that is submitted to the Town Board for approval of the development master plan and that application would include such things as existing condition maps, natural conditions on the site, topography, wetlands, environmental features, etc. He would also have to come in with, again in the language of the Code, a preliminary plan for development of the holdings.

Mr. Lipnicky said the preliminary plan would include everything from the grading plan for the site, contouring, to a plan for where parking areas will be located on the site, where buildings would be located on the site, circulation with regard to guest, utilities to the site, storm water management. He said it is a plan that says the scale of somewhere between concept and preliminary.

Mr. Lipnicky said the Town Board gets the application and refers it to the Planning Board. He said the Planning Board's role is as an advisory agency. He said the Planning Board is to make a recommendation on the development master plan to send to the Town Board. He said the Town Board recommendation is based on a lot of things – accepted plans and engineering standards and practices, consistency with the Town master plan and consistency with the design guidelines in the Zoning Code. He said the design guidelines are in section 128-37. He said he would get back to that. He said the Planning Board has 60 days to make a recommendation back to the Town Board.

Mr. Lipnicky said once the Town Board gets the recommendation back, it can schedule a public hearing, noting there has to be public hearing on the master plan. He said it has to be held within 62 days of receiving the completed application. He said the date of the completed application is the date of receipt of the Draft Environmental Impact statement. He said the Board has to hold a public hearing and then the Town Board has an additional 62 days within which to approve or disapprove the development master plan.

Mr. Lipnicky said in its review of the development master plan, the Town Board can attach conditions to that approval. He said they can attach reasonable conditions related to public health, safety and welfare. He said among those conditions may be bits of land uses that will be allowed in this area of development master plan. He said there might be ratio that discusses primary and secondary uses. He said the Town Board can get into that type of position. He said they can put conditions regarding screening or landscaping to protect the adjoining neighborhood, circulation ... with regard to pedestrian, vehicular circulation and even set conditions regarding recreation areas on the site, again so long as they are related to public health, safety and welfare and reasonable. They can look at public utilities, according to Mr. Lipnicky, and protection of natural and cultural resources. He said the Board has flexibility within the approval document. He said in this way, the Planning Board has something to guide them. He said the Town Board can also establish standards related to permitted land use. He said this can include intensity of the land use, density, lot and bulk standards. He said lot and bulk standards relate to setbacks from highways, and signage.

Mr. Lipnicky said the Town Board would also need to consider would be design guidelines in the Code. He said Mr. Leveille spoke a little about the design guidelines. He said they speak to such things as provision of parks and open space within the development master plan. He said the retention of existing landscape features, Mr. Leveille said, such things as wetlands and topography and things of this nature. He said it would also include such things as building orientation and design issues. He said in terms of conditions, these are some of the things that the Town Board could be looking at and the Planning Board recommendation should also be looking at.

Mr. Lipnicky said there are two types of changes that can occur to a development master plan. He said for reasons of simplicity what he put is the Planning Board can approve minor changes in the plan and the Town Board would be required to make any major change approval of the development master plan. He said if an applicant is looking for a whole new concept of how the district will be developed must come back to the Town Board. This would result in the entire process starting over, according to Mr. Lipnicky.

Mr. Lipnicky said the Planning Board after a development master plan is approved, the Town Board's role in the review process is no longer. He said at this point in time, the implementation phase goes to the Planning Board. The Town Board has been involved in the approval, according to Mr. Lipnicky, of the overall content of the district and the preliminary plans for development of the district. He said now you are talking about the nitty gritty technical details on how the site is going to be developed – at what elevations catch basins are going to be set and grades – to the actual design of all the buildings. He said what happens is that they go back to the 2 approvals that the Planning Board within the Code have authority on. He said that is site plan approval – things like commercial development, commercial retail development, multi-family developments – from the Planning Board. He said as the developer moves along and wants to develop a portion of the master plan, he will need to do site plan approval. He said if there is a subdivision within the master plan, he will need to subdivide the property for financing purposes, they also have to be approved by the Planning Board. Mr. Lipnicky said the Planning Board is involved in the detail design.

Mr. Lipnicky said with the development master plan, a concept is what is being considered. He said the VISTA project has a large amount of square footage. He said there are not a lot of specific tenants at this time so chances are, as new things come in, that plan will evolve. He said the exact footprint of the buildings, exact layout of all parking areas are not going to come to pass as it is now presented in that package. He said how the campus evolves depends upon the demands of future tenants. He said the Planning Board has the ability to make modifications in that master plan. He said if someone, for example, comes in and the master plan shows a building that is a certain square footage, certain height, certain number of parking places and there is a variation in that, the Planning Board can approve the variation in the site plan approval. He said before it can be done, the Planning Board has to essentially make a determination that the modifications that are shown in the site plan area basically consistent and keeping with the intent of the development master plan.

Mr. Lipnicky said the Planning Board has to make a specific determination to that effect before it can go on and approve variations to the development master plan. If the Board cannot make that determination, according to Mr. Lipnicky, there are 2 things that can happen. One is that the applicant can go back to the Town Board and ask for a variation to the development master plan or alternatively, they can amend their application to be in conformance with the district development.

Mr. Lipnicky said to the extent the Board controls the intent of the district can be dealt with in the approval document. He suggested that when the language is drafted for the approval, that it be specifically as it can with regard to the intent so there is no confusion. He said the Board can deal with it in that manner.

Mr. Leveille thanked Mr. Lipnicky and noted this was their formal presentation. He said this is a tool that is pretty complex but it has been designed specifically to meet the goals and objectives as stated in the comprehensive plan. He said anticipate over time that there will be a number of refinements as they learn how to work with this tool. He said when a project is fully built out and someone wants to sell off lots, how this will be used to bind the future owner to the master plan. He said there are a lot of technical questions like that. He said they expect to be back before the Board in the future to continue to work with this tool. He said it is a very good tool and the community vested the authority with the Town Board to use this tool. He said the Town Board would determine the land use for major projects like this. He asked if there were any questions.

Supervisor Cunningham thanked Mr. Leveille and asked if there were any questions. There were none and he thanked both Mr. Morelli and Mr. Lipnicky.

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The next item on the agenda is to consider the adoption of the Final Environmental Impact Statement regarding Vista Technology Campus. Supervisor Cunningham asked Mr. Morelli if he wished to speak to this at all. Mr. Morelli said this actually dove tails nicely into the previous presentation. He said this campus is the first MED master plan project that is before the Town. He said considering the magnitude of the project, it was subject to a full environmental impact statement. He said this process started back in December 2005. He said there has been numerous meetings, public hearings and informational meetings. He said they feel now based on review by staff and review by the Town designated engineer that this project is ready for the Town Board's acceptance. Supervisor Cunningham asked if there were any questions on this item. There were none.

The motion was made by Mr. Plummer and seconded by Mr. Messina to acknowledge the receipt of the Planning Board recommendation on the Vista Master Plan and to set a public hearing for June 13, 2007 at 6:15 p.m. to solicit public comment on the Master Plan as requested by Assistant Director, Michael Morelli, Economic Development and Planning Department. The motion was passed by the following vote:

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

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The next item was to acknowledge receipt of draft of Town of Bethlehem's Annual Storm water report available for public comment in the Town Clerk's Office. Public Comment period runs from May 9, 2007 until May 25, 2007. Draft report is available on Town's stormwater management program webpage. Written public comments may be submitted to Town Engineer on or before 25 May 2007.

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The following item was a request from Chief of Police, Louis Corsi, for approval of budget modification, increase insurance recovery revenue line item and increase the police collision repairs line item in the amount of \$1,000.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve a budget modification to increase insurance recovery revenue line item and increase the police collision repairs line item in the amount of \$1,000 as requested by Chief Louis Corsi. The motion was passed by the following vote:

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

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The next item was a request from Louis Corsi, Chief of Police, for approval of budget modification to increase insurance recovery revenue line item and increase police collision repairs line item in the amount of \$1,063.53.

The motion was made by Mrs. Dawson and seconded by Mr. Messina to approve a budget modification to increase insurance recovery revenue line item and increase police collision repairs line item in the amount of \$1,063.53 as requested by Louis Corsi, Chief of Police. The motion was passed by the following vote:

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

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The next item was a to acknowledge receipt of the Quarterly Franchise Fee from Time Warner Cable for the period January through March 2007 in the amount of \$108,604.44.

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Supervisor Cunningham asked if there was any public comment on non-agenda items. Mrs. Marie Capone noted about 2 weeks ago she wrote a letter to the Spotlight but it was not published. She said she did not care, she wanted the community to know about her neighbors. She thanked the Delmar Fire Department for pumping out over 160 basements during the recent bad weather. She said she understood that many of the firemen took the time off from their daily job in order to help the community. She said she is glad to have neighbors who are so willing to give of themselves without asking anything in return. She thanked the Board. Supervisor Cunningham said there was a letter on behalf of the Town to all the individual fire companies acknowledging the work that they did during that storm. He said the time put in by the firemen is appreciated and thanked them on behalf of the community.

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Supervisor Cunningham asked for a motion to adjourn to Executive Session following the close of the regular Town Board meeting to discuss legal issues and personnel.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to approve meeting in Executive Session following the close of the regular Town Board meeting to discuss legal issues and personnel. The motion was passed by the following vote:

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

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The motion was made by Mr. Kotary and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 6:53 p.m. The motion was passed by the following vote:

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

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Town Clerk

## EXECUTIVE SESSION

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the settlement with Selkirk Ventures, LLC as recommended by Counsel to the Town Attorney, Joshua J. Efron. The motion was passed by the following vote:

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

Noes: None.  
Absent: None.

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The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the settlement with NY Realty Partners, LP as recommended Counsel to Town Attorney, Joshua J. Efron. The motion was passed by the following vote:

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

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The motion was made by Mrs. Dawson and seconded by Mr. Messina to approve the settlement with Wilbur as recommended by Counsel to the Town Attorney, Joshua J. Efron. The motion was passed by the following vote:

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

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The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the settlement with Rosenstein as recommended by Counsel to the Town Attorney, Joshua J. Efron. The motion was passed by the following vote:

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

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The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the settlement with Rod Development, LLC as recommended by Counsel to the Town Attorney, Joshua J. Efron. The motion was passed by the following vote:

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

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