

TOWN BOARD  
MAY 12, 2004

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

PRESENT: Theresa Egan, Supervisor  
Daniel Plummer, Councilman  
George Lenhardt, Councilman  
Thomas Marcelle, Councilman  
Tim Gordon, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Egan welcomed everyone and invited them to join in the pledge of allegiance.

The Supervisor noted the first item on the agenda was to approve the Town Board minutes of April 28, 2004.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the Town Board minutes of April 28, 2004 as submitted. The motion was passed by the following vote:

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

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The following item was to appoint Marriage Officers for the term beginning July 2004, Court Clerk and Mr. John Capron.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the reappointment of Barbara Hodom, Court Clerk and Mr. John Capron as Marriage Officers for the Town of Bethlehem for the term beginning July 25, 2004 and expiring July 24, 2008. The motion was passed by the following vote:

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

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Supervisor Egan asked Town Clerk Newkirk to send letters of notification.

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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 Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel at the titles and salaries indicated on the list dated May 12, 2004 as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

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The following item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of acceptance of donation of \$1,700 from

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Bethlehem Opportunities Unlimited. Supervisor Egan noted the money would be used by the PIT after school program operated by the Parks and Recreation Department and replace aging equipment as needed.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the acceptance of a donation of \$1,700 from Bethlehem Opportunities Unlimited as requested by Administrator Nan Lanahan, Parks and Recreation Department. The motion was passed by the following vote:

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

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The following item was a request from Highway Superintendent, Gregg Sagendorph, for adoption of resolution for use of Highway Department Equipment Reserve funds for purchase of two specialized snow and ice control vehicles. Supervisor Egan explained the vehicles are currently owned and maintained by the Dutchess County Highway Department who recently replaced the vehicles with similar trucks. The Supervisor said the Town would be paying \$31,255 for one tuck with 26,000 miles and \$26,250 for the other which has 48,000 miles on it. The new vehicles purchased by Dutchess County cost over \$250,000 each. These vehicles will replace 2 of the 5 1954-1962 Walter Snowfighters recently declared surplus and disposed of by the Town.

The following resolution was presented for adoption:

#### **RESOLUTION AND PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 12th day of May, 2004, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to replace certain pieces of Highway Department snow and ice control machinery, and

WHEREAS, it is estimated that the cost of said equipment will be approximately \$58,000; and

WHEREAS, in recognition of these needs, funds for such purpose are in the Highway Department Equipment Reserve; and

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to purchase this machinery; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this purchase up to a maximum amount of \$58,000; and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Highway Department Equipment Reserve the funds necessary up to \$58,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

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

AYES: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
NOES: None.  
ABSENT: None.

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The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval of setting public hearing to consider amendment to Town Code, Vehicle and Traffic, Stop Intersections at various locations in Town. Could advertise May 26, 2004 and hold public hearing June 9, 2004 at 6:00 p.m.

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The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve setting a public hearing for June 9, 2004 at 6:00 p.m. to consider a proposed local law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Stop intersections as follows:

ADD: A stop intersection as follows:

Stop sign on Cloverleaf Lane and Milltowne Road at their intersection with Wemple Road, Glenmont;

Stop sign on Cottonwood Lane, Wildwood Lane and Walimary Drive at their intersection with Elm Avenue, Selkirk;

Stop sign on Harvest Ridge Road and Holly Mill Road at their intersection with Elm Avenue East, Selkirk; and

Stop sign on Harrison Avenue, Alden Court, Hampshire Place, Windsor Court and Stonewall Lane at their intersection with Bender Lane, Delmar.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was to acknowledge receipt of the Quarterly Franchise Fee for the quarter January through March 2004 in the amount of \$88,031.88 from Time Warner Cable.

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Supervisor Egan noted the last item was a presentation by Saratoga Associates; however, they did not arrive at this point in the meeting.

The Supervisor noted there was a need to have an Executive Session. The Supervisor asked for a motion to adjourn to Executive Session to discuss personnel issues.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve adjourning to Executive Session to discuss personnel issues. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to reconvene the regular Town Board meeting following the close of the Executive Session. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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Supervisor Egan welcomed Saratoga Associates. Mr. Michael Welty of Saratoga Associates presented an update to the comprehensive planning process. Mr. Dan Sitler was also in attendance for Saratoga Associates.

Mr. Welty gave an overview of where they are in the process regarding the

comprehensive plan. He said they have been working for approximately one month, noting meetings have been held with the Advisory Committee and public meetings. He said the Bethlehem Planning Advisory Committee has been meeting once a month and will continue to do so over the next year. Mr. Welty also noted there are other firms working with them.

Mr. Welty gave an overview of what is contained in a comprehensive plan, noting it is described in Town Law. He noted this takes a long-range view and can mean a lot of things. He said they like to describe it as understanding the community as it is at this time, what is expected for the future and where the community wants to be, with the final process resulting in how does the town proceed from here to the future.

Mr. Welty noted they would put a lot of emphasis on the zoning and subdivision regulations as an important tool. He said these are the tools that make sure the recommendations in the plan are being achieved when private landowners develop their property.

Mr. Welter said these are not the only things that come out of a plan. He said there are a whole host of initiatives that may follow on the heels of this effort. He said things might be added or recommended to have development guidelines and standards. He said there might be some innovative zoning techniques or issues relating to environmental compliance that are more regulatory in nature. He said there are also a lot of non-regulatory tools that may also be addressed like incentives for farmland or open space conservation or some special districts that may be desired such as business improvement district or commercial area of the town.

Mr. Welter said it might also make some recommendations for capital budgeting for such things as infrastructure and other kinds of community facilities. He said ways to perhaps phase in the maintenance or expansion of certain things. He said there might also be grants or other financing available.

Mr. Welter said the final that they foresee to be addressed would be the organizational capacity. He explained that would be how do these things happen. He said there has to be a look at what the community can undertake and then prioritize based on that. Mr. Welter said there may be private sector partners and there may be partners at the County or the State and the Federal government.

Mr. Welter exhibited their 10-step process for this and noted the Town started to do some of the work before they were hired. He said the Town decided this was an important issue to be taken care of. He said the Town started to structure and schedule the process. He said they and the committee are gathering and analyzing data and at the same time working with the community to identify the issues and concerns. He said they would be moving onto the latter steps, developing a vision and some alternative recommendations ultimately for the plan over the coming months. He said the last item is very important and they believe in the fact that plan is an important document that needs to be completed but explained it in itself is not the end of the process. He said the plan must be adopted and monitor it periodically for progress and adjust as things change.

Mr. Welter explained that all the information collected would be compiled into a document that looks at the current setting and helps to figure out what the important things are to plan for the future. He noted public input is very important and noted a meeting has been held and there will be others in the future. He said there would be survey mailed and a town-wide meeting when the initial recommendations are ready. He said at the end of the process there would be public hearings. Councilman Marcelle asked when the Town Board would get the proposed plan. Mr. Welter explained for the Board's information that the plan will be presented to the Town Board before the town-wide meeting. He said the next scheduled presentation to the Board would be in October.

Mr. Welter said in regard to the time line, they have a pretty rigid schedule.

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He said they anticipate completion of the process in March of 2005. He said at the same time the draft plan is presented, they intend to have the zoning and subdivision regulations drafted as well. He said in that way they can look at them at the same time with an eye toward adopting them. In this way, he noted, this ensures that the land use regulations are consistent with the plan.

Supervisor Egan thanked Mr. Welter and Saratoga Associates for this update. Mention was made of the upcoming meetings, May 20, 2004 from 7 to 9 p.m. at Town Hall for the zoning and development review process. The second meeting is scheduled for May 24, 2004 at 7 to 9 at the Slingerlands Elementary School to discuss the Slingerlands Bypass Extension and vicinity.

Question was raised about getting a copy of the presentation. Mr. Welter noted it is on the website. Also a question was raised about what constituted a focus group and how they are formed. Mr. Welter said the focus group is to hear and get more detail about either a specific topic or particular area. He said they also try to figure out who the people are in the community that might have some particular experience or stake in the issue. He said all meetings are open to the public. Mr. Welter noted there would be 3 other focus groups later in the summer and or early fall indicating the topics have not been chosen yet.

Supervisor Egan thanked Saratoga Associates.

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The Supervisor announced Dr. Loomis has been great and the school facilities will be utilized if possible. She also said the website has the BPAC section and will be updated and there is an email address so people can email comments.

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Supervisor Egan said upcoming things include the EPA press release that Bethlehem made the final 3 sites. The public forum by the EPA for Bethlehem is scheduled Thursday, May 13, 2004 from 6 to 8:30 at the Delmar Reformed Church on Delaware Avenue. She also noted there is a public comment period following that and will last until July 1<sup>st</sup>. She said that information is also on the website.

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The Supervisor said on events also Wal-Mart's is sponsoring a salute to veteran's this Saturday, May 15, 2004, 9:30 to 2 p.m. There will be a black hawk helicopter and DARE will be participating along with some fire departments and the police department.

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The Supervisor next updated on the BIG, indicating there is no contract but negotiations with the YMCA, according to what is being heard, are done verbally but nothing written has come in.

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The Supervisor next said they met with the developer of the Tech Park and hope before the end of May there should be an application for the rezoning.

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The Supervisor said to try and keep the Town Board apprised, monthly do an update to all the elected officials in Town.

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Supervisor Egan said finally, they have discussed and starting with the Town Board meeting of May 26, 2004 there will be a public comment period at 5:30 and until 6 p.m. the public can comment on any items on the agenda. She said the discussion could be held prior to taking any action at the meeting. She said if there are further comments on other items not on the agenda that will remain at the end of the meeting.

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Supervisor Egan asked if anyone had anything else. There were none.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 6:40 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

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Town Clerk

#### EXECUTIVE SESSION

There was no formal action taken at the Executive Session.