

TOWN BOARD  
MAY 24, 2006

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  
Tim Gordon, Councilman  
Samuel Messina, Councilman  
Kyle Kotary, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Egan welcomed everyone to a regular meeting of the Bethlehem Town Board and invited them to join in the pledge of allegiance.

The Supervisor invited any public comment on any agenda item. Comment was made about the resolution for SEQR lead agency for the amendments to the zoning code and subdivision regulations with regard to concerns about the approach of the passage of the code. Additional comment was made with regard to the vacancies in the Police Department and discussion of the Colonial Acres Golf Course with suggestion to leave it private and on the tax map. Mention was made that the Audubon Society of New York State was interested and if so, let them buy it with additional comment regarding the maintenance. Question was asked regarding the Capitol Region Purchasing Group being a part of New York State with note that it is a private corporation.

Further comments were made with regard to the Colonial Acres Golf Course by a representative of Bethlehem Tomorrow Steering Committee, and a resident of Colonial Acres presented a petition, as well as, a representative of the Hudson River Land Conservancy added information including possible funding opportunities. Mention was made of a family day on June 4, 2006 where people can come and visit tree preserves. More information can be obtained from the Slingerlands office of Hudson River Land Conservancy. Residents made additional comments.

Mrs. Marie Capone attempted to ask a question regarding the purchase of the golf course. Supervisor Egan noted this was public comment, not questions and answers.

Additional residents mentioned support for the purchase of the Colonial Acres Golf Course. One resident spoke in opposition to the golf course. Mention was made that this is not the time when the Town has fiscal concerns. One person mentioned that not everybody in the Town is a golfer, however, the Town Park is not used by everyone either. A representative of NYS Audubon Society distributed a statement from the society.

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

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Supervisor Egan asked to take a moment of silence for Detective Anthony Arduini to remember him and his family. She thanked everyone. She moved the discussion of the golf course to this point in the agenda.

Discussion on the Colonial Acres Golf Course ensued. The Supervisor thanked Mrs. Lanahan, Mr. Deyoe and Councilman Messina for doing site visits and preparing a Memorandum.

Councilman Plummer said they have not met with the landowners but when this first came to his attention there had been some discussion prior to that. He said a meeting was held with the representative and said they are reviewing the property including having an appraisal completed. He mentioned the amount of money needed to apply for a grant application is one thing that must be determined. He also noted he has heard 2 or 3 different prices, indicating this is a negotiation.

Supervisor Egan noted there have been continuing meetings with the landowners to keep them up-to-date with regard to what opportunities are available to the Town. She said there is not set asking price noting there is no action to be taken tonight but that the Board hears the residents loud and clear. She said there would be evaluation and assessment done on this matter with reporting as it is done. She asked for authorization by motion to be able to sign the grant application(s) when prepared so as not to miss a deadline.

The motion was made by Mr. Plummer and seconded by Mr. Messina to authorize Supervisor Egan to sign a grant or grant applications for State acquisition funding, private source monies or matching funds, to pursue the possible purchase of the Colonial Acres Golf Course, Glenmont. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Compliment was extended to Mrs. Lanahan and Mr. Deyoe for the work done in short order to get this grant application ready. Comment was also made about the opportunity to enhance the recreational opportunities, as well as, the linkages.

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The next item was a request from Deputy Town Planner, Janine Saatman, to approve Proposed Terramere Amendment, 9 Tennyson Common.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve Amendment 5, Terramere PRD, for 9 Tennyson Common. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The following 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. Messina and seconded by Mr. Kotary to approve the appointment of seasonal personnel as listed on the Memorandum dated May 24, 2006 at the titles and salaries listed and requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The next item was a request from Administrator, Nan Lanahan, Parks and Recreation for acceptance of donation from the Riverfest committee.

The motion was made by Mr. Gordon and seconded by Mr. Kotary to accept the donation of \$446.29 from the Riverfest committee for improvements to the Henry Hudson Park as requested by Administrator, Nan Lanahan, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department for approval to accept donation in an estimated value of \$1,500 for a new shed at the Line Drive field complex from the Bethlehem Tomboys.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to accept the donation in the estimated value of \$1,500 for a new shed at the Line Drive field complex from the Bethlehem Tomboys as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department for approval to accept donation of a shelter at the Dog Park from Brian Matala. Supervisor Egan noted Mr. Matala collected donations of materials and constructed the shelter over the last several months. The Supervisor thanked Mr. Matala.

The motion was made by Mr. Plummer and seconded by Mr. Messina to accept a donation of a shelter at the Dog Park from Brian Matala as requested by Administrator, Nan Lanahan, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The next item was a request from Louis Corsi, Chief of Police, for approval of transfer of funds from insurance proceeds to insurance recovery and collision repairs.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the transfer of \$2,900.89 to the insurance recovery revenue line item and increase the police collision repairs account as requested by Chief Louis Corsi, Bethlehem Police Department. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The following item was a request from Chief of Police, Louis Corsi, to fill vacancies. Supervisor Egan noted there was a memorandum and thanked Chief Corsi for the information. She noted that there was a request for 3 personnel and once the officers were on duty, discussion would be held regarding promotions to

Detective. She said this is just the patrol officer hiring and decision of hiring of 2 personnel. Chief Corsi said the Department could work with 2 officers at this time.

Questions were raised regarding the studies by DCJS and the Center for Technology and the hiring of personnel. Chief Corsi said these would be replacement positions to cover patrol, noting they will be lateral.

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the hiring of two (2) patrol officers as agreed and requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The next item was a request from Supervisor Egan to consider resolution supporting the Land Use Law Center of Pace University School of Law training programs.

The following resolution was presented for adoption:

**RESOLUTOIN NO. 26**

**TOWN OF BETHLEHEM  
COUNTY OF ALBANY**

**RESOLUTION OF THE TOWN BOARD**

WHEREAS, comprehensive planning, land use regulation and the review and approval of land development proposals are among the most important functions of local governments in the State of New York;

WHEREAS, members of local administrative boards such as the planning board, zoning board of appeals, and conservation advisory boards consider and dispose of many important applications for permits, variances and interpretations of local land use regulations;

WHEREAS, local legislative bodies are authorized to use their delegated authority under state law to adopt a wide variety of land use regulations, controls and incentives to provide for the balanced and harmonious development of the community;

WHEREAS, land owners, developers, and leaders of local civic organizations are regularly involved in testifying regarding matters pending before these legislative and administrative bodies;

WHEREAS, knowledge of the authority of local governments regarding land use control and responsible decision-making regarding these matters is important to the quality of life and future success of the communities; and

WHEREAS, the Land Use Law Center of Pace University School of Law has established an exemplary program of training and supporting local officials, private sector representatives and civic leaders in land use decision-making;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE BODY OF THE TOWN OF BETHLEHEM supports the continuation and expansion of the local land use leadership alliance training program of the Land Use Law Center,

RESOLVED THAT it offers its official sponsorship of the training sessions conducted under the Center's programs, and

RESOLVED THAT it encourages other cities, towns and villages in the Hudson Valley Region to offer their support and sponsorship of these land use training programs and to nominate local leaders for participation in these programs.

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

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The following item was a request from Director of Economic Development and Planning, George Leveille, to constitute the Local Waterfront Advisory Committee. Supervisor Egan noted the grant was received a few months ago. Mr. Leveille said one of the recommendations in the Comprehensive Plan was to do additional land use planning in the riverfront corridor. He said the Department of State Coastal Zones Management program offers a local waterfront revitalization program which is an excellent tool. He said this would be to provide policy recommendations and guidelines for future land use in this corridor.

Mr. Leveille noted the Department of State requires an advisory committee to be appointed that would include both technical, governmental officials who have regulatory responsibilities, as well as, citizens. He said the process would commence to develop the program sometime mid summer and work very well in conjunction with the Route 9W corridor study as these 2 are interrelated.

The motion was made by Mr. Gordon and seconded by Mr. Kotary to establish the Waterfront Advisory Committee with the following members as recommended by Director of Economic Development and Planning, George Leveille:

Charlotte Buchanan	Ken Daves
David DeCancio	Tom Donovan
Lisa Evans	Ted Jennings
Paul Murray	Theresa Pillittere
Howie Vagele.	

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Supervisor Egan thanked the citizens for their willingness to serve on this Waterfront Advisory Committee (WAC).

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The next item was to acknowledge receipt of the draft annual Stormwater Report. Supervisor Egan said this is an important and costly upcoming unfunded mandate. She said Mr. Sagendorph and Mr. Deyoe have been attending storm water meetings almost on a monthly or more frequent basis. She noted there would be a full presentation and report at the June 14, 2006 meeting indicating the report is on file with the Town Clerk's office and can be reviewed. Town Engineer Deyoe noted the report is due to NYS Department of Environmental Conservation on June 1, 2006 and requested public comments should be sent to him.

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The following item was to acknowledge receipt of final 2005 audit reports from Marvin and Company PC. Supervisor Egan said the auditor was at the last meeting.

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The next item was a request from Deputy Comptroller, Richard Webster, for authorization to participate in Capital Region Purchasing Group.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to authorize participation in the Capital Region Purchasing Group as requested by Deputy Comptroller, Richard Webster. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The following item was a discussion with Comptroller, Judith Kehoe, of an interim financial report. Mrs. Kehoe gave background on the financial status of the Town. She asked for approval of the schedule as set in her memorandum. The comment was made quarterly reports were fine.

Comptroller Kehoe said sales tax came in at about 2.4 million dollars. She said the budget is about 2.3 million dollars which is promising for sales tax. Mention was made regarding Albany County and their possible cuts. The Comptroller feels the mortgage tax may be down this year. Questions were raised regarding the annual year to date estimates of the revenues for the Highway Fund; reading the report correctly; and the expenditures. The Comptroller offered to put a table in the report for ease of reading.

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The next item was a request from Judith Kehoe, Comptroller, to approve 2006 budget modifications and request to approve transfer of \$1,250,000 to the Water and \$750,000 to Sewer Fund Capital Reserves, respectively.

#### RESOLUTION NO. 22

RESOLUTION TO APPROVE  
THE TRANSFERS FOR THE 2006 BUDGET  
AS PER THE ATTACHED MEMO DATED MAY 19, 2006

The motion to approve the budget transfers as listed in the Memorandum from Judith Kehoe, Comptroller dated May 19, 2006 was presented for adoption by Mr. Messina, seconded by Mr. Kotary and passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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#### RESOLUTION NO. 23

RESOLUTION TO APPROVE  
A SUPPLEMENTAL APPROPRIATION

RESOLVED, that pursuant to Town Law Section 112, the Town Board does hereby approve a supplemental appropriation for the Water Fund in the amount of \$1,250,000 and a supplemental appropriation for the Sewer Fund in the amount of \$750,000 to fund the net increase in appropriations required to fund the transfers listed on the memo prepared by the Town Comptroller, dated May 19, 2006.

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

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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#### RESOLUTION NO. 24

RESOLUTION TO APPROVE  
THE TRANSFER OF FUNDS INTO CAPITAL RESERVES

WHEREAS, the Town board has determined that the funding of reserves for future capital projects to be a prudent action'

WHEREAS, the adopted 2006 Water and Sewer Fund budgets as revised provide for a transfer to other funds;

WHEREAS, the following funds have been identified as requiring funding to cover anticipated significant capital improvements;

Water Fund Capital Reserve	\$1,250,000
Sewer Fund Capital Reserve	\$750,000

RESERVED that the Town Board authorizes the Town Comptroller to transfer \$1,250,000 into the Water Fund Capital Reserve and \$750,000 into the Sewer Fund Capital Reserve.

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

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The next item was a request from George Leveille, Director of Economic Development and Planning, for adoption of Resolution authorizing SEQR Lead Agency Coordination for technical corrections and further amendments of the Town Zoning Law and Subdivision Regulations.

Mr. Leveille asked that the Board refer to the SEQR Lead Agency Coordination Resolution. He explained the comprehensive plan was adopted last August in accordance with Town Law Section 272-a and at the same time adopted amendments to its zoning law and subdivision regulations in order to implement the comprehensive plan. At that time additional issues were discussed relating to the zoning law and the Town Board directed the Department of Economic Development and Planning to do further research, analysis and come back in approximately 6 months with recommendations for further amendments and technical corrections.

Mr. Leveille explained the proposed new zoning district is a Type I action under SEQR. He said the process has to be followed for adoption of the amendments and the long form approach. He is recommending the Town Board declare itself lead agency for the purposes of coordinating SEQR review. He said it also resolves that the Town Board will work with interested agencies – the Planning Board, Zoning Board of Appeals and the Albany County Department of Planning to have them participate in the review of the amendments.

The following resolution was presented for adoption:

**TOWN BOARD**  
**TOWN OF BETHLEHEM, NEW YORK**  
**SEQR LEAD AGENCY COORDINATION RESOLUTION**  
**May 24, 2006**

- WHEREAS**, on August 24, 2005, the Town of Bethlehem adopted a Comprehensive Plan in accordance with Town Law §272-a; and,
- WHEREAS**, on August 24, 2005, the Town of Bethlehem adopted amendments to its Zoning Law and Subdivision Regulations in order to implement the Comprehensive Plan; and
- WHEREAS**, at the August 24, 2005 Town Board meeting, the Town Board directed Town Staff to continue to review the amended Zoning Law and Subdivision Regulations for additional refinements; and
- WHEREAS**, the Department of Economic Development and Planning proposes further amendments and technical corrections, to the adopted Zoning Law and Subdivision Regulations, that are consistent with the adopted 2005 Town Comprehensive Plan/GEIS; and
- WHEREAS**, the proposed 2006 amendments include revisions to the adopted Zoning Map that change the zoning district classification “affecting 25 or more acres” of land therefore qualifying the amendments as a Type 1 Action under the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively “SEQRA”); and
- WHEREAS**, the adoption of changes to the Town Code is an activity that is solely within the jurisdiction of the Town Board, thereby making the Town Board the only potentially involved agency for the purposes of adoption of the amended Zoning Law and Subdivision Regulation;
- NOW, THEREFORE, BE IT RESOLVED** that, in accordance with 6 NYCRR 617.6(2) and (3) of the State Environmental Quality Review Act (SEQRA) the Town Board hereby declares the proposed amendments to the Zoning Law and Subdivision Regulations to

constitute a Type 1 Action and does hereby declare itself to be the lead agency for the purposes of coordinating the SEQRA review process.

**BE IT FURTHER RESOLVED**, that the Town Board hereby determines that the proposed zoning amendments are applicable to lands located in an agricultural district, but such action is not subject to the provisions of the Agriculture and Markets Law.

**BE IT FURTHER RESOLVED**, that copies of the Part 1 Environmental Assessment Form and the proposed Zoning Law and Subdivision Regulation amendments be sent to the Town Planning Board, the Town Zoning Board of Appeals, and the Albany County Department of Planning.

On a motion by Mr. Plummer, seconded by Mr. Messina and a vote of 5 for, 0 against, 0 abstention and 0 absent, this RESOLUTION was adopted on May 24, 2006.

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Mr. Leveille referred to the major issues overview, noting he had given a draft at the last meeting to the Town Board Members. He said it will be published and indicated a couple minor changes using the exhibited map.

Mr. Leveille noted there are public workshops, notices posted which invite the public to participate in the interactive workshop with staff. There will be a list of topics that are built off the list presented. He said this will be open discussion with anyone who wants to come and gather more input. The draft will be available on the Town's website on May 25, 1006 by noon. Supervisor Egan thanked everyone who has worked hard on this.

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The next item was a request from Town Engineer, Erik Deyoe, to schedule a public hearing for Trinity Manor Drainage District. Could advertise May 31, 2006 and hold public hearing June 14, 2006 at 5:45 p.m.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve holding a public hearing on June 14, 2006 at 5:45 p.m. for establishment of the Trinity Manor Drainage District as requested by Erik Deyoe, Town Engineer. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Supervisor Egan said the formal grievance procedures started on May 23, 2006 and there have been 161 people seen as of end of business today. She said it has been very manageable. She said there are 500 grievances filed. The period will continue through June 2nd according to the Supervisor.

The Supervisor asked if there was any other public comment. Comment was made regarding how the room could be cleared and the town is not interested in staying for the entire meeting but for what interest's a particular group.

Additional comment was made regarding green space and its enjoyment with concerns about prioritization of things in town. The concern was for overburdening the taxpayers. Mention was made if there is a way to get the golf course that is fine but what is the maintenance cost. The Board was encouraged to promote private enterprise to try and sell the golf course. Another concern was that all the people who left the meeting that are for the purchase of the golf course are at the school budget meeting because they were not concerned about the rest of the meeting.

Information was next distributed to the Board regarding neighborhood subdivisions and an article in the Times Union regarding a new urbanist development was presented. The development included townhouses, stores,

condominiums and open space connected by streets, walkways and pathways.

Deputy Supervisor Plummer asked for a motion to go into Executive Session to discuss personnel matters at 7:00 a.m. on May 25, 2006.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve meeting in Executive Session to discuss personnel matters at 7:00 a.m. on May 25, 2006. The motion was passed by the following vote:

Ayes: Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: Ms. Egan.

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The motion was made by Mr. Kotary and seconded by Mr. Messina to adjourn the regular Town Board meeting at 7:10 p.m. The motion was carried by the following vote:

Ayes: Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: Ms. Egan.

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Town Clerk