

TOWN BOARD  
MAY 25, 2005

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  
Colleen A. Hummel, Deputy Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Egan invited everyone to join in the pledge of allegiance. She then asked if anyone wished to make public comments on any agenda items first. If there are any other public comments she asked that they wait to the conclusion of the meeting.

Resident, Linda Jasinski, addressed the issue of the public hearing on the Comprehensive Plan, Zoning Ordinance, and the GIS. She did not think one hour was enough time for input on these matters. She also mentioned the Zoning has had no public comment period.

The Supervisor thanked everyone and asked if there were any other comments on agenda items.

Resident Bob Jasinski questioned the Commissioner of Public Works regarding approval to hire an Architect to perform a Facility Need Analysis, asking for an explanation. Supervisor Egan said it is an item that has been in the budget for a couple of years to allow us to do a Facility Needs Assessment for the Town. It is an assessment of the space needs for Town Hall, Highway Garage, Public Works Garage and everything else.

Mr. Robert Jasinski asked if that had been done with the expansion upstairs? Supervisor Egan said no, there was no Town wide Assessment done. Mr. Jasinski asked if there was an architect that helped with this? Supervisor Egan said yes however, that was just for the modification on the second floor. She further noted this is a town-wide assessment on all our facilities.

Mr. Jasinski asked if the firm has already submitted a bill for architectural work that was done? The Supervisor noted it was done in-house. Mr. Jasinski then asked if the following item was to pay for this assessment. Supervisor Egan said it was from the Capital Reserve Account noting it was set aside a few years ago. Mr. Jasinski said that clarified it and thanked the Supervisor.

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Mr. Jared King said with respect to the agenda, he is also concerned with the process mentioned by Ms. Jasinski. He said the amount of time allocated for public comment is absurd. He said this is particularly relevant to the way this process has functioned. He said there is a plan written by Saratoga Associates and BPAC with members appointed by the Town Supervisor and at the meetings he attended had very little time allocated to the public. He said two months ago he addressed the Board with concerns he had about the zoning that was being developed and was referred to BPAC. He said the BPAC meetings were changed to 11 a.m. from a time that was convenient to members who were working. He said although they are open to the public, they are not open to public comment. He said he has seen very little evidence of cooperation with the City of Albany with the development of this plan and he thinks the problems Bethlehem are facing are a direct result of the big crime problem in the City of Albany. He said

anyone thinking anything else is deluding themselves. He further noted he thinks the fact that the zoning is being created without approval of the plan is ridiculous. He said there has to be some sort of consensus on what this plan should look like. Once that is adopted, then you look to develop zoning. He thought to do it prematurely is basically an attempt to ram this particular plan through the Town Board. Virtually everyone in Town thinks this Town needs a plan however, not necessarily this plan.

Supervisor Egan said we need to correct a couple of things. She said there was only one meeting at 11:00. She said the other two were back at 6:30 and, in fact, there was public comment allowed at each one of those meetings. She thanked Mr. King.

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Supervisor Egan asked if there were any other comments on agenda items.

Student Crystal Hedelmark asked why there would have to be a public hearing in regards to setting up a Stormwater District. Town Attorney Potter explained that is required by law if you are creating a special benefit district. Ms. Hedelmark thanked the Town Attorney.

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The Supervisor asked if there were any other comments on the agenda items.

Resident Barbara Carkner said she also has some concerns over the scheduled public hearing that includes the zoning regulations and the draft GIS. She said she thinks it is too much for one night and again, to reiterate what was previously stated. She thinks the zoning, which has not been made public however, understands that it is coming out this Friday. She said she does not think it is ample time for the community to review changes of the detailed zoning laws, the new zoning districts and to adequately address the changes, plus time to review the plan and the GIS. She thanked the Supervisor.

The Supervisor asked if there were any other comments on the agenda items. There were none.

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The first item was to approve the Town Board Minutes of April 13th, April 27th and May 11, 2005.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Town Board minutes of April 13, 2005 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 motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the Town Board minutes of April 27, 2005 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 motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Town Board minutes of May 11, 2005 as submitted. The motion was passed by the following vote:

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

Absent: None.

Abstain: Mr. Marcelle.

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The next item was to acknowledge receipt of 2004 Audit Report for the Town of Bethlehem. Comptroller Kehoe said given the magnitude of the audit report, she tries to make it a little easier for the Board and provides a two-page summary. She said there were no exceptions noted with in the audit per se. She said this is what is known as a clean opinion. She said the auditors are doing reviews of internal controls and testing the transactions to make sure that controls are being adhered to. She said the overall financial position of the Town is one that is strong and she is working hard to keep it that way.

Mr. Darryl Purinton thanked the Board. He said there were two documents the smaller one is a letter and outlines the scope of the services and the required reporting elements that need to be communicated. He also stated there is a new attachment to the report indicating that there were some immaterial adjustments that were not made. He said they agree with management that it is not material and this does not distort the financial position of the Town. He said there are things that could be reported and will be reported in 2005 and that is not a problem. He said that is a change from the prior report and it is not something to be concerned about.

Mr. Purinton said with respect to the statements themselves, this is the second year that they have audited the statutory financial statements. One of the things which happens with this particular report, it does present two years of information. He said there is a change in the opinion report, noting they give a report on two years. He said for the first time, the Town has audited financial statements in one document that will compare both years. He said he thinks that this is one of the better decisions that have been made in terms of the State Comptroller's report to include both years and now this can be done. He said that was very helpful. He said they could not do that last year because that was the first year it had been done. He said there is a time limit in terms of when you can correct the prior year numbers.

Mr. Purinton said they have an improved scope because now they can give an opinion on just the funds as they are being presented. He said the opinion unit is on the General Fund, the Highway Fund and so forth. He said that is a better scrutiny, if you will, as to the amounts that are being reported to the public and to the State Comptroller's Office.

Mr. Purinton said the other matter that was important this year was the retirement system changes. He said the pre-payment was shown however, that benefit would not have been there had the Town gone with GASB 34. He said there are some differences between the way the Comptroller is requiring the auditing and accounting to be completed and the way the Governmental Accounting Standards Board needs it to be completed. He said the difference is very minor and it is only a timing difference in this particular case.

Mr. Purinton said they do have a clean opinion on the financial statements except for the fixed asset account group. He said the inventory would need to be done and completed. He said as the process improves, he would expect to get a clean opinion at some point. He said it is not a critical matter at this time. He said they are auditing as the expenditures are made out of the General Fund and Capital Projects Funds.

Mr. Purinton said they did not have any findings, questions or any matters to report to the Board with regard to laws and regulations although they do not audit all laws and regulations applicable to the Town. He said that would be outside the scope of their work. He said they audit those laws and regulations that have a direct or material impact on the financial statement amounts.

Mr. Purinton noted internal control weaknesses. He said they agree with what Comptroller Kehoe put in her report. He said he appreciates working with the

Comptroller's staff and other people at the Town as well. He said they support them quite well and are very responsive to the audit requests and any recommendations made.

Councilman Gordon asked when the Town's report is required to be at the State Comptroller's office. Mr. Purinton said there is a filing deadline that the Comptroller meets. Mrs. Kehoe said the reports are due within 60 days after a municipality's year end which for the Town that would be the end of February. She said one could extend it and get an automatic sixty-day extension through the end of April. She said she has had several discussions with the Comptroller's office and a vast number of municipalities file extensions in order to assemble the data and to file it accurately. The sixty days is not enough time for an entity of any size. She said certainly not for an entity the size of Bethlehem. She said she has suggested the deadline date be moved and noted they are considering it.

Mr. Purinton said that is not a static process that once the report is filed the process continues to identify if there is any timing differences because there can be as facts become clear. He said there are estimates that may change so it is possible and Comptroller Kehoe keeps things going.

Councilman Plummer thanked Mr. Purinton for his report. He told Comptroller Kehoe that he was looking at the fund balances and they are very healthy, especially the Water Fund balance from where it had been in the past. He said he knew that at one point, there was a discussion of setting money into a Capital Reserve Fund because of the demands that will be needed. He asked if the fund is in a position to start to do that now. Comptroller Kehoe said she thinks we are, noting the Water Fund has turned around wonderfully with the rate increases that the Board had approved. She said it is back on its feet and in a strong position. She said the Water Fund Capital Reserve is virtually unfunded, indicating there is nothing significant in there at all. She said yes, it is time to start transferring some money into that fund. She said the transfers usually come as part of a recommendation at the end of the year after monitoring the actual results come in compared to the budget. She said ideally it is considered a best practice if you can fund a portion of the reserves annually so that saving takes place a little at a time. She said then when a larger project comes along you have some funds available. She said best practice of all is to have a formal capital plan where the needs are identified at least five years in advance and a funding stream is set. She said they are doing that informally now and hopefully for the Sewer Fund and the Highway Fund as well.

Supervisor Egan said before Mr. Leveille left the DPW, she had a five-year capital plan proposed and it has been handed off to Mr. Holmes. She said they are continuing to work on that now and they will be in a position to have a plan in place. She said it will be provided to the Board and decisions will be made after that. Comptroller Kehoe said it provides a nice alternative for funding if the project is too large to be included in an operating budget without distorting your need for taxes but yet too small to go to market and bond. Councilman Plummer said we cannot take from the General Fund balance and transfer for example to the Water Fund. Comptroller Kehoe said no you cannot do that.

Supervisor Egan thanked Comptroller Kehoe and said this report was very time consuming. She also said it was a very comprehensive job and thanked Mr. Purinton.

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The next item was a request from Director of Field Operations, Charles Wickham, DPW, for acceptance of a deed for the Bender Lane sewer lift station.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the acceptance of a deed for the Bender Lane sewer lift station as requested by Charles Wickham, Director of Field Operations, DPW. 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 Commissioner of Public Works, Oliver Holmes, for approval to hire an Architect to perform a Facility Needs Analysis. Supervisor Egan said the Board was provided with a synopsis of how they arrived at the recommendation.

Councilman Plummer said his only question was when would the work be completed. Mr. Holmes said they would like the study to be completed by the end of the summer so it could be included into the budget request in order to be able to move forward in the following fiscal year if it was appropriate.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the hiring of Woodward, Connor, Gillies & Seleman Architects, Albany, New York to perform a Facility Needs Analysis as request by the Commissioner of Public Works, Oliver Holmes. 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 a request from Comptroller, Judith Kehoe, for approval of expenditure from General Fund Capital Reserve for payment of Architect performing the Facility Need Analysis.

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 25th day of May 2005, 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 fund a facility need analysis, and

WHEREAS, it is estimated that the costs of said work will not exceed \$80,000; and

WHEREAS, in recognition of these needs, funds for such purpose are in the General Fund Capital Reserve Fund; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the facility need analysis; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$80,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the General Fund Capital Reserve Fund the funds necessary up to \$80,000 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. Plummer, was seconded by Mr. Lenhardt 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 Administrator, Nan Lanahan, 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 as listed on the May 25, 2005 list 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. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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The next item was to acknowledge the receipt of the 2004 Annual Franchise Fee from Mid-Hudson Cablevision, Inc., Catskill, New York in the amount of \$221.87.

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The following item was a request from Bethlehem IDA Chairman, George Leveille, for appointment of a Bethlehem IDA member. Supervisor Egan said there was a Memorandum outlining where they are going, and noted this is one piece which is to make one appointment. She requested a motion to appoint Bob Ward, of Delmar, New York to the position of Bethlehem IDA Member. The following resolution was presented for adoption:

WHEREAS, the Town Board of the Town of Bethlehem, by resolution duly adopted November 14, 1973, established and organized the Bethlehem Industrial Agency and

WHEREAS, there is a need to appoint a new member of such agency,

RESOLVED that Robert B. Ward is hereby appointed a Member of such agency to serve at the pleasure of the Town Board.

The foregoing resolution was presented by Mr. Lenhardt, seconded by Mr. Plummer and duly adopted by the following vote:

<u>AYE</u>	<u>NO</u>	<u>ABSENT</u>
Ms. Egan	None.	None.
Mr. Plummer		
Mr. Lenhardt		
Mr. Marcelle		
Mr. Gordon		

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Councilman Lenhardt said he knows Mr. Ward and he believes he will be an asset on the IDA Board.

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The following item was a request from Louis Corsi, Chief of Police, to appoint a Telecommunicator.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the appointment of Katherine Gould, of Delmar, New York to the position of Telecommunicator as requested by Chief of Police, Louis G. Corsi, at an annual salary of \$33,522, effective May 29, 2005. 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 Chief of Police, Louis Corsi, for transfer of insurance proceeds from insurance recovery revenue to the fleet purchases account line item.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to approve the transfer of \$8,750 into the Insurance Recovery Revenue Line item and the Police 23-

01 Fleet Purchases Account as requested by Louis Corsi, Chief of Police. The motion was passed by the following vote:

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

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The next item was a request from the Supervisor to authorize the Supervisor to execute a Memorandum of Understanding with the Department of Environmental Conservation (DEC) for activities in DEC regulated waterways. Supervisor Egan noted this is done on an annual basis.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Supervisor executing the Memorandum of Understanding with the Department of Environmental Conservation in regards to regulated waters. 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 a request from Town Attorney, James Potter, to set a Public Hearing to establish a Storm Water District. Could advertise June 8, 2005 and hold public hearing June 22, 2005 at 5:30 or 6:00 p.m. Supervisor Egan said this item will be removed from the agenda due to some additional information obtained by the Town Engineer. Town Attorney Potter noted this bears further thought internally.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to remove from the agenda the item pertaining to a Storm Water District as requested by Town Attorney, James Potter. 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 Gregg Sagendorph, Highway Superintendent, for approval of award of bid for Precast Concrete Manhole structures. Supervisor Egan said this would be to Fort Miller Company.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the award of bid for Precast Concrete Manhole Structures to Fort Miller Company, Schuylerville, New York as requested by Gregg Sagendorph, Highway Superintendent. 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 a request from Building Inspector, Mark Platel, for approval of encroachment on easement at 82 Fairlawn Drive, Selkirk. Supervisor Egan said this situation has been reviewed by the Highway Department and the Engineering Division and it is a situation where there is no substantive change or problem by allowing the encroachment.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the encroachment into the easement at 82 Fairlawn Drive, Selkirk, as requested by Building Inspector, Mark Platel. 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 a request from Town Engineer, Erik Deyoe, for approval of award of bid for the Maple Avenue Sidewalk Construction. Supervisor Egan said there were four bids and the request is to award the bid to Delsignore Blacktop Paving.

The motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the award of bid for the Maple Avenue Sidewalk Construction to Delsignore Blacktop Paving. 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 Draft Zoning and Subdivision Regulations. Supervisor Egan said the next three items deal with the plan and the zoning. She apologized to the Board because these items were added after the packets were sent out on Friday. She said they were dealing with a lot of substance, which has more to do with technical items in regards to putting people on notice, i.e. Albany County Planning, adjoining municipalities and things.

Director of Economic Development and Planning, George Leveille, noted in March the Bethlehem Planning Advisory Committee provided a draft of the comprehensive plan and then its responsibility related to implementation of the plan and to assure that amendments to the Town zoning and land use, subdivision regulations would be consistent with the recommendations in the plan. He said since March, BPAC has held three workshops to review the provisions of the ordinance that were relevant to the plans recommendations. He said the last was Monday night and that is why this memorandum could only be presented tonight because it provides an overview of the substantive issues and recommendations in the ordinance.

Mr. Leveille said first he wanted to acknowledge the efforts of the staff, the volunteers who have been involved, the residents who have been attending the meetings who have done a Herculean effort in meeting the time lines to prepare the amendments that are being provided this evening.

Mr. Leveille said there are some features that are important to just quickly review and a list was compiled. He said he would quickly run through them. He said among the things in the amendments is the introduction of some modern zoning classifications, of some districts. He said there is a series of hamlet zoning classifications, as well as, a series of rural classifications that are very appropriate for the hamlet and rural areas of our Town. He said they looked at the existing ordinances and found that it had created non-conformity in many of the residential neighborhoods. He said they worked very hard with the map and the classifications to overcome that and increase the conformity of our existing built neighborhoods with the zoning ordinance. He said they have suggested regulations that relate to adaptive reuse of residential buildings that are in residential districts that are near the intersection of State or County highways and that front on State or County highways. He said example is Kenwood Avenue and Delaware Avenue, noting the idea is to retain the fabric of the buildings and allow for the adaptive reuse of a residential building as a commercial building. He said they have added language that provides for conservation subdivision toward the goal of providing for enhanced preservation of open space so in both the ordinance and the subdivision regulations you will find provisions that relate to conservation subdivisions. He said there are incentive zoning provisions and these provide density bonuses to encourage open space preservation and also the provision of public facilities to the Town.

Mr. Leveille said they have revised the senior citizen housing district, noting the current district really limited senior housing. He said the comprehensive plan identified the need for a variety of housing options for seniors who are ambulatory, did not need services, could afford to live independently and now as part of the planned development district regulations, there will be a variety of senior housing options available, including affordable senior housing.

Mr. Leveille said another important discussion of the comp plan process was affordable housing, similarly as part of the PDD provisions, there will be new provisions that will provide for affordable housing for both senior and non-senior housing. He said this will be associated with certain incentives to encourage that type of housing.

Mr. Leveille said there was zoning added to protect stream areas, steep slopes, grading erosion and sediment control provisions in the regulations – known as land disturbance provisions which provide regulations for land disturbance in grading and sediment control, as well as, regulating activities within stream buffers that are identified as well. He said sign regulations will, help provide more uniformity in signs related to both residential and non-residential districts.

Mr. Leveille said there are provisions to prohibit building within 100 feet of a bank or within the 100-year flood plain of the following streams – the Normanskill, the Vloomanskill, the Onesquethaw Creek, the Philipinkill and the Dowerskill south of the Delmar Bypass. This again is to protect the areas around those streams and to protect them from an environmental point of view from any degradation, according to Mr. Leveille. He said there is also language provided for minor subdivisions that provide a process that is designed to simplify and to be clear of what is involved in minor subdivision, which enables the splitting of up to four lots from a parent parcel over a ten-year period. He said that contrasts with existing regulations, that only allows the split of one parcel prior to going to a major subdivision.

Mr. Leveille noted there is a new zoning designation known as Mixed Economic Development District. He said this is in effect a fixed place planned development district. He said this is designed to require the Town Board's approval of the concept plan, requires a master plan and enables a 70/30 split between principal uses which are primarily office, clean industry and the secondary uses which could be high density housing or neighborhood commercial but it enables the Town Board to be able to look at each one of these in a very specific area on the map on a case-by-case basis and assure there is a very good plan for the development of that area.

Mr. Leveille next addressed the design items that are being added and introduces design guidelines for the first time and they will be in both the hamlet and the commercial districts. He said there are definitions for district purposes that really articulate the purposes of the different zoning districts in the ordinance. He said there are specific standards for uses that require site plan approval. He said this relates to home occupations, accessory apartment, mining and mineral extraction, kennels, adult uses and junkyards.

Mr. Leveille said they have eliminated the building project approval process, which was a cumbersome element of the exiting PDD and now it will require the concept approval by the Town Board and site plan approval by the Planning Board. He said this is a much more contemporary approach. He noted they looked at non-conforming uses and lots and actually distinguish between the uses that are non-conforming and lots and structures that are non-conforming. He said the definition article of the ordinance has been greatly expanded which gives more clarity to all of the terms and what is intended by the terms. He said the responsibility for processing special permits has been shifted from the Board of Appeals to the Planning Board. He said this is also a much more contemporary approach to handling special permits. He said site plan review and special permit review procedures and requirements for both have been updated and enhanced to make the process more clear.

Mr. Leveille said this was just an overview of some of the elements that are in the draft being submitted. He said the draft ordinance and the map of the proposed zoning will be available for public scrutiny on Friday. He said this will be available in a variety of public places and on the website. He said there will be copies in Town Hall and CDs can be burned for anyone who wants one. He said hard copies can be acquired at Mail Boxes Etc.

Councilman Lenhardt asked about item 16, the elimination of the building project approval and whether that was undoing the MOU that has been in existence as long as he has been with the Board. Mr. Leveille said he believed it was, indicating now the Town Board will approve the concept plan and simply have the Planning Board refine the site plan in accordance with the concept plan approved by the Town Board.

Councilman Gordon said obviously some of the language has changed from the draft that was received on Friday based on Monday night's meeting. Mr. Leveille said that was correct and the Board will be receiving additional drafts.

Supervisor Egan again acknowledged the number of hours that have gone into this process. She thanked Mr. Leveille and several of the internal staff – Jeff Lipnicky, Mark Platel, John Flanigan and Terry Ritz who have worked very hard on the map. She said often times piece by piece they were out doing field reviews and things like that to try and make sure that everything has been caught. She said they certainly have not caught everything but that is what the next several weeks and the public hearing is for. She said she wanted to thank, on behalf of the Board, the internal staff's efforts to try and keep this on pace and help to modernize the very archaic zoning and subdivision regulations.

Councilman Lenhardt asked Mr. Leveille how many zoning classifications are now on the map. Mr. Leveille said he thought about thirteen. Mr. Lenhardt said that was still a lot less than the thirty-three that were proposed. Mr. Leveille said what they found was that they wanted to simplify however, we would have created a lot of non-conformity, which they did not think made sense.

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The next item was a request from Director of Economic Development and Planning to issue Notice of Completion of the Draft Plan (GEIS) and release GEIS for a 30-day public comment period. Supervisor Egan introduced Bob Ward the new IDA member. She informed Mr. Ward that he was approved unanimously and thanked him.

Mr. Leveille said the next item is the notice of completion of the Draft GEIS. He said there is a notification that needs to be made pertaining to SEQR. He said it is a two-page notice and it describes what the action is and talks about the potential environmental impacts and how to access the GEIS. He said there is an update and final version of the draft GEIS. He said they have added some elements to make it a better document. He said it is cross-referenced to show how the comprehensive plan addresses specific requirements of SEQR.

Mr. Leveille said with the authority of the Town Board, they will go ahead and notice the completion of the draft GEIS and establish the SEQR public hearing.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the Notice of Completion of the GEIS. 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 noted that July 2, 2005 is the last date for comments. She said she knows it is a Saturday but comments will be taken for postmarks through July 2, 2005.

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Supervisor Egan said they understand the concern about allowing only an hour. She said that is not what this is meant to do. She said anyone who is use to coming to the Town Board meetings know once there is a public hearing, the hearing cannot begin before the specified time. She said as opposed to guessing if it is a 2 hour or 3 hour or 1 hour 45 minutes, they established the times for each particular hearing. She said there will be adequate time and if it gets late, they can roll it over. She said they recognize the need and the desire to have the public comment so they will adjust as need be on June 22nd.

She also noted the Board Members have been present at many of the 30 plus public meetings, as well as, some of the zoning workshops. She said they have been provided with all of the comments that have been received, as well as, pretty much all of the drafts that have been produced. She said any comments received would be forwarded to the Board Members. She wanted to assure everyone that there will be ample opportunity for public comment at the public hearings and that the times are set just so they can get the hearings moving.

Supervisor Egan asked for a motion to set the Public Hearings on Draft Comprehensive Plan, Draft Amended Zoning Ordinance and Subdivision Regulations, and Draft GEIS. Could advertise June 8, 2005 and hold Public Hearings on June 22, 2005 on those matters at 6:00 p.m., 7:00 p.m. and 8:00 p.m., respectively.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to set the following public hearings:

6:00 p.m. – Draft Comprehensive Plan  
7:00 p.m. -- Draft Amended Zoning Ordinance and Subdivision Regulations  
8:00 p.m. Draft GEIS

as requested by George Leveille, Director of Economic Development and Planning. 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 a request from Director of Economic Development and Planning, George Leveille, to authorize the Supervisor to forward the Draft Zoning Ordinance and Subdivision Regulations to the Albany County Planning Board and adjoining municipalities for GML § 239-m review. Supervisor Egan noted this was pursuant to GML Section 239 and is a ministerial matter. She said this has been done with the comp plan in the past. She said they need to have a 30-day comment period on this.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to authorize the Supervisor to forward the Draft Zoning Ordinance and Subdivision Regulations to the Albany County Planning Board and adjoining municipalities pursuant to GML Section 239. 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 thanked Director of Economic Planning and Development, George Leveille.

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Supervisor Egan said the last thing to be noted is that the MS4 report, which is done annually, will be available in the Town Clerk's office. Mr. Deyoe, Town Engineer, noted this was in draft format and it will be at the Clerk's office. It is for review and

comment, the Town Engineer noted. He said the next meeting there will be a presentation about the requirements under the new Phase II requirements, what has been done to date and where the Town is going from here. Mr. Deyoe said a brief discussion about that and provided the Board Members with a summary memorandum and a copy of the draft report for review also. Supervisor Egan said they are just acknowledging receipt of it officially at this meeting and have it available for the public review. She said again, this is all connected to the MS4 designation of a community and the storm water. She said it will be on the agenda for the next meeting.

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Supervisor Egan said she provided copies of a memo and a resolution adopted by the Albany County Legislature authorizing the extension of real property tax payment deadlines for persons deployed by the military. She said there is nothing official on the agenda yet but she is polling everyone to see if they are kind of in consensus that if it is okay, they will get the formal resolution adopting this. She said the County needs the municipalities to actually take another step and have us and adopt it, as well as, the County for it to be effective. She asked if anyone had any objection to this or otherwise she would get the resolution on the agenda for June 8, 2005. No Board Members had any objection.

Councilman Gordon said for anyone wondering about this item, specifically it extends the deadlines for people who are deployed in the military in order for them to make their property tax payments. Supervisor Egan agreed this is what it was.

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Supervisor Egan said the last thing she wanted to talk about is the EPA dewatering facility committee that canvassing was done for members. She said there are about fifteen letters of interest, which is probably a few more than were provided. She said her thought is at fifteen, and why not have all fifteen noting there are some great candidates with great expertise and background that are interested. She said her inclination is to invite and ask all of them to be a part of the advisory committee and get that going. She said there is nothing new to report on this. She said the CAG meeting last month had a GE representative in attendance and asked what the status was and when information would be coming. She said they have a requirement under the record of decision to have the draft first phase design in sometime in August. She said they have not heard anything since that meeting. She said she would like to get this committee formed and get a meeting, so as stuff comes out, they are ready to react and get them up to speed before they are hit with anything. She said GE has indicated that they are willing to come talk to the committee as soon as they are up and running. The Supervisor said EPA has said the same thing.

Councilman Marcelle said he thought this was a tremendous idea. He said if fifteen people want to get involved, they have the energy and the time since this is a significant issue, he was sure all hands could be used. Supervisor Egan said it is a great balance noting there are some property owners in the area, technical people, and some PhD's that want to get involved. She said it is a very diverse group and thinks it will be very beneficial for the Town.

Councilman Lenhardt said he just gets concerned when there is a large group as to how much they can actually get accomplished. He said certainly the resumes that he has seen, is a good cross section of talent there. Supervisor Egan said they will also have some Town personnel involved with the committee to help with guidance and hopefully be able to keep them all going in a positive direction.

Councilman Plummer indicated he had to abstain.

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Supervisor Egan said she thought everything else was pretty much up-to-date. She asked if there was any public comment.

Resident James King discussed briefly the process for the comprehensive plan and

that it began with the election of Supervisor Egan as our Town Supervisor. He said it is a huge development in the history of this Town, which for 150 years plus was a Republican town and it should have been a wake-up call to the government in general. He said the vast majority of people, Republican and Democrat are concerned about growth, and particularly commercial growth in this Town and the external cost associated with it. He said something he has heard from people he has spoken to is that people do not to live in Colonie. He said it is something he has heard in public hearings. He said it is something that is being seen in the Spotlight regarding the loss of open land and the potential sale of Colonial Acres golf course.

Mr. King said this plan does not address the underlying causes of growth, the transfer of cost of local government from residents to property owners. He said developers sell new residences at a price that does not reflect the true cost to the tax base associated with those residents use of government services. He said it is one of the greatest accomplishments of the Democratic party in this Town is that they actually did the math and showed what it costs to send a kid to the Bethlehem Central Schools, which was at the time \$10,500, that nobody is paying in the residences \$10,500. He said the house had to be valued at something like \$310,000 to even pay for one child to go through. So, obviously, the commercial base is subsidizing the residences, according to Mr. King. He said in so far as these developers can sell the new residences, at a price that is less than that \$310,000, then obviously it is putting more pressure on to keep taxes down is to develop more commercial growth which is exactly what the criticism is being seen.

Mr. King said this plan is a plan to provide for commercial growth to pay for these services and their seemingly necessary as 2 to 3 times for cost increases and to fund affordable housing and recreational services. He said it does not discourage growth but rather encourages it. He said it is his hope that the Board recognizes, as he is making everyone with whom he speaks with, especially the Democrats that I know, that this is not the plan that they thought they were getting. He said he also wants to thank the Town Supervisor for this process because he thinks it has been an amazing process to see people actually get involved throughout the Town and also get involved with their local government. He said it is an opportunity to affect real change but he sees it as a lost opportunity. He said the real change can be affected both regionally and State wide and he thinks it is being squandered by a process that has really not been a process designed by Bethlehem residents but rather a third party which is a take it or leave type of format with this plan.

Mr. King said he just would encourage the Board and obviously, as you said, a hot bench to look through things, realize it is not necessarily what you are seeing in front of you and it can be changed and the Board has the power to do that. He thanked the Board.

Supervisor Egan thanked Mr. King.

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Ms. Linda Jasinski asked if the GEIS will be on the website for the public. Supervisor Egan said the GEIS will be on the website.

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Mr. Robert Jasinski said because the Board is spending money to have the facilities looked at, he asked if the Board has considered how many employees this plan is going to take and if the Board has an idea of the number of employees to implement the plan or did the Board feel this will all be done by the present staff. Supervisor Egan said she guesses it can be done with the staff they have. She said one of the things that they endeavored to do with the new hires, with Oliver, Erik and Mike, was to look for depth, experience and professionalism. She said she thinks we have it with their level of energy, and their expertise the things that are left to do to implement this will be able to be done in-house without additional staff.

Mr. Jasinski said on BPAC there was a large number of volunteers that worked with no pay which he commends them for that. He said as he looks at the plan, he cannot

possibly see how this will be implemented and police it to put it into effect and to notify people and everything with the number of employees now under the jurisdiction that this is going to fall. He said because he is very conservative, as the Board knows, money always jingles in his pocket and he still picks up a penny, and he wonders if there is not going to be an increase the Town employment a considerable number.

Supervisor Egan said she that is certainly not the intention and she thinks with the staff we have we will be able to handle this. She said certain things like the LWRP and the Route 9W linkage study grant, the LWRP they still have their fingers crossed for, and they do still have the grant for the Route 9W study. Part of the 9W grant will be similar to the BPAC function. She said there will be a group of volunteers assembled with each one of the initiatives but also noted it will be spearheaded by internal staff without having to hire anybody new.

Director of Economic Development and Planning, George Leveille, agreed and said another thing is there will be ways that the money can be spent more efficiently by using Town designated engineers in lieu of Town staff. He said the 3<sup>rd</sup> party would be paid by the developer. He said they are leveraging their staff quite a bit more than in the past. He said they are able as indicated, last month, if they were adding staff, it was at cost because they have found ways to be more efficient in how they do things and he thinks they are still finding ways every day that are more efficient ways to deliver services. He said he does not believe there is any need for a drastic increase in staff to accommodate the growth.

Mr. Jasinski said when he says his prayers, he will say one for the whole group. He thanked the Board. Supervisor Egan thanked Mr. Jasinski.

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Supervisor Egan asked for a motion to meet in Executive Session following the close of the regular Town Board meeting to discuss personnel policy.

The motion was made by Ms. Egan and seconded by Mr. Plummer to meet in Executive Session to discuss the personnel policy and carried 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. Plummer and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 6:30 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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Deputy Town Clerk

### EXECUTIVE SESSION

Following discussion of the employment packages for the Commissioner of Public Works, Deputy Director of Economic Development and Town Engineer, the following motion was made:

The motion was made by Ms. Egan and seconded by Mr. Plummer to approve three (3) weeks vacation as part of the employment packages for the positions of Commissioner of Public Works, Deputy Director of Economic Development and Planning and Town Engineer. The motion was passed by the following vote:

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

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

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