

TOWN BOARD
NOVEMBER 13, 1996

A public hearing 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 7:30 p.m.

Public Hearing
1997 Assessment
Rolls for
Sewer

PRESENT: Sheila Fuller, Supervisor
Freeman T. Putney, Councilman
George Lenhardt, Councilman
Doris M. Davis, Councilman
Robert C. Johnson, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Tonight as we begin our agenda, we have 2 public hearings first and then we will continue one and I know the item that you are probably most waiting for is consideration of lead agency. Before we get to that, several people have asked will they be able to speak and yes, they will be able to speak at that point, before we vote. So, just be patient as we run through the beginning of our agenda here until we get to that point in the meeting. Thank you.

I ask the Clerk to read the call of the hearing regarding the 1997 Assessment Rolls for the Bethlehem Sewer District.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

WHEREAS, 1997 Assessment Rolls have been prepared for the Bethlehem Sewer District and it is necessary to hold a Public Hearing with reference thereto,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hold a Public Hearing with reference thereto, at 7:30 p.m. on Wednesday, the 13th day of November 1996 at the Bethlehem Town Hall, and

BE IT FURTHER RESOLVED, that the Town Clerk be, and she hereby is authorized and directed to publish a notice of such hearing in the SPOTLIGHT, a newspaper published in Albany County and having a circulation within the Town of Bethlehem, on the 16th day of October 1996.

The foregoing Resolution was presented for adoption by Mrs. Davis, was seconded by Mr. Lenhardt and was duly adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
Noes: None.
Absent: Mr. Putney.

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State of New York)
County of Albany)

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 30 day of October 1996.

/s/ Mary A. Ahlstrom

Sworn to before me this 30th day of Oct. 1996.
/s/ Kathryn Olsen
Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York

and that I posted on October 30, 1996, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
13th day of November 1996.
/s/ Catherine T. Picarazzi
Notary Public

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

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

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SUPERVISOR FULLER: Mr. Secor.

MR. SECOR: Just as a brief overview, I went through this with the Board when we went through the budget. Just for the purposes of the public hearing record, the 1997 Sewer budget provides funds to continue our program of sewer main repair, replacement and rehabilitation. This program is intended to abate infiltration and inflow problems in the Sewer District and prevent street collapses. We plan to continue with the internal tv inspections, the application of trenchless technology where applicable and repair and strengthen old sanitary sewer mains. In conjunction with the repair and replacement of sanitary sewer mains, we also plan to continue our program of preventative maintenance on the sewage pumping station. This will include installation of new or rebuilt pumping equipment, replacement of corroded pipes and electrical equipment. This is a progressive and cost effective program to maintain the sanitary sewer system and prevent interruption of service to the property owners. By taking advantage of cost savings available through new technology, we were able to propose a 1997 budget with approximately 2 percent tax decrease. And, the tax rolls have been prepared based on the budget that was presented to the Board and is before the Board for its approval. But, those show in there, there is about a 2 percent tax decrease.

SUPERVISOR FULLER: Thank you, Bruce. Those wishing to speak in favor. Would you like to speak, Sherwood?

MR. DAVIES: I have a brief comment and I have 4 questions with regard to the sewer system. The Town has established 3 separate sewer charges -- sewer property tax, front footage assessment and sewer rent charges. All are included in our property tax bill. The sewer rent charge is by far the largest charge and is based on the amount of water used. It is 60 percent more than what residents now pay as a water rent. We pay even though the water used on lawns, and car washes does not enter the sewer system. Many of the older properties in Delmar/Elsmere, over the last 50 to 60 years have paid for our sewer system and plant improvements 2 or 3 times over. These 50 to 60 year old sewers of tile pipe and loose joints permit ground water and silt and sand to enter the system causing stoppages. On my street, Roweland Avenue, a block and a half from the Town hall, the Town has to routinely go to a manhole and pressure the sewer so that blockages or sand and silt are removed. We are in an old part of the Town. Recently I observed on the corner of Hawthorne and Winne Road, 6 town trucks and 5 men attempting to unblock the sewer. The 1997 budget, sewer budget, provides for only \$147,000 to begin repairs on the older parts of the system.

I have 4 questions. 1. How serious is this problem and what is the possibility of road collapses?

MR. SECOR: I will answer them 1 at a time if that's all right. We are tv-ing sewers, we have had a couple of collapses and we are trying to prevent that. It's impossible for us to watch every -- we have about 100 miles of sewer pipe out there -- to watch every part of it every day but the preventive maintenance program we are into now with the internal repairs... just like they can put a tv camera in your arm and look inside your heart, we can go up and down the sewers and also do repairs inside the sewers. And, we are doing this. We have done the section between... most of Kenwood Avenue, done the section between Kenwood and Delaware, we have replaced all of the pipe from the main trunk sewer from Delaware going down to the main pumping station on Rockefeller Road. We have done the side streets. We have got an extensive program going on. We do have some trouble areas which we are going to come back and hopefully regouting them. So, it is a system wide problem. It may be one joint... there is a joint every 3 feet in 100 miles. And, it is a system wide problem. We have a root preventive program which we started about 6 years ago to keep the route intrusions out which break the clay tile up but we have an inventory program going on and we are doing the worst areas first. And, that area you are talking about is something we will get to probably next year.

MR. DAVIES: The second question, does the Board, the Town Board, have a long term plan to deal with this problem and if so, is it available for review by the public?

MR. SECOR: In addition to the monies allocated in the annual budget, we have also established a Capital Reserve Fund for repairs and that's where we are trying to... instead of trying to go out and borrow money every year to do something, we are trying to put money in so we can spend it, take advantage of technologies. A lot of these things there is a certain level... you can't go out to bid for 100 feet of something. If you are going to do something you have to do 1,000 feet or 2,000 feet. So, there is a certain economy of scale. So, we put money in that Capital Reserve Fund and that would require us coming back to the Board with a specific project to authorize that. The Board authorizes me to go out to bid similar to the trunk sewer work. So, yes, we do have a long term plan and we are moving forward with that. It is not possible to do all 100 miles in one year but we are doing it every year.

MR. DAVIES: The Board then does have a long term plan and is it available for review?

SUPERVISOR FULLER: Anything is available for review.

MR. SECOR: I don't have it written.

MR. DAVIES: The answer is no then.

COUNCILMAN LENHARDT: There is a financial plan.

SUPERVISOR FULLER: It is called the budget where the Capital Improvements Projects. Every time money is being spent from there you have been here. We have to vote on that. We have to discuss it whether there is the need for it.

MR. DAVIES: Well, I'd just like to know... usually... the Board is the oversight group on the Bethlehem Sewer District. I would think would have some type of a written project plan for specific sewers, specific areas. I would like to know if Roweland Avenue is planned for improvements in the next 5 years, 10 years, 20 years. If you have the plan... I think it would be helpful for the public.

SUPERVISOR FULLER: Is Roweland Avenue planned for the next...?

MR. SECOR: As I said, the tv inspection program is ongoing. You can't do all 100 miles in one year so we are developing the inventory and we are developing a written plan to go through this. The tv inspections has only been available for 2 years. So, we are working on this. We have done the area where we had the worst trouble. We did Kenwood Avenue first, it is one of the heaviest traveled roads. We will get to the side streets later.

SUPERVISOR FULLER: Herber Avenue.

MR. DAVIES: That doesn't help me. That doesn't help me at all. The question was a written plan... obviously, there isn't any. The third question, could the \$440,000 in the Capital Reserve Fund be used in 1997 to accelerate the needed repairs?

MR. SECOR: Yes.

SUPERVISOR FULLER: Yes, we would have to approve it.

MR. SECOR: Yes, subject to the written plan being put before the Board with a specific project as we did with the trunk sewers and the other work. As we develop the priorities and present them to the Board and ask for allocation of money. So, yes, the answer to that is.

MR. DAVIES: That's why my second question related to the plan and the third question was a follow-up on the money.

MR. SECOR: I am telling you we are developing the written plan... as soon as we can assign the priorities.

MR. DAVIES: All right. My last question, Sheila, I direct to you. Would you consider including as a Board agenda item, the establishment of a Board of Water and Sewer Commissioners?

SUPERVISOR FULLER: That is a question you are posing to me or to the Town Board?

MR. DAVIES: No, well, you are the gate keeper and set forth the agenda items and might you include it at some future meeting.

SUPERVISOR FULLER: Be glad to.

MR. DAVIES: Thank you.

SUPERVISOR FULLER: As an agenda item.

MR. DAVIES: As an agenda item.

SUPERVISOR FULLER: I will. Sherwood, exactly what would you like the item on the agenda to be? A water and sewer board did you say?

MR. DAVIES: Establishment of a position by the Town Board as to the pros and cons of formation of a Board of Water and Sewer Commissioners.

SUPERVISOR FULLER: Is there anyone wishing to speak in favor of the 1997 Assessment Rolls for the Sewer District? Anyone wishing to speak in opposition? May I have a motion to close the public hearing?

The motion was made by Mrs. Davis and seconded by Mr. Johnson to close the public hearing pertaining to the 1997 Assessment Rolls for the Bethlehem Sewer District at 7:44 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

Kathleen A. Newkirk
Town Clerk

Supervisor Fuller convened the regular meeting following the close of the public hearing. She asked for a motion to adopt the 1997 Assessment Rolls for the Bethlehem Sewer District.

The following resolution was presented:

WHEREAS, assessment rolls for the year 1997 have been prepared by the Town Board for and in connection with the Bethlehem Sewer District, the Special Sewer District No. 1 and the South Albany Sewer District, which said rolls were completed and filed with the Town Clerk of said Town, and

WHEREAS, due notice of the completion of the assessment rolls and of the time and place when and where this Board would meet to hear and consider any objections that might be made to said rolls and for the purpose of reviewing, correcting and amending the same, was duly given by the Town Clerk by publication of due notice in THE SPOTLIGHT, a newspaper published in the County of Albany and the Town Board met at the time and place specified, and the hearing was duly had upon said assessment rolls,

NOW, THEREFORE, BE IT RESOLVED, that said assessment rolls be and they hereby are approved, affirmed and adopted by the Town Board as filed.

The resolution was presented for adoption by Mr. Lenhardt, was seconded by Mr. Putney and was duly adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

Resolution
to adopt
1997 Assessment
Rolls for the
Bethlehem
Sewer District

Hearing began: 7:45 p.m.

SUPERVISOR FULLER: The next public hearing, ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

Public Hearing
proposed Local
Law No. 15
amending the
zoning District
Boundary of
Planned Resi-
dence No. 4 by
rezoning cer-
tain lands from
Residence AA District
to Planned Residence
District

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on November 13, 1996 at 7:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 15 of 1996 amending the Zoning District Boundary of Planned Residence District No. 4 by rezoning certain lands from Residence AA District to Planned Residence District.

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131.

Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, CMC
TOWN CLERK

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State of New York)
County of Albany)

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 30 day of October 1996.

/s/ Mary A. Ahlstrom

Sworn to before me this 30th day of Oct. 1996.

/s/ Kathryn Olsen
Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on October 30, 1996, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
13th day of November 1996.

/s/ Catherine T. Picarazzi
Notary Public

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

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

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SUPERVISOR FULLER: Before we consider this Local Law, it is a rather confusing process the Board is about to go through, so I am going to have Jeff Lipnicky let the audience know what it is the Board has to do now.

MR. LIPNICKY: Basically this Local Law would involve the rezoning of 5 acres from Planned Residence District to... rather from Residence AA District to Planned Residence District. Basically, this proposal here came about upon the initiative of the Planning Department and the Town Board who suggested to the applicant for Dowerskill Village that he come to the Town Board to request a zoning change. And, the reason for this I will get into in a second. But, there are 3 interrelated items really on tonight's agenda. One concerns this particular zone change, another concerns a SEQR determination for this zone change and the third item concerns SEQR determination of significance for Dowerskill Village section 3. Dowerskill Village itself, the PRD, was established in the early 1970s, okay, and right now the remaining portion of the site that does not have development approval at this point in time, consists of approximately 180 acres along Elm Avenue East that is on the west side of the Dowerskill. Right now, this portion of the parcel is undeveloped. A number of years ago, probably about 5 years ago or so, Slingerlands Development Corporation made application to the Town to develop the Dowerskill Section 3 site into 302 units of housing and that proposal contained a mixture of single family homes, as well as, town houses or condominiums at the time. Basically, the project got caught up in the Town's 25 unit development limitations act that we adopted in the early 1980s but has since expired. And, there have been a number of reasons, including somewhat intense environmental review of this why this project has kind of gone on for quite a long time so far. In any event, where we are at now, at the Planning Board level, has been to make a recommendation to the Town Board that Dowerskill Section 3 be issued a neg dec. We have gone through environmental review that included a traffic study, an archeological study, geotechnical reports, and lots of other issues being looked into and I will get into that a little bit later, the types of mitigation that are being proposed for various things also. But, as we went through this project basically what we discovered was that there is a 5 acre portion of the parcel that is under the control of the developer which is not currently zoned PRD, okay. When this was originally zoned PRD, again, back in the early 70s, that 5 acre parcel was under the control of another group that the developer at that point in time, which was not Slingerlands Development Group. In the intermittent time, Slingerlands Development Group came into control of the parcel and also came into control of this 5 acre piece. So, basically, what we have now is a situation in which this 5 acre piece falls within the land they control, falls within the land area that they are proposing for development but because of the zoning requirements and the PRD regulations, basically would have to go back and redesign that area of the site because it wasn't rezoned. Problem is that the PRD regulations have a requirement of the 50 foot building restricted area at the perimeter of the PRD. So, is this the right mike?

So, basically if you look at the overall development plan that is shown here, okay, there are 6 single family lots that are proposed with this 50 foot boundary runs right through the middle of the lots and would inhibit development on those lots without redesign of the 5 acres. The developer always has the option of going back at this point and redesigning this portion of the site in order to avoid that 50 foot building restricted area but it doesn't make any sense to do that quite frankly because the amount of units he can have are still the same and it would kind of diminish the quality of the design as it currently is if you will. Within... I should note that within this 5 acres we are talking about rezoning, there is 6 single family lots but the majority of this 5 acre area is area that the developer is proposing to deed to the Town for a park site, okay. So, the majority of the area within this 5 acres even though it is being rezoned, will wind up being a park site and not used for development anyway. But, because of a technicality in the code, we recommended that the best way to do this was to come and get this 5 acre portion rezoned to PRD. It is the most logical way to proceed with the development.

And, what the Board has before it tonight is a draft local law that basically would accomplish the rezoning from Residence AA District to PRD District. And, that is the subject of the public hearing, is the rezoning.

SUPERVISOR FULLER: Thank you, Jeff. Once again, is there anyone wishing to speak in favor of the rezoning of this 5 acre parcel? To be turned over to the Town for a park. Not all of it, part of it. Is there anyone wishing to speak in opposition? May I have a motion to close the public hearing?

The motion was made by Mrs. Davis and seconded by Mr. Johnson to close the public hearing at 7:53 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

Kathleen A. Newkirk
Town Clerk

Supervisor Fuller reconvened the regular meeting following the close of the public hearing. The next item on the agenda was a recommendation from Town Planner, Jeffrey Lipnicky, regarding SEQR determination pertaining to Dowerskill Village rezoning of 5 acre parcel. The Supervisor noted this must be acted on prior to the adoption of Local Law No. 15 of 1996.

Mr. Lipnicky explained this was a proposed resolution classifying this particular action as an unlisted action and declaring a negative declaration.

SEQR RESOLUTION
CLASSIFICATION OF ACTION AND
DETERMINATION OF SIGNIFICANCE/NEGATIVE DECLARATION
APPLICATION TO AMEND ZONING DISTRICT BOUNDARY
PLANNED RESIDENCE DISTRICT NO. 4
DOWERSKILL VILLAGE

Resolution
application to
amend district
boundary planned
residence
district No.4
Dowerskill Village

WHEREAS, the Town Board of the Town of Bethlehem has received an application and short Environmental Assessment Form (EAF) from the Slingerlands Development Corporation to amend the established zoning district boundary of Planned Residence District No. 4 (zoning amendment) located along Elm Avenue East; and,

WHEREAS, the proposed zoning amendment would increase the land area of Planned Residence District No. 4 by 5.0+/- acres; and,

WHEREAS, the proposed zoning amendment would change the existing zoning district designation on 5.0+/- acres of land from Residence AA District to Planned Residence District; and,

WHEREAS, the Slingerlands Development Corporation has submitted conceptual plans for further development of the District in the event that the zoning amendment is granted, and said plans are reflected in a Building Project application known as Dowerskill Village Section 3 which simultaneously is being pursued before the Town Planning Board and Town Board; and,

WHEREAS, the Town Planning Board and Town Board have conducted an environmental review of the Dowerskill Village Section 3 Building Project application pursuant to the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617; and,

WHEREAS, the Town Planning Board adopted a Resolution at its meeting of October 15, 1996 recommending that the Town Board issue a Negative Declaration (SEQR Determination of Significance) with respect to the Dowerskill Village Section 3 Building Project application; and,

WHEREAS, it is anticipated that the Town Board will adopt a Resolution at its meeting of November 13, 1996 to issue a Negative Declaration with respect to Dowerskill Village Section 3, with reasons for this Determination of Significance contained in a draft of said Resolution titled: "SEQR RESOLUTION, DETERMINATION OF SIGNIFICANCE/NEGATIVE DECLARATION, APPLICATION FOR BUILDING PROJECT APPROVAL, PLANNED RESIDENCE DISTRICT NO. 4, DOWERSKILL VILLAGE, SECTION 3"; and,

WHEREAS, Chapter 128, Article 5 of the Code of the Town of Bethlehem contains procedures for the establishment of a Planned Residence District, and said procedures authorize the Town Board to establish such a District upon referral to, and recommendation of, the Town Planning Board; and,

WHEREAS, the Town Planning Board at its meeting of October 15, 1996 adopted a Motion to recommend to the Town Board that the aforesaid 5.0+/- acre parcel be rezoned from Residence AA District to Planned Residence District; and,

WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,

WHEREAS, the "Memorandum of Understanding between the Town of Bethlehem Town Board and Planning Board for Planned Development Districts" (MOU), adopted by the Town Board on February 27, 1991, sets forth procedures for incorporating the requirements of SEQR with the requirements of Chapter 128, Article 5 of the Code of the Town of Bethlehem for the establishment of Planned Residence Districts; and,

WHEREAS, 6 NYCRR 617.6(a) requires that as soon as an agency receives an application for approval of an action it must: 1) determine whether the action is subject to SEQR; 2) determine whether a federal agency is involved; 3) determine whether other agencies are involved; 4) determine the appropriate classification of the action; 5) determine whether a short or long EAF will be necessary; and 6) determine whether the action is located in an agricultural district and, if so, whether the action complies with applicable provisions of the Agriculture and Markets Law; and,

WHEREAS, the Town Planning Department has advised in a memorandum dated October 28, 1996 that: 1) the zoning amendment application is subject to SEQR; 2) there is no federal agency involvement; 3) the only other involved agency for SEQR purposes is the Bethlehem Planning Board; 4) the zoning amendment application is appropriately classified as an Unlisted action; 5) a short EAF in conjunction with the SEQR review record for Dowerskill Village Section 3 is sufficient for determining the environmental significance of the action; and 6) the land proposed for rezoning is not located in an agricultural district created pursuant to the Agriculture and Markets Law; and,

WHEREAS, 6 NYCRR 617.6(b)(4) establishes procedures for uncoordinated review of Unlisted actions and said procedures indicate that an agency conducting an uncoordinated review may proceed as if it were the only involved agency unless it determines that the action may have a significant adverse impact on the environment; and,

WHEREAS, the Planning Board at its meeting of October 15, 1996, after careful review of the Dowerskill Village Section 3 Building Project application and its potential environmental affects, adopted a Resolution recommending that the Town Board issue a SEQR Negative Declaration with respect to said Building Project application; and,

WHEREAS, in making its SEQR recommendation on the Building Project application the Planning Board was fully aware of the need for a zoning amendment on the aforesaid 5.0+/- acre parcel in order for the Building Project to proceed; and,

WHEREAS, the Town Planning Department has recommended a Negative Declaration with respect to the proposed zoning amendment; and,

WHEREAS, the Town Board has independently reviewed and considered the zoning amendment application, the short EAF and supporting materials contained within the environmental review record for the Dowerskill Village Section 3 Building Project application;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that the application by Slingerlands Development Corporation to amend the zoning district boundary of Planned Residence District No. 4 constitutes an Unlisted action subject to SEQR; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that: 1) there is no federal agency involvement with respect to this application; 2) other involved agencies include only the Bethlehem Planning Board; 3) the parcel proposed for zoning amendment is not located in an agricultural district created pursuant to the Agriculture and Markets Law; and 4) a short EAF in conjunction with the environmental review record for Dowerskill Village Section 3 is sufficient for determining the significance of the action; and,

BE IT FURTHER RESOLVED,

that the Town Board, having already received from the Planning Board both a recommendation on the zoning amendment application and a recommendation on a SEQR Determination of Significance for Dowerskill Village Section 3, hereby determines that it will not undertake a coordinated review of the proposed action; and,

BE IT FURTHER RESOLVED,

that based upon its review of the zoning amendment application, the short EAF, the environmental review record for Dowerskill Section 3, comments on the application submitted by the Town Planning Department and recommendations of the Town Planning Board, and its own independent analysis of the application and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that approval of the Slingerlands Development Corporation application to amend the current zoning district boundary of Planned Residence

District No. 4 constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Town Planning Department is hereby authorized and directed to file any and all appropriate notices of this determination so that the intent of this Resolution is carried out; and,

BE IT FURTHER RESOLVED,

that this determination is based upon the facts and conclusions established in the environmental review record for Dowerskill Village Section 3 which is hereby incorporated by reference in this Resolution.

On a motion by Mr. Johnson, seconded by Mr. Lenhardt and a vote of 5 for, 0 against, 0 abstention, and 0 absent, this RESOLUTION was adopted on November 13, 1996.

The next item was to consider adoption of Local Law No. 15 of 1996 regarding a Zoning District Boundary Amendment for PRD No. 4, Dowerskill Village.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve adoption of Local Law No. 15 of 1996 concerning Zoning District Boundary Amendment for PRD No. 4, Dowerskill Village, Section 3. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The next item was a recommendation from Town Planner, Jeffrey Lipnicky, regarding SEQR determination pertaining to Dowerskill Village, Section 3, Building Project Approval application. Town Planner Lipnicky noted this regards the proposed development itself. The only action needed regards the SEQR determination of significance. According to Mr. Lipnicky the Planning Board has had the application and the draft resolution lays out the mitigation that is proposed by the applicant.

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
DETERMINATION OF SIGNIFICANCE/NEGATIVE DECLARATION
APPLICATION FOR BUILDING PROJECT APPROVAL
PLANNED RESIDENCE DISTRICT NO. 4
DOWERSKILL VILLAGE, SECTION 3

WHEREAS, the Town Board of the Town of Bethlehem has received an application and Environmental Assessment Form (EAF) from the Slingerlands Development Corporation for Building Project Approval of a 221 lot single-family residential development to be known as Dowerskill Village Section 3; and,

WHEREAS, the development parcel consists of 180.89 +/- acres of land located on the north side of Elm Avenue East, immediately west of the Dowers Kill, and said parcel is zoned Planned Residence District (PRD No. 4) and Residence AA District; and,

WHEREAS, Chapter 128, Article 5 of the Code of the Town of Bethlehem contains procedures for the establishment of a Building Project within a Planned Residence District and said procedures authorize the Town Board to approve a Building Project upon referral to, and recommendation of, the Town Planning Board; and,

WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no

Adopt Local
Law No. 15
regarding
zoning distri
boundary Prd.
No. 4 Dowersk
Village

Resolution
application
building proje
approval resi-
dence distric
No. 4 Dowerski
Village, Secti
3

agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,

WHEREAS, the "Memorandum of Understanding between the Town of Bethlehem Town Board and Planning Board for Planned Development Districts" (MOU), adopted by the Town Board on February 27, 1991, sets forth procedures for incorporating the requirements of SEQR with the requirements of Chapter 128, Article 5 of the Code of the Town of Bethlehem for the establishment of a Building Project; and,

WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(a), the Town Board at its meeting of July 24, 1991: (1) determined that the Building Project application constituted an "action" subject to SEQR; (2) identified other involved agencies for the purpose of coordinated review; (3) classified the action as a Type I action; and (4) required a full Environmental Assessment Form (EAF) to assist the lead agency in its determination of significance; and,

WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6 the Town Board at its meeting of July 24, 1991 also initiated a coordinated review of the action, declared itself lead agency and subsequently circulated the Building Project application, full EAF and supporting materials to all involved agencies; and,

WHEREAS, in accordance with the procedures outlined in the MOU, the Town Board referred the Building Project application to the Planning Board for a recommendation on both the application and on a SEQR determination of significance; and,

WHEREAS, the design and layout of the proposed Building Project has been amended at the Planning Board level since the time of original application to the Town Board, and said amendments include a downsizing of the project from 302 dwelling units to 221 dwelling units; and,

WHEREAS, the Planning Board at its meeting of October 15, 1996, after careful review of the application and its potential environmental affects, adopted a Resolution recommending that the Town Board issue a SEQR Negative Declaration with respect to the application; and,

WHEREAS, the Town Board has independently reviewed and considered the Building Project application, the Full Environmental Assessment Form and supporting materials submitted by the applicant; and,

WHEREAS, said application and supporting materials include: (1) preliminary project plans addressing site layout, utilities, storm water management, grading, open space and other site development factors; (2) an EAF Parts I, II and III addressing potential environmental concerns; (3) a geotechnical report addressing issues related to slope stability; (4) a traffic study addressing project generated and cumulative traffic impacts; (5) a cultural resources study addressing potential historic and archeological concerns; (6) a wetlands delineation report identifying Federal jurisdictional wetlands; and (7) other materials addressing project design and potential environmental affects of the project; and,

WHEREAS, the Town Board has reviewed and considered various staff comments and memorandum prepared by the Town Planning Department and Town Engineering Division addressing project design and potential environmental concerns; and,

WHEREAS, the applicant has submitted revised and new materials responding to the memorandum and comments noted above, and said materials satisfy the Town Board; and,

WHEREAS, no substantive comments concerning potential environmental affects of the proposed action have been received from any involved agency or the general public which have not been addressed by the applicant;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby confirms it is lead agency with respect to SEQR review of the Dowerskill Village Section 3 application to establish a Building Project in Planned Residence District No. 4; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby reclassifies the SEQR status of the proposed action from a "Type 1" action to an "Unlisted" action based upon the downsizing of the project to 221 dwelling units; and,

BE IT FURTHER RESOLVED,

that based upon its review of the Building Project application, the full EAF and other supplemental materials submitted by the applicant, comments on the application submitted by the Town Planning Department and Town Engineering Division, its own independent analysis of the application, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that approval of the Building Project application for Dowerskill Village Section 3 constitutes an action which would not have a significant impact on the environment and, therefore, does not require preparation of a draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Town Planning Department is hereby authorized and directed to file any and all appropriate notices of this determination so that the intent of this Resolution is carried out; and,

BE IT FURTHER RESOLVED,

that this Determination of Significance is based upon the following facts and conclusions:

A. Project Description

1. The proposed development parcel is located on the north side of Elm Avenue East, immediately west of the Dowers Kill, and consists of 180.89 +/- acres of land zoned Planned Residence District (175.89 acres) and Residence AA District (5.0 acres).
2. The project site is currently undeveloped and is characterized by approximately 86 acres of deciduous forest, 85 acres of old field and meadow, and 10 acres of Federal regulatory wetland. Approximately, 65 acres of the field area was formerly used as agricultural fields.
3. The predominant topographic feature of the site is a wooded ravine system which runs along the Dowers Kill and its tributaries. Topography is gentle to moderately sloping in field areas of the site.
4. Land use in the immediate vicinity of the project site consists of a combination of residential uses, and undeveloped land. Presently, the site is bounded to the north, south and west by large vacant parcels and rural density residential development. Haswell Farms, a 178 lot single-family subdivision, has received Conditional Final Plat Approval and abuts the parcel on its northwest boundary. To the east, suburban scale residential development at Dowerskill Village, Sections 1 and 2, is buffered from the project site by the Dowers Kill corridor.
5. Zoning in the immediate vicinity of the parcel consists of Residence AA District and Planned Residence District lands. The Residence AA District is a single family residential zone with permitted densities in the range of three units per acre. The Planned Residence District allows a variety of housing types with maximum densities of eight units per acre for multifamily dwellings.
6. Preliminary plans for the project indicate that 221 single-family residential units are proposed for the development site. This represents a density of 1.22 units per acre and amounts to 25% of the unit density which would otherwise be permitted in the zoning district under the existing Town Zoning Code.
7. The scale of the proposed project has been downsized since the time of the 1991 application. At that time 302 residential units were proposed. This project change results in SEQR reclassification of the project from a Type I action to an Unlisted action.
8. The layout of the project has been designed to generally avoid the ravine and wetland areas of the parcel. The ravines and wetlands constitute the primary elements of the project's open space system and act as buffers between different sections of the development.
9. Preliminary plans indicate that project construction would impact approximately 123 acres of currently undeveloped land. Approximately 95 acres would be converted to residential lawn area

and 28 acres would be converted to impervious surfaces such as buildings, roadways and driveways.

10. Preliminary plans indicate that upon project completion, approximately 50.66 acres would remain as deed restricted open space and 7.01 acres would be dedicated to the Town for use as public park land.

11. Preliminary plans include provisions for storm water management, water supply, sanitary sewage disposal and site grading.

12. The project site is located in the Town sewer district.

13. The project site is located outside the water district boundary. A water district extension will be necessary to serve the development.

14. Access to the site will be provided from two proposed subdivision streets intersecting with Elm Avenue East. Elm Avenue East is an existing Town road which currently carries low traffic volumes. A third point of access will be provided from Hasgate Drive, a proposed street in the Haswell Farms subdivision, located along the northern boundary of the development parcel.

15. The preliminary plan is designed to accommodate a future east-west collector street running along the property boundary between the development and Haswell Farms. This collector street corridor has been identified as a future roadway corridor in the Town's draft Master Plan prepared by the Town's Land Use Management Advisory Committee.

16. In general, the proposed land use, density and site layout concepts for the development are consistent with land use and transportation recommendations contained in the Town's draft Master Plan.

B. Evaluation of Potential Environmental Impacts

1. The project is not expected to have a significant or long term adverse effects on existing air quality. The nature of the land use is such that it will not produce industrial related air emissions, nor will it result in the generation of significant traffic that might contribute measurably to auto related emissions. Short term impacts associated with dust generated during construction activity will be mitigated by erosion control measures identified in the applicant's EAF and elsewhere in this Resolution.

2. The project is not expected to have a significant or long term adverse effect on ground water quality. The project site is not located over a significant aquifer or source of drinking water.

3. The effects of a high water table on the project site, in-as-much as it may contribute to basement flooding, will be mitigated by providing foundation drains and sump pumps to collect and discharge water from basements.

4. The project site contains approximately 9.92 acres of Federal regulatory wetland. There are no State regulated wetlands on the parcel.

5. The project has been designed to substantially avoid wetland impacts. Approximately, 0.96 acres of wetland will be impacted by fill activity during roadway and lot construction. This quantity of fill qualifies the project under U.S. Army Corps of Engineers Nationwide Permit No. 26. A Jurisdictional Determination letter was issued by the Corps on September 12, 1996. Water Quality Certification will also be necessary prior to final project approval.

6. Potential construction impacts to wetlands will be mitigated by various techniques to be further addressed prior to final project approval. Potential techniques may include protective fencing or similar field marking at the wetland boundary, use of sediment protection such as hay bale dikes and silt fences, and/or other appropriate measures of protection.

7. Long term protection of remaining wetland areas will be accomplished by placing appropriate notice and restrictions in the deeds to lots containing such areas, limiting future use to open space. Individual plot plans delineating such areas and noticing potential restrictions will also be issued to affected purchasers.

8. Wetland hydrology will be maintained by directing appropriate storm water toward these areas and by providing culvert connections between wetlands at road crossings.

9. There are no State regulated streams or other State regulated surface waters on the parcel. The site is drained by intermittent streams and drainageways which are tributary to the Dowers Kill.

10. Drainage channels and streams will be protected from sedimentation with erosion control measures as identified in the applicant's EAF. Such measures include, but are not limited to the following: (1) the project will be phased to minimize the amount of land area exposed at any given time; (2) sediment control devices such silt fencing and hay bales will be used along disturbed slopes and stream beds; (3) cleared areas will be promptly revegetated; and (4) soil stockpiles will be seeded if they are subjected to extended exposure. Erosion control will be designed to comply with guidelines contained in "New York Guidelines for Urban Erosion and Sediment Control".

11. The applicant will provide an erosion control plan, identifying specific measures to be undertaken to control erosion and showing erosion control structures, prior to final project approval.

12. The project is not expected to have any significant adverse effect on downstream flooding or drainage problems. Downstream drainage structures have been sized to accommodate development of the watershed. A stormwater management report may be required prior to final project approval.

13. The project site is bisected by a number of ravines which carry the Dowers Kill and its tributaries. Grades along the side slopes to these ravines range up to 45% and consist of Hudson silt loams. Various data sources identify the side slopes of these ravines as potentially unstable and susceptible to failure.

14. A geotechnical report prepared for the applicant by a professional soils engineer makes a number of recommendations with regard to project development. Among the principal recommendations are (1) that slope areas remain unaltered and in their natural state, (2) that buildings be set back at least 30 feet from the top of slope, and (3) that no fill material be placed on slope areas.

15. The project has been designed to generally avoid disturbance to the ravine system consistent with the above noted recommendations. The ravines and side slopes generally fall within areas of the site that are proposed as deed restricted open space. This area is proposed to remain "forever wild".

16. Notwithstanding the above noted mitigation, preliminary project plans show grading activity and home sites in the vicinity of ravine side slopes on certain proposed lots within the project site. In connection with these lots, the Town of Bethlehem will reserve the right to require appropriate soil studies for individual affected lots prior to their development -- the purpose of such studies being to establish appropriate criteria for the development of said lots.

17. To further minimize the potential for slope failure the applicant proposes to add notations to individual plot plans giving appropriate notice regarding the placement of fill on slopes and removal of vegetation in these areas.

18. Short term construction impacts associated with project development, including the generation of dust and noise, will be minimized by mitigation measures proposed in the applicant's EAF. These measures include: (a) limiting the hours of construction activity; (b) providing proper maintenance and muffling of construction equipment; (c) watering the construction site as necessary to control dust; (d) establishing temporary vegetative cover to control dust; and, (e) promptly replanting disturbed areas.

19. Project construction will result in the loss of vegetation and wildlife habitat on the site, and will likely cause some mortality to individual animals and the displacement of others to adjoining land. Project development would result in the removal of approximately 123 acres of natural vegetation. This includes approximately 80 acres of field vegetation, 42 acres of deciduous woodland and slightly less than 1 acre of wetland. In addition, approximately 5 acres of natural vegetation will be cleared to accommodate a public park site. Due to the availability of similar habitat on undeveloped lands adjacent to

the parcel, the overall impact to wildlife is expected to be minimal.

20. Partial mitigation of vegetation and wildlife impacts will be provided on site by retention of approximately 53 acres of natural area, including almost 9 acres of wetland and 43 acres of forested area. The majority of this open space is located along the Dowers Kill corridor and the ravines of its tributaries. Of this acreage, 50.66 acres will be protected as deed restricted open space.

21. To mitigate potential impacts on remaining vegetation, the applicant will delineate the limits of clearing in the field by means of stakes, fencing or other suitable measures.

22. In addition, a review of the Town's environmental inventory files indicates that the project site does not contain any significant habitat area, any known occurrence of a threatened or endangered species, or any unique habitat characteristic that is associated with such species.

23. Consultation with NYSDEC Natural Heritage program also indicates that there are no known occurrences of endangered, threatened, or special concern wildlife species, rare plant, animal or natural community occurrences, or other significant habitat on the parcel. The absence of significant habitat and species was further confirmed by a field visit to the site by a professional Ecologist employed by consultants to the applicant.

24. The project site does not contain any designated Critical Environmental Area.

25. The project site contains approximately 65 acres of former agricultural land. In addition, approximately 72 acres of soil on the site is classified within soil groups 1 through 4 of the NYS Land Classification System. Most of this agricultural resource will be lost with project construction. The impact, however, is considered less than significant. The project site is not currently farmed. It does not lie within an Agricultural District, nor has it ever participated in the Agricultural Assessment Program. In addition, the site is in the path of urban development and has been identified for residential use in the Town's draft Master Plan.

26. The project is not expected to have an adverse impact on cultural resources. There are no historic structures in the immediate vicinity of the project site. Although a Stage 1 and 2 Archeological Study conducted on the property revealed the presence of a potential prehistoric archeological site, consultation with the State Office of Parks, Recreation and Historic Preservation indicates that the site is not eligible for listing in the State or National Registers of Historic Places.

27. Notwithstanding the above, the project site does contain an historic family cemetery, the Kimmey Family Burying Ground, which has been determined eligible for inclusion in the State and National Registers of Historic Places. The applicant is proposing to mitigate potential impacts by avoiding the cemetery plot. Consultation with the State Office of Parks, Recreation and Historic Preservation indicates that the avoidance plan is acceptable as currently proposed.

28. The project is not expected to have a significant adverse impact on aesthetic or architectural resources. The project has been laid out to utilize the wooded ravine system as a natural buffer between the project site and adjoining lands, and between internal sections of the project. In addition, potential visual impacts along Elm Avenue East, where rear yards will face the street, will be partially mitigated by maintaining existing trees and vegetation in this area. The existing vegetation will be supplemented as necessary to provide filtered screening of the development. A more detailed tree retention/planting plan will be required in this area prior to final project approval.

29. The applicant has agreed to further mitigate potential visual impacts by providing street tree plantings in open areas of the site. A street tree planting plan will be submitted prior to final project approval.

30. Potential impacts to Town recreation facilities will be partially mitigated by the proposed dedication to the Town of a 100 foot wide right-of-way along the Dowers Kill for use as a future Greenway. Impacts to recreation facilities will also be mitigated by conveyance of a 7.01 acre parcel to the Town for

use as a future park site. The site will be cleared, graded and seeded by the applicant.

31. The project site is located within the boundaries of both the Ravena-Coeymans-Selkirk Central School District (RCSCSD) and the Bethlehem Central School District (BCSD). Upon build-out, the project is projected to add approximately 91 children to RCSCSD and 70 children to BCSD.

32. Consultation with RCSCSD indicates that the additional enrollment should not limit the District's capability to serve its students.

33. Consultation with BCSD indicates that the District currently faces school capacity constraints at both the elementary and middle school levels from increasing enrollment. The District expects this trend to continue over the next ten years. Consultation also indicates that peak enrollment projections for the high school level raises concerns regarding the future capacity of this facility.

34. Although the proposed project would contribute additional students to BCSD at the various grade levels, the project in and of itself cannot be considered a primary cause of the District's current or projected capacity problems. The adverse effects of increasing enrollment within the District are cumulative in nature and are the result of demographic trends in the existing Town population as well as new residential development activity in Town. As such, solutions to the capacity issue require a broader based approach than can be provided practicably through project specific mitigation. For these reasons the adverse impact of the project on BCSD is considered minor and not significant within the context of SEQRA.

35. To some extent the impact of the project on BCSD will be minimized by the anticipated build-out period for the project. The applicant expects, based upon experience in previous sections of Dowerskill Village, that it will take ten years from date of approval to complete the project. The build-out period will provide some lead time for District planning activity to accommodate the additional students.

36. The project site is located within the boundaries of the Town Sewer District. Ample capacity exists to service the development. The Town's main interceptor sewer runs adjacent to the parcel and is accessible to the development.

37. The project site currently lies outside the boundaries of the public water supply district -- Water District Number 1. The applicant will pursue an extension to the district through appropriate authorities. Any final approval will be contingent upon obtaining the necessary water district extension.

38. To help mitigate impacts to the Town's water distribution system, the applicant has agreed to extend a 16" water main along Elm Avenue East, from Hague Boulevard to the eastern entrance to the site, and from the western entrance of the site to Elm Avenue (approximately 3,165 linear feet). In addition, a 12" water main (approximately 6,630 linear feet) will be installed to interconnect with the 16" lines and with a 10" line provided in the Haswell Farms development.

39. A professional traffic impact analysis was conducted for the project in 1994 to evaluate the impact of the development on eight different intersections in the vicinity of the project site. Analysis was conducted for the a.m. and p.m. weekday peak hours under both 1994 and projected year 2000 conditions. The year 2000 analysis considered background growth in traffic as well as cumulative impacts with the Haswell Farms subdivision.

40. The study indicates that under year 2000 conditions, the project will have no impact on level-of-service (LOS) at five of the study intersections. Four of these intersections will operate at acceptable levels of service (LOS D or better) in both the a.m. and p.m. peak hours. Year 2000 LOS at the Wemple Road/Feura Bush Road intersection is projected to be marginal (LOS E) in the peak hours. This condition, however, would exist with or without the project.

41. Analysis indicates the project will cause a year 2000 drop in level-of-service (1) at the Feura Bush Road/Elsmere Avenue intersection, from LOS B to LOS C, during the p.m. peak hour and (2) at the the Route 9W/Jericho Road intersection, from LOS C to LOS D, during the p.m. peak hour. Both of these intersections, however, would continue to operate at acceptable

levels-of-service and the impact of the project is considered minor.

42. During the a.m. peak hour, year 2000 projections indicate that the project will cause a decline in level-of-service at the Route 9W/Jericho Road intersection, from LOS D to LOS E. This decline in LOS would affect the eastbound approach only. All other approaches would continue to operate at acceptable levels-of-service, LOS D or better.

43. The most notable change in level-of-service is projected to occur at the intersection of Murray Avenue and Feura Bush Road. This intersection currently operates at LOS B in the a.m. peak hour and LOS C in the p.m. peak hour. The cumulative impact of Dowerskill Village, Haswell Farms and background traffic growth, will cause this intersection in the year 2000 projection to operate at LOS E in the a.m. peak hour and LOS F in the p.m. peak hour. In order to mitigate this impact, the developer has agreed to participate on a fair share basis with the developer of Haswell Farms in funding a traffic signal at the location.

44. To help minimize long term traffic impacts on Feura Bush Road, Elm Avenue East and other area roadways, and to meet long term Town planning goals to provide internal circulation in the superblock bounded by Feura Bush Road, Wemple Road, Elm Avenue and Elm Avenue East, the applicant will also convey to the Town a minimum 40 foot wide east-west right-of-way along the parcel's northern property boundary with Haswell Farms to be used for a future east-west collector street. This right-of-way is consistent with recommended future highway improvements contained in the Town's draft Master Plan. The applicant will also construct a portion of the roadway adjacent to the property line.

45. In order to facilitate safe pedestrian circulation within and adjacent to the project, the applicant will construct a sidewalk along the subdivision collector street that runs from the property boundary with Haswell Farms to Elm Avenue East. A sidewalk will also be extended from this facility to the proposed public park site. Contingent upon further analysis, the Planning Board may also require the granting of an easement along Elm Avenue East for a future sidewalk or bike path to be constructed by the Town.

46. Review of the site in the field and with available environmental data revealed no other environmentally sensitive characteristics of the parcel which have not been addressed or areas requiring further study.

On a motion by Mr. Johnson, seconded by Mr. Putney and a vote of 5 for, 0 against, 0 abstention, and 0 absent, this RESOLUTION was adopted on November 13, 1996.

The next item was to consider the adoption of the 1997 Preliminary Budget for the Town of Bethlehem. Supervisor Fuller said the public hearing was held and work sessions followed being held at Town Hall.

Adoption of
the 1997
Preliminary
Budget

WHEREAS, the Town Board has met at the time and place specified in the Notice of Public Hearing on the Preliminary Budget and heard all persons desiring to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, that the Preliminary Budget be and it hereby is adopted as the Annual Budget of this Town for the fiscal year beginning on the 1st day of January, 1997, and that such Budget as so adopted be entered in detail in the minutes of the proceedings of this Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of this Town shall prepare and certify, in duplicate, copies of said Annual Budget adopted by this Town Board, together with the assessment rolls for benefit improvements, if any, adopted pursuant to Section 202-a, of the Town Law, and deliver two copies thereof to the Supervisor of the Town to be presented to the Albany County Legislature.

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

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

The following item was to consider Lead Agency Coordination Request regarding Spurlock Adhesives, Inc., proposed formaldehyde plant to be located on River Road, Glenmont.

Discussion on
Lead Agency for
Spurlock Adhesives

Supervisor Fuller said the Town Attorney, Mr. Kaplowitz, wished to address an issue that everyone heard last evening and a concern everyone has with regard to who is going to protect our interests in the Town. Attorney Kaplowitz said several things have been said that he felt comment needed to be made on. He said he thinks there are some misunderstandings and it is a very crucial issue that he wants to suggest that consideration be given to very carefully. He said first there was a question, couldn't we say to these people go away and don't come back. He said the answer is no, we cannot do that. They have a right to make application, a right to apply, a right to be heard and that is the way it is under the legal system. He said if anyone went to the Building Department and said here is a plan for an addition to my house, I want a building permit and they said no, go away, you would said don't I get a hearing, don't I have a right to ask somebody, isn't there some way. So, Mr. Kaplowitz said, in all fairness that's something we have to do whether we like it or not and the Board is expected to keep an open mind, regardless of how they may feel. They have to listen to what is presented and make a decision when the time comes.

The second thing, Mr. Kaplowitz mentioned, is a very, very controversial matter and he was sure some are not going to like what he is going to say. He said that as Town Attorney, this is what he believes is the case and what he believes should be done. What he is leading up to, he said, is the Town Board should not and we are making a big mistake if we request lead agency status by the Town Board. He went on to explain why he said that. The Environmental Conservation Law provides a lead agent is to be an agency that has decision making authority. An agency that can say yes to this project or no to this project. He said we got a letter from Environmental Conservation addressed to both the Town and the IDA saying we want to be lead agent but we have to offer it to you. We don't, as far as Mr. Kaplowitz is concerned, in his opinion, have the Town Board I say we, decision making authority. We do not have the right to say yes or no. The law is also very clear that an involved agency has a right to be the lead agent. And, when you define involved agency, it is very clear that anyone who has yes or no to do with the financing is a proper agency for that. He said this is the IDA. He said they have an application for financing through them. Mr. Kaplowitz went on to say it another way -- he regretted saying some of this because all too often I will say something and it ends up in a law suit and I get quoted and saying things I wish I hadn't said, but if En Con tomorrow said look, we made a mistake, you are not really an involved agency, the Town of Bethlehem, I don't know what we can do about it. But, they can't say that to the IDA. The IDA is clearly an involved agency, according to Mr. Kaplowitz. Their decision to go back is partly because Mrs. Fuller and other people asked them to reconsider. He said some of it was based on advice from him and he suggested to Mr. Putney that the IDA is the right way to go. He said it is not unusual for the Town Board not to have or take on that status because most of the SEQR determinations that are made in Town are made either by the Board of Appeals in their work, or the Planning Board in their work or by the Planning Department, Mr. Lipnicky, advising the Town Board, here do this, do that and we do it. But, more of the SEQR work is done by the Planning Board and the Board of Appeals. Mr. Kaplowitz said he thinks we are making a big mistake and we are shooting ourselves in the foot, frankly, if we say the Town Board should do this because he is afraid, and it was said last night, one of the attorney's, bond counsel for Spurlock last night said you people never should have gotten that letter and

the Town Board should not be lead agency in any event. He said he is not sure... it doesn't mean the Town Board could not fight with them or argue with them, but he thinks we are in much, much better position if the IDA takes on that responsibility and argues for the lead agency status. He said he is glad to answer questions as we go along if he can, but he explained they don't get into SEQR that often that he does not consider himself an expert but between Mr. Lipnicky, who he considers an expert, they should be able to answer questions.

The last thing Mr. Kaplowitz mentioned at this point, is there was a sum of money thrown around last night a number of times, \$50,000, he is going to suggest that they will not see \$50,000 unless Spurlock voluntarily provides it. He said people shaking their heads, he is telling what the law says. The law says the cost of the project for bringing utilities to the project -- he offered to read it, if they wanted to -- the cost of purchasing the project, the cost of building the building, excluding the personal property that is going to be used in their manufacturing process. He said he does not know what their claims are but everything he has heard so far is we are talking about a \$10 million project. He said 8 million of which, they claim, is going to be used to furnish a manufacturing process and maybe personal property. So, the 5 percent the Town is entitled to is 5 percent of the remaining \$2 million and that is exactly what the law says and you are all welcome to look at it. He said they can offer the money, we have done that before and the company did give the Town \$50,000 and when we went back and asked for \$20,000 more, they were very unhappy but they did give it to the Town. Mr. Kaplowitz said he is just saying it is not so easy to say we are going to get \$50,000. He said if we need \$50,000 don't get up and tell me that your children are worth more than \$50,000 because I know they are -- he has a son, one of my four children, all raised in Town, one still lives here, he has 2 grandchildren here, he cares for them as much as any of you care for your grandchildren, if not more, and he is concerned and we are all concerned. We are all a part of the community, we all live here. The law says you will only get 5 percent of those amounts. He said he could be wrong but that is what it says. He said he is throwing that out and if we need \$50,000 and they refuse to volunteer it, we may be spending tax payers money. One more consideration for the Town, he was just pointing it out. He said he suspects that if they want to go on badly enough, which he hopes is wrong, they will come up with that money that we need. Mr. Kaplowitz said he just wants it understood that it is not that clear that we are going to get \$50,000.

A lengthy discussion with questions followed between the Board Members, Town Attorney and residents of the community. Many items were discussed with suggestions and proposals to be sure all aspects of this proposal were addressed.

Following was requested to be verbatim:

Sigi Moriece, 21 Oldox Road, Delmar, New York.

MS. MOREICE: Can my question be verbatim, please and response.

Town Clerk Newkirk said it could be.

MS. MOREICE: Thank you. I want to know about IDA funding, Mr. Kaplowitz. I want to know, isn't IDA funding discretionary funding and doesn't the Town Board have veto power over this funding?

MR. KAPLOWITZ: Somewhere along the line, under the new IDA law, the IDA would recommend... well, it wouldn't recommend to the Town... well they would, they would say approve or disapprove of this. That is all. There is no public hearing. There is no input, there is no nothing at the Town Board level. What happens if the Town Board says no and the IDA says yes, I don't know. The IDA law was drastically reduced or changed in 1994 and I can't answer that. The Town would have an opportunity to say yes or no but that is it. That is based on the IDA recommendation. We can either approve it or disapprove it.

MS. MOREICE: You could either disapprove...

MR. KAPLOWITZ: The Town Board could approve or disapprove what the IDA does. But, there is no public hearings involved or anything else. They have a vote like here, one night, with a recommendation from the IDA to go one way or the other. When you ask if it is discretionary, largely it is but there are also rules.

MS. MOREICE: So, if you were to say to the IDA, we don't think you should... we should... you should do this funding...

MR. KAPLOWITZ: We are not supposed to say that.

MS. MOREICE: Well, if they say... if they come to you and say we are going to give the funding, okay, and then you say no it is not okay. I mean at some point, you can say yes or no. True?

MR. KAPLOWITZ: Yes, all right. I didn't want to get into this but what would you do in our situation if that happened and Spurlock went around to the bank and said we don't need the IDA, we will borrow the money.

MS. MOREICE: We are still involved agents. It is still in our Town, we still could go through this whole process that you are talking about...

MR. KAPLOWITZ: Not unless you have already been the involved agency. What if they say tomorrow, we will forget the IDA.

MS. MOREICE: They are using your sewer. They are in your air, they are here in your Town.

MR. KAPLOWITZ: No good.

MS. MOREICE: You are an involved agent, it doesn't matter.

MR. KAPLOWITZ: I disagree with you. You say we are an involved agent, have you read...

MS. MOREICE: Well, you can disagree but...

MR. KAPLOWITZ: Have you read the definition of an involved agent?

MS. MOREICE: Well, according to River Keeper and other environmental lawyers, lawyers in other groups I have spoken to, we are involved agents no matter what way you go.

MR. KAPLOWITZ: Well, another attorney, besides myself, said last night there is no way you guys are involved, you never should have gotten a letter. I don't want to argue with you.

MS. MOREICE: Right, okay.

MR. KAPLOWITZ: I will tell you what I think. I think it is very questionable. And, I think that the IDA... put it another way, the IDA has a far better chance of becoming lead agency than the Town Board of the Town of Bethlehem is.

MS. MOREICE: Well, I just present to you as a representative as all of the people... a lot of the people that were here last night that we want you to not give the funding, whoever can make that final determination that we want you not to give the funding and we want to make them go to bank and see if they can get it and see if they loose their 9 or 10 percent cream off the top for the funding they are getting, if it still is beneficial to them.

MR. KAPLOWITZ: I think we knew how you felt.

MS. MOREICE: Yes, but you are not voting on it. So, that is why I don't understand, why you have a hearing that you don't do anything with.

MR. KAPLOWITZ: We are not having a hearing tonight. We are letting everybody speak but this is not a hearing. There is nothing here tonight, officially...

MS. MOREICE: No, but I am talking to the Board. You have an issue here about this particular item and...

MR. KAPLOWITZ: Because the Board has to make a decision on whether or not it wants to be lead agent.

SUPERVISOR FULLER: Has to make a decision on lead agency, that is all.

MR. KAPLOWITZ: We were corresponded with or advised by DEC that they want to be the lead agent but we feel we have to offer it to you. We have to decide if they want to do it or not.

MS. MOREICE: But, as my representative, you are skirting your responsibility because this is the only forum I have at the Town Board to hear me. So, you are saying, you are not going to hear me.

MR. KAPLOWITZ: Were you heard last night.

MS. MOREICE: But, that was the idea. I am talking to the Board now, I am not talking to the IDA.

MR. KAPLOWITZ: And, that is why this meeting is open and we are going to sit here all night and listen to everybody.

SUPERVISOR FULLER: Sig, we were here. We were all here last night too.

MS. MOREICE: But, I wasn't talking to you last night. This is a Town Board meeting where you hear people from the Town. I am a Town member speaking to you.

SUPERVISOR FULLER: Sure.

MS. MOREICE: And, you are saying that you are not going to address it.

MR. KAPLOWITZ: That is why we are all here.

MS. MOREICE: And, I just wanted it to be for the record.

MR. KAPLOWITZ: No, no, no, no, we didn't say we are not going to address it.

SUPERVISOR FULLER: We are addressing the lead agency question.

MR. KAPLOWITZ: I am advising this Town Board that you are making a mistake. And, I am trying to explain to everybody else why. It is as simple as that. We are going to address it, anyone who wants to speak can speak. We have to sit here all night, we will sit here all night. Let me read to you.

- - -

Motion was made by Mr. Putney to urge the New York State Department of Environmental Conservation to allow the Bethlehem Industrial Development Agency lead agency status or the Town Board be lead agent in the event the NYS Department of Environmental Conservation does not grant same to the Bethlehem IDA, however, in any event, the Town Board of the Town of Bethlehem urges that a positive declaration be made and a full environmental impact statement be prepared. Mr. Lenhardt seconded the motion and it was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

- - -

Councilman Lenhardt said he is not trying to make light of this because it may end up in a court room and he would like it to be as clear to everyone as possible. Mr. Putney said he thinks they have all the elements in the motion. Attorney Kaplowitz again asked if

everyone agreed with Mr. Lipnicky's wording. The Board assented. Supervisor Fuller noted it is to recommend a positive declaration no matter who has lead agency.

Supervisor Fuller said before everyone leaves this evening, she had a couple things to bring to the floor. She said one is when Spurlock arrived in the Town of Bethlehem, they were brought here by Albany County Partnership Economic Development, and Empire State Development has also offered some grants to them. She said the site Spurlock was most interested in was the Niagara Mohawk, the former Texaco tank farm, which is owned by Niagara Mohawk and located in the Town of Bethlehem. She said Spurlock did come in and meet with her, with Mr. Putney, with Comptroller Judith Kehoe, Commissioner of Public Works Bruce Secor and Building Inspector John Flanigan. She said they had questions about the site they were looking at. Supervisor Fuller said as soon as she knew there was interest when she scheduled a meeting, October 8. She said she has to as the Town Supervisor and so do all of us here really, keep an open mind. She said they have not seen anything from the Spurlock company other than the interest in going on the Niagara Mohawk site. She said they have sent an application to IDA. In no way, shape or form, Supervisor Fuller said is she or she is sure the Town Board that will address this soon, going to put the safety, health of this community against any economic development for this Town and it is very, very important that she said that. She was concerned about all that she was reading. She said she knows it is economic development and it is jobs for the Town of Bethlehem, however, none of that is worth health and safety of this community. Supervisor Fuller thanked everyone for their patience this evening and she is sorry she jumped ahead of all Board members but every now and then she has to have some privilege.

Councilman Lenhardt said he is particularly sensitive maybe more so than some of the other Board Members, of being characterized as anti-business. He said, however, if anti-business means protecting the safety and welfare of the community, then he guesses he will be labeled as anti-business and that is just a concern that he feels has been characterized as that. He said he has heard this from various factions in the community but so be it.

Councilman Johnson said very early on he was talking to Mel Hyman one day and they talked about this process and he told Mel that he most definitely wanted to listen to the residents of the Town. He said he believes he has. He said he couldn't say the words better than Mrs. Fuller said it. He thanked everyone for their help and participation.

Councilman Davis said one of her concerns last evening was not at the representation by our community. She said that was, again, a very enlightening and also educational activity on her part and she appreciates the many, many people who came out. She said she appreciated those people who are her neighbors that were here, her friends that were here, everyone, the residents of this Town some of whom do not know me but she appreciated their being here and making their comments. She said one of her real concerns was that Spurlock Industries was not here and that they did not, at least, at the very least, have a representative make a statement on their behalf if they were not going to be here. She said that concerned her and it immediately, she thinks, gave all of us a negative feeling. Mrs. Davis said the one thing that did concern her a little was Mrs. Burtis's reference to that being a bomb shell and in the same breath referring to the IDA's being willing to take on lead agency status as a bomb shell. She said she did not see them as negatives, the two of them. She said she sees one of them as a negative and the other as a positive. She said Mrs. Burtis referred to them both as bomb shells and she hoped she did not mean that they were both negatives. Mrs. Burtis said she did not. Mrs. Davis said she did not see them that way. Mrs. Burtis said she thought that was a good thing, she just didn't know right at that moment if it was better to get the IDA or the Town Board. Mrs. Davis said that is good, they agree. She said she hoped that everyone realizes that she has listened, they have all listened. She said they still don't have all the answers. There are a lot of questions still hanging out there, according to Mrs. Davis, and hopefully the process that has been undertaken will find some answers to the questions that we have. She said certainly the IDA's

willingness to take on the lead agency status is a very good beginning and she just again wanted to thank those of the audience that were here last night, come back, have the patience to do it, take the time from your lives, she appreciates that and appreciate those who have contacted her. Thank you.

Mr. Putney said he does not have to add anything, he said it all last night.

Assessor
Proposed
Local Law
pertaining
to Senior
Exemption
Public
hearing set
for 12/11/96

The next item was a recommendation from David Leafer, Assessor, for consideration of a proposed Local Law pertaining to Senior Exemptions. The public hearing can be set for December 11, 1996 at 7:30 p.m.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to set a public hearing for December 11, 1996 at 7:30 p.m. to consider a proposed Local Law pertaining to Senior Exemptions. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

Assessor
Local Law
Alternative
Veterans
Exemptions
Public
Hearing
12/11/96

The next item was a recommendation from Assessor, David Leafer, for consideration of a proposed Local Law pertaining to Alternative Veterans Exemptions. Could set the public hearing for December 11, 1996 at 7:40 p.m.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to set the public hearing for December 11, 1996 at 7:40 p.m. to consider a proposed Local Law pertaining to Alternative Veterans Exemption. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

Receipt of
Quarterly
Franchise Fee
Cablevision

The following item was to acknowledge receipt of the Quarterly Franchise Fees for the 3rd Quarter from Cablevision in the amount of \$37,205.

Recommendation
for award
of bid for
one breathing
air compressor
low bidder
Safair
Sherburne

The following item was a recommendation from Volunteer Fire Officers Association, Anthony Morrell, Secretary Treasurer, for award of bid for one (1) Breathing Air Compressor to the low bidder SAFAIR, Sherburne, NY at a cost of \$14,212.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the award of bid for one (1) Breathing Air Compressor to SAFAIR, Sherburne, NY at a bid price of \$14,212. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

Traffic safety
committee
limited parking
Borthwick Ave
Public Hear
ing 12/11/96

The next item was a recommendation from Chairman Richard Vanderbilt, Traffic Safety Committee, for limited parking on Borthwick Avenue, Delmar. The public hearing could be set for December 11, 1996 at 7:45 p.m.

The motion was made by Mr. Johnson and seconded by Mr. Putney to set the public hearing to consider a proposed Local Law amending the Code of the Town of Bethlehem with regard to Limited Parking on

Borthwick Avenue for December 11, 1996 at 7:45 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The next item was a recommendation from Traffic Safety Committee, Chairman Richard Vanderbilt, to consider a proposed Local Law to repeal a yield sign at intersection of Dykeman Road and Mosher Road, Delmar and add through street designation for Mosher Road, Delmar with stop signs at intersecting streets. The public hearing could be set for December 11, 1996 at 7:50 p.m.

Recommendation
local law to
repeal a yield
sign Dykeman
and Mosher
Public Hearing
12/11/96

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to set a public hearing for December 11, 1996 at 7:50 p.m. to consider a proposed Local Law amending the Code of the Town of Bethlehem by repealing yield sign at intersection of Dykeman Road and Mosher Road, Delmar and add through street designation for Mosher Road, Delmar with stop signs at intersecting streets. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The following item was a recommendation from Traffic Safety Committee, Chairman Richard Vanderbilt, to consider a proposed Local Law for stop sign installation at Hackett Street at its intersection with Thatcher Street, Selkirk. The public hearing could be set for December 11, 1996 at 7:55 p.m.

Recommendation
Local Law
Stop Sign at
Hackett Street
Public Hearing
12/11/96

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve setting a public hearing for December 11, 1996 at 7:55 p.m. to consider a proposed Local Law amending the Code of the Town of Bethlehem for approval of stop sign at Hackett Street at its intersection with Thatcher Street, Selkirk. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The next item was a recommendation from Chairman Richard Vanderbilt, Traffic Safety Committee, for stop intersections at Marquis Drive at Clifton Way; Clifton Way at Marquis Drive; Beverwyck Lane at Clifton Way; and Beverwyck Lane at Marquis Drive, North Bethlehem. Could set public hearing for December 11, 1996 at 8:00 p.m.

Recommendation
Stop sign
Marquis at Clifton
Public Hearing
12/11/96

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to set a public hearing with regard to a proposed Local Law amending the Code of the Town of Bethlehem for stop intersections at Marquis Drive at Clifton Way; Clifton Way at Marquis Drive; Beverwyck Lane at Clifton Way; and Beverwyck Lane at Marquis Drive, North Bethlehem for December 11, 1996 at 8:00 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The following item was a recommendation from Administrator, David Austin, Parks & Recreation Department, for appointment of seasonal personnel.

Parks and
Recreation for
seasonal personnel.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the appointment of seasonal personnel as recommended by David Austin, Administrator, Parks & Recreation Department, at the titles and rates listed in the Memorandum from Mr. Austin dated November 13, 1996. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

Acceptance
of deeds
Fisher Hollow

The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of deeds for Fisher Hollow Subdivision, Slingerlands.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the acceptance of deeds for the Fisher Hollow Subdivision, Slingerlands, NY. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

Reduction
of bonding
for Trinity
Manor

The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for approval of reduction in bonding for Trinity Manor Subdivision, Phase 1 from \$39,000 to \$24,000.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the reduction in bonding from \$39,000 to \$24,000 for Trinity Manor Subdivision, Phase I as recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

Acceptance
of deed for
22 Jolly Road

The following item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of deed for a one (1) lot subdivision of Lombardo, 22 Jolley Road, Glenmont.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the acceptance of one (1) deed for storm drainage easement purposes for a one (1) lot subdivision of Lombardo, 22 Jolley Road, Glenmont.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

Parks and
Recreation
accept donation
to offset
consulting Services
for playing fields

The next item was a recommendation from David Austin, Administrator, Parks & Recreation Department, for acceptance of a donation in the amount of \$1,700 from Clough, Harbour & Associates to help offset the expense of consulting services for the playing field project.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve, with thanks, the acceptance of a donation in the amount of \$1,700 from Clough, Harbour & Associates to help offset the expense of consulting services for the playing field project at the Elm Avenue Town Park. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The next item was a recommendation from John Flanigan, Building Inspector, for approval of issuance of construction trailer permit for premises Elm Avenue and Feura Bush Road, Delmar, Selkirk Kingdom Hall.

Building
Department to
issue Trailer
permit

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the issuance of a construction trailer permit for premises Elm Avenue and Feura Bush Road, Delmar, for the Selkirk Kingdom Hall. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval of budget transfers in the amount of \$40,000 and a request to approve an increase in appropriation for the D5112.4, Permanent Improvements, in the amount of \$84,424 available due to FEMA and SEMO reimbursements for damages caused in the January 1996 floods.

Highway Department
Budget Transfer
and approve
permanent improve
ments available
due to FEMA and SEMO
reimbursements

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the transfer from D9901.9, Interfund Transfer, \$40,000 to D5112.4, Permanent Improvements, to cover the cost of additional paving and road reconstruction projects completed in the fall of 1996. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve a supplement appropriation for item D5112.4, Permanent Improvements, in the amount of \$84,424 as a result of FEMA and SEMO reimbursements for damages caused by the floods of January 1996. The motion was approved by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The following item was a request from Bruce Secor, Commissioner of Public Works, for approval to go to bid for Chemicals and Materials. Could advertise November 27, 1996 and open bids on December 17, 1996.

Public Works
go to bid for
Chemicals and
Materials

The following resolution was offered by Mr. Lenhardt and seconded by Mr. Johnson:

WHEREAS, the Town desires to advertise for bids for Materials and Chemicals for the year 1997, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 27th day of November, 1996 and that bids be received up to 2:00 p.m. and 2:20 p.m., respectively, on the 17th day of December, 1996 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

Public Hearing
Local Law
wireless
communication
Public Hearing
12/11/96

The following item was to consider setting a public hearing regarding a proposed Local Law regulating wireless communication devices. Could set public hearing for December 11, 1996 at 8:05 p.m. Supervisor Fuller asked Attorney Kaplowitz to give some information about this. Questions were asked of the Town Attorney pertaining to this information. A discussion ensued between the Board Members and the Town Attorney pertaining to such items as location, more than one company on a tower, possibility of income pertaining to Town property use, etc. An item 6 was added to the proposed law, pertaining to satellite dishes and television antennas.

The motion was made by Mrs. Davis and seconded by Mr. Putney to set a public hearing pertaining to a proposed Local Law to add a section to the Code of the Town of Bethlehem regulating wireless communication devices. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

Approve
Town Board
Minutes
9/25/96
10/9/96
10/23/96

The last item was to approve the Town Board minutes of September 25, 1996; October 9, 1996; and October 23, 1996.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the Town Board minutes of September 25, October 9 and October 23, 1996 as submitted. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to adjourn the regular Town Board meeting at 11:45 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Kathleen A. Newkirk
Town Clerk