

TOWN BOARD
DECEMBER 12, 2001

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.

PRESENT: Sheila Fuller, Supervisor
George Lenhardt, Councilman
Doris M. Davis, Councilman
Daniel G. Plummer, Councilman
Susan Burns, Councilman
Kathleen A. Newkirk, Town Clerk
Robert J. Alessi, Esq., Town Attorney

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. The first item on tonight's agenda is a public hearing.

Like to invite all of you to join us in the pledge of allegiance.

The first item on tonight's agenda is a public hearing on the Section 8 Rental Assistance Program for the year 2002. This is required by HUD. It is an annual approval. It was done last year. Mr. Mastrianni who usually is here was not able to be present this evening and we have just received word of him not arriving. That is why we are 10 minutes late starting. As the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
SECTION 8 RENTAL ASSISTANCE PLAN
DECEMBER 12, 2001

The Town Board of the Town of Bethlehem will hold a public hearing on Wednesday, December 12, 2001 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York 12054 for the purpose of receiving comments from the public on the Town's proposed Agency Plan for 2002 for the Section 8 Rental Assistance Program.

Copies of the Agency Plan and all supporting documentation are available for review by the public at either of the following locations:

Town of Bethlehem	Joseph E. Mastrianni, Inc.
445 Delaware Avenue	242 Union Street
Delmar, NY 12054	Schenectady, nY 12305
(518) 439-4955	(518) 372-4739 Ext. 26.

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 Nan Lanahan at 439-4131. Advanced notice is requested.

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

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State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for 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 31st day of October 2001.

/s/ Elizabeth Bradt

Sworn to before me this 31st day of October 2001.

/s/ Sharon A. Doldo

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 31, 2001, 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

7th day of December 2001.

/s/ Catherine T. Picarazzi

Notary Public

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The motion was made by Mr. Plummer and seconded by Mrs. David 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. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

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SUPERVISOR FULLER: Karen, if I can call on you since you are most familiar with the program. Karen Pellettier is Director of our Senior Services and works closely with Joe Mastrianni.

MRS. PELLETTIER: Hi. We've worked with this program for many years. It subsidizes a portion of rent of income eligible Town residents. This is a joint program. It's run through the Town... it's run by Joe Mastrianni's office who does the paper work for us jointly with the Town of Bethlehem and the Town of New Scotland. I'm not sure of the exact number of persons who are benefiting from this program right now but it's usually around 40 households. And, as I said before, it's based on your income. It's not strictly a program for the elderly. Young families can apply and have a portion of their rent subsidized.

SUPERVISOR FULLER: For some its actually a starting point for them. They are able to become independent and have a place to live and continue, hopefully, to go on to school. Thank you, Karen.

MRS. PELLETTIER: You're welcome.

SUPERVISOR FULLER: Is there anyone wishing to speak in favor? Anyone wishing to speak in opposition? May I have a motion to close the public hearing.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to close the public hearing at 7:42 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Town Clerk

Supervisor Fuller convened the regular Town Board meeting following the close of the public hearing.

The Supervisor asked for a motion to adopt the resolution adopting the Annual Plan for 2002 for the Town of Bethlehem Section 8 Program.

**Resolution Adopting an Annual Plan for 2002
For the Town of Bethlehem Section 8 Program**

WHEREAS, the Town of Bethlehem operates a Section 8 Housing Assistance Payments Program funded by the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town of Bethlehem is required by the U.S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Bethlehem has caused a written Annual Plan for 2002 to be prepared establishing local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U.S. Department of Housing and Urban development, and has reviewed such written plan,

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem hereby adopts the Annual Plan for 2002 for operation of the Town of Bethlehem Section 8 Housing Assistance Payments Program.

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

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

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Councilman Lenhardt noted for the public's information that in the Plan their attention was drawn to some of the comments from the Resident Advisory Board and one that struck him was one of the members who wrote, "I am proud that this program has moved me from the status of a bankrupt working poor mother to a lawyer-to-be. I could not have accomplished that without your help. Thank you and God bless." He thought that one was rather significant. Supervisor Fuller said there are similar comments throughout. She said it is an excellent, excellent program.

The next item was to accept the retirement of Counsel for the Police Department effective December 31, 2001. Supervisor Fuller read a Proclamation to be presented to Mr. Josh Effron and noted he had given over 20 years to the court system. Mr. Effron sent a letter noting he had worked with 4 Town Supervisors. He is retiring to devote time to his family and law practice. She said it will be mailed and she wished him the very best.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to accept the letter of retirement Joshua Effron, Counsel to the Bethlehem Police Department. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The following item on the agenda was a recommendation from the Planning Board for acceptance of Bethlehem Town Center FEIS. Supervisor Fuller said the letter received from Chairman, Douglas Hasbrouck, notes the final environmental impact statement for the proposed Bethlehem Town Centre project is complete. The Planning Board voted unanimously to refer this back to the Town Board with the recommendation that the FEIS is complete. Supervisor Fuller asked Mr. Palumbo, representing Nigro, to give an overview of changes that have been made.

Mr. Palumbo exhibited maps showing the previous and current layout for the Town Centre. He said in the home improvement center building, the square footage went up by about 4,000 square feet. He said there is an attached 24,000 square foot retail space which was not in the original plan. He said the 4,000 square foot increase did not change any of the overall site numbers. He said they decreased the parking areas by approximately 50 spaces or in that range. He said there is a great deal more landscaping in the front buffer area. He said the berming has been modified. Off site issues that are significant, on Bender Lane, Mr. Palumbo explained, have resulted in a proposal to make it one way from the entrance to Route 9W so cars cannot leave the site and go down Bender Lane. He said it was intended to discourage the traffic on Bender. He said the rest of the way on Bender would remain 2 way for those residents presently there. He said this again came out of the public comments and public hearing. He offered to answer questions.

Supervisor Fuller thanked Mr. Palumbo and asked if the Board members had any questions. Councilman Plummer said the new home improvement center has been designed, he understood, as a Lowe's. He asked if there was an agreement and if not was one expected shortly. Mr. Nigro said there is not an agreement in place at this point with Lowe's company. He said they are looking at this location. He said he could not say when and if there will be a final agreement. Mr. Plummer asked if there was not an agreement with Lowe's would there he seek out another home improvement facility. He said the way it is sized and all the mitigation measures and everything that has been undertaken, have been done to fit that size, further asking if there would be a change. He asked if the agreement were not to occur would this project proceed. Mr. Nigro said he does not want to think about this at this time. He said they are proceeding with their permission to show their building and working with their engineering personnel. He said this is their building and all their requirements. He said the only thing he cannot say is that there is a final agreement. Mr. Nigro said it would be purely speculative but in terms of home improvement companies beyond Lowe's there really is no player that is in this part of the country and look at this on an immediate basis. He said he thought it might be something that they would have to drop back and see what other use might be provided.

Councilman Plummer asked in regard to voting on the FEIS as it has been presented, whether if the home improvement facility were not part of the project, what would that do the FEIS process and findings. Town Attorney Alessi said it would not do anything to the process. He said the only time something would cause a potential relook is if Lowe's was not part of the project and something else is proposed that departs in a material way from what is approved for the project. Mr. Plummer said under that scenario the developer would be responsible for the mitigation measures that are in the FEIS and that will come from the findings from the Planning Board and the approval of the Board ultimately. Mr. Alessi said that was correct, assuming that the developer decides to go forward. He said if Lowe's is not there, then he may decide to not go forward or decide to make a substitute. He said he is speaking to the contingency if there is a substitute, that matter would be looked at again by the Town Board to determine whether or not the substitute matches up but the answer specifically is, the mitigation provisions would need to be adhered to if the developer's position was – this is a substitute and it matches up with what was approved. He said all the mitigation measures are obligations that arise out of the findings statement.

Councilman Plummer next addressed the issue of transportation including the networking and reconfiguration and he thinks what has been done with Bender Lane is very positive. He said it was his view from the beginning and it was expressed from the beginning that it really is necessary to have the sidewalks continue from Bender to Feura Bush Road on 9W. He said he thinks that to have the sidewalks in front of the facility is terrific and he understands that the developer has agreed to put sidewalks in front of the school and the building next to it. He said he thinks this is positive but he feels what has to be looked at here realistically is that invites a lot of pedestrian and/or bicycle traffic. He said this is a destination area any way you cut it. He said people are going to want to go to it. He said he thinks that as a Town Board, they have a real obligation to look at the safety aspect particularly from Feura Bush going north on 9W to Bender to get to those sidewalks. He said it is still his view and he asks and recommends that the Board support amending the FEIS or including in the FEIS a provision that is supportive of just that – extending the sidewalks to Feura Bush Road. He said this was as statement and he said they should feel free to comment on it. Town Attorney Alessi said just procedurally, that would not be something that would be part of the FEIS but would be appropriate for the findings statement to have a condition in that document. He said the FEIS is just to be the record upon which decisions are made. He said that would be an appropriate matter for the findings statement as a condition before the FEIS just determining whether it is complete. He said that would not be part of this process tonight. Councilman Burns asked if the Board would have the authority to make a motion for a supplemental EIS to include that. Mr. Alessi said the answer is that the Board only has the authority to supplement the FEIS if there is a significant adverse change in the project from when you had the DEIS before you. He said the answer is that the Board would have no authority to make that change to the FEIS. He said he can give the Board the regulation site and read it if any Board Member would like him to do that. He said that would not be the basis for a motion to supplement the FEIS.

Councilman Davis said she did not want to cut Councilman Plummer off, but having attended some of the Planning Board meetings at which that issue was discussed, noting Jeff addressed this in the FEIS, she said she believed that one of the problems is if DOT were to construct and do their plan to improve 9W that their arrangement and location of sidewalks would not be where the sidewalks would be now. She said as she remembers, that was the understanding that was given. She said she thinks we are in a dilemma here. She said it is a problem.

Councilman Plummer said as long as there is an opportunity, stating this is his view and he believes that Mr. Nigro and his team have done an awful lot transportation wise here. He said when you look at the project in its entirety, this is definitely a whole that could be a real problem safety wise. He said he thinks as long as the Town Board can give the Planning Board their view and, if it is the view of the rest of the members on the Town Board, terrific. He said it certainly is his that in the finding statement that this be addressed and this be included. He said that is what he would like to see.

Supervisor Fuller said the question she has on Mr. Plummer's point is where actually is this to be considered. She asked if it should be recommended as part of the finding statement or is it when the finding statement is presented back at the Town Board. She said if the FEIS is considered complete this evening, then the Planning Board draws up the finding statement and asked where does this enter the process. Town Attorney Alessi said it enters the process when the Planning Board drafts up finding statements for itself and recommended finding statements to the Town Board. He said when the recommended finding statements come back to the Town Board for its approval or disapproval, that is the time where that can be added as a condition to the finding statement. He said the record of this meeting tonight can be used as a basis for when this goes back to the Planning Board for them to consider the discussion that has occurred here tonight in its decision making and in its recommendation. He said it can occur at the Planning Board based upon the record tonight and the Town Board can take action on that request if

it's the judgment of the Board to do so when the finding statements come back in recommended form to the Town Board. Supervisor Fuller thanked Mr. Alessi.

Supervisor Fuller said along that line when there is other agencies involved, all providing input in this FEIS, when NYS Department of Transportation has not recommended this, where do they get the answer. She asked if the Town Board asks DOT to take another look at it. She said this is not necessarily the developer who has to put in the sidewalks. She said it should be DOT who talks about their 12 year plan. She said if sidewalks were to be put in now, does the State come in and dig them up and start this all over again. She said there is not a clear read on this sidewalk answer. She said she is sure the Planning Board has discussed it at great length all year. She asked if it was DOT that the Board can go back to. Attorney Alessi said the Board can go back to DOT, indicating the SEQR regulations expressly provide and encourage the lead agency, as well as, other involved agencies to seek the advice of those agencies that have primary jurisdiction over the topic of discussion. He said the answer is yes, both Town Board, the Planning Board, the Planning Department can revisit discussions with DOT on this issue.

Councilman Davis said she thinks everyone knows that she is supportive of sidewalks and she was delighted to read in the Times Union the article that Susan cited that Wolf Road will be getting sidewalks. She said unfortunately DOT is responsible for installing those sidewalks and not the merchants in that area. She said that is a DOT project and she would like to see DOT do the same thing on 9W, not just there but in other areas of the Town as well. Supervisor Fuller said they have a whole list for DOT as they well know. Councilman Burns said the problem is that it is not even on their 12 year plan and who knows it could be 20-30 years before they decide to do this. So, she said the Board needs to take a pro-active stance. Supervisor Fuller said we need to have them make it the plan immediately at least for the sidewalk issue. Councilman Davis agreed and said a 2 year plan or a 1 year plan, not a 12 year plan.

Some questions were posed and answered, as well as, some comments given. Transportation network and reconfiguration; sidewalk issue including safety; whether a discussion with representatives of Department of Transportation has been done; location of sidewalks; shoulders will be expanded along highway with road improvements; location of shoulder improvements; width of shoulders; concern for the day care center; highlighting of the Glenmont Elementary School issues; question of whether the Department of Transportation has analyzed the sidewalk issue; trucks prohibited on Bender Lane; aesthetics of the buildings; location of 2 traffic signals; entrance on northern end of site and direction of traffic; circulation pattern within the centre area; quantity of water to be used; economic impact and changes in status of stores; and home improvement store location feasibility.

Councilman Lenhardt said, as far as, the Final Environmental Impact Statement, he thinks it is an excellent document. He thinks it is complete, however, he is disappointed with the New York State Department of Transportation. He said he feels they have neglected this section of Route 9W for years. He said 12 years is too long and from experience he knows it will probably be 15 or 20 years before they address this area. He said he feels Route 9W in this area should be at least 3 lanes as a minimum, plus a bike lane, plus sidewalks. He said he feels New York State should step up to the plate and make it so.

Councilman Lenhardt said Bender Lane with the proposal of a left lane exiting and right lane entering only reinforced with a one way is an excellent compromise to limit the additional traffic on Bender Lane. He said he has witnessed violations of just the right turn in, right turn out on New Scotland Road in front of the Price Chopper Plaza and in front of Terramere almost on a daily basis. He said he feels with the one way barrier there, that should solve the problem, however, if that does not satisfy the issue, he is in favor of coming back and revisiting this and making Bender Lane a one-way road at that particular area.

He said that would have an additional benefit of making the access to the site more bicycle and pedestrian friendly. He said he thinks the compromise between the developer and the Board is a good one.

Councilman Lenhardt said he is also disappointed that there is no access directly to Route 32. He said it is addressed and in all the documents he does not see any direct response from the New York State Department of Transportation stating that they would deny a curb cut on Route 32. He said as one Member of the Planning Board has stated, in the end the economics will drive whether this exit road is ever developed with potential customers from Slingerlands, Delmar, and Elsmere areas.

Councilman Lenhardt said finally he wanted to say that something has to be done with the process that is followed dealing with projects like this. He said Mr. Nigro made the application to the Town November 1999, 2 years later we are at this step and he said it is not completed yet. He recognized how the process flows and noted he sent a letter to the Chairman of the Planning Board expressing his concerns. He said the purpose for doing this was that he did not want to have unfair surprises to anyone at this point in the process. He said the process puts the Town Board's back to the wall at this point, and he strongly recommended that an alternative be researched and possibly adopted in the future so that in the future residents, developers and Town government do not have to suffer a process like this one.

Councilman Davis asked in regard to the aesthetics, the exterior of the buildings, noting she knew they worked to coordinate the exteriors of the 2 main buildings, if this is something that can be done subsequently with the next tenant. Mr. Palumbo said they do feel it is possible. He said Mr. Nigro has made the commitment to wherever possible that – prefacing this with when you have buildings of this different size and scale, you can do as best a job as you can to try to get that coordination, noting there will be some limitations inherent with the different types of buildings – as further discussions go with the tenants for that home improvement center, just as they had done that initially with the Home Depot that was on the property – he believes that commitment will stand. Councilman Davis said she thinks that is significant here. She said she knows that the Planning Board worked hard on this, noting they have also worked hard in trying to accommodate the requests that were made and she thinks that is important in carrying that through to the end for that particular project. Mr. Palumbo said also in terms of aesthetics, they referenced some of the differences of the berming that they had done in this plan compared to the other plan. He said the berming in the one area is more linear than where they had it before. He said because at that point it was seen that they may be giving too many visual gaps between the berming. He said the more linear berming which is more connected both in the front and in the wetland area which is in the middle which is also heavily planted and then the secondary berm will do a great deal, he believes and he thinks the record shows it, to screen a very good portion or proportion of the parking areas. He said he thinks that that also will add to what they have been trying to do from the aesthetics standpoint. Councilman Davis said she appreciated their efforts because it is important.

Councilman Davis asked again and for the record and the public's information, there will be two traffic signals that are part of this proposal. Mr. Palumbo said there will be a traffic signal at the primary entrance and then the traffic signal at Bender Lane will be upgraded to a full service signal, not the blinking light that's presently there.

Councilman Davis asked about the entrance at the northern end of the project and asked for an explanation the egress. Mr. Palumbo said initially on this plan they had seen it as a full access, full movement access unsignalized. He said they may recall that the location of that was set with a right-of-way that was reserved on the east side of 9W when the Mount Moriah church property was subdivided off of lands of Flach, he believed. He said there was a right-of-way left

into the property in the rear and the Town pointed that out to them very early on. So, they aligned that driveway so that, if in the future, anything were to occur on that property that it would have a shared access point potentially across, Mr. Palumbo said. He said at that point in time, it would be likely that a signal would be necessary at that point. He said until that time, the DOT has seen that they would like them to prohibit the left hand turn movements out and make that only a right out/right in. Actually, he said you may turn left in, as well, but prohibiting the lefts out and making it only a right out. He said what that has done is brought traffic back to the main intersection if you were going to continue northbound. He said the lefts have been accounted for in the revised traffic analysis which is part of the FEIS record. He said that will make, although they felt that this would still work, it will make it a safer left hand turn movement because it will be happening at the signal.

Supervisor Fuller asked Town Planner, Jeffrey Lipnicky, to review the errata that was sent to the Town Board pointing out the changes. Mr. Lipnicky said basically the errata just corrects certain items. He said one deals with correcting a cross reference that was incorrect. He said actually 3 of them deal with correcting cross-references that were sent to the wrong response. He said the other is a typographic error where 6 decibels was mistakenly put in a place where 66 decibels should be. He said the second part of the errata has to deal with changes in the configuration of the home improvement center. He said the impacts are insignificant with doing it.

Supervisor Fuller thanked Mr. Lipnicky. She said as she gets ready to ask for a motion, she wished to congratulate the Planning Board and planning staff for a well done, thorough job. She said there was not any stone that has not been unturned. She said all issues were addressed that were brought forward. She said she especially appreciated reading some of the comments and noted they were answered throughout. She said there are some areas where compromises were made. She said it seems to be a document very well done and she thanked everyone for their hard work and the patience that was necessary. She said there was a draft resolution to accept as complete the Final Environmental Impact Statement and also attached was a draft notice to circulate the FEIS to involved and interested agencies.

The following resolution was presented for adoption:

**TOWN BOARD
TOWN OF BETHLEHEM
SEQRA RESOLUTION
COMPLETION OF FINAL EIS
NIGRO COMMERCIAL DEVELOPMENT – RT. 9W
BETHLEHEM TOWN CENTER
APPLICATION FOR BUILDING PROJECT APPROVAL
PCD NO. 2**

WHEREAS, in December, 1999 Nigro Companies filed an application for Building Project Approval with the Town of Bethlehem Town Board (the “Town Board”), proposing to construct and operate a 354,623 +/- sq. ft. shopping center (the “Project”) on 75.78 +/- acres of land located on US Route 9W (the “Site”); and,

WHEREAS, during the Town’s review of the shopping center the gross floor area of the buildings has marginally increased by 9,226 sq. ft., such that the current proposal includes 363,849 sq. ft. of gross floor area plus accessory parking for 1,797 vehicles; and,

WHEREAS, the Town Board at its meeting of January 12, 2000: (1) made a preliminary determination that the proposed action constituted a Type 1 action under SEQRA, (2) determined that coordinated review would be undertaken for the project, and (3) subsequently, initiated coordinated review pursuant to 6 NYCRR 617.6; and,

WHEREAS, the Town Board has undertaken the role of lead agency for the Project pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617; and,

WHEREAS, as SEQRA lead agency, the Town Board determined on February 23, 2000 that the Project may have a significant effect on the environment, and required the preparation of a Draft Environmental Impact Statement (“draft EIS”); and,

WHEREAS, pursuant to a Memorandum of Understanding dated February 27, 1991 between the Town Board and the Town of Bethlehem Planning Board (“Planning Board”), the Planning Board thereafter conducted public scoping for the draft EIS, and recommended a final Scope for the draft EIS, which was adopted by the Town Board on June 28, 2000; and,

WHEREAS, the Town Board acting as SEQRA lead agency accepted a draft EIS on the project at its meeting of April 11, 2001 and determined that the draft EIS was complete and adequate with respect to its scope and content for the purpose of commencing public review; and,

WHEREAS, said draft EIS was filed and circulated in accordance with the SEQRA regulations, 6 NYCRR Part 617; and,

WHEREAS, a Public Hearing was held on the draft EIS by the Town Board at its meeting of May 9, 2001, at which time public comment on the draft EIS was accepted by the Town Board; and,

WHEREAS, a public comment period was also provided by the Town Board during which written comments on the draft EIS were accepted, and said comment period ran between April 12, 2001 and May 21, 2001; and,

WHEREAS, pursuant to the MOU, a draft Final Environmental Impact Statement (FEIS) on the project was prepared by the applicant and submitted to the Planning Board, and said draft FEIS contained the comments that were received during both the public hearing and public comment period on the draft EIS, as well as responses to those comments, and additional studies that were undertaken to respond to those comments; and,

WHEREAS, prior to its final submission to the Planning Board, the draft FEIS has been reviewed and edited by the Town’s consultants for the project, Vollmer Associates and the Town Planning Department; and,

WHEREAS, pursuant to the MOU, the Town Planning Board has independently reviewed and considered the public comments contained in the FEIS, as well as responses to those comments, and has further edited the document; and,

WHEREAS, the Planning Board at its meeting of December 4, 2001 adopted a Resolution recommending that the FEIS for the Bethlehem Town Center project be accepted by the Town Board as complete; and,

WHEREAS, the Town Board members both individually and collectively have carefully reviewed and thoroughly considered the Final Environmental Impact Statement including, its summary of comments, responses to comments and additional studies,

NOW, THEREFORE, BE IT RESOLVED THAT,
the Final Environmental Impact Statement for the Bethlehem Town Center project is hereby determined to be complete and in full compliance with the requirements of the SEQR regulations, 6 NYCRR Part 617: and,

BE IT FURTHER RESOLVED,
that the Town Planning Department is hereby directed to file and circulate the FEIS to the involved and interested agencies as required by the SEQRA regulations along with the attached Notice of Completion of FEIS; and,

BE IT FURTHER RESOLVED,
that the Town Board shall afford agencies and the public a period of time not less than ten days in length, from the date of adoption of this Resolution, to consider the FEIS before issuing its written findings statement.

BE IT FURTHER RESOLVED,
that pursuant to the MOU, the Town Board hereby refers the application back to the Town Planning Board for its recommendation on the application and preparation of a draft findings statement.

On a motion by Mrs. Davis , seconded by Mr. Lenhardt , and a vote of 5 for and 0 against, and 0 absent, this RESOLUTION was adopted on December 12, 2001 .

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Supervisor Fuller said this will now go back to the Planning Board. Councilman Burns said she agreed with Supervisor Fuller that it was a thorough document, however, it has a major impact on the general health and welfare of the residents of the Town. She said she truly hopes there are things that are important, as far as, the safety on those roads and these will be addressed in the findings statement later on. Supervisor Fuller said what was most important, not only thoroughness of this but really without the community, the job would have been easy. She said the community needs to be thanked for coming in and raising all the concerns and issues. She said hopefully, they will feel as the Board does that most of these have been addressed. She thanked the community for their input and appreciated the patience of everyone attending the meetings as the process was gone through.

The next item was a request from Deputy Town Planner, Janine Saatman, for adoption of SEQR Resolution for rezoning of premises, New Scotland Road, Slingerlands. Supervisor Fuller thanked Mr. Bette for his patience. She said the public hearing was held on November 14, 2001 for the rezoning and no action was taken because Department of Transportation had not responded to the traffic study. Mr. Bette was present, according to the Supervisor, to move forward.

Mr. Chris Bette, First Columbia, said they are looking to rezone the 3/8 acre parcel adjacent to the land they own that is zoned Planned Commercial District. He said they have obtained all the necessary approvals to resolve the SEQR process and they are looking to ask for approval for the rezoning. He offered to answer any questions.

Supervisor Fuller said the only question the Board had was why action was not taken at the November 14 meeting. The following resolution was presented.

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
DETERMINATION OF SIGNIFICANCE/NEGATIVE DECLARATION
APPLICATION TO AMEND ZONING DISTRICT BOUNDARY
PLANNED COMMERCIAL DISTRICT NO. 6
NEW SCOTLAND ROAD
FIRST COLUMBIA, L.L.C.

- WHEREAS, the Town Board of the Town of Bethlehem has received an application and Environmental Assessment Form from First Columbia, L.L.C. to amend the established zoning district boundary of Planned Commercial District (PCD) No. 6 located along New Scotland Road; and,
- WHEREAS, the proposed amendment to the zoning district boundary would increase the land area of Planned Commercial District No. 6 by 0.39± acres, resulting in 17.30± total acres within the District; and,
- WHEREAS, the proposed amendment to the zoning district boundary would change the existing zoning district designation on 0.39 acres of land from Residence A District to Planned Commercial District; and,
- WHEREAS, First Columbia, L.L.C. has submitted conceptual plans for further development of the District in the event that the zoning amendment is granted and said plans entail construction of a 33,708± square foot office building, a 12,136± square foot office building, and additional parking for approximately 200 vehicles; and,
- WHEREAS, Chapter 128, Article V of the Code of the Town of Bethlehem contains procedures for the establishment of a Planned Commercial 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 State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency may undertake, 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 V of the Code of the Town of Bethlehem for the establishment of Planned Commercial Districts; and,

WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(a), the Town Board at its meeting of May 23, 2001: (1) determined that the PCD application constituted an "action" subject to SEQR; (2) identified other involved agencies for the purpose of coordinated review; (3) made a preliminary classification of the project as an "Unlisted" action; (4) required a full Environmental Assessment Form to assist the lead agency in its determination of significance; and (5) determined that the proposed action was not located in a certified agricultural district and therefore not subject to the provisions of the Agriculture and Markets Law; and,

WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(b) the Town Board at its meeting of May 23, 2001 also initiated a coordinated review of the action, declared its desire and intent to be lead agency for SEQR review, and subsequently circulated the PCD application and full EAF to all involved agencies; and,

WHEREAS, in accordance with the procedures outlined in the MOU, the Town Board at its meeting of May 23, 2001 also referred the PCD application to the Planning Board for a recommendation on both the application and on a SEQR Determination of Significance; and,

WHEREAS, the Planning Board at its meeting of October 16, 2001, after careful review of the application, the full Environmental Assessment Form and supporting materials submitted by the applicant, and the potential environmental effects of the proposal, adopted a Resolution recommending that the Town Board issue a SEQR Negative Declaration and approve the PCD application; and,

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

WHEREAS, supporting materials include, but are not limited to, a traffic report, a slope stability evaluation, a visual EAF addendum, and conceptual project plans which address site layout, utilities, storm water management, grading, landscaping, site lighting, location of federal wetlands, and the Normans Kill's 100-year floodplain, and other site development factors; and,

WHEREAS, the Town Board has reviewed and considered the Planning Board's recommendation, staff comments and memoranda prepared by the Town Planning Department and Town Engineering Division, as well as comments received from involved agencies, which address potential areas of environmental concern in amending the PCD and constructing two office buildings at the proposed location; and,

WHEREAS, the applicant has submitted materials which respond favorably to the comments and correspondence noted above, and to comments raised by the Planning Board in reviewing the application, and said materials satisfy the Town Board; and,

WHEREAS, the Town Board at its meeting of November 14, 2001, held a Public Hearing on the application to consider public comments both for and against amendment of the PCD; and,

WHEREAS, the Town Board has conducted its own independent analysis of the application and its potential environmental effects; and,

WHEREAS, the Town Board has concluded that the applicant has adequately addressed identified areas of concern and will provide appropriate environmental mitigation for the project;

NOW, THEREFORE, BE IT RESOLVED,

that based upon its review of the PCD application, the full EAF and other supporting materials submitted by the applicant; the recommendation of the Planning Board; comments on the application submitted by the Town Planning Department, Town Engineering Division, and involved agencies; 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 concludes that approval of the First Columbia, L.L.C. application to amend the current zoning district boundary of Planned Commercial District No. 6 by adding an additional 0.39 acres to the district for the purpose of constructing two office buildings, one of 33,708± square feet and one of 12,136± square feet, along with additional parking area for approximately 200 vehicles, 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 negative declaration is based upon the following facts and conclusions:

1. The 0.39-acre parcel proposed to be rezoned to Planned Commercial District (PCD) is currently surrounded by commercially zoned land (PCD and Commercial CCC District). Rezoning this property would eliminate an isolated, residentially zoned parcel and incorporate it into the adjacent 16.9-acre Planned Commercial District.
2. The majority of the proposed office building and parking lot construction will occur on land with slopes less than 10%. A slope stability evaluation done by Myers Engineering, as summarized in an August 15, 2001 letter to Chris Bette of First Columbia, states that construction of the two proposed office buildings should not have a detrimental effect on slope stability within the site, and in fact, the fill for the proposed parking area should have a beneficial effect on slope stability.
3. The proposed action is not expected to have a significant effect on a protected water body. The site is located adjacent to the Normans Kill, which is a protected stream (Class B) in the vicinity of the project. Storm water runoff from the proposed development will flow into the Normans Kill in accordance with existing drainage patterns. The use of both permanent and temporary erosion control measures to minimize any erosion and sedimentation effects to the Normans Kill will be required as part of any Building Project Approval issued for the project.
4. The project will not have a significant adverse impact on wetland resources. There are no State designated wetlands in the vicinity of the project site. Construction of the proposed project requires the filling of 406± square feet of federal wetland previously delineated by Clough Harbour and Associates. The filling of this small amount of wetlands is not considered to be a significant impact. The applicant is responsible for obtaining any permit(s) which may be required by the U.S. Army Corps of Engineers.
5. Approximately 165± feet of water main will be extended along New Scotland Road to serve the proposed development, and ownership of this main will be transferred to the municipal water district upon completion. The proposed action is currently located outside of the water district. Sufficient capacity exists within Water District No. 1 of the Town of Bethlehem to allow this area to be added to the district, and the Town anticipates that a district extension will occur, thus providing mitigation for this impact. As a condition of any Building Project Approval issued for this proposal, the applicant will be responsible for providing all materials necessary for a water district extension, as required by the Town.
6. The project site is located within the Bethlehem Sewer District and adequate capacity exists within the district to serve the proposed office buildings.
7. The proposed action will not affect a designated floodway according to Federal Emergency Management Agency (FEMA) floodway map information shown on the project plans. The proposed office buildings will be located outside of the 100-year floodplain of the Normans Kill. A portion of the proposed parking area will be within the 100-year floodplain, which requires that the applicant obtain a development permit from the Town Building Inspector pursuant to Chapter 69 of the Town Code, "Flood Damage Prevention". The applicant shall submit to the Building Inspector all materials necessary to apply for a development permit.
8. The project will not have a significant or long term adverse effect on existing air quality. The proposed land use will not produce industrial-related air emissions. Any potential impacts to air quality which may result from the project are expected to be construction related (i.e., dust), of short-term duration and minor impact, and can be minimized by employing good site development practices.
9. No significant adverse effects on wildlife or vegetation have been identified in connection with the proposed action. The area to be developed is not known to contain any significant habitat area or occurrences of rare or endangered species of plants or animals.

10. The project will not have any significant impact on agricultural resources. The site is not located in or near a certified agricultural district. The site is not currently used for, nor has it been used in the recent past for, agricultural purposes.
11. The proposed action will not have a significant adverse effect on aesthetic or recreational resources. The proposed area of development is located 200 feet or more from the Normans Kill and is separated from the Normans Kill by an existing conservation easement area which is over 100 feet wide. A visual analysis for the project, entitled "*Support Analysis for Visual EAF Addendum 1200 & 1210 New Scotland Road, Commercial Business Park, Town of Bethlehem, Albany County, New York*", dated September 17, 2001, and prepared by The Chazen Companies, illustrates that the project will not have a significant visual impact on the surrounding area.
12. No impacts to any historic sites or structures or other cultural resources as a result of the proposed project have been identified. Correspondence received from the Director of the Historic Preservation Field Services Bureau of the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) dated June 6, 2001 states that the project will have no impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.
13. A traffic impact study dated July, 2001 and revised Nov., 2001 was prepared for the proposed project by Transportation Concepts, LLP. The results of that study indicate that the proposed action will not have a significant adverse impact on the existing transportation system. The traffic analysis shows that the project will have little effect on the levels of service at the intersection of the Slingerlands Bypass (NYS Route 85) and New Scotland Road. While that intersection is projected to be operating below generally acceptable levels of service (at LOS E) in the morning peak hour with project build-out, the report states that the intersection will be operating at that same level of service in 2002 even if the project is not built. In addition, the project will not add traffic to the two most critical turn movements at the intersection, the northbound left turn and the eastbound right turn. Furthermore, the operation of the Slingerlands Bypass/New Scotland Road intersection will be improved by construction of Phase 2 of the Slingerlands Bypass Extension project, the extension of Route 85 southwest from Maher Road to the intersection of New Scotland Road and Cherry Avenue Extension, which is currently on the five year Regional Transportation Improvement Program (TIP).
14. The project is, however, expected to increase the queue length for southbound traffic on New Scotland Road. For periods of time during the afternoon peak hour, this queue is likely to extend past the existing driveway for the medical office building. Internal connection of the parking lots within the Planned Commercial District will allow vehicles to exit the site from the proposed driveway, which will be located 375± feet northeast of the existing driveway to 1240 New Scotland Road. This impact is not viewed as significant since it will also be relieved by the construction of Phase 2 of the Slingerlands Bypass Extension project.
15. The project proposes the addition of a driveway onto an existing State highway, NYS Route 910E. The applicant will be required to obtain a highway work permit from the NYS Department of Transportation for work proposed within the State right-of-way.
16. The project will not have a significant adverse impact on noise levels in the vicinity of the project site. Noise associated with construction will be temporary and of short-term duration.
17. The proposed action will not result in a significant increase in the community's energy use levels nor will it create a hazard to human health.
18. The project will not have a significant adverse effect on community character and the surrounding neighborhood. In addition to the existing office use within Planned Commercial District No. 6, the land use on the opposite side of New Scotland Road (to the northwest) is office use. The residential areas to the southwest and to the east/northeast (in the City of Albany) are buffered from the site by a steep slope and by the Normans Kill and the adjacent conservation easement area,

respectively.

19. Review of the site in the field and with available environmental data revealed no other environmentally sensitive characteristic of the parcel, issues that have not been addressed, or areas requiring further study.

On a motion by Mr. Plummer, seconded by Mrs. Davis, and a vote of 5 for, 0 against, and 0 absent, this RESOLUTION was adopted on December 12, 2001.

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The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the adoption of the Local Law regarding the rezoning on premises on New Scotland Road, Slingerlands, New York. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

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The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to refer the rezoning of premises on New Scotland Road, Slingerlands to the Planning Board for preparation of the Building Project Approval. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The following item was a request from Commissioner of Public Works, Bruce Secor, for adoption of proposed new water rates for the year 2002. Mr. Secor reviewed that the Water District in 2000 did stay within the budget. He said in 2001 they expect they will also be within budget. He said there are some cash flow problems and his Memorandum sets that up. He said the presentation of the 2002 budget plan recommended keeping the current residential water rate at \$1.10 per thousand and they expect to do that. He said they wanted to recommend changing some of the limits of where they are being bought to address the expenses of buying water from the City of Albany.

Mr. Secor said when the Town started buying water from the City of Albany it was a small percentage of the overall water that was produced. He said since the majority came from the Town's Vly Creek reservoir and wells, the impact of the higher cost of Albany water was easier to absorb. He said the Town is currently paying \$1.92 per thousand and that ranges up to \$2.54 per thousand. He said under the current structure they are buying the water for \$1.92 and selling it for \$1.10, and this has not worked very well. He said under the current 3 step plan, usage initiated paying the \$1.92 and breaking even for the second phase. He said what they are proposing for 2002 is to leave the \$1.10 rate for up to 3,000 cubic feet in a 4 month billing period. He said senior citizens and people using small or average amounts of water would not see a rate increase. He said, however, the rate used to go all the way up to 6,000 cubic feet or double what this step would be now. He said he is proposing a new step for next year that would go from 3,000 to 8,000 cubic feet for the 4-month billing period.

Mr. Secor said the minimum water bill for 4 months of water use is \$11.20. He said it is the cheapest thing you can possibly get. He said that is something that will have to be addressed. He said the budget is put together and has been proposed for next year, and they do not want to change footing in the middle of the stream. He said they do have to address cash flow issues. He said most users or about 50 percent of the customers who use less than the 3,000 cubic feet, will not see an increase. He said between the 3,000 and 8,000 cubic feet, the other 50 percent are paying \$1.92 and that would go to \$2.20. These customers, according

to Mr. Secor, will see an increase which will cover the costs from Albany. He said there is a step introduced from 8,000 to 30,000 cubic feet at \$2.60 which would cover the higher cost of Albany which is beyond the contract amount. He said the industrial rate which was \$1.48 and is projected to go to \$1.52 would stay the same.

Mr. Secor said they are projecting that these changes will generate between \$125,00 and \$175,000 of additional revenue which should cover the added water bill from Albany. He said unfortunately he makes these up in July or August and presents them to the Board in preliminary fashion in September but Mother Nature does not seem to cooperate. He said we are in a water alert noting that when he last came to the Board the reservoir was at about elevation 378 and it is still at this level. He said we are expecting some light rain over the next couple of days. He said it is at about 60 percent of the normal seasonal level. He noted this is a foot lower than we have ever been but there are 150 days of water left in the reservoir but we need to do whatever we can to minimize the withdrawal rate. He said the purchases from Albany have been increased and he has written a letter to them. He noted he will probably ask for additional water in January.

Mr. Secor mentioned part of the problem of the water shortage is a direct result of the underproduction of the Clapper Road water plant. He said that plant should be doing about 3 million gallons a day and was supposed to be able to do 6 million gallons but there are customers in the industrial area for about 3 million gallons a day, and it is only producing about 1 million gallons. He said 1 million gallons a day times 365 days a year, that is 365 million gallons times 2 or 730 million gallons that if that plant had produced it would be that much less water to be purchased from Albany or take out of the Vly Creek Reservoir. There is about 400 million gallons left in the reservoir and if you put another 300 or 400 million gallons in the reservoir because it had been produced at the other plant and sold to industry and not taken out of there, again Mr. Secor said we would not be looking at the same problem. He said on paper a safe yield and good long term plan would work. He said they are down under the settlement agreement drilling an additional well which they are supposed to pump test before Christmas and get a report back to the Board this winter. He said hopefully there will be implementation of that next year and get us out of this recurring problem of cash flow.

Mr. Secor said they have notified the larger users by fax, letter and phone call of the current water situation. He said they have developed a letter which will be sent out to the larger of the normal users indicating the water situation and all of the water bills (which will be sent out in January) will have a short message. Councilman Davis noted our community is not unique, this is everywhere. Mr. Secor said it depends on what happens over the winter.

Councilman Burns said there was a memo from the Comptroller to put together a comprehensive review of the rate structure and she asked why that would not be done at this time. Mr. Secor said he did not disagree with this but they need to implement the 2002 budget. He said the reason this is on is to make it effective January 1, 2002 and then take the time during 2002 to do the comprehensive review. He said to hold off on this is to not implement what is in the 2002 budget which was adopted in November. Councilman Burns said it needs a more formal step of, yes, this comprehensive review and report will be done. Mr. Secor said he has no problem with that and it will shine a bright light on this. He said there may be some additional measures after this.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the following water rates for the year 2002:

- From 1 to 3,000 cubic feet in a four month billing period will be billed at the rate of \$1.10 per 1,000 gallon rate;
- From 3,001 to 8,000 cubic feet in a four month billing period will be billed at the rate of \$2.20 per 1,000 gallon rate;
- From 8,001 to 30,000 cubic feet in a four month billing period will be billed at the rate of \$2.60 per 1,000 gallon rate;

- From 30,001 to 80,000 cubic feet in a four month billing period will be billed at the rate of \$2.20 per 1,000 gallon rate;
- From 80,000 cubic feet at \$1.52 per 1,000 gallons.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer.
 Noes: Ms. Burns.

The next item was to consider the application from Gladstone Development Corporation for Building Project Approval for Meadowbrook 3, PRD No. 1, Blessing Road, North Bethlehem. Attorney Alessi excused himself from this item on the agenda.

Supervisor Fuller asked Mr. Green to give the Board information regarding this item. Mr. Green said this is in a Planned Residence District. He said the Town Board needs to refer this to the Planning Board. He noted the previous time he was at this Board, they requested to have the DEIS rescinded. The Board, at that time, referred the request to the Planning Board and Mr. Green explained they did not feel comfortable with that and recognized since the original application, the number of units have been greatly reduced and there was not precedents for doing that. He said the Board was concerned about that and suggested that the application be rescinded. He said this a new application being presented at the suggestion of the Planning Board.

Supervisor Fuller asked if there were any questions. Councilman Plummer asked what school district this development was in. Mr. Green said it was the Guilderland Central School District. Councilman Davis noted this is slightly smaller than the last one. Mr. Green said it was 52 lots and this new application contains 50 lots.

The following resolution was presented for adoption:

**TOWN BOARD
 TOWN OF BETHLEHEM
 SEQR RESOLUTION
 PRELIMINARY CLASSIFICATION OF ACTION AND LEAD AGENCY
 COORDINATION
 APPLICATION FOR BUILDING PROJECT APPROVAL
 MEADOWBROOK SECTION 3
 PRD No. 1**

- WHEREAS, the Town Board of the Town of Bethlehem has received an application from Gladstone Development Corporation for Building Project Approval to develop Section 3 of Planned Residence District (PRD) Number 1 as a 50 unit single family housing development; and,
- WHEREAS, the development parcel consists of 66+/- acres of land located on the west side of Blessing Road between the Brookhill Subdivision and the Normans Kill, and is currently zoned Planned Residence District (PRD); and,
- WHEREAS, Article V of the Code of the Town of Bethlehem provides the Town Board with the authority to establish Building Projects within Planned Residence Districts (PRD's), and further provides that the Town Board shall refer all applications for establishment of a Building Project to the Town Planning Board; and,
- WHEREAS, the State Environmental Quality Review Act regulations found at 6 NYCRR Part 617.3(a) require that no agency shall undertake, fund or approve an action until it has complied with the provisions 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 V of the Code of the Town of Bethlehem for the review of Building Projects in PRD's; and,
WHEREAS, the SEQR regulations found at 6 NYCRR 617.6(a) require that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether the action involves a federal agency; (3) whether other agencies are involved; (4) the appropriate preliminary classification of the action; (5) whether a full or short Environmental Assessment Form is necessary; and (6) whether the action is located in an agricultural district and subject to applicable provisions of the Agriculture and Markets Law; and,
WHEREAS, 6 NYCRR 617.6(b) establishes procedures for establishment of lead agency and coordinated review of Unlisted actions,
NOW, THEREFORE, BE IT RESOLVED,
that the Town Board of the Town of Bethlehem hereby determines that the application by Gladstone Development Corporation to establish a Building Project within Section 3 of PRD Number 1 constitutes an action that is subject to SEQR; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that the preliminary SEQR classification of the action shall be designated as "Unlisted"; and
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that at minimum, a full EAF is necessary to determine the significance of the action; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that the proposed action is not located in an agricultural district and therefore is not subject to the provisions of the Agriculture and Markets Law; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that a federal agency, specifically the U.S. Army Corps of Engineers, may have jurisdiction in this matter in as much as federal regulatory wetland may be located on the site and impacted by development; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that other involved agencies with respect to this action may include: (1) the Albany County Health Department; (2) the New York State Department of Environmental Conservation; and (3) the Planning Board of the Town of Bethlehem; (4) the Town of Bethlehem Highway Department; and (5) the Town of Bethlehem Department of Public Works; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby determines that interested agencies with respect to this action may include: (1) the Albany County Planning Board (General Municipal Law Section 239 Review), (2) the New York State Office of Parks, Recreation and Historic Preservation, and (3) the Town of Bethlehem Building Department; and,
BE IT FURTHER RESOLVED,
that coordinated SEQR review of this action will be undertaken in accordance with 6 NYCRR Part 617.6 and the Memorandum of Understanding for Planned Development Districts approved by the Town Board on February 27, 1991; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby authorizes and directs the Town Planning Department to initiate coordinated review by filing a copy of the Building Project application, full EAF - Part 1 and appropriate notice with involved agencies, and notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby authorizes and directs the Town Planning Department to notify interested agencies of the proposed action and to make referral of the application to the Albany County Planning Board pursuant to the General Municipal Law; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby refers the application for Building Project Approval to the Town Planning Board for a recommendation on both a SEQR Determination of Significance and the proposed Building Project itself, said recommendations to be provided consistent with the procedures

outlined in the Memorandum of Understanding for Planned Development Districts; and,

BE IT FURTHER RESOLVED,

that the Town Board as an involved agency with the broadest governmental powers for investigation of the environmental impacts of the proposed action, hereby declares its desire to assume Lead Agency status for the purpose of SEQR review; and,

BE IT FURTHER RESOLVED,

that having notified the involved agencies of the Town Board's desire to be Lead Agency, the Town Board hereby declares it shall be Lead Agency for SEQR review of the proposed action unless objection to such designation is received from any involved agency within the above specified thirty day (30) time period.

On a motion by Mr. Lenhardt, seconded by Mrs. Davis, and a vote of 5 for, 0 against, and 0 absent, this RESOLUTION was adopted on December 12, 2001.

The following item was a request from Michael Cirillo, Engineering Services Administrator, for approval of reduction in bonding for Medwin Subdivision No. 2.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the reduction in bonding for Medwin Subdivision No. 2 to a new amount of \$5,000 as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The next item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deed and bonding for 56 Bobwhite Drive, Glenmont. Supervisor Fuller said these are residents who submitted a deed granting a drainage easement.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the acceptance of a deed for drainage easement purposes from Mr. and Mrs. Robert Dolfi, 56 Bobwhite Drive, Glenmont, New York as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The next item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds and bonding for Meadowview Subdivision. Supervisor Fuller noted there were 9 deeds, 5 for street rights-of-way and the remaining 4 deeds were utility easements. She noted a letter of credit was also submitted issued by Key Bank in the amount of \$56,700 to cover cost of remaining work to be done and a lien check.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the acceptance of deeds and bonding for the Meadowview Subdivision from The Swift Group, Inc., 15 Kenwood Avenue, Glenmont, New York. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

The following item was a request from Richard LaChappelle, Chief of Police, for approval of appointment of a police officer, effective December 29, 2001 at annual salary of \$34,263. Supervisor Fuller said the appointment was Francis Muller and noted he is presently with the Albany County Sheriff's Department. She said this was a lateral transfer and it is made with the approval of the Albany County Civil Service Department. He will be assigned to the patrol division and fill a budgeted position. The Supervisor said within 30 days of his appointment, he will establish residency in the Town of Bethlehem as required.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the appointment of Francis Muller, Altamont, New York to the position of Police Officer at an annual salary of \$34,263, effective December 29, 2001 as requested by Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

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Councilman Burns asked if Mr. Muller would have to take a police exam and said she noticed on his resume that it says he has not taken any. Lieutenant Beebe said he has currently permanent Civil Service status.

The next item was a request from Chief of Police, Richard LaChappelle, for approval of appointment of an alternate School Crossing Guard, effective immediately with the salary determined by the prevailing daily rate. Supervisor Fuller said this request is to appoint Raymond Linstruth to the position of Alternate School Crossing Guard. She said this is basically a salary determined by the prevailing daily rate and will cause no additional cost to the Town. She said it is a fill-in position and would be used only in the absence of a regular crossing guard who does not receive any pay unless he or she is able to work. She said additionally the appointment of the fill-in crossing guard reduces the need for the Police Officer to have to cover these crossings.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the appointment of Raymond Linstruth, Delmar, New York to the position of Alternate School Crossing Guard at a salary determined by the prevailing daily rate effective immediately. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The following item was a request from Chief of Police, Richard LaChappelle, for approval of disposal of equipment no longer functional. Supervisor Fuller noted this is a list of property received from the United States Department of Defense and administered through the New York State Division of Criminal Justice Services. She said the property was provided as Department of Defense surplus and made available to local law enforcement agencies to support their efforts in anti-drug trafficking enforcement. The Supervisor asked if this was required by law and the answer was yes.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the disposal of equipment no longer functional as requested by Chief of Police, Richard LaChappelle, and listed on the attachment to the correspondence

dated December 3, 2001 from the Chief of Police. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of amendment of fee structure for the Dog Park. Supervisor Fuller noted it is about a year's anniversary and it was originally discussed that this would be looked at in one year's time. She said she thinks there are good things to say about the dog park.

Mrs. Lanahan said the park has become a resounding success. She said there are a lot of people who go to socialize with each other, as well as, their dogs. She said it has become a meeting place. There were about 350 permits in the year 2001 which she thinks is higher than anticipated originally. She said there are new tags instituted for the coming year that are smaller and stronger and will last longer than the previous ones. She said a lot of issues addressed by the committee have really not been a problem. She said water will be installed and in the spring it will be available. She said attendance has been very good but has put a lot of wear and tear on the turf.

Councilman Davis asked about the issue of parking that was discussed in the beginning. Mrs. Lanahan said there is no problem and noted there has not been anyone that she knows of that has tried to drive into the walkway area. She said she sees everyone walking from the park and ride down to the park entrance. Councilman Davis said she has only heard positive statements from the community. Supervisor Fuller said there have been a lot, noting many people have taken the time to write letters and indicate they are very pleased with it.

Supervisor Fuller said the request on the agenda was to pro-rate the fee to \$10 beginning October 1st of each year. She said she thought this was a good idea. She said many residents have inquired about this.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the \$10 pro-rated fee beginning October 1st of each year as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, to accept the donation of a tree and plaque in memory of Elizabeth Zinzow from the Selkirk Fire Department Number 3 to be planted at the South Bethlehem Park, estimated value of \$450.

The motion was made by Mrs. Davis and seconded by Ms. Burns to accept the donation of a tree and plaque in memory of Elizabeth Zinzow from the Selkirk Fire Department Number 3 to be planted at the South Bethlehem Park, estimated value of \$450. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

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

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department, and listed in her Memorandum dated December 13, 2001 at the grades and titles listed. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The next item was a request from Director, Karen Pellettier, Senior Citizens, for approval of retirement of Program Assistant effective December 26, 2001. Supervisor Fuller said Joyce Layman was retiring and her last day of work will be December 20. She said she has been employed in the Senior Citizens office since September 1987 and as a Program Assistant, has helped to plan and manage programs and services for our elderly on a day-to-day basis. Mrs. Layman, according to Supervisor Fuller, has managed the day-to-day transportation of 50 to 75 people on the senior vans and was instrumental in setting up the meals on wheels delivery system for the Town. She said previously it was a paid route driver who delivered the meals.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to accept with regret the retirement of Mrs. Joyce Layman, Selkirk, New York effective December 26, 2001 from the position of Program Assistant in the Senior Citizens office. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The following item was a request from Director, Senior Citizens, Karen Pellettier, for acceptance of a gift toward the purchase of a new Senior Van.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to accept a gift in the amount of \$375 in memory of Margaret Baxter to be used toward the purchase of a new senior van. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The next item was a request from Comptroller, Judith Kehoe, for adoption of a Resolution for a Tax Anticipation Note for the Water Fund. Supervisor Fuller asked if there were any questions. Councilman Burns asked if this was the only option or the best option that the Town had. Comptroller Kehoe said given the current statute in New York State, this was the option. She said if she had a choice, she would continue this as an inter-fund loan from the General Fund to the Water Fund but the statute does not allow that. She said this becomes the only legal option, to get the tax anticipation note. She said if the Board approves this, bids will be received and awarded to the financial institution with the lowest interest rate.

The following resolution was offered by Mr. Lenhardt, seconded by Mrs. Davis, to wit:

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

TAX ANTICIPATION NOTE RESOLUTION DATED
DECEMBER 12, 2001

A RESOLUTION AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK WITH RESPECT TO ITS WATER DISTRICT NO. 1 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000 PURSUANT TO THE LOCAL FINANCE LAW, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE SUPERVISOR.

BE IT RESOLVED, that the Town Board of the Town of Bethlehem, Albany County, New York (the "Town") as follows:

SECTION 1. The Town expects to levy and receive real estate taxes with respect to its Water District No. 1 for the fiscal year ending December 31, 2002. The Town Board hereby authorized the issuance of its Tax Anticipation Note (the "Notes") of the Town in anticipation of the collection of real estate taxes to be levied for such fiscal year.

SECTION 2. Such real estate taxes payable with respect to Water District No. 1 are to be levied in the amount of not less than \$1,401,130 for the fiscal year ending December 31, 2002 and no other tax anticipation note has been issued in anticipation thereof which remains outstanding.

SECTION 3. The Notes are authorized to be issued pursuant to Section 245 of the Local Finance Law in a principal amount not to exceed \$1,000,000. The Notes shall be issued not earlier than ten days prior to January 1, 2002 and shall mature not later than February 28, 2002. In any event, the date of maturity of the Notes shall not extend beyond the close of the applicable period provided in Section 24.00 of the Local Finance Law for the maturity of such Notes, which is one year from the date of their issuance.

SECTION 4. The proceeds of the Notes shall be used only for the purposes of which the taxes are to be levied for Water District No. 1 or for the redemption of notes in renewal of which they were issued.

SECTION 5. Each of the Notes authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said Notes as the same respectively become due and payable.

SECTION 6. Subject to the terms and contents of this resolution and the Local Finance Law and pursuant to the provisions of Sections 30.00, 50.00, 56.00 and 60.00, of said Law, the power to prescribe the terms, form and contents of said Notes, and the power to sell and deliver said Notes is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any Notes issued pursuant to this resolution, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said Notes and to attest such seal.

SECTION 7. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Notes authorized by this resolution, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the Notes authorized by this resolution as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 8. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on a roll call, which resulted as follows:

IN FAVOR: VOTING SF
VOTING GL
VOTING DD
VOTING SB
VOTING DP

The forgoing resolution was thereupon declared duly adopted.

The next item was a request from Highway Superintendent, Gregg Sagendorph, to consider proposed Local Law regarding amendment to Town Code, for a Stop Sign on McCormack Road at intersection of Bridge Street, Slingerlands. Could hold public hearing January 9, 2002 at 9:15 p.m.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve setting a public hearing for January 9, 2002 at 9:15 p.m. to consider a proposed local law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Stop Intersections on McCormack Road at intersection of Bridge Street, Slingerlands, New York. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The next item was a request from Gregg Sagendorph, Highway Superintendent, for authorization of Town Supervisor to enter into a one-year contract with the City of Albany for use of their Rapp Road Landfill facility for the disposal of municipal waste. Supervisor Fuller said this is good news for the Town. She said the new tipping fee will be \$52 per ton and is a reduction from the \$60 per ton the Town had been paying for the last few years. She said the new rate is very competitive with the limited choices available for disposal in the Capital District area.

The motion was made by Ms. Burns and seconded by Mrs. Davis to authorize the Supervisor to enter into a one-year contract with the City of Albany for use of their Rapp Road Landfill facility for the disposal of municipal waste. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

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Councilman Lenhardt asked to have the lower rate explained. Mr. Sagendorph said they expected to keep paying the higher amount. He said the Supervisor received a letter that the amount was reduced. He said the Town of Colonie is at \$58 and Capital Compost in Menands is at \$64. He said it is the lowest rate.

Supervisor Fuller asked Mr. Sagendorph if he thought the haulers will reduce their rates as a result of this. Mr. Sagendorph said they usually negotiate at lower rates than the Town has been able to negotiate because of their increased tonnages that they pick up. He said he does not know where the new rate stands with what the haulers have been able to negotiate but he is waiting for the phone to ring and hear from them. He said if the Town rate is lower, he anticipates he will hear from them. Supervisor Fuller thanked Mr. Sagendorph.

The next item was to acknowledge receipt of the 2001 Highway Equipment Inventory from Highway Superintendent, Gregg Sagendorph.

The next item was a request from Comptroller, Judith Kehoe, for approval of yearend budget transfers and adoption of resolutions. Supervisor Fuller explained this is the last meeting of the year 2001. She said these are transfers which are routine for the last meeting.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the budget transfers as listed in the Memorandum from Comptroller, Judith Kehoe, dated December 7, 2001 and on file in the Town Clerk's office. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

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RESOLUTION TO APPROVE A SUPPLMENTAL APPROPRIATION

RESOLVED, that pursuant to Town Law Section 112, the Town Board does hereby approve a supplemental appropriation in the amount of \$100,000 to fund the additional costs necessary for road repairs. The appropriation shall increase the Highway Fund road repair contractual account (code 210.5011.531.35.11).

The foregoing resolution was presented for adoption by Mrs. Davis, seconded by Ms. Burns and passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: None.

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RESOLUTION TO APPROVE A SUPPLEMENTAL APPROPRIATION

RESOLVED, that pursuant to Town Law Section 112, the Town Board does hereby approve a supplemental appropriation in the amount of \$550,000 to fund transfer from the General Fund into the General Fund Capital Reserve. The appropriation shall increase the General Fund Transfers to Other Funds account (code 111.9090.599.90.11).

The foregoing resolution was presented for adoption by Mr. Lenhardt, seconded by Mrs. Davis and passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: None.

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RESOLUTION TO APPROVE THE TRANSFER OF FUNDS INTO CAPITAL RESERVES

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

WHEREAS, the adopted 2001 General Fund budget as revised provides for a transfer to other funds in the amount of \$905,500;

WHEREAS, the following funds and projects have been identified as requiring funding:

- | | |
|---|---------|
| <input type="checkbox"/> MIS project to enable system memory expansion | 260,000 |
| <input type="checkbox"/> MIS installation of work orders software | 40,000 |
| <input type="checkbox"/> MIS installation of fleet management software | 100,000 |
| <input type="checkbox"/> Various facility and infrastructure improvements | 150,000 |
| <input type="checkbox"/> Recreation projects, as per established funding plan | 350,000 |
| <input type="checkbox"/> Municipal Training Facility – fire tower repairs | 5,500 |

RESOLVED, that the Town Board authorizes the Town Comptroller to transfer up to a maximum of \$905,500 into the following reserves:

- | | |
|---|---------|
| <input type="checkbox"/> General Fund Capital Reserve | 550,000 |
| <input type="checkbox"/> Recreation Reserve | 350,000 |

- Municipal Training Facility Reserve 5,500

In the event financial conditions do not warrant the transfer of the full \$905,500, the Comptroller is authorized to reduce the transfer as necessary.

The foregoing resolution was presented for adoption by Mr. Lenhardt, seconded by Mrs. Davis and passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: None.

The following item was to authorize Supervisor Fuller to sign the joint stipulation agreement for Bethlehem Energy Center. Supervisor Fuller said the agreement was received and had to be reviewed yesterday. She said they arrived and she had to go through them for the entire day. She said the Attorney met with her and this was reviewed. She said it is a positive point in the Bethlehem Energy Center.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to authorize Supervisor Fuller to sign the joint stipulation agreement for Bethlehem Energy Center for the Town of Bethlehem. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

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Supervisor Fuller stated the documents are here and can be reviewed by the public.

Supervisor Fuller said before the meeting is adjourned, she wanted to acknowledge the fact that Susan Burns would be leaving the Board. She said the Town was very fortunate that she chose to stay until the end of the meeting. She presented on behalf of the Town Board a Proclamation and thanked her.

Councilman Burns read a statement thanking Supervisor Fuller and her colleagues on the Town Board which also included Bob Johnson, who she served with her on the first 2 years of her term. She said their commitment, time and dedication to the residents of this Town have been exemplary. She said though the past 4 years were sometimes bumpy, she has enjoyed the job. She acknowledged a job, the residents elected her to do. She said she feels she has served well and that she has been informed, reasonable, thoughtful and balanced. She said she has become a Town of Bethlehem generalist, grappling with issues from dog parks to a steam station. She said department heads and staff have always been available and helpful. She said she has had the privilege of meeting and talking with people from all over the Town and in each hamlet.

Ms. Burns said she feels proud and somewhat lucky to have been able to demonstrate the value of bi-partisan government in the Town of Bethlehem. Although her voice was not always heard, she said she thinks a fresh perspective lead to more dialogue and debate which has been positive for Town government. She said energy, ideas and results are 3 things she will continue to work at. For the time being as co-president of the Bethlehem Girls Softball League, she said she has a concession stand and pavilion to build. She said as a member of the Albany County Industrial Development Agency, economic development remains a priority. She said she plans to stay involved with the pedestrian and traffic safety group and finally, with some of her free time, she intends to persevere and finally finish her Master's degree and then run a PR in the New York City Marathon next fall.

Ms. Burns said this 4 year journey has been exciting, interesting, tedious and tiring at times yet a time of great fulfillment. She said she especially wants to thank Supervisor Fuller for that. She said the Supervisor has always been honest and genuine in her caring and interest. She said she will always appreciate her giving spirit and her tenacity. She said she is very happy to call her a friend.

Ms. Burns thanked everyone for the honor of being able to serve the residents of the Town of Bethlehem.

Supervisor Fuller thanked Ms. Burns.

The Supervisor asked if anyone wished to address the Board. Mrs. Capone said she has a girlfriend with the College of Pharmacy who used to live in Clarksville. She said she went up Delaware time and time again and back. She said at the corner of Orchard and Delaware there is nothing – one side is vacant land, one side is the wooded. She said later they have a development. She said she talked to a cop and talked to him about it – he said that development empties on New Scotland Road. You want to have a traffic light at the corner of Orchard and Delaware – what are you thinking, Mrs. Capone said. She thanked the Board.

Supervisor Fuller said she does not know what the traffic light at Orchard and Delaware is. Mrs. Capone said it was talked about at the last meeting. Councilman Lenhardt said he thinks it was Fisher Boulevard. The Supervisor said it was Fisher Boulevard that comes through to Delaware Avenue. Mrs. Capone said it was still the same area.

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Supervisor Fuller wished the community a very happy holiday season. She said the Town Board will be back on January 9, 2002.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 9:40 p.m. The motion was carried by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: None.

Town Clerk