

TOWN BOARD
DECEMBER 16, 2002

A Special Meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 7:30 p.m.

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

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Supervisor Fuller welcomed everyone to a special meeting of the Bethlehem Town Board and invited them to join in the pledge of allegiance. She noted the December 11th meeting was cancelled due to the weather with short notice. She apologized if anyone had come to the Town Hall that evening. She said she notified the high school of the change of date of the meeting for the students.

The Supervisor noted the first item on the agenda was to consider the SEQR determination regarding a proposed local law prohibiting auto carriers on Cherry and Elm Avenues and adoption of the proposed local law.

The following resolution was presented for adoption:

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
DETERMINATION OF SIGNIFICANCE / NEGATIVE DECLARATION
LOCAL LAW NO. 9 OF THE YEAR 2002
EXCLUSION OF AUTO CARRIERS FROM CERTAIN SECTIONS
OF ELM AND CHERRY AVENUES

- WHEREAS, the Town Board of the Town of Bethlehem is considering the adoption of Local Law No. 9 of the Year 2002, which would amend the Town Code to prohibit auto carriers of 60 feet or greater in length from using certain sections of Elm and Cherry Avenues; and,
- WHEREAS, the sections of Elm and Cherry Avenues affected by the Local Law are those segments lying between Kenwood Avenue and the Delmar Bypass; 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 SEQR regulations at 6 NYCRR Part 617.6(a) require that as soon as possible in an agency's formulation of an action it proposes to undertake it shall: (a) determine whether the action is subject SEQR; (b) determine whether the action involves a federal agency; (c) determine whether other agencies are involved; (d) make a preliminary classification of the action; (e) determine whether a full or short form Environmental Assessment Form (EAF) will be used; and (f) determine whether the action is located in an agricultural district; and,
- WHEREAS, 6 NYCRR 617.6(b) indicates that when a single agency is involved with respect to an action, that agency shall be the lead agency and determine the significance of the action; and,
- WHEREAS, the Town Board has received a memorandum and an EAF prepared by the Town Planning Department which address the proposed action, and said documents indicate that: (a) the proposed action is subject to SEQR and properly classified an Unlisted action; (b) there is no federal agency or other agency involvement with the action; and (c) no portion of the proposed action is located within an Agricultural District; and,
- WHEREAS, the Town Board has held a public hearing on the proposed action and has considered the comments provided at said hearing; and,

WHEREAS, the Town Board has considered the potential environmental impacts of the proposed action, applying the criteria for determining significance found at 6 NYCRR 617.7(c);

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that adoption of Local Law No. 9 of 2002 constitutes an Unlisted action that is subject to SEQR and that there are no other involved agencies with respect to this action; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that it is lead agency with respect to this action and that a short-form EAF will be used to determine the significance of the action; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the proposed Local Law does not effect land located within a certified agricultural district; and,

BE IT FURTHER RESOLVED

that based upon its review of Local Law No. 9 of 2002, the EAF prepared by the Town Planning Department, public comments concerning the proposal, its own independent analysis of the proposed action, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that adoption of the proposed Local Law 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 on the following facts and conclusions:

1. Adoption of the Local Law would not result in any direct physical action or physical alteration to the environment. The Local Law would prohibit auto carriers of 60 feet or greater in length from certain residential sections of Elm and Cherry Avenues.
2. Adoption of the local law is expected to produce positive benefits to residents living along Elm and Cherry Avenues in terms of a reduction in traffic noise and air pollutants.

On a motion by Mrs. Davis, seconded by Mr. Plummer and a vote of 5 for, 0 against, 0 abstention and 0 absent, this RESOLUTION was adopted on December 16, 2002.

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The Supervisor then asked for a motion to approve the adoption of Local Law No. 9 of 2002 adding a new Section to the Code of the Town of Bethlehem, Auto Carriers Excluded, Vehicle and Traffic, prohibiting through traffic of certain vehicles on Elm Avenue (County Route 52) between the Delmar Bypass (State Route 32) and Delaware Avenue (State Route 443) and on Cherry Avenue (County Route 52) between Delaware Avenue (State Route 443) and Kenwood Avenue (State Route 140).

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the adoption of Local Law No. 9 of 2002 adding a new Section to the Code of the Town of Bethlehem, Auto Carriers Excluded, Vehicle and Traffic, prohibiting through traffic of certain vehicles on Elm Avenue (County Route 52) between the Delmar Bypass (State Route 32) and Delaware Avenue (State Route 443) and on Cherry Avenue (County Route 52) between Delaware Avenue (State Route 443) and Kenwood Avenue (State Route 140). The motion was passed by the following vote:

Ayes: Mrs. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

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

Noes: Mrs. Fuller.

Absent: None.

The next item was to consider an application for rezoning by Beverwyck (The Eddy) for a zoning change from Residence A to Planned Residence District, Krumkill Road, No. Bethlehem. Supervisor Fuller introduced Mr. Douglas Miller, Executive Director of the Beverwyck retirement community, who proceeded to review the proposed change. He also noted others present, Mr. David Caesar who is Vice President of Project Management and Facilities for Northeast Health and David Vendt who is the Senior Project Manager and Len Angerame from Len Angerame Architects, their architect of record.

Mr. Miller reviewed some of the sponsorship of Beverwyck. He said they are a member of The Eddy of Troy which is a group with comprehensive services for seniors in the Capital Region. He said The Eddy has been around since 1925 and several years ago they merged with both Samaritan Hospital and Albany Memorial to form Northeast Health. He said they now have the 2 hospitals, 3 nursing homes, home care in 19 counties, adult day care programs, a specialized Alzheimer facility, a rehab center for seniors and also 4 retirement communities. He said their mission is driven for seniors in the Capital region.

Mr. Miller said Beverwyck opened in 1993 to help serve a growing need to provide full service retirement housing for seniors in the Capital Region. He said before that time, seniors did not have a choice for full service retirement communities and often moved out of the area. He said their success has been built on their mission and Beverwyck opened with 15 style cottage homes and 85 one and two bedroom apartments. He said in 1996 they added another 85 apartments and an auditorium and both phases reached full occupancy in industry record time. After a couple years of operating the independent living part of their campus, seniors continued to age and started to require other personal services. He said they constructed the Terrace at Beverwyck which is a 41 bed licensed facility by the NYS Department of Health as an enrich housing program and provides assistance with bathing, dressing, ambulance and medication management, meals, laundry, house keeping and transportation services. He said they are at full occupancy and have been for the last 2 years. He said they have a very strong waiting list for both the independent and assistive living and today currently over 60 people are on the wait list for independent apartments and they have in excess of 70 people on the wait list for the assistive living, The Terrace at Beverwyck.

Mr. Miller noted with over 225 seniors living in the independent apartments alone, they are seeing a significant need to expand their services in the assistive living area. He said residents have come to expect them to provide the services as they need them. He said the demand within Beverwyck to move to assistive living will always be ongoing. He said there is that internal pent up demand for further services. He said they would like to provide a continuum of housing and care to their residents and additionally assistive living has become an excellent choice for seniors who need to move out of their homes and into a residence that provides both security and care. He said approximately half of the residents on the current wait list are from the Beverwyck and the other half are from surrounding communities made up of Bethlehem, Albany, Voorheesville and Guilderland.

Mr. Miller said the need for expansion of cottages – noting there were 15 cottage style homes located on the campus – they have a growing wait list for the need for these cottages. He said at this time the wait is approximately 4 or 5 years. He said both projects will allow them to meet current demands and continue the mission of serving seniors.

Mr. David Wendth, Project Manager of Northeast Health and The Eddy, thanked the Board for having them present the proposal at the meeting and proceeded to outline the location of the project and the boundaries. He noted additional properties have been purchased in order to permit expansion. He said

the Phase IV and V are being looked at at this time but they may not be constructed in that order. He said Phase IV would be duplex structures, cottages and Phase V would be an expansion of The Terrace to allow additional units for assistive living services. He said they were here tonight to request rezoning of the parcels and be able to proceed with development of these projects. He said this would be an extension of PRD 12.

Councilman Plummer inquired about the darker shaded area and that that was the area that the expansion would be limited to. Mr. Wendth said that represents a current set back line of the expansion. Councilman Plummer asked if there were plans to expand later on where it is not shaded. Mr. Wendth said they do not have any plans at this time. He said it is pretty significant grades in that area and it may be cost prohibitive to do so.

Councilman Lenhardt asked what the line that looks like a road is through the light green area. Mr. Wendth said it is the Krumkill Creek. Mr. Lenhardt thanked him.

Councilman Davis asked about the previous comment that The Terrace was probably the end of the expansion of the Eddy and what made or changed since that time. Mr. Wendth said what has changed is the fact that the property became available and they purchased it. Mrs. Davis said one of the things that she thinks has been important to this point is the actual project and the Eddy and the services that they offer, they do not use any of the senior services – noting they have their own vans, their own senior services -- so the addition in this case would not be an additional drain on the Town senior service department. She noted they would again provide all the services to the residents and is very important. Mr. Wendth said that was correct.

Mr. Angerame, from Len Angerame Architects, said looking at Phase IV, basically there is an extension from Beverwyck Lane along the line and there would be 14 cottages in this area. The expansion of the site is almost prohibitive because of the grades, he said. As can be seen, there is a set back line by the soils engineer indicating how far back they can build. He said there are 7 buildings situated and have a very residential feel to them. He said each one will have their own private driveway and turn around and basically almost look like an individual residence. He exhibited drawings of the exterior of the buildings and noted the layout of the cottages.

Mr. Angerame noted Phase V which is an addition to The Terrace and noted the location. He said it will be connected and noted the new part will be one story. He said they are expanding the circle coming off the main multi-function room and putting in a new circular driveway where parking will be available. He noted court yards have been included. He noted more trees and landscaping will be added.

Councilman Davis said one of the features of The Terrace, as she remembers when it was constructed, there was a community room that was available to groups in the community and asked if that was going to be expanded in this addition. She noted there is a great need for that in this community. Mr. Wendth said based on their experience of the last 4 years of operating the Terrace and the community room is used by a number of organizations and he finds that they do not use it to capacity right now. He said it is designed to hold about 80 people and he noted at this point, there is no plan to expand the community room itself. He said it will continue to be available to the Town residents and any not for profit organization.

Councilman Davis asked if they were adding to the Beverwyck with this proposal and the addition of all the land is not buildable, are they going to add any fitness paths, walking paths that the residents and maybe residents of the northern part of Bethlehem might use. Mr. Wendth said there are nature trails currently within that 41 acres. He said there were 2 Boy Scouts who earned their Eagle Badge by developing nature trails on the property. He said there are about 6 loops that come off the property. He said residents in the area do walk in that area. Mrs.

Davis asked if they would consider expanding them. Mr. Wendth said at this point, they have to take a look at the topography because there are some significant drop offs in that area. He said there are benches and bird watching areas in there and trees are identified.

Supervisor Fuller thanked Mr. Wendth. She said the only action required by the Board was to approve the SEQR resolution and a referral strictly to the Planning Board and will come back to the Town Board in the future.

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
CLASSIFICATION OF ACTION AND LEAD AGENCY DESIGNATION
APPLICATION TO AMEND ZONING DISTRICT BOUNDARY
PLANNED RESIDENCE DISTRICT NO. 12
KRUMKILL ROAD
BEVERWYCK

- WHEREAS, the Town Board of the Town of Bethlehem has received an application and full Environmental Assessment Form, Part 1, from The Eddy, to amend the established zoning district boundary of Planned Residence District No. 12, which is located on Krumkill Road; and,
- WHEREAS, the proposed amendment to the zoning district boundary would increase the land area of Planned Residence District No. 12 to 76.2± total acres, as a result of rezoning two parcels, 1.03 acres and 42.36 acres in size, from Residence A District to Planned Residence District; and,
- WHEREAS, The Eddy has submitted conceptual plans for further development of the District in the event that the zoning change is granted and said plans show: (1) construction of a 36-unit addition to the existing assistive living facility (known as The Terrace) with 23 new parking spaces, and (2) construction of 14 additional cottage units (contained within 7 buildings); 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 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, 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 617.4 establishes thresholds for the classification of Type I actions and the proposed project does not appear to exceed these thresholds, and thus, is preliminarily classified as an Unlisted action; and,
- WHEREAS, 6 NYCRR 617.6(b)(2) & (3) establish procedures for coordinated review of Unlisted actions where more than one agency is involved;
- NOW, THEREFORE, BE IT RESOLVED,
that the Town Board of the Town of Bethlehem hereby determines that the application by The Eddy to amend the zoning district boundary of Planned Residence District No. 12 constitutes an Unlisted action that is subject to SEQR; and,
- BE IT FURTHER RESOLVED,
that the Town Board hereby determines that at minimum a full Environmental Assessment Form 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, or within 500 feet of, an established 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 coordinated SEQR review of the action will be undertaken in accordance with 6 NYCRR Part 617.6 and the Town of Bethlehem's Memorandum of Understanding for Planned Development Districts; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that a federal agency, the U.S. Army Corps of Engineers, may have jurisdiction and be involved with respect to the proposed action; 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 Department of Health, (2) the New York State Department of Health, (3) the New York State Department of Environmental Conservation, (4) the Town of Bethlehem Planning Board; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that interested agencies with respect to this action may include the Albany County Planning Board; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby authorizes and directs the Town Planning Department to initiate coordinated review of the action by filing a copy of the application, SEQR materials 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 General Municipal Law; 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; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby refers the application to the Town Planning Board for a recommendation on both a SEQR determination of significance and the specific proposal for amending the zoning district boundary of Planned Residence District No. 12.

On a motion made by Mrs. Davis, seconded by Mr. Lenhardt, and a vote of 5 for, and 0 against, this RESOLUTION was adopted on December 17, 2002.

The next item was to approve the Supervisor signing the Agreement with City of Albany for use of Rapp Road Landfill facility for year 2003 at a reduced tipping fee of \$52.00 per ton of Municipal Solid Waste.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the Supervisor signing the Agreement with the City of Albany for the use of the Rapp Road Landfill facility for the year 2003 at a reduced tipping fee of \$52.00 per ton of Municipal Solid Waste. The motion was passed by the following vote:

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

Absent: None.

The next item was to consider the adoption of a resolution regarding the 2004 update of the Assessment Role as requested by Assessor.

Mr. M. David Leafer, Assessor, noted in 1993 the Town went to full value assessment and promised that they would maintain fairness in their assessments by periodically conducting updates to the assessment process across the Town. He said an update was done in 1998 and at that time there was not a tremendous amount of change in terms of values. He said the market was rather stable, noting there was perhaps a little down trend in 2 of the years between 1993 and 1998.

Mr. Leafer pointed out that they are not doing an update because in the last year and a half there has been a tremendous spiraling upward sales situation in residential properties. He said they would be doing this, noting they said about every 4 to 6 years, the first in 1998 and do another one completing in the 2004 assessment role year. He said in the past year and a half Bethlehem has become a very popular place to live and there has been a great demand for housing and a very low supply of housing relating to that demand. He said as a result, market values of properties have sort of skyrocketed in the past year and a half. He said they are looking at anywhere between a 10 and 40 percent generally increase in sale prices over the current assessed values on residential properties. He said some are even 100 or 150 percent more than the current assessed value. He said it is vital that this be done at this time. He said the overall effect will be that the tax rates will go down. He said there may be arise in the assessment by the time the 2004 update is completed. He said some of this is out of balance now.

Mr. Leafer noted he also has a request for the hiring of a person who worked with him on the previous update. He said they will also have some expertise in the commercial/industrial area working with them. He said they will pretty much be doing it in house. He said the budget as he sees it now is about \$141,000 spread out over the year and a half to two year process of the update. He said that has been included in the budget for 2003. He said there will be a lot of public relations on this and he will hold public meetings to allow people to come and ask questions and find out exactly what the process is about. He said hopefully he will have more than 5 people show up. He said they will do a lot of pr work in the Spotlight and Bethlehem Report and other areas and welcome anyone calling the office if they have questions.

Mr. Leafer said the whole process begins in the spring with a data mailer in which they go the property owners and show what the inventory of the property is. He said they ask if there are any errors. He said if they ask, they will go out and check things out. He said they clean that up and through the remainder of that year and into and leading up to March of 2004, they will be involved in the actual valuation and field review process of it. He said on March 1 impact notices will be mailed to property owners indicating where the assessments have gone and hold approximately a 6 week informal hearing process where people can discuss the update. He said approximately 800 people came in during the last update.

Mr. Leafer said any changes will be made and then the Grievance period will proceed.

Councilman Plummer asked when the update is done whether commercial, industrial and vacant land is done as well. Mr. Leafer said it is. He said the vacant and residential vacant land will primarily be handled by himself and the other person but he has an NI appraiser who is going to look at all the commercial/industrial properties that are not necessary the utility properties or railroad properties that the figures come from the State. He said the person has pretty good expertise across the board and look at rental rates and income approaches and cost approach is a more viable approach to certain special use properties and where there are market sales for commercial/industrial properties

and bring those into play as well. He said the primary basis will be sales analysis for residential properties.

Councilman Plummer also asked why 6 years is chosen. Mr. Leafer said they picked it back at that point because there was not a great deal of change going on. He said he is suspect that in the future they will not be seeing quite the same change they are seeing now over the past year. He said they could go to annual reassessment but in a normal year, the question becomes do you have enough sales to really analysis the bulk of the properties across town utilizing only those sales. He said they may not now even with the vast number they have. He said they may have to go outside the area to look at other similar property for certain unique situations. He said 6 years was fine the last time, maybe it should be a little more frequent in the future. He said maybe it should be annual, noting his problem with annual which the State is trying to promote right now, is that most of it is based on regression analysis of the sales data rather than an actual comparison of the sales in specific instances to specific properties. He said it can be done but you need a wealth of sales data to really have it come out fairly viably and also you need a market that is not doing immense changes. He said his experience as an Appraiser would indicate that you need to gather your sales data. He said they are going to use sales data as current as possible to look at this market.

Supervisor Fuller commended Mr. Leafer for what has been done when going through full value assessment and as he continues updating it with very limited staff in his office. She said he is to be congratulated for doing a fine job with it. Mr. Leafer said it is a process that if you continue to do this it becomes less hard for you. He said also one of the other keys is that you can defend the values you have in a much better fashion so you wind up with fewer and fewer number of certioraris. He said they have been with some of the pretty big businesses but very low. He said this year they had the lowest number of grievances and they only wound up with 3 small claims. He said that pattern has been pretty consistent.

Councilman Marcelle said he wanted to stress and make sure he understood that he thinks people are going to see the value of their house, generally in this Town, increase and probably some, as he said, dramatically. But, Mr. Marcelle said, he thinks it is important as he mentioned there is a difference between the value of your house and then the tax rate. He said he thought Mr. Leafer said if there is a huge increase in the value of the land in this Town, it could affect our tax rate and see a reduction in the rate if there is an increase in the buy, asking if that was right. Mr. Leafer said that is generally the way it will work. He said if you suddenly have a market that is doing what ours is doing, you will see your assessment base go up as you bring things to full value. He said it will go up dramatically as well as the sale prices of individual homes are doing. He said as a result if a budget, say a school budget is raised it's normal 3 ½ to 5 percent, which is almost a given he guesses, that's going to be a much lower increase in terms of its actual increase than the assessment base going up. He said the rate is determined by, in a simplified fashion, by dividing the budget by the total taxable assessment base. He said there will be the rate generally going down. He said if there was a tail off and a real dynamic decline in the market at this point, then you would see the reverse happening. Mr. Marcelle thanked Mr. Leafer.

Supervisor Fuller said there is a resolution before the Board to approve the update of the assessment role.

RESOLUTION – UPDATE OF ASSESSMENT ROLL

WHEREAS, the Town of Bethlehem has heretofore attained full value assessment on all real property tax assessments within the Town; and

WHEREAS, from time to time, it is necessary to update the Town of Bethlehem assessment roll so as to maintain full value assessments; and

WHEREAS, the Town of Bethlehem completed the full value re-assessment of all real property tax assessments within the Town as of the taxable status date of March 1, 1992, and completed a full value town wide assessment update as of the

taxable status date of March 1, 1998; and

WHEREAS, it is necessary to undertake an update for the taxable status date of March 1, 2004; it is therefore

RESOLVED, that the assessor be and he hereby is authorized to proceed with the update of the assessment roll for the Town of Bethlehem to be completed for the taxable status date of March 1, 2004, subject to the budgetary appropriations previously made thereto.

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

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

Next item was a request from Assessor, M. David Leafer, for approval of appointment of Temporary Senior Assessment Clerk for 2004 Town-wide assessment update. Supervisor Fuller noted this appointment will be done at the Organizational Meeting. Mr. Leafer noted for the Board's information that Mrs. Granito helped on the 1998 update as a field reviewer. He said she is excellent and has had a good deal of experience prior to that because she worked for a private corporation and was involved as a field reviewer in the Town of Colonie's original reevaluation. He said she was also a Member of the Board of Assessment Review before leaving the Town of Bethlehem. He said she is moving back here from Syracuse.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to table the appointment of the Temporary Senior Assessment Clerk for 2004 Town-wide assessment update until the Organizational Meeting. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

The next item was a request from M. David Leaver, Assessor, for approval of reappointment of Board of Assessment Review Member. Supervisor Fuller noted this was to approve the 5 year reappointment of Herbert G. Steele, Glenmont, NY who has done an excellent job for the Town of Bethlehem. This appointment would be effective October 1, 2002 through September 30, 2007.

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

RESOLVED, that in accordance with Real Property Law, Chapter 1524, Herbert G. Steele, 101 Brightonwood Road, Glenmont, NY 12077 be and he hereby is reappointed Member of the Town of Bethlehem Board of Assessment Review effective October 1, 2002 and expiring September 30, 2007.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

The following item was to consider application for establishment of Planned Residence District, Route 144, River Road, Glenmont and consider SEQR application.

Mr. Stein, Project Engineer with Ingalls, Smart Associates noted Mr. Victor Gush, Member Beacon Heights LLC, presented information regarding the proposed development. He distributed an information packet to the Board Members.

Mr. Stein said this is a proposal for a zone change for a parcel along Route 144, River Road, approximately 2,000 feet south of Glenmont Road. He said the total site is just over 91 acres. It will be divided into 3 main portions, the easterly portion which is each of the rail line; the northerly portion which will be the portion to be developed which is north of the Niagara Mohawk easement; and the southerly portion which would be south of the easement. The proposal is to change the zoning from Heavy Industrial District to Planned Residence District which is just over 85 acres. He said the remaining 6 acres along the rail and Route 144 is proposed to remain Heavy Industrial.

Mr. Stein noted the proposal is to do a residential development with several uses – town homes, apartments, condominiums and single family dwellings. He said by utilizing the Planned Residence District, this is permitted on one parcel and keep some flexibility with lot set backs, lot areas, lot sizes and things of this nature. He noted the main road, Boulevard Road, would become a town road with the other roads remaining private. He said based on the 85 acres, the density is 425 total units. He said there will be 10 buildings which are town homes. There will be apartments totaling 284 apartment units varying between 16 and 18 unit buildings. He said the quad would be 64 condominium units and on the rear portion of the property will be 27 single family homes – proposed 6,000 square foot lots.

Mr. Stein said the project amenities would include a club house, swimming pool, tennis courts. He said site utilities include municipal water, pump the waste water to the existing sanitary sewers along Glenmont Road and/or an new offsite treatment plant which would be part of another project if this were to move forward. He said storm water would be managed on site. They feel the Planned Residence District will give the ability to preserve a tremendous amount of open space. He indicated areas that are proposed to remain undeveloped.

Mr. Stein said it should be noted that the area to the west of this site is zoned Residence A. He said this site is zoned Heavy Industrial and those across Route 144 are Heavy Industrial. He said they feel would provide a buffer between the Heavy Industrial zone and the Residence A zone.

Councilman Lenhardt questioned the proposed project being in a Heavy Industrial zone. Mr. Stein said this was correct.

Supervisor Fuller asked what the benefit would be to the municipality to eliminate Heavy Industrial land and turn it into Residential. Mr. Stein said, as they are aware, this site has steep slopes and wetlands on the site making it very difficult to develop under the Heavy Industrial zone without a tremendous amount of earth moving, blasting and clearing. He said they think would provide a much better aesthetics, obviously, with this as a Planned Residence District. He also noted 425 residential units certainly will add to the tax base and will provide that buffer zone also. Supervisor Fuller noted that this will also impact the Bethlehem Central School District. Mr. Stein agreed.

Mr. Victor Gush said it will have very little impact on the Bethlehem School District. He said they have done these projects in other communities and they have found that there will be very few students in the apartments. He said they are going for a high end all the way through the project. He said there are a lot of professional couples, singles, divorced people and that type of resident. He proceeded to outline other projects they have done. He noted there are very few children in any of the projects they have completed. He said they can provide a report which can outline all the information including tax information. Supervisor Fuller noted many people move to Bethlehem for the school district. She said she did not think Bethlehem could be compared to other areas. She said that is a real concern here because that is what Bethlehem is all about. Mr. Gush agreed and

noted from a marketing point of view they understand that. Mr. Gush said with everything that is happening in downtown Albany, maybe the number of children might increase.

Mr. Gush gave more detail about the apartments and the amenities offered to the residents. He said this is almost like moving into a resort even though you are living in a full time home.

Councilman Plummer said seeing items in the paper, he asked about another project that the group is a part of that would be on the other side of Route 144 that is more commercial, office space. He said that seemed to be more the kind of thing they are trying to capture here in the Town. Supervisor Fuller said the other project is Beacon Point. Mr. Plummer asked about the status of that project. Mr. Stein said they have a drawing showing the concept of Beacon Point. Mr. Plummer asked what the status of that was in relationship to this proposal. He asked why they are presenting this and not the other project as well. Mr. Stein said as was stated, the Town is very interested in having that project and being a part of that project. He said they wanted to get the Town's input on this project prior to moving forward with Beacon Point. He said they felt they could then get into a combined SEQR process and know where they are going from both standpoints. He said they were doing this at the direction of Mr. Lipnicky. Councilman Plummer asked if they have spoken to the Planning Board about one project or the other, inquiring if this was their first approach to the Town. Mr. Stein said only through informal meetings, submission of SEQR documentations for both projects. These were concept discussions with the Planning Department.

Mr. Gush said another one of the items looked at is to have their project isolated from the neighbors. He said they are up over the hill and they are looking over the other project and can see the river. He said they have created big buffers.

Councilman Davis asked if they were asking for a zone change on the Heavy Industrial proposal. Mr. Gush said they were not but they may now. He said they were advised by Mr. Lipnicky and the Planning Board to look at a Planned Unit Development. He said it is a Heavy Industrial zoning but because of side line restrictions and some things that happened in the Town with other projects, they have agreed that they should go with a Planned Unit Development.

Councilman Marcelle asked which would be developed first and why. Mr. Gush said they want to do the Planned Residence District project first. He said the main reason is that the project on the river is an extremely large project. He said it consists of about a million square feet of office space and 100,000 square feet of retail space, 2 hotels, a museum and it is a large complex. He said they are also going to be looking as they go they feel a lot of people will believing in the residential community that will be working there. Mr. Marcelle asked if the success of one is tied to the other. Mr. Gush said it is not.

Councilman Plummer noted since they are looking for input, from his point of view, the community truly needs office space and the kind of business growth that you are talking about to help with its tax base. He said he would support the commercial project and this is what the community needs. He said he is not sure how you do them separately and he thinks ultimately if they are able to be successful on that large residential project, his sense is that it is going to make the office park or commercial project that much more difficult. He said that is his opinion but again he would urge them to proceed with the commercial project.

Mr. Gush said that is one thing they are looking for input about to do these things. He said they split them because of the logistics situation. He said one being utilities which are available on the upper piece and not available on the lower piece. He said they have to work on them and they think the upper piece will go quicker.

Mr. Gush noted they have included trails that lead down to the lower project. He said there are services planned to take people from the upper to the lower and back and forth.

Councilman Davis asked about the upper level being quicker and what is the anticipated build out period to be. Mr. Gush said it would probably be a 2 year build out. He said the lower would be probably about 3 years. Mrs. Davis said if the lower is successful and attractive as it appears to be or hopefully will be sort of a magnet to developing the upper residential area. She said riverfront development is really the in thing to do, all across the country and especially on the east coast. Mr. Gush said that is correct but there is a large market right now for the apartment projects and noted there is a waiting list for everything. He said they feel there is a strong need for a high-end apartment home complex.

Councilman Davis asked which part of the housing will be done first if it was approved. Mr. Gush said if it is approved, the apartments and condominiums will be the first phase. He said what will follow is probably the townhouses and the single family homes. Mrs. Davis said these are 16 to 18 apartment unit buildings as he mentioned and said there is no housing of that kind in Town. She said that was different for the Town and asked how many stories the buildings would be. Mr. Gush said it is 2 and ½ stories. He said with the way the terrain is, the buildings can have lower units.

Mr. Stein noted they did state that these projects are not dependent upon each other. He said he thinks both projects will be very viable on their own and given in the Town of Bethlehem. He does feel certainly having residential housing, especially something in the nature of upper end apartments, town homes and condominiums neighboring a large commercial area like the Beacon Harbor proposal, will actually entice businesses to come into that development. He said companies look for temporary housing for their employees that are brought in.

Councilman Marcelle noted the people who will come in will be family people. He said there are 27 single households, asking what the square footage is for that. Mr. Gush said they go from 2700 to 3700 square feet. Mr. Marcelle asked how they are attracting all the people. Mr. Gush said the people coming in do not bring their families with them but every once in a while the wives will show up and stuff like that. He said they usually travel home and then when they get settled in, they buy a home.

Councilman Marcelle echoed what Supervisor Fuller and Councilman Plummer said about the Beacon Point being more important to this Town and he said to judge the merits of the application to change it from an industrial or commercial use to residential use would like to see some facts and figures and some comparable numbers before making a decision. Mr. Gush asked what they would like to see. Mr. Marcelle said some of the projects mentioned, show how that would be marketed and figures. He said that information is important. Mr. Gush said they keep a running tab every month on the people that are doing it in the complex and what is happening in other complexes. He said they have no problem with providing that. Mr. Marcelle said as he sits and tries to balance what should be done in his mind, past history is always important to him and not sure how comparable Cohoes is to Bethlehem. He said the Adams Station might be a scratching point of the demographics in there. He said he sees kids run around in there because what happens is, there are a lot of people who relocate to the Town of Bethlehem for whatever reason, they are there for a year or two trying to purchase a home but meanwhile, obviously, it taxes the system to provide quality education to all the kids in this Town. He said that has a little concern to him.

Mr. Stein noted he understands the concern because of the wonderful school district, however, when you compare this kind of development – Planned Residence Development – to what you would consider as a standard subdivision he is not sure how the tax base works but he does not think it would far off than say

this would create maybe 50 percent of the tax or less on the school system than a subdivision.

Supervisor Fuller said her difficulty still remains with the impact to the Bethlehem Central School District. She said that is an impact to the taxpayers. She said that is not being replaced with tax dollars but with students in the school district. She said they are already faced with additional classroom needs. She said then when you take a look at a rezoning issue where Heavy Industrial/Commercial property and turn it into residential, that is not a plus for the tax base for Bethlehem. She said something like the Harbor at Beacon Point, does generate tax dollars and does not bring with it the school children. She said she is not a developer, but common sense without anything else, says why would they look to have this impact on the school district in the Town which will only cause a loss to the tax base. Mr. Gush suggested he meet with the Assessor and get an idea what the assessment will be and what the taxes will be and give the Board information on the tax benefits, if there are any, and give the run down in writing of what they feel will happen in these communities. He said they will also give some write-ups on what has happened around the rest of the country when these types of projects have been put in. He said, hopefully, they will be able to answer the question, noting he thinks they will be surprised when they see it. He said there is a substantial gain to the community.

Councilman Davis asked about the comment of the apartment... the housing would be high-end, asking for a definition of that. Mr. Gush said the apartments are probably 900 to 1500 or 1600 square foot, some up to 2000. He said the majority will be 2 bedrooms and the balance are 3 bedrooms. He said they come with master suites and libraries and things like that in the upper ones. He said the rental rate would range from \$800-\$825 up to \$1500 or \$1600. He said, as far as, the sale price on the condominiums, right now they go from \$130,000 to \$160,000. He said the single family houses will be \$200,000 and possibly more.

Councilman Lenhardt commented that he was sure all the studies would be requested by the Planning Board but as a point of information, the Mansions which is a similar project in his mind to this, ended up putting a larger burden on the Bethlehem School District than was projected when that was under study.

Town Attorney Alessi asked Town Planner, Jeff Lipnicky, if they have looked at the segmentation issues associated with Beacon Point and Beacon Heights. He said it appears to him from what is stated here that this is part of the short term plan and the long term plan, the interconnection. He said he saw in the Memo that cumulative impacts were referenced which are readily apparent but he did not see a discussion with regard to segmentation. Mr. Lipnicky said they are concerned and cognizant of the fact that they are 2 separate entities and are across the street from each other and impact the highway system but clearly to them some aspects of the projects have to be looked together. He said overall from an efficiency standpoint, a plus standpoint and everything else, it only makes sense to look at these projects together under one environmental review.

Town Planning Board Chairman, Doug Hasbrouck, said that was why, basically, they recommended that they come to the Town Board with this question so they have a better idea of how important this project was or whether or not they should proceed. He said they knew this was in the works but they did not know how to look at the segmentation possibility. He said they felt it was important to get the Town Board's input early in terms of the concept so they know what they are dealing with. Mr. Lipnicky added that the Beacon Point project as it is gotten into further and try to define the project, he thinks it will require an environmental impact statement and one of the things they wanted feed back on in terms of this project because it is a zone change, because the land is currently zoned Heavy Industrial and it involves a significant change in the land use and whatever repercussions there might be for creating a residential area within an industrial zone. He said whether or not the Planning Board and Town Board were willing to consider the zone change on a very basic level. He said if these projects proceed, it

could change the parameters of the environmental review. He said the traffic impacts would be more significant.

Town Attorney Alessi said that the zone change for Beacon Heights has now been extended to encompass a zone change for Beacon Point as well. Mr. Lipnicky said they had a discussion and although the project can be built land use wise under the Heavy Industrial classification, there are other zoning issues – set back issues, subdivision type issues which may or may not be able to be resolved under the land use classification – noting it gives a lot less flexibility in terms of how the project will be subdivided, if it would be subdivided, how it would be marketed – some respects similar to the issues found with the NIGRO project, Bethlehem Town Center project.

Supervisor Fuller asked if there were any other questions or comments. She said she thinks the Town Board needs a lot more information before they are willing to refer this to the Planning Board for recommendation. She said she thinks there are some serious concerns that she has about the residential portion of this proposal.

Councilman Plummer said he felt he made his points and noted they came for the input and he has given it, hoping it is helpful to them. He said his sense is to encourage them in a very strong way to look at the commercial development.

Councilman Davis said although there is a zone change required for Beacon Point, she would be much more willing to approve a zone change on that because of the kind of use that it is. She said it would still be essentially the same as it was, just having to massage a little bit what they want to put on it. She said she would not have a problem with approving a zone change on that side. She said the river is beautiful and she thinks the more that can be done for the river it is great for the area and the Town of Bethlehem and everyone in that area.

Mr. Gush said they did not want to talk too much about that project but they are really excited about it.

Supervisor Fuller asked for a motion to table the request for the zone change.

The motion was made by Mr. Marcelle and seconded by Mrs. Davis to table the application for establishment of a Planned Residence District on Route 144, River Road, Glenmont. The motion was passed by the following vote:

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

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Supervisor Fuller asked Mr. Gush to let the Board know when they are ready to come back.

The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of Seasonal Personnel.

The motion was made by Mr. Marcelle and seconded by Mrs. Davis to approve the appointment of Seasonal Personnel as listed in the Memorandum dated December 11, 2002 at the titles and rates of pay indicated as requested by Administrator, Nan Lanahan, Parks and Recreation Department. The motion was passed by the following vote:

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

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of installation of lighting and change in hours of operation for Dog Park. Supervisor Fuller noted the dog park of 2 years ago has been a big success. She understands that the dogs and their owners were part of Channel 9, they had a holiday party at the park. She knows that Nan Lanahan received a lot of calls as to how did she go about getting the dog park in place and many other communities looking to hear about our famous dog park. She said certainly the idea of having the lights installed directly facing into the park in the lower end of the park only is not an impact to the residents at all. She said it is simply for the park itself and she guesses when they thought about the 8 a.m. to dusk, they did not realize that this time of year it is dark and dog owners are not able to get there with the dogs. She said the change in hours and lights will benefit all working residents who use the park. She said it is a 7 p.m. closing time which is still much earlier than the normal summer hours when dusk does not fall until nearly 9 p.m. She said the cost is relatively insignificant and will be absorbed by the revenue generated through the permit fees.

Supervisor Fuller said an interesting observation as they went through this with the dog park, in order to use the park your dogs had to be licensed and the Town Clerk certainly reported the major increase in revenue with dogs being licensed so that they had the benefit of using the dog park. She said it has generated some money for the Town and she thinks it is an excellent place for all to enjoy. She asked if anyone wishes to speak.

Mr. A. Scheuerman, resident of Park Edge Lane, spoke regarding the initial debate about whether to have a dog park or not and there was an issue on the zoning because a dog park was not defined under the Town zoning laws at the time. He said noise was an issue raised and after 2 years he could definitely tell the Board that the dogs do bark and they bark even when they are not supposed to be in the park. He said several issues were discussed and a committee was formed to consider the dog park. He said it has impacted them. He said there are problems which are brought forward. He said his first complaint is that 2 years ago when the picnic tables were put in he did not really care. When the water system went in he thought it was a waste of taxpayers money. He said he looked at other parts of the Town and other park facilities and they are being taken care of but we are catering to the dogs. He said when the porta potty went in, that was a direct eyesore to anybody living on Park Edge Lane. He said it is a big blue monolith.

Mr. Scheuerman proceeded to mention that when he was out in Buffalo he got a call on Sunday morning that lights were to be installed. He said what bothers him is that no one on Park Edge Lane was contacted. He said obviously this directly impacts them. He said in the second sense, he looks at this as good government, noting taxes are being raised 4 percent in the Town, and he has children in the Town and specifically who use the park. He said the children's part of the park is in disarray and needs repair but yet there is taxpayer money being spent in a fiscal restraint period of time to do more for the dog park.

Mr. Scheuerman said he is concerned not only that the hours are going to be changed but there is going to an impact directly for a six month period of time for what is extensively 100 hours the lives of people in this Town, taxpayers, who he submits to the Board those 8 homes in that little cul-de-sac spend more on taxes than you generate from the licensing. He said in addition to this what he thinks is important is the regulation of the dog park itself has been abysmal. He said the park is being used any time they want to. He said there have been people parking anywhere in front of the park. He said last week when he was home, he was watching a car backup and shine its headlights into the bedroom window and this was at 6 or 7 at night. He said there is no enforcement. He said he has called the police and the Parks Director to complain several times. He said his neighbors have and people in Adams Station have complained. He said there should be a hard look given the fiscal concerns here, given the impact of the homeowners on Park Edge Lane about this. He said he thinks there are serious problems with the

regulations and mentioned the fact that food is brought in, under age kids who are not supposed to be in there and he thought he was one around 11 and there are 7 or 8 year olds in the park. He said his caution to that was some of the dogs fight and he knows because he hears them. He also recommended a locking device be put on the park so when it is open it is opened and closed when it has to be closed because people violate the regulations.

Mr. Scheuerman thanked the Board. Supervisor Fuller said people do not hesitate to stop in her office or pick up the phone or send a letter, noting they have not been shy about things that they do not care for in the Town of Bethlehem and she said she has had nothing but positive comments about this park. She said very early on there were 2 dogs that were aggressive and creating a problem and that was the only negative comment she had until all the comments being made this evening. She said she did not know that they are dealing with such frustration and that the park is not being supervised. She said she does know it is being supervised and she does know what the request was for the porta john and that was a very unique situation and a real necessity there. She said if the other residents are in attendance please offer their comments.

Mr. John Weidman addressed the Board and said he certainly understands the concerns. He said as a user of the Town of Bethlehem dog park, he said he is more than surprised. He said originally he was probably a skeptic of the dog park and thought what are we going to do put a dog park in. He said, however, the recognition as was mentioned that the Director of Parks has received and the calls that have been received, mentioning the recent article that was in the Hudson Valley magazine where we were praised for our innovation and leadership role in this dog park. He said when you talk about tax base, it actually has encouraged people to look at the Town of Bethlehem as a community that recognized not only the students needs but also the needs of the individuals and the other members of the community that do not use our great park in itself. He said, again, in recognizing the concerns, some of the things puzzled him. He said he is usually there on a daily basis because right now he has the luxury of choosing the time he goes over and he does not necessarily need the lights but he does frequently have conversations with individuals because of their work schedule need to be there, unfortunately as dusk or after dusk falls upon us. He said a few things, the mention of the porta potty, there was a gentleman who has Alzheimer's disease who needed the porta potty, so he guesses he was not too unreasonable. He said he does recognize the concern of the eyesore but sometimes aesthetically we have to overlook things like that in response to the necessities of the individual. He said, again, an eyesore, there is also an existing porta potty right on top of the hill. He said he is not sure that eyesore is relevant in response to what has been there already.

Mr. Weidman said certainly the lights are on a timer, they are going to go off. He said he does not think that they are going to have an impact and perhaps he is wrong – he does not work for the lighting company and does not do studies and he does not have fancy charts to be able to show the reason or substantiate his reasons for this – but there is lights there already. They are on timers, he said, and he does not think that the lights they are asking to put there would have any more negative impact than what is there. He said Mr. Scheuerman mentioned it being lit up light Bleecker Stadium, he said he does not think they want or need that. He said they recognize Mr. Scheuerman's concerns and privacy. He said he thinks the noise validity, probably in the summertime there is more noise but as testimonial to himself, personally, from 2 individuals in that area, that utilize the basis on a regular basis, love the park, want the lights and say that they do not hear anything in the wintertime because their windows are closed and they do not hear the noise.

Mr. Weidman, certainly again, he recognizes the concerns. He said as utilizers of the park they recognize the concerns and do not want to do anything to ruin the quality or impact the quality of life other than to ask for cooperation and understanding in the fact that there really is a need for those who work late and cannot get over there.

Councilman Davis said in relation to the comments about the porta john, when this came on the agenda, she called Mrs. Lanahan to speak about it and one question she asked because she had seen the porta john and asked if it would be possible to find a porta john that is not blue but brown or green that would blend in a little bit more with the environment and if some screening could be put in. She said it might be a little more aesthetically pleasing that way. She said that could probably solve the problem. She said Mrs. Lanahan was very receptive to that.

A resident noted she believed that the fees that are paid would say the park is self-supporting. She said they are not a drain on the taxpayers and if they were, she thinks everybody there would be willing to have the fees up so it was self-supporting. She said she also submits in the issue of noise and regulation that snow mobiles – noting she has been over in the dog park this winter – and she listened to snow mobiles roaring around and to her, that is every bit as offensive. She said that is more noise than any dogs she has ever heard or combination of dogs at the dog park. She does believe that one of the reasons that the picnic tables are there is because it has become a sense of community for those who use the park and it is a community that spans ages, occupations and there are some young people in the park and it is good for those who are older and maybe do not have children. She said it is a nice sense of community. She said she thinks that counts for something in the scheme of things.

Mrs. Robbins a new homeowner in Bethlehem noted one of the reasons she decided to buy in Bethlehem was because of the dog park. She said 3 or 4 people she works with are also looking for homes in the community because of the dog park in part and the schools. She said they came to visit and thought it was lovely and that is one of the reasons they are currently looking in Bethlehem.

Supervisor Fuller said it was interesting when she was first approached and she remembered telling one of the Board Members when it was brought forth, 8 years ago and she was probably feeling like Mr. Scheuerman, thinking we did not need a dog park and that was it. She said it took a long time for her to come around to the dog park idea and it basically was many individuals were taking their dogs to the Middle School property and it became a social occasion for them and their dogs and they made new friends and that was what it was all about – building community. She said that was the convincing argument for the dog park as it is today and it did not cost the taxpayers anything and I believe you did sit here, Mr. Scheuerman as we went through that and it was not an addition to the tax base. She said it was parkland that was there. It is the water tank that is there and the Town owns the property. She said the fence was donated.

Mr. Jordan said he came to support Mr. Scheuerman. He said he wanted to go to the Constitution, noting it is for the common welfare, it is not for one individual because he has Alzheimer's to put a porta john there. He was flabbergasted when that was put in. He said now did they not only give up the sanction of having some decent property and went along with the dog park. He said they were told it would only get so big. He said now there are picnic tables there. He said there is a porta john there now and he has been in the park when there must have been 15 people in there and close to 30 dogs. He said it is ridiculous. He said he does not mind giving up a little bit for the common welfare but now you are asking me to give up more. He said it is going from a dog park to a social center, to portalets and now going to lights. He asked when do they get their say to say they gave up this much, we are willing to take some of this on. He said he would like to have the folks who all love it to have the porta john put in their backyard along with the lights. He said he does not think they would like it. He said he thinks that they have given their fair share and time to say, let these neighbors have some of their fair share. He said let them win a couple things. He said this is discussed for a couple people who only need it an hour a night during the week. He said that to him does not seem fair. He said he came to the meeting not mad but got mad listening. He said it is getting too much.

Supervisor Fuller said it is interesting sitting in the seat she is in when you have to take a look at the common good and she thinks that is what the Town Board has tried to do. She said she can tell everyone that she lives by the Hamagrael Elementary school and she gets to look at the porta johns and the lights, it does not bother her because she knows it is for many families and her kids also used the Hamagrael School and played sports with the lights and the porta john there.

A student of the high school said she noticed in the discussion there seems to be a real big issue of a non-compromising attitude. She said from a non-bias point of view, a compromise was in order. She said she knows there is a whole line of porta johns for the baseball fields and there is one here and it is a big issue. She said her house is in front of the water line and they have 4 wheelers, snowmobiles, etc. running through and it is much more noise than dogs barking and no one in the community has ever complained although it is illegal for them to be running through there. She said she does not understand because it is just some dogs. She said she loves animals and may be biased but in every neighborhood there is a barking dog and maybe there is a greater barking situation with 30 dogs but is it not better to accept a little less for the good of the community and the sake of all the people who enjoy the dog park. She noted that it gets dark and the park will close around 7 and for the 2 hours it will not light the park up like arena football or something like that. She said people do not need that much light for walking dogs.

A young man noted his mother walks his dog and she is working now and does not get home until later and he thinks the lights will help. He said she needs the exercise.

Another young man asked that they put themselves in the other person's shoes who do not live there and need the park and would they not like it when they can walk their dog at like 7 o'clock but it was dark out so lights were needed. He suggested they put themselves in the shoes of a person who lives a distance away and does not want to walk their dog where they might do their business on someone's lawn. He said instead they could go to the park and walk for about an hour, in a well lit area and they do not have to worry about tripping over something or anything like that. He said when the lights shut off, they should leave.

Supervisor Fuller noted the light will be on a timer and go off at 7 p.m. She said she thinks that everyone will know that the light will be out at 7 o'clock and they should be responsible for themselves to get out before the light goes out.

Councilman Lenhardt said 2 years ago when the rules were written, there was a board formed. He said this is the first time, as Supervisor Fuller stated, that there are any problems. He asked what happened to the board and he is getting the impression that it has not met in 2 years. Supervisor Fuller noted some of the members have moved away. Mrs. Lanahan, Administrator of Parks and Recreation Department, said it was her understanding that the advisory board was formed to help get the park going. She said it was not intended for it to be an ongoing committee to make all the decisions about the park. She said once it was all up and running, the rules were established, it became the property of the Town and up to the Parks and Recreation Department that was overseeing it to enforce the rules, make decisions, make improvements.

Councilman Lenhardt asked what the reaction was when the violations were reported to the Police Department by Mr. Scheuerman. Mr. Scheuerman said the answer was they will get over there, we'll be there. He said occasionally they did, they actually intercepted a couple people who were there way over the hours. Mr. Weidman said one of them was a neighbor of Mr. Scheuerman.

Councilman Lenhardt said this might be a way to compromise, he heard reference that the park is not locked. He asked if that was true. Mr. Jordan said absolutely. Mr. Lenhardt said he was asking Mrs. Lanahan. Mr. Lenhardt suggested that if there were hours that locks be put on the gates, so therefore, he thinks the people who are causing most of the problems are the people that do not

have permits and are using the park technically illegally. Mrs. Lanahan noted that she would have to hire someone and pay them overtime to come back and lock the park. Councilman Lenhardt asked if there is a ranger at the park. Mrs. Lanahan said after Nov. 2 there is no one on at night. Mr. Scheuerman asked if a Police Department guy could go over and lock as he is doing his beat so to speak. He said probably one of the dog park people would be willing to lock the gates at night. Mrs. Lanahan noted maybe something like that could be worked out and said she could talk to the Police Department.

Mrs. Lanahan said she knows the enforcement issues are a problem. She said the park rules are not laws, they cannot arrest or issue tickets. She said they can only go and speak to someone. Councilman Marcelle asked if it would help if there was a local ordinance for them to enforce. Mrs. Lanahan said probably it would. She said she has spoken with Deputy Chief Corsi and they did not think there was that much of an issue to take it that far. She said they can go back and evaluate that again and noted she did not know what was involved in all that.

Supervisor Fuller noted they needed to be realistic saying, certainly if this is the problem this evening, they certainly would have heard about it. She said people are in here all the time. Mrs. Lanahan said she has not heard from one person at Adams Station and Mr. Scheuerman is the only person on Park Edge Lane that she has heard from. Mr. Jordan mentioned there was one other lady but Mrs. Lanahan was not aware of that.

Councilman Lenhardt asked how many complaints were received for the lighting and the ball fields during the ball playing time of the year. Mrs. Lanahan said there are not any. She said there are no lights at the ball fields. Mrs. Lanahan noted the lights will not be on after 9 p.m. in the summer. She said the lights are not stadium lights, they will be on one pole that will shine down into the lower end of the park just to make it a safety issue. She said there is a night light on the Public Works building and it is on all the time so even if the light went out, there would not be someone trapped in the back of the park in the pitch black. She said she thought 7 o'clock is a reasonable compromise. She said they are constantly faced with the issues of both parents working and it has changed the course of all of their operations from the pool. She said the crowds are bigger and bigger at night because there are more parents working. She said programs are offered in the evening because the parents work. She said it is just the way it is in this town. She said there has to be a consciousness of the fact that both parents work. She said when it is dark at 4:30, people do not have the privilege of using the park.

Councilman Marcelle asked about the light going up. Mrs. Lanahan said there is one light. Mr. Marcelle asked how much that will cost. Mrs. Lanahan said there is no cost estimate. She said Mr. Weidman has spoken with Verizon and they are willing to donate and install a pole so it will just be up to the Town to purchase the light fixture and have it installed. She thinks it can be done pretty reasonably and then there is just the cost of the electric power. She said she is hoping to tap into the Public Works building there and use that.

Mr. Scheuerman asked on the aesthetics, how tall the light pole was going to be. He said maybe about 12 feet. Mr. Weidman thinks that would be fine. Mr. Scheuerman said he feels like he is being run over again and it is ridiculous.

Mr. Scheuerman said the election cycle is coming up and he works very hard on that issue. Councilman Davis noted she hoped he does. Supervisor Fuller said she thought Mr. Scheuerman needs to understand that the Board represents all the people of the Town of Bethlehem and it is very difficult that you have felt the need to come to the meeting and take out, what she views, as personal frustration with the Town Board for the dog park. She said she is a little taken back by it and said he certainly called before when this was gone through before. She said without hearing complaints from the community, she did not view this as a problem at all. Mr. Scheuerman asked why he was not contacted. Supervisor Fuller said an

awful lot of people knew because they were all calling to find out if the meeting was being cancelled last week.

Councilman Plummer said when this first came he voted against it but the reality is that it is there. He said it is not going to go away and he thinks personally the request at this meeting is not an unfair one and going to 7 p.m. provided it is done right and he trusts Mrs. Lanahan will do it right and it is fair. He does think, however, out of respect for the people who live near the park that there should be a process set up so they are notified if there is a change proposed, however, formal or informal that is done. He does not think that the committee should no longer exist. He said talking about a size of a pole right now, these are not the kind of things that should be negotiated in public for the Town Board. He thinks there should be a process for the neighbors to participate and if it is under the Administrator's jurisdiction, he would suggest and ask that something be put together so they can have input into it on both sides. In fairness and respect to them, they are taxpayers that they deserve it.

Supervisor Fuller asked Mrs. Lanahan if she has heard from any of the residents. Mrs. Lanahan said no. The Supervisor asked if any of the residents are using the dog park, asking if they were aware of the changes that were being made. Mr. Weidman said yes they were. The Supervisor asked how many residents were spoken with. Mr. Weidman said 2. Supervisor Fuller asked Mr. Scheuerman if there were 8 families impacted by this. Mr. Scheuerman said 8 families, noting several could not be in attendance because they did not realize things were going on here. He said one of the 2 that use the park is Mr. Jordan.

Councilman Marcelle said he would second Councilman Plummer's suggestions. He said the wisest thing said at the meeting was by a student in regard to there being some compromise. He said he thinks the form should be some type of committee that could talk about the height of pole, location of pole, wattage of light, locks on the fence, enforcement of after hours use. He said he thinks there are a whole range of issues that need to be hammered out and even though it may be a small group and even though it may be only 8 families, they are neighbors. He said they have to live together – the people who use the park and who live by the park. He said it has been his experience that generally when people sit down and talk about the difference and find out what they can live it and what they cannot, even tonight – I hear reasonable compromise forming and he just urges Mrs. Lanahan to see if she can get a committee together that kind of represents both interests and work on the issues.

Further discussion followed regarding the compromise and problems that have happened. Supervisor Fuller said this should end the discussion. She noted there is a lot of park land in the Town and Mrs. Lanahan has done an excellent job of running the parks including the parks and asked the she continue with the good leadership of running the dog park. She said she thought you can debate whether there is a light or porta john, whether there is water, whether it is locked and this could go on forever but 2 years ago when the park was put in, everything was put in place so that it was turned over the Town park and Mrs. Lanahan was the head of the park. She said they do not have committees to take care of who can use the diving pool and who can use the L-shaped pool. She said she thinks everyone needs to be realistic in regard to this. She said it is no different than the baseball fields or the Tom Boy fields and the football fields and all the senior citizens who do not have children in the schools. She said we all have to give to make this community the great place that it is.

Councilman Davis said she was very surprised when Mr. Scheuerman stated earlier that in the discussion that the Town parks are in disarray and disrepair. She said she was sorry but she disagreed with that comment. She said she thinks they are in wonderful shape and this whole community would disagree. Mr. Scheuerman said to take a look at the children's park in the Town because that particular segment needs work. Mrs. Davis said he needs to be more specific. Mr. Scheuerman said the point is that we are spending money for dogs not for children.

Councilman Davis said they are not spending money and she said she thinks that is the point. Mr. Scheuerman said that was the point, we were spending money on dogs not children. Mrs. Davis said the revenues of the park make it self-sustaining and that has been made clear.

Mr. Clyde Norton asked if they could go on a little tangent seeing as the discussion is dogs. He said there is a situation down to the Henry Hudson Park where it is a State fishing site and it has to be open and accessible 24 hours a day under the mandate of the State. He said we have a lot of boat owners that bring dogs in. He said we have a policy of no dogs in the park there that when a dog gets off a boat, you know what he is going to do. He said he is going to run to the park. He said this ought to be looked at and he would like to see some area to the north end of the boat launch cleared off and has a designated dog area or possibly a small area on the south end of the boat launch so that there is a specific area so that if I go down there and I want to sit within sight of the boat launch and have my dinner, not having a dog come up trying to sneak a munch off of me. He said there are no signs for that and the people with the boats and dogs have a right to be there with their dogs but there is no break in the line down there.

Supervisor Fuller asked Administrator Lana han to look into this situation. She said the boat launch is a State of New York, as well as, the Town of Bethlehem. She said we share the joy and sorrow of the park. She asked for a motion on the lighting and change of hours of operation for the dog park.

The motion was made by Mrs. Davis and seconded by Mrs. Fuller to approve the installation of lighting and change in hours of operation for the Dog Park at the Town Park as recommended by Mrs. Lanahan, Administrator Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mrs. Davis, Mr. Plummer.

Noes: Mr. Marcelle, Mr. Lenhardt.

Absent: None.

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Councilman Marcelle said he was opposed due to his idea of the forming of a committee. Councilman Lenhardt said his idea was to couple locking the gate at the specified times and noted if that was included in the motion, he would be in favor of it but since it is not he was opposed.

Councilman Davis asked in regard to information in the memo that this would be done early April and asked if there will be a specific date. Mrs. Lanahan said she will check into the time change and such things. Mrs. Davis thanked her saying she thought it would be helpful considering the discussion.

The following item was a request from Commissioner of Public Works, Bruce Secor, for approval of appointment of part-time maintenance cleaning employee. Supervisor Fuller noted that one of the employees will be out on sick leave from his position due to surgery and the request is to permit a part-time cleaning person to help cover the hours during the leave.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the appointment of Laurie Lambertsen to the position of part-time cleaning person as requested by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

The next item was to authorize Supervisor to sign the 2003 Animal Shelter Agreement with Mohawk and Hudson River Humane Society.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the Supervisor signing the 2003 Animal Shelter Agreement with Mohawk and Hudson River Humane Society, Menands, New York. The motion was passed by the following vote:

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

The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval of the award of bid for biodegradable paper bags to the low bidder, Dano Enterprises, Inc., Stamford, CT.

The motion was made by Mr. Plummer and seconded by Mrs. Lenhardt to approve the award of bid for biodegradable paper bags to the low bidder, Dano Enterprises, Inc., Stamford, CT as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval of acceptance of easement for the Horne Subdivision, Maple Avenue, Selkirk. Supervisor Fuller said the deed document has been submitted to the Town for a sidewalk/bike path easement located along the westerly side of Maple Avenue in Selkirk. She said the easement is a requirement of final plat approval for the subdivision.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the acceptance of a deed document for the Horne Subdivision for sidewalk/bike path easement purposes located on the westerly side of Maple Avenue, Selkirk, NY as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

The next item was a request from Police Lieutenant, Robert Berben, for approval to go to bid for Uniforms for the Police Department, Telecommunicators and Animal Control Personnel. Could advertise December 18, 2002 and open bids on December 31, 2002 at 3 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of Uniforms for the Police Department including communications and animal control, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of December, 2002 and that bids be received up to 3:00 p.m. on the 31st day of December, 2002 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

The following item was to acknowledge receipt of the Highway Inventory from Highway Superintendent, Gregg Sagendorph. Supervisor Fuller asked if there were any questions. She said the Highway Inventory is available for anyone who might want to review it in the Town Clerk's office.

The next item was to acknowledge receipt of Preliminary Plat Approval for Glenmont Woods Subdivision, Journey Lane, Glenmont from the Planning Board for information purposes.

The next item was to acknowledge receipt of Final Plat for Laura Ridge Subdivision, 2 lots on Adams Street, Delmar from the Planning Board for information purposes.

The next item was to acknowledge receipt of Final Plat for Barber Subdivision, 2 lots on Werner Avenue, Delmar from the Planning Board for information purposes.

The next item was to acknowledge receipt of amended Final Plat for the Nolan-Brown Subdivision, Feura Bush Road, Glenmont from the Planning Board for information purposes.

The next item was a request from Commissioner of Public Works, Bruce Secor, for approval of transfer of funds to Sewer District Capital Reserve Fund. Supervisor Fuller said the amount is \$120,000.

Councilman Plummer asked Comptroller Kehoe what the second paragraph in the Memorandum means. He said it sounds like money is not being spent in 2002 and it will be spent in 2003. Mrs. Kehoe said that was correct. Councilman Plummer thought the second paragraph meant something entirely different and he does not know the connection. Mrs. Kehoe said he was describing the work that he was intending to complete in 2002 but because the work was not completed in 2002, he wants to transfer the money into Capital Reserve so that it is available for expenditure in 2003. Mrs. Kehoe said she presumed the money would be used for the same work as listed in the memorandum.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the transfer of \$120,000 to the Sewer District Capital Reserve Fund as requested by Bruce Secor, Commissioner of Public Works. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

The following item was a request from Comptroller, Judith Kehoe, for approval to issue a Tax Anticipation Note for the Water Fund, in the amount of \$1,500,000, and approval of interfund loans to the Water Fund in 2003. Supervisor Fuller asked if there were any questions. Mrs. Kehoe said she did receive bids on the Tax Anticipation Note this date from 5 of the designated depositories and the

low bidder was interest rate of 1.6 percent, J.P. Morgan Chase. She said this was a good time to borrow money.

Councilman Plummer asked, so he understood it, why the interfund transfer is being done now for 2003. Mrs. Kehoe said knowing that she will need additional money for cash flow purposes by March 1 of 2003, she combined it into the related subject. Mr. Plummer asked if the interfund loan was needed in 2002 in March. Mrs. Kehoe said she did, noting March 1 is a very large debt service payment on the Clapper Road Water Treatment Plant and due to the timing of the water receipts there is not enough fund balance. Mr. Plummer asked if this would be the maximum that would be needed. Mrs. Kehoe said the maximum she asked for this year was 2 million dollars and the cash flow is improving with the rate increases that the Board has previously adopted. She said she is only asking for a maximum of 1.5 million dollars, hoping it is less than that but she wanted to be conservative with the request to the Board.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the issuance of a Tax Anticipation Note for the Water Fund in the amount of \$1,500,000 and approve the interfund loans to the Water Fund in 2003 as requested by Comptroller, Judith Kehoe. The motion was passed by the following vote:

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

The next item was a request from Judith Kehoe, Comptroller, for approval of budget transfers for 2002, and for approval of transfers to other funds. Supervisor Fuller noted the Board has a Memorandum listing the items. She said this is the year end transfers. Mrs. Kehoe said it is the end of the year when they look at what actually happened. She said it is to make sure there are funds to cover the year end. She said most of the transfer are relatively modest and go within a single department between the individual line items.

Mrs. Kehoe noted there are some sizeable underexpenditures, indicating the Police Department is the most notable at \$200,000 under budget this year. She said they are capturing some of those funds and she said the goal this year was to break even and there have been some strong sales tax receipts over the year and as usual they have underexpended the budgeted appropriations, so she is projecting a surplus and that is the reason for the request for the transfer into the Reserve accounts.

Supervisor Fuller asked if there were any questions from the Board on any of the transfers.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the budget transfers for 2002 and approve the transfer to other funds as requested by Comptroller, Judith Kehoe, as listed in her Memorandum dated December 5, 2002. The motion was passed by the following vote:

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

The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval of year end budget transfers.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve year end budget transfers as requested by Highway Superintendent, Gregg

Sagendorph as listed in his Memorandum dated December 6, 2002. The motion was passed by the following vote:

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

The following item was to approve the Town Board minutes of October 23, 2002 and November 13, 2002.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to approve the Town Board minutes of October 23, 2002 as submitted. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Marcelle.
Noes: None.
Abstain: Mr. Plummer
Absent: None.

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The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Town Board minutes of November 13, 2002 as submitted. The motion was passed by the following vote:

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

Supervisor Fuller asked if anyone wished to address the Board. Mrs. Capone, resident, mentioned there was a newspaper ad looking for a person to head the Youth Court. She asked how many applications were received. Supervisor Fuller said they only came in the mail to her and it went to the Directors of Youth Court. She asked Councilman Davis how many there were. Mrs. Davis said she thought there were about 15. Mrs. Capone asked how many interviews were done. Supervisor Fuller said she did not do any and noted the Youth Court Board did the interviews. She asked Mrs. Davis how many interviews were done. Mrs. Davis said there were 5 people interviewed. Mrs. Capone then asked what the qualifications were of the person who got the position. Mrs. Davis said the person had previously worked in the Probation Department with young people and had a significant experience and were very pleased with the interview.

Mrs. Capone said she wanted to bring up to the attention of the Board that here daughter, Suzanne, applied. She said the request was to know the law. She said she is an attorney and worked with teenagers for 4 years with high school teenagers. She went to court with them on tickets over there and she was not even interviewed. Mrs. Davis said not all the applicants were interviewed.

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Mr. Clyde Norton, Beaver Dam Road, Selkirk spoke regarding enforcement issues and the other item he was concerned about was taxes. He said he came to the Planning Board because he owns the property adjacent to Trinity Manor. He said he is concerned about what is going on. He said they are taking another look at the wetlands mitigation. He said the wetlands back up to his property.

Mr. Norton said he brought up other issues and he sees the problem that the guidelines are provided and people's integrity is depended upon to follow the guidelines. He said the problem seems to be that when an individual has no integrity, who is minding the store. He has had problems with this developer and the developer is going to cause additional problems. He said someone has to step

up to the plate and go down and see what is going on because when the houses fall down and they are not on the tax rolls, we are all going to pay and it hurts us all.

Mr. Norton said part 2 and he understands the separation between executive and judicial but to be treated vindictively, prejudicially, and totally off the wall by the Police Department and Judicial Department is not acceptable. He mentioned a previous case which cost the town around \$300,000 in settlement and cost us probably as much in legal fees. He said this is where they are headed and he could write a book.

Mr. Norton proceeded to explain some problems he has been experiencing, noting he does the best he can and he pays his taxes. He took issue with Judge Theresa Egan and accused her of counseling from the bench. He said that is not acceptable in the judicial system. He said it proceeded with an adjournment.

Mr. Norton said he did not hear anything and contacted Supervisor Fuller and thanked her for becoming involved in this matter. He said shortly afterwards he got a letter from Judge Milano indicating he had to refile his papers. Mr. Norton said the flaw was the petition for recovery of real property was not signed by the Clerk of the Court. Mr. Norton said the Clerk of the Court is the person he gives the paper to when he puts it in there. He said that was not enough and when he called to get the paperwork back he was told he could not have it. He said he had to start over to proceed with the small claim. He said if that is not being vindictive and difficult, he does not know what is.

Mr. Norton said what is going to happen and the reason he came to the Board is that if he cannot get fair treatment from the Town, there is going to be a lawsuit. He said he wanted to Board to know what things looked like from his perspective.

Supervisor Fuller thanked Mr. Norton.

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Supervisor Fuller asked if anyone else wished to address the Board. There were none.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to adjourn the Special Meeting at 10:17 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

Town Clerk