

TOWN BOARD  
FEBRUARY 22, 2006

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 5:30 p.m.

PRESENT: Theresa Egan, Supervisor  
Daniel Plummer, Councilman  
Tim Gordon, Councilman  
Samuel Messina, Councilman  
Kyle Kotary, Councilman  
Kathleen A. Newkirk, Town Clerk  
ABSENT: James T. Potter, Esq., Town Attorney

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Supervisor Egan welcomed everyone to a regular Town Board meeting. She said the first thing is to take any public comment on any agenda item.

Mr. Robert Jasinski, Bender Lane, asked if he could get a little explanation on the Veterans' Exemption. Supervisor Egan said the public hearing is the better place to ask this question. Mr. Jasinski said that was fine.

Mr. Jasinski noted there is a bid for the portable toilets, asking how come it was coming before the Board this time. Supervisor Egan said she did not know the answer but can find out and get the information back to him from Administrator Lanahan. Mr. Jasinski asked if the bid will come to the Board. Supervisor Egan said it is an approval to go to bid for the toilets. She read the information from the memorandum. Mr. Jasinski said it will be in the newspaper. Supervisor Egan said it will.

Mrs. Marie Capone asked about Mr. Sam Jasinski and he is in that business. Supervisor Egan noted it will go to bid and the best possible, responsible bidder will get the award.

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Mrs. Capone next asked about the appointment of the Quadricentennial committee. She asked if the Supervisor would read the names of the people and the people on the 9W Linkage Study. Supervisor Egan noted when they reach the item on the agenda they will. Mrs. Capone thanked the Supervisor.

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The motion was made by Mr. Plummer and seconded by Mr. Gordon to dispense with the 30 minute comment period. The motion was passed by the following vote:

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

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The next item was to approve Town Board minutes of January 25, 2006 and February 8, 2006.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the Town Board minutes of January 25, 2006 as submitted. The motion was passed by the following vote:

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

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The motion was made by Mr. Messina and seconded by Mr. Kotary to

approve the Town Board minutes of February 8, 2006 as submitted. The motion was passed by the following vote:

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

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The following item was a request from Commissioner of Public Works, Oliver Holmes, for approval of award of bid for Radio Read Meters to bidder E.J. Prescott, Inc., Montpelier, VT.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the award of bid for Radio Read Meters to E. J. Prescott, Inc., Montpelier, Vermont at the bid price submitted as requested by Commissioner of Public Works, Oliver Holmes. The motion was passed by the following vote:

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

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The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval of award of bid for various commodities.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the award of bids for Gasoline and Diesel Fuel; Heating Fuel; Guide Rail; Topsoil; In-Place Paving; Milling of Bituminous Asphalt; Gravel; Washed Crushed Stone; Rental of Track Excavator; Rental of Construction Equipment; Utility Repair Crews; Plastic Pipe; Corrugated Metal Pipe; Precast Concrete Manholes; and Iron Castings as recommended by Highway Superintendent, Gregg Sagendorph, and listed in his Memorandum dated February 15, 2006. The motion was passed by the following vote:

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

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The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval to go to bid for portable toilets.

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

WHEREAS, the Town desires to advertise for bids for the rental of portable toilets, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 1<sup>st</sup> day of March, 2006 and that bids be received up to 3:00 p.m. on the 10th day of March, 2006 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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The next item was to acknowledge receipt of 2005 Annual Report from the Parks and Recreation Department. Supervisor Egan indicated the Board Members received copies of the report.

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The following item was a report from the IDA Executive Director for consideration of 2006 IDA/Town Administrative Services Contract. Supervisor Egan said Comptroller Kehoe could not be in attendance, however, Mr. Leveille would be happy to answer any questions.

Councilman Kotary asked Mr. Leveille if the amount for the contribution by the IDA was \$200,000 for 2006 but noted in exhibit A it says total anticipated costs incurred by the Town is \$235,520. He asked if that additional \$5,520 is paid for by the Town. Mr. Leveille said that was correct. He said what they were trying to do is demonstrate the value to the IDA that the Town was, in fact, providing additional services. He said the IDA has finite resources so they wanted to establish a reasonable benchmark for reimbursement to the Town.

Councilman Kotary asked if the percentage of contribution was comparable, if not the same, as last year. Mr. Leveille said it is actually higher but again, things have shifted. He said they used to have an Executive Director who was on staff and no longer have that position. He said the Town staff is providing services so it really represents and reflects the new methodology for providing staff support to the agency. Mr. Kotary thanked Mr. Leveille.

Supervisor Egan asked if there were any other questions. There were none.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the 2006 IDA/Town Administrative Services Contract. The motion was passed by the following vote:

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

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The following item was a request from Chief of Police, Louis Corsi, to appointment of Kenneth G. Beck to the position of Police Officer. Supervisor Egan said this would be effective February 26, 2006. She said this was part of the discussion during the budget process at the end of 2005 whereby the Board approved 1 position and made a second position conditioned upon recommendation from IMAC to proceed in or around April of this year.

The motion was made by Mr. Kotary and seconded by Mr. Gordon to approve the appointment of Kenneth G. Beck, Feura Bush, New York to the position of Police Officer, effective February 26, 2006 at an annual salary of \$42,995 as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

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Supervisor Egan introduced Mr. Beck and welcomed him, noting the Chief was anxious for him to start.

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The next item was a request from Louis Corsi, Chief of Police, to accept DARE donation. The Supervisor indicated this was a \$10 donation from Nancy Farr and noted the Town Board authorize a budget modification to increase the gifts and donations revenue line item and to increase the police 67-13 DARE program expenses line item in the amount of \$10.00

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the acceptance of a \$10 donation from Nancy Farr and noted the Town Board authorize a budget modification to increase the gifts and donations revenue line item and to increase the police 67-13 DARE program expenses line item in the

amount of \$10.00 as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

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The next item was to consider appointment of the Quadra Centennial Committee. Supervisor Egan noted a couple meetings ago discussion was held pertaining to the formation of a Quadra Centennial Committee and distributed some recommendations from Mr. Mathusa with regard to potential members. She said Mr. Mathusa suggested that Jack Cunningham, Dr. Houghton, Marty DeLaney, Peter McGinty, Dr. Loomis a resident Ted Jennings and included Kyle Kotary and Kathy Newkirk. This is a committee to get things started, according to Supervisor Egan. She said as indicated, there is activity happening at the State level and we need to be involved in, as well as, trying to get some planning underway. She asked if there was any further discussion. She said she spoke with Mr. Jennings who has respectfully declined due to his schedule with other items but indicated he would be available to help in any way he might be needed. She said maybe this might be a situation where the committee needs to expand as we get closer.

Councilman Plummer said he thought this was great and made a motion to approve the appointment of the following persons to the Quadra Centennial Committee:

|                 |  |
|-----------------|--|
| John Cunningham | Mary DeLaney, Bethlehem Chamber of Commerce      |
| Theresa L. Egan | Ray Houghton, Town Historian                     |
| Kyle Kotary     | Les Loomis, Bethlehem Central School District    |
| Kathy Newkirk   | Peter McGinty, Bethlehem Historical Association. |

Councilman Messina said he feels that the Committee has good representation and balance and also thanks for the opportunity to make recommendations so he is supportive of it.

The motion was seconded by Mr. Gordon and passed by the following vote:

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

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The following item was to consider appointment of Route 9W Linkage Study Residents Committee. Supervisor Egan said this was a grant application made several months ago and received to study the Route 9W corridor. She said solicitation letters of interest and looked into requesting individuals to serve on this committee to try and keep it balanced. She said they recognized certain directives within the comp plan to do that. She said the recommendations are presented for approval as members of the committee. She noted Town Planner, Jeff Lipnicky, will be directing and coordinating the effort.

Councilman Gordon said it sounds like a fine group. The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the following appointments to the Route 9W Linkage Study Residents Committee:

|                          |                                 |
|--------------------------|---------------------------------|
| Keith Bennett, Glenmont  | Mike Daley, Glenmont            |
| Tom Dolin, Glenmont      | Linda Jasinski, South Bethlehem |
| Nancy Kuivila, Glenmont  | Peter Lauricella, Glenmont      |
| Darlene Valet, Glenmont. |                                 |

The motion was passed by the following vote:

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

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Supervisor Egan introduced Darlene Valet and Linda Jasinski and thanked them for their willingness to participate.

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HEARING BEGAN: 5:45 p.m.

SUPERVISOR EGAN: Okay, let's move on to the public hearing. This is in regard to Consider Amendment to Code of the Town of Bethlehem, Chapter 111, Article III, Section 111-11.1, Eligible Funds Alternative Veterans Exemption.

She asked if there was a motion to waive the call and just indent the notice of public hearing and affidavit of publication.

The motion was made by Mr. Messina and seconded by Mr. Kotary to waive the reading and indent the notices on the minutes.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM, ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on February 22, 2006 at 5:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending Chapter 111, Article III, Section 111-11.1, Eligible Funds Alternative Veterans Exemption.

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, Ext. 183. Advanced notice is requested.

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

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State of New York)  
County of Albany)

CHRISTINE MC NAMARA of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 8<sup>th</sup> day of February 2006.

/s/ Christine McNamara

Sworn to before me this 8<sup>th</sup> day of February 2006.

/s/ Sharon A. Doldo  
Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on February 8, 2006, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this

10th day of February 2006.  
/s/ Julie S. McNeil  
Notary Public

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

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

Noes: None.

Absent: None.

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SUPERVISOR EGAN: Again, as I said, this is a public hearing to take testimony in regards to changing the Alternative Veteran's Exemption as proposed. Do we have anyone to give testimony this evening?

MR. JASINSKI: Excuse me, I do apologize, but what does this law involve, noting that was what he was asking.

SUPERVISOR EGAN: Dave Leafer, do you want to summarize quick.

MR. JASINSKI: I do apologize for interrupting you.

SUPERVISOR EGAN: Thank you, not a problem, Bob.

MR. LEAFER: Bob, why don't you come up, it's easier than trying to switch the mike all around. This law has been in affect... or this exemption has been in effect for quite a long time in the Town. We opted for it years ago. All that's happening at this point is that in light of the way market trending has gone, sales of property have gone, is an attempt to keep the alternative veterans exemption viable in light of these increases. Currently, there are 3 types of alternate veterans exemption. A person served in wartime... during a period of wartime but not in combat zone, they are entitled to 15 percent of their assessed value up to a house maximum value of \$180,000, which would amount to about a \$27,000 exemption. If they actually served in combat they would... and of course during a period of time, they get another 10 percent on top of that which would add \$18,000 if they were at the maximum house assessment of \$180,000. Disabled they... it's currently at a \$90,000 level and those disabled exemptions vary depending on the percent of disability. But, up to \$90,000 for 100 percent disability and that would amount to about \$90,000 again with a cap on the \$180,000 limit.

What we are proposing is to raise what has been raised by the State for local communities to opt to do is to raise that \$180,000 maximum house limit up to \$240,000. So, those various exemption levels and I'd be happy to give you a copy of this.

MR. JASINSKI: No, that's all right.

MR. LEAFER: Those various exemptions levels are going to jump upwards to \$36,000 if the person has a house. They won't get any more than that if it is over that but they will get \$36,000 for wartime, \$24,000 for combat and a maximum of \$130,000 if they are totally disabled. So, this is just an attempt to keep some fairness in this exemption structure for the alternative vets. And, when you consider that the seniors exemption is an automatic percentage against the assessed value regardless of what it is, there obviously values go up, their exemption is going to follow suit and it's going to be... you know... it's not going to be diluted where if we keep it at this level for the vets, it would be diluted.

MR. JASINSKI: They are all assessed value discounts that get.

MR. LEAFER: Right.

SUPERVISOR EGAN: We're really increasing the exemption.

MR. JASINSKI: Right.

MR. LEAFER: And, as I indicated to the Board, the perceptible change in a tax rate because of this is probably no more than a penny to a cent and a half per thousand.

MR. JASINSKI: Now, how... can somebody qualify for a STAR program plus the veterans program?

MR. LEAFER: Oh, yes. This is awarded to anybody who is actually out of service who served during a period designated as being a wartime period. It could be World War II... well our old World War II, that's most of them are on a different type of program, but Vietnam, Korea, the 2 Gulf wars and certain types of what they called military actions for which campaign ribbons were given. But, they have to be out of service at this point. They're not active... they're not on active duty. Okay. It's a way of recognizing the people who have stood the watch for us for what they have done.

SUPERVISOR EGAN: Okay?

MR. JASINSKI: All right. Okay, I do concur with this. I am very happy to see it. I mean our veterans deserve this. We're going to be getting quite a few back from Iraq and everything else and I think it is very good of the Town to step forward and do this. Thank you.

SUPERVISOR EGAN: Great. Thank you. Okay, do I have a motion to close the public hearing?

The motion was made by Mr. Plummer and seconded Mr. Kotary to close the public hearing at 5:50 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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Town Clerk

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Supervisor Egan asked if the Board wished to adopt the proposed Local Law.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the adoption of Local Law No. 2 of 2006 amending the Code of the Town of Bethlehem, Chapter III, Article III, Section 111-11.1. Eligible Funds Alternative Veterans Exemption. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was to consider a proposed Association of Towns Resolution. Supervisor Egan explained the Association of Towns requested a Town resolution having to do with seeking alternative ways to fund, basically, public education. She said she gave it for comment and asked whether they want to table it or what.

Councilman Messina commented that when Councilman Kotary and he left the Association of Towns meetings the past weekend and Monday and Tuesday, this was one of the subjects that were high on the agenda. He said the Comptroller of the State of New York spoke of it and others did. He said he knows it was the

subject of several different forums and there is a lot of support out here for sending the signal that for funding, local government costs including education costs that people have to start thinking outside the box and looking at alternatives to property taxes. He said he has seen this document from a couple different directions and he can say there is a lot of support for it and he thinks it is a good idea to send the signal that we believe this should be further explored.

Supervisor Egan asked for other comments.

The following resolution was presented for adoption and directed to be forwarded to the appropriate people.

Resolution No. 13

**RESOLUTION**

By action of the Town of Bethlehem, Town Board, adopted at its meeting held February 22, 2006, it was

RESOLVED, that the following recommendations be submitted to New York State Senator Joseph Bruno, New York State Assembly Representative Sheldon Silver and Governor George Pataki with a letter on behalf of the citizens of the Town of Bethlehem urging their immediate attention,

WHEREAS, the residents of the Town of Bethlehem have collectively considered the local issues of greatest concern to them and identified high property taxes as one of the highest priority among them; and

WHEREAS, funding for local governmental services, including public education, is provided primarily through a tax on the estimated value of property; and

WHEREAS, the welfare of the Town of Bethlehem homeowners is jeopardized by the rapid increase in the costs of public education and the inability of many homeowners to pay these increased costs; and

WHEREAS, the increasing burden on public education on taxpayers also impacts on the ability to raise other taxes to provide services and to fund Town-specific and local initiatives important to the well being of the community.

THEREFORE, the Town Board of the Town of Bethlehem appeals to New York State public officials to implement new measures for financing public education, including the following suggested actions:

1. Ensure quality in a formula for funding public education based on the taxpayers' ability to pay;
2. Decrease the revenue raised from tax sources based on the value of dwellings;
3. Refrain from imposing state mandated requirements upon school systems without corresponding state funding;
4. Adjust the formulas on revenues earmarked as aid to education from state lottery and other future gaming activities so that the annual percentage is substantially increased from current levels;
5. Maintain the enhanced STAR exemption for the Town's neediest citizens, but also increase the STAR exemption for senior citizens specifically at all income levels; and
6. Regain lost tax revenue from the above actions through income tax; and
7. Seek alternative funding of public education.

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

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

Noes: None.

Absent: None.

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The following item was a request from Deputy Director, Michael Morelli, of Economic Development and Planning for amendment to lot line, 76-78 Crescent Creek Way, in PRD Dowerskill Village. Supervisor Egan said this is an amendment to a PRD, Dowerskill and knows that a couple conversations resulted with Mr. Morelli. She said she did not know if there were any outstanding questions. She said one of the issues is it seems pretty straight forward that the

Town Board cannot take direct action on this. She said under the new Code, the answer is no, it has to be referred back to the Planning Board. She said this is one area that they are looking at to clean up over the next couple months, as there is a relook at the code.

Councilman Plummer said he did speak with Mr. Morelli and he does think it is important because this seems immensely fair and it is a terrific thing. He said he just thinks sometimes the Planning Board is probably bogged down by so much and he understands the way it reads is that the Town Board shall send it to the Planning Board. He thinks if it just says may, then the Board can have the flexibility to move things along more quickly.

Supervisor Egan said that was fine and asked for a motion to refer this to the Planning Board.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve referring the matter of an amendment to a lot line, 76-78 Crescent Creek Way, Glenmont, to the Planning Board. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was a request from Commissioner of Public Works, Oliver Holmes, for approval to go to bid for one (1) Portable Generator. Could advertise March 1, 2006 and open bids on March 14, 2006 at 2:30 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) Portable Generator, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 1<sup>st</sup> day of March, 2006 and that bids be received up to 2:30 p.m. on the 14th day of March, 2006 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

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The following item was a request from Commissioner of Public Works, Oliver Holmes, for approval of award of bids for Materials.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the award of bid for Materials as listed in the Memorandum dated February 22, 2006 from Commissioner of Public Works, Oliver Holmes, to the various companies for the items listed for each. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was a recommendation from Town Planner, Jeffrey Lipnicky, for adoption of a resolution confirming Lead Agency status and SEQR determination for Vista Technology Campus. Supervisor Egan said everybody

received a packet on this. She said the scoping session is set for March 22, 2006 and believes it talks about a 5:30 p.m. time, however, that needs to be amended to 6:00 p.m. because it is a Town Board evening. She said there are representatives in attendance if there are any questions.

Councilman Plummer said he needed to understand the process. He asked if the scoping document that they have was prepared by the developer. Mr. Lipnicky said it was. Mr. Plummer said they are voting to be Lead Agency for the Town of Bethlehem. He said the hearing scheduled for March 22 would be for the public to come in and make recommendations on how we may change the scope or expand it or anything. Mr. Lipnicky said that was correct. Supervisor Egan said it is really not a hearing, just for clarity, it is just a scoping session but because they are lead agent, there is a requirement to take public comment, as well as, written comment on this.

Mr. Lipnicky said the way the SEQR regulations work are in terms of the scoping document, the applicant for a project will submit a draft scope and through the scoping process you have to allow for public participation in the scoping process. He said generally it is done through a scoping session and a written comment period. He said what you have is a written comment period, as well as, the scoping session. He said the comment period would end the Monday after the Town Board meeting. He said the regulations say that within 60 days of receiving a draft scope, so essentially within 60 days of tonight, the applicant will have to be given a final scope for the DEIS. He said hopefully they are going to be working toward getting that done a lot quicker than the 60 days but the regulations allow up to 60 days to deliver the final scope. He said the final scope would be the Town Board's document.

Councilman Plummer said that seemed very thorough but he and Mr. Mathusa went over to meet with people at NYSERTA yesterday to talk about just in general about the different incentives that NYSERTA offers as far as energy conservation products and different types of processes. He said he notices in the scoping document there is reference to energy conservation and NYSERTA highlights certain projects and showed demonstration projects they have. He said what they do is to provide grant money and low interest loans for different purposes and this might be a good opportunity where they could hook-up NYSERTA and this project. He said he does not know if this would be considered as part of the scoping document but he wanted to throw that out. He said maybe that is something that can be looked at between now and the next hearing. He said they were very enthusiastic and they have talked with them before. He said there is grant money and it might help the developer. He said it is a great purpose to promote energy conservation and specific projects and different systems for cooling, heating and all kinds of things. He said he was sure the BBL people are aware of this as well.

Mr. Lipnicky noted this was something they can discuss with the applicant over the next few weeks. Supervisor Egan said that was great.

Councilman Gordon said he certainly agrees with Councilman Plummer and the comp plan made references to renewable and alternative energy and this is certainly an opportunity. He said NYSERTA has some great programs.

Supervisor Egan thanked Mr. Lipnicky and asked if there were any other questions.

The following resolution was presented for adoption:

Resolution No. 14

**TOWN OF BETHLEHEM  
TOWN BOARD  
APPLICATION OF BBL DEVELOPMENT, LLC  
FOR  
VISTA TECHNOLOGY CAMPUS  
FEBRUARY 22, 2006  
SEQRA RESOLUTION**

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

**POSITIVE DECLARATION**

**WHEREAS**, BBL Development, LLC (the “Applicant”) has applied to the Town of Bethlehem Town Board (the “Town Board”) for approval of a project known as Vista Technology Campus, a mixed economic development district (“MEDD”), located along LaGrange Road on the west side of the proposed Slingerlands Bypass (Route 85) (the “Project”); and

**WHEREAS**, for all Type I actions, such as this one, involving more than one agency, coordinated environmental review is mandated under SEQRA and a lead agency must be established prior to a determination of significance; and

**WHEREAS**, the Town Board has sent a coordination letter to other SEQRA involved agencies declaring its intent to serve as lead agency; and

**WHEREAS**, no other involved agency has objected to Town of Bethlehem’s assumption of lead agency status during the time allotted under SEQRA; and

**WHEREAS**, the project proposed by the Applicant may have one or more significant impacts on the environment; and

**WHEREAS**, the Town Board, with due consideration of the EAF Parts I, II and III, and appendices thereto, has determined that the Project may have potentially significant environmental impacts related to traffic, sewer and water infrastructure, natural resources, cultural resources and/or development density; and

**WHEREAS**, the SEQRA regulations, 6 NYCRR § 617.8, allows for the lead agency to require scoping to focus the EIS on potential significant adverse impacts and eliminate consideration of those impacts that are nonsignificant; and

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby makes the following determinations:

1. The Town Board designates itself as the SEQRA lead agency for this type I action;
2. The Town Board finds that the Project will have a least one potential significant adverse impact and hereby directs the Town Staff to publish and file as required by SEQRA the attached notice of positive declaration incorporated herein;
2. The Town Board directs that the Applicant prepare a draft Environmental Impact Statement for its review;
4. The Town Board notes that the Applicant has already prepared and submitted a draft Scoping Document for public and Town Board review as SEQRA lead agency;
5. The Town Board directs that a public scoping session will be held at its regularly scheduled public meeting on March 22, 2006 and that the public will be afforded an opportunity commencing at 6:00 p.m. to appear at Town Hall and submit oral or written comments on the draft scoping document. Moreover, the public, as well as all involved and interested agencies, will have until March 27, 2006 to submit written comments on the draft scope; and
6. Town staff are hereby directed to publish and file all SEQRA documents as required by SEQRA and to place a notice of the public scoping session and written comment period in the official Town newspaper.

This resolution shall take effect immediately.

On a motion made by Mr. Plummer, seconded by Mr. Kotary, and a vote of 5 for, 0 against, and 0 absent, this RESOLUTION was adopted on February 22, 2006.

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The motion was made by Mr. Plummer and seconded by Mr. Gordon to adopt the Positive Declaration dated February 22, 2006 and provided in their packets. The motion was passed by the following vote:

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

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Supervisor Egan said conspicuously from the agenda is anything in regard to the Planning Board legislation and one of the things that is being discussed is internal counsel for both the Planning Board and Town Board have chatted about this legislation. She said this was something that came up a while ago when there was some concern about not wanting to get into a situation with term limits. She said they have been exploring different ways on how to manage this. She said one thing that has come up since IMAC is dealing with Town departments, they thought this might be something to pass off to IMAC for a review and some sort of recommendation from them. She said she would like to get this Planning Board legislation off to IMAC and a recommendation back to the Town Board before it is adopted. She asked if that was okay with everybody.

Councilman Plummer asked if it was the same proposal that was before the Town Board or if there were any changes made. Supervisor Egan said there are some proposals, noting the term limits are gone and there are different suggestions in regard to maybe reducing the number of board members on it, alternate members and things like that. She said it is because of that and having some input from Mr. Mathusa, they would have to get some research done. She noted they would have the intern take a look at how other people are doing it. Councilman Plummer asked if this was other communities. Supervisor Egan said it was.

Supervisor Egan said again, consistency within our own Town government also. She noted there are a 5 member Board of Appeals and 5 members Town Board and a 7 member Planning Board. She said it is just one thing to look at. She would like to take those comments and the proposed changes and get it to IMAC and get a recommendation back to the Town Board on that.

Councilman Messina said working with IMAC, this is certainly consistent with some other things that have been done and fits into something that was last mentioned. He said which he thinks is just as important as looking at the dollars and cents the economy aspects are of what is going on with other communities that have moved from 7 to 5 Planning Board Members as far as what their experience has been. He said they have done that on other issues and he thinks it fits real well.

Supervisor Egan said that was good and that will be done.

Councilman Gordon asked Mr. Mathusa how many Members the Planning Board needs for a quorum and vote. Mr. Mathusa said there are 7 members and for any particular issue, it is the majority of 4 and if there is a recommendation for the Albany County Planning Board itself and wish to override that, it needs a vote of 5 of the 7. He said they have been very fortunate over the years that the quorum issue has not been an issue. He said once in a while someone is traveling and there might be 6 but there has been no issue, indicating the attendance has been good.

Councilman Kotary asked Mr. Mathusa if we have alternates on the Board. Mr. Mathusa said at this time, they do not. Mr. Kotary asked if there has been an issue, explaining that the reason he is bringing this up was at the Association of Towns conference one of the best practices they were talking about in Planning Board's was having alternates in case members have to recuse themselves on certain issues. He asked if there has been an issue with that. Mr. Mathusa said over the last 8 years he only recalls 1 issue where a Planning Board Member was having a house built and they were reviewing that particular area. He said in terms of other practices and so on, there has not been any issues with the current members. Mr. Kotary thanked Mr. Mathusa.

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Supervisor Egan noted the other thing she would like to invite the Board to is a presentation by COGEN Partners and the Audubon Society of New York on March 1, 2006 to announce a \$20,000 donation, she thought, to the Audubon Society towards the engineering and feasibility studies for the Center for Sustainability. She said they asked to do it here and asked if Town representatives could be present.

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Supervisor Egan asked if anyone wished to address the Board on any item not on the agenda. There were none.

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The motion was made by Mr. Plummer and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 6:08 p.m. The motion was carried by the following vote:

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

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Town Clerk