

TOWN BOARD
JULY 9, 2003

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

PRESENT: 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
ABSENT: Sheila Fuller, Supervisor

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DEPUTY SUPERVISOR LENHARDT: Good evening, welcome to a meeting of the Bethlehem Town Board. Will you please join us in the pledge to the flag?

Now, we have 4 public hearings on our agenda beginning with 7:30 this evening. So, you will have to bear with us in trying to juggle. I know the news cameras are here for issues other than our public hearings. I'll try to get that issue taken care of before 8:15 but it depends on how we go with these public hearings. Never antagonize the press.

The first item on our agenda is a public hearing to amend Town Code to permit a stop intersection at Berwick Road at Greenock Road in Delmar. I ask the Town Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 9th day July 2003 at 7:30 p.m. to consider a proposed Local Law Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-10, Schedule VII, Stop Intersections as follows:

ADD: A stop intersection as follows:

Stop sign on Berwick Road at the intersection with Greenock Road, Delmar.

All interested persons 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 are in need of assistance in order to participate should contact Nan Lanahan at 439-4131, advanced notice is requested.

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

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 25th day of June 2003.

/s/ Elizabeth Bradt

Sworn to before me this 30th day of June 2003.

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

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 June 25, 2003, 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
1st day of July 2003.

/s/ Catherine T. Picarazzi
Notary Public

The motion was made by Mrs. Davis and seconded by Mr. Plummer 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: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Fuller.

DEPUTY SUPERVISOR LENHARDT: Mr. Mark Sargent of Creighton Manning is here to give us a brief over view or Gregg, either one.

MR. SAGENDORPH: This request was brought to the Town by a Kristen DeVoe of 65

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Berwick Road and a Susan Fox of 72 Berwick Road. In addition a few years ago Hartford Insurance – which has been our insurance carrier had requested that we look at that intersection also for stop sign control. Right now it is a 4-way intersection uncontrolled by any signage. At the time Hartford requested it, we looked at the accident history, we looked at the volumes and determined that no stop sign was needed at that time. But, now with the addition of these 2 requests by 2 different individuals at 2 different times of the year – they didn't come together and request this, we took another look. We had Creighton Manning look at it and we've decided that stop signs are needed on Berwick Road at the intersection of Greenock.

DEPUTY SUPERVISOR LENHARDT: Thank you, Gregg. At this time, I'll ask people that want to ask questions, or speak in favor or opposition please step to the mike and state your name and address.

MRS. DE VOE: I am Kristen DeVoe of 65 Berwick Road. I did put in the request for the intersection because I am right at that intersection and I look right out my window and I see people, both ways – both on the Berwick side and the Greenock side – speeding very fast through that intersection. I, myself, have 3 small children and there's been an... a turnover in the neighborhood where a lot of small children have now moved into the area. And, we feel that it is a dangerous intersection. There are some teenagers... a lot of teenagers in the area who also speed through the intersection. I don't feel that they have the experience... have their license long enough to really, you know, be watchful of small children. In the wintertime, especially with the winter that we just had, the snow banks were so high that no one could even see if there was a car coming on either section so it was just an accident waiting to happen. I know we can't always plan on winters like that but we're going to have them. Also with just the trees being in... you know, with all the rain and trees being really green and leafy it is hard to see through that intersection.

I think that it is just a very necessary thing at this point. I think maybe before there was a lot of elderly people and not a lot of traffic but since there are a lot of young families in the area, it is just really needed. We also have a petition of over 50 residents just in that... just in that 4-way intersection area who overwhelmingly really want to see some stop signs put there.

DEPUTY SUPERVISOR LENHARDT: Thank you, Kristen. Do you want to turn the petition into the Board, Kristen? It will be a matter of public record.

COUNCILMAN DAVIS: Are these neighbors... the people who signed the petition, Kristen, are they residents of those particular streets in that area?

MRS. DE VOE: Absolutely they are... not even going any farther than the next corner.

COUNCILMAN DAVIS: Okay, thank you.

MRS. FOX: Hi, I'm Sue Fox at 72 Berwick Road and in addition to what Kristen said, I also witnessed a very close accident where they missed each other by like an inch

because no one knows who has the right-of-way and I also have kids same ages as Kristen's, little kids. And, this winter someone ended up on my lawn because of the snow bank and no stop sign and they were going too fast and ended up on my lawn also.

DEPUTY SUPERVISOR LENHARDT: Thank you. Anyone else? Are there any questions from the Board? I'm sorry I didn't give the Board the first opportunity to question.

COUNCILMAN DAVIS: I don't have any questions but I would say – that's my neighborhood generally – I live just a few blocks from that and I am very familiar with that neighborhood and I... it is an unusually wide intersection and there is a lot of traffic. You have a lot of young people there. I would hope that the young children are supervised at all times by their parents. That is something that we need to consider and I would also say, I apologize... I don't mean to be offensive... but I don't think it is just teenagers who are doing the driving, I think there are many adults who live in that neighborhood just as there are in my neighborhood where there are adults who drive just as fast, if not faster, than teenagers. So, we all need to be concerned. But, I do think that intersection warrants some control with stop signs.

DEPUTY SUPERVISOR LENHARDT: Anyone else have anything to add? I will entertain a motion that we close the public hearing.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to close the public hearing at 7:40 p.m. The motion was passed by the following vote:

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

Town Clerk

Deputy Supervisor Lenhardt asked if the Board wished to deal with this item this evening.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to adopt Local Law Number 1 of 2003, amending the Code of the Town of Bethlehem, Vehicle and Traffic, Article VI, Section 119-33, Schedule VII, Stop Intersection adding stop signs on Berwick Road at Greenock Road, Delmar. The motion was passed by the following vote:

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

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Absent: Mrs. Fuller.

Deputy Supervisor Lenhardt noted the next public hearing could not begin until 7:45 p.m. and in the interim he went to the item to consider adoption of resolution with regard to Abandoned Cemetery on Elsmere Avenue, Delmar. He said for the sake of the citizens and the Board, he received this as the rest of the Board Members did on Friday in the packet. He said because of the nature of the media today, he gained a little more insight into this item. He said apparently in 1992 somewhere on Elsmere Avenue construction was taking place and the remains from an abandoned cemetery were unearthed. He said at that time the County took over the process and it's apparently just recently the County turned it back to the Town of Bethlehem.

Deputy Supervisor Lenhardt noted according to Town Law, Section 296, the State of New York mandates that the township adopt a resolution to deal with this and the Board has a resolution authorizing Supervisor Fuller to bring a proceeding pursuant to Town Law Section 296 to address abandoned cemetery and it authorizes the Supervisor, basically, to have the remains reentered in the Bethlehem Cemetery.

Deputy Supervisor Lenhardt said the request before the Board, for background so the Board is aware of some of the issues, nothing is ever cut and dried. The resolution requests that the Town retain the services of Hiscock and Barclay, specifically Michael J. Smith of Counsel, as its attorney at the hourly rate of \$135 to represent the Town's interest for purposes of this special proceeding and the Town shall retain Applebee Funeral Home, a licensed Funeral Director, and the Bethlehem Cemetery for the purposes of the reinterment of these remains and Supervisor Fuller is authorized to incur and pay these reasonable fees and costs for these interment services in such amounts as shall be reasonable and necessary but which are estimated to be \$2,365. He said question was raised as to why Applebee Funeral Home was selected and I am going to turn it over to the Town Clerk to answer that. He said he was informed that Applebee has preformed these services in the past and that was why their name was put on this resolution. He said he has been made aware that other funeral parlors in the Town wish to be considered and feel this should go out to bid. He said services are not an item required to go to bid unless it is above a certain level of money.

Town Clerk Newkirk added that Town Historian, Joseph Allgaier, had done research when the bones were originally located and found that there was a Bender family cemetery at the location. She said it was located on the eastern side of Elsmere Avenue and at that time the major part of the cemetery was moved. She noted apparently these particular graves were not found and when they were found, she started asking questions and spoke with the State and Bethlehem Cemetery and Mr. Applebee and they had done some of the removal on the original movement of the Bender family cemetery. Therefore, she said, she simply got a price from Applebee Funeral Home and from the cemetery in order to come up with some amount of the expenses incurred.

Deputy Supervisor Lenhardt asked if there were any other questions or comments

from Board Members. Councilman Davis asked if we are required to do RFPS on something like this. Deputy Supervisor Lenhardt noted Mr. Alessi can interrupt him but as he stated he believes that services are discretionary and not required to go to bid. Town Attorney Alessi said this matter is being handled by 2 others, Tom Marcelle and Mr. Smith. He noted he was away on vacation and just returned. He said he has not had an opportunity to look into this matter at all. He said he could tell everyone that professional services do not require a bidding process. He said he has not looked at whether or not what is required here would qualify as professional services but certainly the law is clear.

Deputy Supervisor Lenhardt thanked Mr. Alessi. Councilman Marcelle said he had a comment and maybe a direction to be given to Mike Smith. He said after the publicity that this issue has gotten, a number of people contacted him. He said the bones, for general purposes, have been dated at over 150 years old which puts somewhere between 1840 and 1860. He said during that period, this area in Albany County and the Town of Bethlehem in particular was part of the underground railway. He stated the house he grew up in was part and had the secret passages. He said perhaps the bones were in unmarked graves because they were those of runaway slaves. He said he has since found out through a report that is in our attorney's hands that analysis of the bones indicates that the decedents are African-American. He said given the area in which they were found and given the racial make-up which would have been unusual probably in the Town of Bethlehem to be buried on an estate or a farm like that, he would just hope we could advise Counsel to seek information regarding the national groups that take the claims of slaves bones that are found in the underground railway. He said his understanding is that there is a national burial site for them. He would ask that Counsel inquire after the places and the historian provides names to him. He asked the Town Clerk to forward this information to Counsel Smith.

Deputy Supervisor Lenhardt said on advice of Counsel, he would entertain a motion to table this item.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to table the adoption of a resolution regarding an Abandoned Cemetery on Elsmere Avenue, Delmar. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

Hearing Began 7:45 p.m.

DEPUTY SUPERVISOR LENHARDT: The next item on the agenda was a public hearing to amend Town Code to permit stop intersection at Hasgate Drive at Egmont Court in Delmar. I ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 9th day July 2003 at 7:45 p.m. to consider a proposed Local Law Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-10, Schedule VII, Stop Intersections as follows:

ADD: A stop intersection as follows:

Stop sign on Hasgate Drive at the intersection of Egmont Court, Delmar.

All interested persons 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 are in need of assistance in order to participate should contact Nan Lanahan at 439-4131, advanced notice is requested.

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

- - -

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 25th day of June 2003.

/s/ Elizabeth Bradt

Sworn to before me this 30th day of June 2003.

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

- - -

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 June 25, 2003, 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

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1st day of July 2003.
/s/ Catherine T. Picarazzi
Notary Public

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The motion was made by Mr. Plummer and seconded by Mr. Marcelle 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: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.
Absent: Mrs. Fuller.

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DEPUTY SUPERVISOR LENHARDT: Gregg do you want to...

MR. SAGENDORPH: This request for stop signs on Hasgate Drive at the intersection of Egmont came from residents of that immediate area through Councilman Marcelle. I don't have the exact names of those people so whether the Councilman wants to share them or maybe they are in the audience tonight. We hired Creighton Manning again to look at this intersection but not only at this intersection because we have had other concerns shared by other residents of the Haswell Farms Subdivision. We had Creighton Manning look at the entire stretch of Hasgate Drive from Feura Bush Road to its intersection with Forsten Drive, which now connects to the Onclave subdivision.

You will notice in your packet tonight, there are 2 separate memos. One memo is specifically for the Hasgate/Egmont intersection, the second memo from Creighton Manning has to do with the section of Hasgate Drive from Feura Bush Road to Corrit Drive. For tonight's public hearing, they're requesting... they're entertaining that we can possibly put stop signs on Hasgate at Egmont. That is their recommendation that we may be able to do that due to some sight distance restrictions.

DEPUTY SUPERVISOR LENHARDT: Does the Board have any questions?

COUNCILMAN MARCELLE: Yea, I'll just clarify the record. Bud Malone, who many people may know here, lives on Egmont Drive and he had indicated to me that a number of the neighbors have small children and has a concern about not being stop sign there. I went out and looked at it... there are a lot of children who live in that neighborhood and, in fact, I found out canvassing the neighborhood at least one dog who was... one woman was walking a dog had a car run over the dog because of the... as you approach Hasgate or Egmont from Hasgate, there's a bend in the road and I think our Superintendent just said, it's really line of sight is a problem there. And, I know some of the neighbors were very concerned at the rate of speed and the line of sight that possess potential problems, not only for the dog that was hit but more importantly to them for the children who play in that area.

DEPUTY SUPERVISOR LENHARDT: Thank you, Tom.

COUNCILMAN DAVIS: I think that one of the issues in that particular neighborhood is that having been there any number of times and I am surprised at the amount of traffic every time I'm there. But, it's not just the Haswell Farms subdivision that's now self-contained but because it connects to the Onclave, which then enters onto Elm Avenue East, which then enters onto Elm Avenue, we have a lot of through traffic and it is a problem and, I mean, and it's a safety issue. So, I think that if we could put the stop signs there, I think it is important to do that and it's warranted. And, it is an unusual intersection and most of the other intersections in that neighborhood do have stop signs. I mean, I've checked that too. The cross streets as you move from Feura Bush Road down to Egmont, you have stop signs at the different intersections. In fact, I was surprised before the request came in that that one did not exist. So, I would move that we have that stop sign.

DEPUTY SUPERVISOR LENHARDT: Well, let's see if the public has anything.

MR. SAGENDORPH: The stop signs do exist on Egmont at this time. We would be putting additional ones...

COUNCILMAN DAVIS: Yes, they do?

MR. SAGENDORPH: ...on Hasgate making it an all way stop.

COUNCILMAN DAVIS: Additional, yes. Right. But, that's what I mean I was surprised that they didn't exist there. Consistent with what we see earlier in that subdivision.

DEPUTY SUPERVISOR LENHARDT: Is there anyone in the audience that wishes to speak in favor or opposition to this proposal?

MR. HART: Yea, I'm Joe Hart, I do not live on Hasgate Drive but I live in that in that general neighborhood. I have quite a bit of use of the intersection of Feura Bush Road and Hasgate and Murray Avenue. And, I'm very much surprised as Doris mentioned at the volume of traffic and I now understand why it is. I didn't really realize myself that I've explored enough... deep enough into the development to realize it connects clear all the way down to Elm Avenue. I not only generally favor this although I have very little to do with it but I think the Board should be looking if there isn't a safety direction of the Town should be looking at that intersection of Feura Bush Road as a stop light. I know that's probably a State matter. That intersection has a terrible sight line and it's a 40 to 45 miles per hour highway which most people are going 50 to 55. It's a very, very unsafe intersection getting into the Hasgate development but that's a different matter.

COUNCILMAN DAVIS: Murray Avenue, Feura Bush Road and Hasgate.

MR. HART: Murray, Feura Bush and Hasgate all come together and the traffic is way

beyond anything that I thought would develop when I saw Hasgate being built over the last 2 years.

COUNCILMAN DAVIS: You're right.

MR. HART: I live off of Murray Avenue, clear up by 32. Thank you.

DEPUTY SUPERVISOR LENHARDT: Thank you, Dr. Hart. Is there anyone else? I'll entertain a motion...

MRS. CAPONE: Hey, hey, hey...

DEPUTY SUPERVISOR LENHARDT: Oh, I'm sorry, Marie, didn't see you. Excuse me.

MRS. CAPONE: Well, when Mr. Catalano runs this Town he will reinstate the Traffic Safety Committee that was very effective for 14 years and we had the service of Creighton and Manning for free of charge that you are now paying for. Thank you.

DEPUTY SUPERVISOR LENHARDT: Thank you, Marie. Are there any other Members? I'll entertain a motion we close the public hearing.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to close the public hearing at 7:58 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

Town Clerk

Deputy Supervisor Lenhardt asked if the Board wished to take action.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to approve the adoption of Local Law Number 2 Amending the Code of the Town of Bethlehem, Vehicle and Traffic, Article VI, Section 119-10, Schedule VII, Stop Intersections to add stop signs on Hasgate Drive at the intersection of Egmont Court, Delmar. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

Deputy Supervisor Lenhardt asked Mr. Sagendorph about the last request and that is the installation of stop signs on Orchard Street at Fisher Boulevard.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to set a public hearing for August 27, 2003 at 7:30 p.m. to consider proposed local law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Article VI, Section 119-10, Schedule VII, Stop Intersections to permit installation of stop signs on Orchard Street at its intersection with Fisher Boulevard, Delmar. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

Hearing Began: 8:00 p.m.

DEPUTY SUPERVISOR LENHARDT: Next public hearing is to consider a proposed Sewer District Extension, Carriage Hill Subdivision. I'll ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

IN THE MATTER OF EXTENDING THE
BETHLEHEM SEWER DISTRICT OF THE TOWN OF BETHLEHEM,
ALBANY COUNTY, NEW YORK, PURSUANT TO ARTICLE 12-A
OF THE TOWN LAW
ORDER – SET HEARING PROPOSED SEWER DISTRICT
EXTENSION NO. 29, CARRIAGE HILL SUBDIVISION

WHEREAS, a map and report have been prepared by J. Kenneth Fraser and Associates, P.E., LS, LA, PC, engineers, duly licensed by the State of New York and filed in the Office of the Town Clerk of the Town of Bethlehem in such manner and detail as is hereby approved by the Town Board, relating to a proposed extension of the Bethlehem Sewer District of said Town, and showing the boundaries of the proposed extension, with a general plan of the proposed sewer system and a report of the proposed method of operations, and

WHEREAS, the boundaries of the proposed extension to the district are as described in Exhibit "A" attached hereto and made part hereof, containing 52.73 acres more or less; and

The above described area being more fully shown on a map entitled "Bethlehem Sewer District, Town of Bethlehem, Albany County, New York, Proposed Sewer Extension No. 29, Carriage Hill Subdivision" dated July 15, 2002 and made by J. Kenneth Fraser and Associates, PE, LS, LA, PC, Consulting Engineers, Rensselaer, New York, and

WHEREAS, the total costs of all said improvements and the maximum amount proposed to be expended therefore is \$510,000, which will be borne by the developer of

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the Carriage Hill Subdivision within said proposed extension, and

WHEREAS, the improvements proposed to be made consist of the construction of a new sewage collection system, and which will be paid for by the developer and therefore no bonds will be issued by the Town of Bethlehem, and

WHEREAS, it is proposed that the cost of making such improvements shall be paid for by the developer and shall not be assessed, levied and collected by the Town Board from the several lots and parcels of land within the extension in the same manner and at the same time as other charges, and

WHEREAS, said map, plan and report describing said improvements is on file in the Bethlehem Town Clerk's office for public inspection.

Now, on motion of Mrs. Davis and seconded by Mr. Lenhardt it is hereby

ORDERED, that the Town Board of the Town of Bethlehem shall meet and hold a public hearing at the Town Hall, 445 Delaware Avenue, Delmar, New York, on the 9th day of July 2003 at 8:00 p.m. on that day to consider said map, plan and report and to hear all persons interested in the subject thereof concerning the same, and to take such action thereon as is required or authorized by law, and

It is further ORDERED, that the Town Clerk be and she hereby is directed to publish and post certified copies of this order at the time and in the manner provided by law.

The adoption of the foregoing order was put to a vote and upon roll call, the vote was as follows:

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

NOES: None.

ABSENT: None.

BY ORDER OF TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk, CMC, RMC
Town Clerk

- - -

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 25th day of June 2003.

/s/ Elizabeth Bradt

Sworn to before me this 30th day of June 2003.

/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 June 25, 2003, 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
1st day of July 2003.
/s/ Catherine T. Picarazzi
Notary Public

- - -

The motion was made by Mrs. Davis and seconded by Mr. Plummer 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: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.
Absent: Mrs. Fuller.

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DEPUTY SUPERVISOR LENHARDT: Bruce, are you? Mr. Johannessen.

MR. JOHANNESSEN: I'm Howard Johannessen from Fraser and Associates. I've got a map on the Board that I'll swing out so we can all see that. On May 16th 2002 the Town Planning Board approved the Carriage Hill Subdivision. One of the requirements of the final document generated by the Planning Board was that the existing sewer district of the Town be extended to include the whole of the subdivision. Now, part of the subdivision is currently in the Town's Sewer District. It is kind of hard for everybody to see but if you look, the yellow shaded area, that's existing district. This road going down through here is Jericho Road, Elm Avenue East is located here. The subdivision is within this area. The yellow area that goes through the subdivision is part of the existing district, which is centered on the Dowerskill Creek trunk sewer. So, the proposed district extension will consist of 2 parcels, one of which is approximately 17 acres which is the green shaded area. The other green shaded area being the 2nd parcel to be incorporated into the Town sewer district is approximately 35 acres.

During the approval process by the Planning Board, the SEQR process itself was satisfied, Findings Statements were prepared by the Planning Board, one in August 21st of 1990 and then there was a supplemental Findings Statement prepared in 1993. And, so it is part of really a follow-up to the approval of that subdivision that we are here tonight to extend the Sewer District so that the whole of the subdivision is within the Town

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Sewer District.

DEPUTY SUPERVISOR LENHARDT: Are there any questions from the Board? Thank you. At this time, I'll take questions or comments for or against this proposal from the audience.

MR. JASINKSI: My name is Robert Jasinski. Good evening. From the description and I'm a little late coming to this project, the way I understand the gentleman who spoke is that this Sewer District is all within the boundaries of the land that they own. My question to the Board is, there is housing along Elm Avenue East, also the Town garage. I also have property on Jericho Road, right where Elm Avenue East comes in. My question is because you're having a Sewer District – is any of these lines out where we, as residents of the Town of Bethlehem in that area, can tap into it or do we have a guarantee that we can tap into or are we going to be at the mercy of the developer and I sit there and I want to build a house on Jericho Road by subdividing my 6 acres into just a lot, all of a sudden I got a sewer that is 500 feet away and I can't tap into it.

Now, the Board over a period of time has approved lots of these developments like this. Swift, for instance, is one on Bender Lane, he goes down in back. You have an area from Swift's land down to the pumping station that has no sewer. So, we're on septic systems. Sewer is much better than septic systems. I want to know whether or not I can access that sewer if I'm within... or do I have to buy a right-of-way or am I, through this public hearing getting permission? Are the houses along Elm Avenue East on the south side... will they be able to tap in? Don't forget a developer can stop a road 50 feet from a boundary line... 25 feet and you can't cross that unless you get developer's permission. So, what I'm saying is, what's the answer?

MR. SECOR: Mr. Jasinski brings up about 5 points. I'll try to cover them in the order he brought them up. The homes on Elm Avenue East are already sewered. They were sewered under a federally aided project. All of the homes facing Elm Avenue East and the Jericho Drive-in Theater are already on sewers.

The developer is bringing the sanitary sewer all the way up to Jericho Road and the property owners there could extend it at their expense if they wish to bring it to their property beyond that. He mentioned the area down on Bender Lane, the gravity sewer actually flows through Mr. Jasinski's property down in the back – just as the developer brought the gravity sewer up to service his development, Mr. Jasinski could go down in the back and bring up the sewer for him. To try to bring the sewer from the subdivision that exists now on Bender Lane all the way through to the rest of the properties doesn't work because the property actually falls off in the wrong direction. But, the gravity intersector sewer or that trunk sewer is right down behind there. So, any of the properties along Bender Lane, at least on the southerly side of Bender Lane, could get access to the sewer by simply bringing the sewer up for themselves, similar to what the developer did.

As far as access to the sewers and actually that's through the developer's property, one of the things that the Planning Board looks at is that new development does not land lock

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neighbors. So, one of the primary things that the Planning Board looks at is adjoining streets or adjoining properties and if a stub street is required, the developer is required to build that to his property line and we normally require sewer and water to go to the property line also if it works out based on the utility layout.

So, I think I've answered all of those.

MR. JASINSKI: Now, how about the one... can I tap into that sewer?

MR. SECOR: Yes.

MR. JASINSKI: All right. What permission do I need just the Town of Bethlehem?

MR. SECOR: Yes, because the sewer is in the new... will be in the new Town street so it will be owned and operated by the Town. Now, going along Jericho Road, you can either run within the right-of-way of Jericho Road or if you're going cross lots, you'd have to go through your own property or get an easement from an adjoining property owner. But, if you wanted to run along the right-of-way of Jericho Road, we have the right to build utilities within the road right-of-way of Jericho Road.

MR. JASINSKI: Seeing that you have a nice map up there, why don't you step up there with me and point out where that sewer is going to come on to Jericho Road, how close.

Mr. Jasinski and Mr. Secor proceeded to trace the sewer on the map exhibited.

MR. JASINSKI: 600 feet of sewerage line is every costly. I think and I know the Planning Board has done lots of work and I don't want to belittle the Planning Board or anything but I think in a project like this here, they could have brought it out onto the road of Elm Avenue East, ran up and then ran south on Jericho Road instead of just encumbering it within the boundaries of the subdivision because right now to run 600-700 feet of sewer line – I'm not going to be able to do that. It's out of my realm of costs. So...

MR. SECOR: I'm not sure that the Town of Bethlehem can force a developer to run a sewer to his property so that he can subdivide. I'm not sure that's within our jurisdiction.

COUNCILMAN DAVIS: Did you make that request at the time that this was discussed at the Planning Board level, Mr. Jasinski?

MR. JASINSKI: I was not in Town at the time.

COUNCILMAN DAVIS: Okay.

MR. JASINSKI: I could not make the meeting but I would take this opportunity at this time to have the Town Board some way put forth something and take advisement from your legal counsel or something like this to maybe come out onto the right-of-ways like I

said along Elm Avenue East. I mean, you've got your Town garage there and you can run against that...

MR. SECOR: They are already sewerred. All of those parcels on Elm Avenue East are already sewerred.

MR. JASINSKI: So, I'm fighting a losing battle here, I'm taking your time up and everything. Thank you people.

DEPUTY SUPERVISOR LENHARDT: Is there anyone else wishing to speak in favor or opposition to the proposal? Hearing none, I'll entertain a motion to close the public hearing.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to close the public hearing at 8:16 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

Town Clerk

Deputy Supervisor Lenhardt asked if the Board wished to take action.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to accept the proposed Sewer District Extension Number 29 for the Carriage Hill Subdivision. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

Hearing Began: 8:18 p.m.

DEPUTY SUPERVISOR LENHARDT: The next public hearing is regarding Water District Improvements. Presentation will start out from O'Brien and Gere by Mr. Michael Kolceski.

I'm sorry, excuse me, will the Town Clerk please read the call of the hearing.

TOWN CLERK NEWKIRK:

RESOLUTION PURSUANT TO SECTION 202-B OF THE TOWN LAW

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OF THE STATE OF NEW YORK ADOPTED AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF BETHLEHEM, HELD AT THE TOWN HALL 445 DELAWARE AVENUE, DELMAR, NEW YORK ON THE 26TH DAY OF JUNE 2003

The Town Board of the Town of Bethlehem has heretofore established Water District No. 1, which includes the Vly Creek Reservoir, Water purification Plant and storage tanks in New Salem along with an extensive system of water transmission mains and distribution facilities.

An Engineer's map, plan and report dated June 2003 has been prepared in a manner and detail as determined by the Town Board regarding the proposed improvements and expansion of water supply facilities, transmission mains and related facilities.

The map, plan and report titled "Increase and Improvement of Water Supply Facilities, Water District #1, June 2003", has been filed in the Town Clerk's office in the Town of Bethlehem.

The map, plan and report were prepared by O'Brien and Gere Engineer, Inc., competent Engineers, Licensed by the State of New York, describing the proposed new facilities, a general plan of construction, estimated cost of the project and method of financing.

The proposed method of financing the cost of the improvements consists of the issuance of general obligation serial bonds of the Town with amortization of principal over a period of 30 years.

The maximum amount proposed to be expended fore the proposed expanded Water Supply Facilities in the sum of Thirteen Million, three Hundred Thousand Dollars (\$13,300,000.00).

The map, plan and report describing the proposed facilities are on file in the Town Clerk's office for public inspection.

The Town Board is desirous of conducting a public hearing regarding the proposed expansion of water supply facilities and transmission mains and wishes to give notice thereof by publication and posting as prescribed.

On motion of Mrs. Davis and seconded by Mr. Marcelle, it is hereby

RESOLVED AND ORDERED that the Town Board of the Town of Bethlehem shall meet and hold a public hearing at the Town Hall, 445 Delaware Avenue, Delmar, New York at 8:15 p.m. on the 9th day of July, 2003, to consider the aforesaid plan and report and to take such action thereon as is required or authorized by law.

The adoption of the foregoing Resolution and Order was put to a vote, the result of which is set forth opposite the name of each Board member voting thereon.

Aye:	Mrs. Fuller
Aye:	Mr. Lenhardt
Aye:	Mrs. Davis
Aye:	Mr. Plummer
Aye:	Mr. Marcelle.

- - -

State of New York)
County of Albany)

C. Fleming/A. Cooper of the City of Albany, being duly sworn, says that he/she is Principal Clerk of the TIMES UNION, a daily newspaper printed in the County of Albany Town of Colonies and Published in the County of Albany, Town of Colonie and the City of Albany, aforesaid and that notice of which a printed copy is annexed has been regularly published in the said Albany.

/s/ A. Cooper

Sworn to before me this 30th day of June 2003.

/s/ Jean M. Hill

Notary Public, Albany County

- - -

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 June 30, 2003, 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
30th day of July 2003.

/s/ Julie S. McNeil

Notary Public

- - -

The motion was made by Mr. Marcelle and seconded by Mrs. Davis 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: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Fuller.

- - -

DEPUTY SUPERVISOR LENHARDT: Now, Mr. Kolceski.

MR. KOLCESKI: Thank you. I think this is the 4th meeting I have attended ... to speak. Rick and I are here tonight to present the map, plan and report for the increase and improvement of facilities for Water District Number 1 in the Town and this is a formal public hearing as dictated by New York State Town Law and it gives the residents of the

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Town, particularly anybody living within Water District Number 1, an opportunity to hear the proposal and then to voice their comments whether pro or con to the proposal. And, then after the public hearing at some point in time, the Town Board will make a decision as to whether to proceed with the project or not.

By way of background, O'Brien and Gere Engineers were selected by the Town about a year ago to do a long-range water supply planning study for the Town. We completed that work in the spring of this year and made a presentation to the Town Board in April on that. And, further by way of background, I think certainly that the Town and, perhaps, everybody in this room realizes that the Town has 2 water treatment plants. There is the Clapper Road plant, which is relatively new and has a capacity of 6 million gallons a day and serves the industrial area of the Town. And, there was very little of the long range planning study that had to do with Clapper Road. Most of the study revolved around the New Salem Water Treatment Plant which is a much older facility, was built in the 1960s and that serves the commercial and residential area of Town. When it was built, it had a rated capacity of 6.5 million gallons.

The 4 main areas of the water study that we looked at were the existing water supply sources in the Town, future demands projecting out about 25 years to 2030. We looked at additional sources of water to meet the future demands of the Town's water district and we looked at how to get that water to the distribution system.

This first slide that was extracted from the long range study and basically what it shows is that the existing sources – the Vly Creek Reservoir and the New Salem ground water wells – provide about 3.4 million gallons a day to the Town and we projected in the planning year 2030 a need for almost 6 million gallons of water a day. That's a deficit right now of 2.5 million gallons a day. And, we've looked at a number of alternatives to pick up this 2.5 million gallon deficit. There were actually 10 alternates looked at in the long range study and those were evaluated and we ended up with 4 that we and the Town felt were doable from a practical engineering standpoint and financial standpoint. And, all of those 4 alternatives had some common elements that needed to be done or be considered to bring the Town water system up to the point where it could meet future demands and I'll talk about those... those areas in a minute.

This slide was also extracted from the report and the top line... the green line shows the demand in the residential and commercial area and the purple line shows the 3.4 mgd available now with the existing sources. So, the difference again would be 2.5 from what's available now and what's going to be needed in the future.

This slide shows the maximum demand in the design year of 2030. We talk about maximum demand... a lot of times we talk about average... the last slide was average... when you talk about how much water the Town produces during the course of the year we usually use the average daily demand. But, the Town does need to be cognizant of what the peak demands are because those are the times during the year when there's more water use for whatever reason and for fire demand. So, the actual peak demand of the system in the design year of 2030 is 10 million gallons. And, the Clapper...or, I'm sorry,

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the New Salem plant that I mentioned before had the design capacity of 6.5 million gallons. So, there is a deficit there right now and one of the things we are going to be talking about in a minute is expanding the New Salem plant to bring it up to the 10 million gallon a day capacity.

The common elements in the 4 remaining options for the long term supply of the Town was to upgrade and expand the New Salem Water Treatment plant and to meet the maximum peak demands of 10 million gallons. And, Rick in a few minutes is going to discuss the plans upgrades and expansion. We look at that as 2 separate steps to bring it back to its design capacity of 6.5 million gallons, which it isn't at today and then to expand it for the future. We've got a 24 inch finished water transmission main to basically get water from the New Salem plant into the Town's distribution system. And, that line is proposed to run along the route 85 corridor and I'll show you on a map in a minute from the treatment plant in Slingerlands. Then, we have a 2 million gallon chlorine content tank that's proposed to be constructed along Route 85 next to the existing 5.7 million gallon storage facility. Here is a map of the facility just to orient everyone – here's the

Vly Creek reservoir, the New Salem Water Treatment Plant, the red line running from the plant into Slingerlands is the proposed new 24-inch water main. There's currently a main under construction along Cherry Avenue, that's this red line and then there would be a future connection between those 2 that's shown in blue that is not part of this project. And, again, the 2 million gallon storage facility would be in this area.

As I said, Rick is going to talk about the New Salem Water Plant and what the proposal is for that. That's the major portion of this project. When I give the cost in a few minutes, you'll see that out of the 13 million dollar project costs the upgrade and expansion of the plant is little more than half of that.

MR. GELL: What I'd like to do is walk you through the analysis we conducted to evaluate the existing plant and it lead to the conclusions that are included in our map, plan and report. Our analysis focused on 3 primary elements. We looked at the condition of the existing facilities. We looked at the capacity of the existing facilities on a system-by-system basis and I'll go through that in greater detail later in the presentation. And, then we looked at the quality of the water that's being produced at the plant, compared that with current regulations and future regulations that are being proposed at this time.

Then, relative to the conditions assessment, what we found was a very well maintained facility but a facility that shows built in the 60s and seeing signs of aging infrastructure. Specifically we saw wear in the filter media that produces the water quality you are achieving, due for replacement. We saw major roof issues, new roofing book because of the age of the existing room and the original configuration of the roof. Significant energy conservation issues related to the windows and the basic construction of the walls. And, very older electrical equipment that's due for replacement and upgrade.

We're also discussing... will be discussing upgrades to this facility. The New York State adopted a new building code last year and as a result of that building code adoption,

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basically anything that we touch within this facility will have to be brought up to the current building code. So, we have a number of issues that were... that would need to be addressed to address the new building code. And, then we also identified a number of miscellaneous building space related issues, specifically a need for additional space and upgrades in the laboratory, there's no women's room in the building, and there's no lunchroom in the building. Another issue is one of the clarifiers is actually constructed outside not in an enclosed area and in this environment the snow and ice is very difficult on the equipment and causes a lot of damage from year-to-year.

On the water quality side, the plant produces water of very good quality, meets all current regulations. Certainly keeps water... or produces water in excess of what the original design and intent was but over the course of years – there's 2 water... 2 major water quality regulations that have been implemented that impact the Town of Bethlehem. One's called the surface water treatment rule and... surface water treatment rule that basically is going to drive the need to install an upgrade computer data collection system to record water quality data more frequently and report it to the State. It's also going to require that the disinfection system at the plant be optimized and it will impact the facility upgrades.

The second rule is the disinfection by-products rule and the 2 are very closely related but that's going to require a better chemical feed system at the plant to reduce the by-products of the disinfection products.... Or of the disinfection process and it's going to require modification of the way the water is disinfected basically driving the need for this 2 million gallon clear well which we're suggesting is most appropriately placed adjacent to the existing storage tanks on Route 85.

Lastly, we're going to need to treat the water consistently from all the sources – whether it's purchased water that is brought into Town or whether it's water treated at this site.

One of the major elements of the evaluation was a detailed review of the capacity of each of the major systems that make up the water treatment plant. We started right at the intake at Vly Creek Reservoir, took it right down through the point of delivery to the Town and we looked at each system and assessed what we thought the delivery capacity of that individual system was and then overall what it would take to restore the plant capacity to 6.5, then ultimately to go to 10 million gallons a day which is the long term goal to make sure we have a plan at least that is consistent with the long term needs.

What we found, one of the significant limitations currently is the raw water pumping. With the physical configuration of the existing plant, we can't get water into the plant when the reservoir levels are low. And, that severely restricts the current capacity of the overall system. They have adequate clarifier capacity through about 6.5 million gallons a day. With minor modifications to the settled water header, which delivers water from the clarifiers to the filters, we can restore that capacity. You have adequate filter capacity right now. The clear wells are very small and they're fine for the standards of which the plant was originally designed but the regulations have changed since the original construction and they're no longer adequate to meet the current regulations. The high

service pumps themselves are adequate but the overall ability to deliver water from the plant to the Town is significantly restricted by the finish water transmission main. Then there is a series of minor chemical feed system upgrades that would need to be addressed.

So, collectively, we identify an overall program that consists of basically hydraulic upgrades to restore the capacity; chemical system upgrades to deal with the water quality; treatment process expansion to provide expanded capacity; and building upgrades and additions that deal with the aging infrastructure and the space needs.

MR. KOLCESKI: I mentioned before that the total project cost was 13.3 million dollars. This is a break down of that cost. The water treatment plan including the storage facility is estimated at 7 million; pipelines 1.9; subtotal of just fewer than 9 million for the facilities. We're carrying a fairly high contingency costs at this time because with an old facility, with building involved, there's probably a lot of potential unknowns that won't be discovered until we get into the actual design of the facilities. Total construction cost of 10.7 million dollars. Regulatory permitting and legal engineering miscellaneous ... in 20 percent is typical for these types of projects. And, again, total project cost of 13.3 million dollars.

Tried to project a little of what that would amount to on a yearly basis. We're anticipating 30 year bonding, general municipal bonds. You can see what the projected annual payment would be in 10-year increments to pay back the total 13.3. The estimated first year debt service is about \$950,000 of principal being \$354,000 and interest at 4.5 percent but just under \$600,000. Today's market at 4.5 percent may be high, hopefully it is. Municipalities are pre-financing projects with BAN's these days for less than 1 percent. So, if there's ever an ideal time to spend 13.3 million dollars, this may be it just from the bargain standpoint.

As far as how that cost will be paid back, I suspect it will be a combination of taxes and water rates. And, I know Bruce last year presented a chart that kind of projected out over the next 20 years or so what the rates would be and that would give you some idea of what some of the costs or the increase both in taxes and water rates may be.

Just kind of in summary, the reasons for this project are to maintain good water quality so you comply with the ever changing State and Federal standards. You've got an aging infrastructure not only with the plant but also with the transmission system. I certainly want to maintain the reliability and be able to supply the water that's needed by the community and restore draught operational capacity. Again, be able to get the water from the plant in to the users.

Before I take questions, there was a question actually that was raised before by one of the Board Members at the last meeting and that was can this project be phased. And, I think there is a possibility that it can but quite honestly, we'll know better in the next phase of the work which is the basis of design phase when we can look at those specific items that were on the chart to not only bring the plant back but also to look forward to expanding it. And, there might be some things that can be phased but there might be others, again,

through economy scale it would be better building now although you might not need the capacity for a number of years down the road. But, that is an item that will be looked at and it's an item that will be discussed with the Board at the conclusion of the next phase of the project.

And, just from the standpoint of where this project goes from here, if the Board approves it, there would be a basis of a design phase and a preliminary design phase and a file design phase and that will all probably take a year or more. Then you've got all the permits to get approval, so by the time you go through all that, bid the project, construct it, you are probably looking at a 3-year... 3 to 4 year window. And, there will be any number of times when this project will come back to the Town Board for approvals on that kind of long road. The Board, obviously, has to approve going to bid on all the projects as well as awarding contracts. So, this is just the beginning. It's not the end of the process by any means but if the Board decides to approve this project, what you're basically approving is an authorization to spend up to 13.3 million dollars on this specific project.

COUNCILMAN PLUMMER: Can I just jump in, George?

DEPUTY SUPERVISOR LENHARDT: Sure.

COUNCILMAN PLUMMER: And, with that 13 ½ or 13.3 million that would generate – it's 10 million gallons a day, not the 6.5 but the 10 million because of the peaking, correct:

MR. KOLCESKI: That's correct. That takes it up to the peak of 10 mgd.

COUNCILMAN PLUMMER: Okay. And, in 3 years, I mean what does... I've read through your reports and I know this is the 4th or 5th time you've been here but where will we be demand wise in say 5 years, 10 years from now, roughly?

MR. KOLCESKI: I think there was... yea, we crossed the line at 2008, that's assuming that we at least get the plant up... back up to the 6.5 before then. But, these are estimates, so it could go one way or the other but there will come a time without...

COUNCILMAN PLUMMER: I understand.

MR. KOLCESKI: ...without the expansion to the plant where you literally won't be able to provide those peaks to your customers.

COUNCILMAN PLUMMER: Right, I'm trying to understand though the timing of it – will this then alleviate the need for us to have any other outside source?

MR. KOLCESKI: No. No, absolutely not.

COUNCILMAN PLUMMER: Okay, but if we are on a schedule with the upgrades or

implemented?

MR. KOLCESKI: Let me try to explain that because I wanted to touch on that. The reason for going to the 10 million is that there are times when whoever you get the additional water supply from probably won't be able to supply that to you for any number of reasons. You know, a storm, electrical power failure, whatever. So, you want to be able to produce all that your system needs from the New Salem Plant. Now, that doesn't mean that you're going to be able... or have to produce that every day. As a matter of fact, you won't have to produce that 10 mgd every day but you need to be able to produce it at those times when this 2. million gallons a day that we are saying that you need to get some place from the outside, isn't available.

COUNCILMAN PLUMMER: Okay, I understand that. What I'm trying to get at is if in 3 years the project is upgraded and it can generate 10 million gallons a day, we have our own source, that's great... we paid 13.3, we'll recoup the cost, that's terrific. That will then factor into what we do with another source and...

MR. KOLCESKI: No.

COUNCILMAN PLUMMER: Won't it?

MR. KOLCESKI: No, there are...

MR. GELL: You only have 3.4 million from your sources.

COUNCILMAN PLUMMER: Right.

MR. GELL: Okay. So, so unless you buy some more water someplace that is all you have to work with is 3.4 million. The peaking comes into the fact that over a long period of time that's all you can get from Vly Creek and the wells. But, on a daily basis or a weekly basis or in a wet year on a monthly basis, you could get enough from those sources to produce 10 million gallons of water a day. But, for a long period of time you can't do that.

COUNCILMAN PLUMMER: So, it's not a constant... it's not...

MR. KOLCESKI: Exactly.

COUNCILMAN PLUMMER: It's only when there's going to be demands, you know, like in the summer or if there is heavy needs at certain points.

MR. KOLCESKI: Well, again, you know when we say 3.4 million from those sources, let's talk like it's all Vly Creek because the wells are only, I think, 200,000 gallons a day. I mean, over... we're talking about that 3.4 million being over a 50-year period. You know, the average... but some years if you get an extremely light year, you could get a lot more from that source. But, when you talk about the safe yield of a water source, you

have to take it over an extended period of time. And, that's the problem. You can't get enough water from Vly Creek to consistently gain a day out, year in and year out, let you process 10 million gallons of water. But, on some days and even for some extended periods of time, you will be able to do that.

COUNCILMAN MARCELLE: Does this project change our safe yield, if we spend the 13.3?

MR. KOLCESKI: No.

COUNCILMAN MARCELLE: Doesn't change our safe yield.

MR. KOLCESKI: No, it does not.

MR. SECOR: Going back to the long range study, what it does do under any one of the 4 alternatives that could meet that 2.5 million gallons of additional water that we need, this plan is part of any one of those 4 solutions. If we buy from the City of Albany, we'll buy whatever we need from the City of Albany to make up the demand beyond the 3.4 mgd safe yield we already have. But we then have the peaking capacity because Albany... we cannot peak off of Albany. We can buy from Albany at a steady rate so if there is higher demand in the morning and lower demand at night, we have to make that up out of our own sources. If it turns out we were going to buy the water from Watervliet reservoir or one of the other alternatives, that water would be pumped to the Vly Creek reservoir and the Vly Creek reservoir would end up holding that water as well water and then we would pump and produce that water to demand. But, what this does is it saves us the cost. Under previous studies what had been looked at is if we were going to buy from Albany, we were going to have to spend millions of dollars on pumping stations and large water storage plants so that if Albany's transmission main shut down for 4 or 5 days, we wouldn't run out of water. This solves that problem by not having to build those facilities, not having to purchase property here in Town and putting up a lot of big tanks by leaving it in the reservoir. And, then on those days when you need that peak, if Albany is not available, our plant and our own facilities will be able to meet that. And, on days when Albany is available, which they are most of the time, we wouldn't have to worry about that. But it takes the whole scenario away of having to spend millions and millions of dollars here in Town to worry about peaking. So, it is a trade off but the neat thing about this whole thing is since this is... everything that is being proposed here is common to all 4 solutions. There is not a dollar of wasted money. No matter which solution we end up choosing, all of these things being presented tonight have to be done.

COUNCILMAN PLUMMER: What are you doing now, Bruce, for peaking?

MR. SECOR: Well, peaking now, we are trying to work within the 6.5 million we are and buying from Albany and pumping out of storage.

COUNCILMAN PLUMMER: Right.

MR. SECOR: But, we are getting closer and closer to the point where we can't meet those.

COUNCILMAN PLUMMER: Right, no all right.

MR. GELL: Just one other little point on the utilization. The other thing this concept will add to is in a wet... we're basically designing a lot of this stuff around dry weather conditions... drought conditions, but in a wet weather condition by being able to utilize the available capacity at Vly Creek reservoir, you have the potential of being able to reduce the amount of water you need to purchase from outside sources.

COUNCILMAN MARCELLE: I just... and I may have missed it reading through your proposals, what... how do you project the population of the of Bethlehem to grow – is it a steady rate? Is there some kind of expedient curve or it flattens out near a peak or what assumption did you use?

MR. SECOR: In the long-range study done by O'Brien and Gere, they did a combination of things looking at old studies, talking to Albany County, talking to Regional Planning Commission and kind of averaged those numbers out to come up with the projected population growth. But, it wasn't something that they did unique. We tried to work within other planning authorities within the area. And, I've got reports upstairs that have all kinds of projections. But, you know, you look at the census over the last... you know, the last 30 or 40 years what the census are, look at the average projections, but that's what that was based on and those projections are in that long-range report that was presented in April.

DEPUTY SUPERVISOR LENHARDT: Those projections were pretty much a straight line though.

MR. SECOR: Yea, you take everything and you kind of projected it out. Because again, when you get out 20 and 30 years, it's... what it really says... if you say all right this is a 30-year report, if it's too conservative... if your projections are too conservative what you really have is a 40-year report. If your projections are not conservative enough, you might have a 25-year report. But, again, you start getting out that far out into the future, it's not really possible. I mean we went through a time here in the '80s when the interest rates were 14, 15, 16 percent and nothing was going on. So, I mean, looking out that far is very difficult. This is the best estimating tool based on long term averages and information that is available to us through Regional County Planning and other sources.

DEPUTY SUPERVISOR LENHARDT: Does the Board have any other questions? I will open it up to the public, questions, comments. Comments in favor or opposed. Nothing. Just before I ask for a motion to close the public hearing, as I remember our discussion Bruce, there's nothing you want the Board to vote on this evening.

MR. SECOR: No, I've got to do SEQR resolutions and I have other resolutions to prepare.

DEPUTY SUPERVISOR LENHARDT: Okay, okay, thank you. I'll entertain...

COUNCILMAN MARCELLE: Can I ask one more questions?

DEPUTY SUPERVISOR LENHARDT: I'm sorry, sure.

COUNCILMAN MARCELLE: Because it did just strike me now, I saw a lot of chemicals probably about 5 or 6 different chemicals that you are putting into our water -- zinc and chlorine and phosphate. But, I didn't see one chemical that I'm very concerned about but I will leave that be... let me ask you this. When we construct this project and you talk about economies of scale, do we need now to consider whether or not we ultimately adopt the... you know, the standard World Health Organization approach of fluoridating our water. Is it something now that we should be concerned about, I mean is it a piece of equipment. Does it throw off our chemical flow or is it something we can add later without losing the efficiency of doing it in one bite?

MR. GILL: You will have to forgive me, I'm not up-to-speed on your local issue with the fluoride. But, basically, we can add that at a later date and that's... I guess, my personal perspective is that we don't want to get in the middle of the policy decisions on whether or not you add it or don't you add it. But, from a practical perspective, it could be added at a later date and would not interfere with any of the processes that are being proposed or anticipated for the future.

COUNCILMAN MARCELLE: In other words, what I'm concerned about I guess is we approve this proposal and then later on, after we approve it and we are debating our policy issue of fluoride and someone says we can't do it now because it... we should have done it before, it costs too much and uses that as a basis to oppose it. So, I just wanted to make sure that we're not... there's not kind of a financial trap here if we don't do it... don't think about it now.

MR. SECOR: No, it's another chemical feed system. I've given the Board some estimates and, you know, that's not in the budget that we have presented but that could be added to it. And, that could be added but there is nothing that we are doing here that would prevent that if the Board made the decision to go forward with that.

DEPUTY SUPERVISOR LENHARDT: Anything else? I'll entertain a motion to close the public hearing.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to close the public hearing at 8:50 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

Town Clerk

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Deputy Supervisor Lenhardt indicated there was no action to be taken on the previous public hearing. He noted Mr. Secor has documents to be prepared and they will be presented to the Board. He thanked everyone.

The next item on the agenda was a request from the Comptroller, Judith Kehoe, for approval of appointment of the Planning Board Secretary due to the retirement of Alice Cirillo. Deputy Supervisor Lenhardt noted the Comptroller contacted Albany County Civil Service with regard to this appointment and presents this appointment.

The motion was made by Mr. Marcelle and seconded by Mrs. Davis to approve the appointment of Nanci Moquin, Delmar, New York at an annual salary of \$28,578 effective July 15, 2003 as requested by Comptroller, Judith Kehoe.. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

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Deputy Supervisor Lenhardt said the Comptroller and the Board wished to publicly thank Debbie Kitchen and Karen Guastella for their help in performing the duties of Planning Board secretary in addition to their regular duties during this transition.

Deputy Supervisor Lenhardt said Mrs. Cirillo has graciously agreed to provide training on a part-time temporary basis to facilitate the transition of duties.

The following item was a request from Chief of Police, Louis Corsi, for approval to go to bid for supplement to the Police Uniform bids. Could advertise on July 16, 2003 and open bids on July 28, 2003 at 3:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for a supplement to the Police Uniform bid, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of July, 2003 and that bids be received up to 3:00 p.m. on the 28th day of July, 2003 at which time the bids will be publicly

opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of use of Recreation Capital Reserve Funds to complete the pool deck repair project, subject to a permissive referendum.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 9th day of July 2003, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to provide additional funds to complete the pool deck repair project at Elm Avenue Park, and

WHEREAS, it is determined that funds are needed to provide electrical work, additional drainage and piping, grading of grass areas and improvements to concession areas to be ADA compliant.

WHEREAS, it is estimated that the costs of said work will be approximately \$100,000 and

WHEREAS, in recognition of these needs, funds for such construction are in the Recreation Capital Reserve Account; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest and safety to renovate the pool deck and,

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve monies to fund this project up to a maximum amount of \$100,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Recreation Capital Reserve Account the funds necessary up to \$100,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

This motion to adopt the resolution was made by Mr. Plummer was seconded by Mr. Marcelle and duly adopted by the following vote:

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

NOES: None.

ABSENT: Mrs. Fuller.

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

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the appointment of seasonal personnel as listed on the Memorandum dated July 9, 2003 and requested by Administrator, Nan Lanahan, Parks and Recreation Department at the titles and salaries indicated. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

The following item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of sale of beer at Henry Hudson Park for Riverfest.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to approve the sale of beer at Henry Hudson Park for Riverfest as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

Deputy Supervisor Lenhardt noted the Riverfest will take place August 16, 2003 and include family entertainment, food and craft vendors and educational displays. He said this is down at the Henry Hudson Park in Cedar Hill, Selkirk.

The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval of setting of public hearing regarding amendment to Code of the Town of Bethlehem regarding stop signs on Orchard Street at Fisher Boulevard.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to approve setting a public hearing regarding amendment to the Code of the Town of Bethlehem regarding Stop Signs on Orchard Street at Fisher Boulevard, Slingerlands on August 27, 2003 at 7:30 p.m. as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

The following item was an application requesting amendment to Local Law No. 12 of 1995 pertaining to Planned Commercial District No. 4, Price Chopper Plaza, Slingerlands. Deputy Supervisor Lenhardt asked if someone was here to give information on this item. Plans were exhibited by ABD Engineers and Mr. Davis explained they wanted to put an expansion on the side of the building. It is an addition to provide space for additional amenities to be added to the Price Chopper. He said it does not affect the parking area or tabulation. He said there are some storm drainage and management issues that are being addressed and will be resolved with the Planning Department.

Deputy Supervisor Lenhardt asked about the disturbance to the Federal wetlands and asked if they have been in touch with the Army Corps of Engineers regarding this. Mr. Miller of Windsor Development noted this process began about 18 months ago and where they started was with the Army Corps of Engineers. He said they have worked through the process and they have a solution that is acceptable. He said they will be mitigating off site for the .135 acres and they are in negotiation with the Corps. He said they believe it will be done while they are going through the planning process.

Councilman Davis asked if they knew where the mitigation will occur. Mr. Miller said they do not at this time, noting there is a consultant negotiating that for Windsor Development and they are down to 1 of 2 areas. He said he is not sure which one will be selected. Mrs. Davis asked if it had to happen in the same watershed area. Mr. Miller said it does not have to but it will be in Town. Mrs. Davis said it also has to be much larger than the .135 acres.

Councilman Plummer asked about timing for this proposal. Mr. Miller said they would like to move the process to the Planning Board and get it in motion. He said the existing conditions at the store are cramped and Price Chopper is anxious to move forward. Mr. Plummer asked when they would like to start construction. Mr. Miller said depending upon the process, as soon as they complete unless it is the middle of the winter.

Deputy Supervisor Lenhardt asked if there were any other questions. Mr. Lipnicky said the Board had a draft resolution in their packet and said it is under Planned Development District regulations so it requires the application to be referred to the Planning Board.

Councilman Davis asked Mr. Miller with regard to the Price Chopper in Slingerlands, which is a wonderful asset to the Town if they foresaw this happening with regard to the space. Mr. Miller said they built what Price Chopper requested and they would not have had any knowledge that the capacity was not sufficient. He said Price Chopper was very surprised by the reception they received in Town and the customer base they have developed.

Councilman Davis said one of her concerns is when the project was approved, they were concerned about the encroachment and expansion of what was happening at the plaza into the rest of the area because of the residents. She said she has some concerns about that. She said for the record she is concerned about the perception with regard to this expansion. She said if it does not affect the aesthetics of the project, if it does not affect the overall flow of the project, she probably will not have a problem with it as they move forward.

Mr. Miller noted one of the problems is the number of trucks coming to this location and noted that the storage space is small and this should help alleviate some of this situation. He said this is one of the advantages of expanding it and getting it to the right size.

Councilman Davis said the store is well managed and looks beautiful. She said the seasons are always attractive and the displays are beautiful. She noted they have done a great job. Mr. Miller thanked Mrs. Davis.

Deputy Supervisor Lenhardt asked if there were any other questions. Town Planner, Jeff Lipnicky, noted there was a draft resolution for the Board to adopt.

Motion by Mr. Plummer and seconded by Mr. Marcelle to adopt the following resolution:

TOWN BOARD

TOWN OF BETHLEHEM

SEQR RESOLUTION

CLASSIFICATION OF ACTION AND LEAD AGENCY DESIGNATION

APPLICATION TO AMEND LOCAL LAW NO. 12 OF 1995

PLANNED COMMERCIAL DISTRICT NO. 4

PRICE CHOPPER PLAZA

WHEREAS, the Town Board of the Town of Bethlehem has received an application, Environmental Assessment Form and related materials from Slingerlands Associates, L.L.C. to amend Section 4 of Local Law No. 12 of 1995; and,

WHEREAS, Local Law No. 12 of 1995 established Planned Commercial District No. 4 by rezoning approximately 21.6 acres of land from Residence AA District to Planned Commercial District, said land being located at the intersection of Cherry Avenue Extension (NYS Rt. 140) and New Scotland Road (NYS Rt. 85); and,

WHEREAS, Section 4 of Local Law No. 12 limits development on the 21.6 acre parcel to no more than 99,000 square feet of gross floor area; and,

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WHEREAS, there currently exists a shopping center on the parcel, known as Price Chopper Plaza, and said shopping center currently measures approximately 98,903 square feet of gross floor area; and,

WHEREAS, the application presented by Slingerlands Associates, L.L.C., proposes to amend the existing density limitation by increasing the density limitation of Section 4 to 109,500 square feet of gross floor area; and,

WHEREAS, the stated purpose of the proposed amendment is to allow subsequent construction of a 10,150+ square foot addition to the existing Price Chopper supermarket located on the parcel; 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 Commercial 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 617.6(b) establishes procedures for coordinated review of Unlisted actions,

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that the application by Slingerlands Associates, L.L.C. to amend Local Law No. 12 of 1995 constitutes an action that is subject to SEQR; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the preliminary classification of the action shall be designated as “Unlisted”; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that 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 Agricultural 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 Memorandum of Understanding for Planned Development Districts approved by the Town Board on February 27, 1991; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that a federal agency, specifically the U.S. Army Corps of Engineers, may have jurisdiction in this matter in as much as federal regulatory wetlands may be located on the site and impacted by development; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the other involved agencies with respect to this action may include: (1) the Albany County Health Department; (2) the New York State Department of Environmental Conservation; and (3) the Planning Board of the Town of Bethlehem; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that interested agencies with respect to this proposal may include: (1) the Albany County Planning Board (General Municipal Law Section 239 review); (2) the New York State Department of Transportation; (3) the U.S. Army Corps of Engineers; and (4) the Town Departments of Public Works, Building, and Highway; and,

BE IT FURTHER RESOLVED,

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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 other involved and interested agencies of the proposed action and to make referral of the application to the Albany County Planning Board; 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 proposed amendment to Local Law No. 12 of 1995, said recommendation to be provided consistent with the procedures as outlined in the Memorandum of Understanding between the Bethlehem Town Board and Planning Board for Planned Development Districts.

On a motion made by Mr. Plummer , seconded by Mr. Marcelle , and a vote of 4 for,

0 against, 0 abstentions and 1 absent, this RESOLUTION was adopted on July 9, 2003 .

Deputy Supervisor Lenhardt noted for the record that he was the lone Board Member who voted in opposition to this. He said he does not have a problem with this going to the Planning Board, however, back last meeting in reference to a request for

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rezoning in another area of Town, he raised a point of process for these types of things. He said he has determined that it seems to go one way one time and goes a different way another time for no rhyme or reason. He said back in June of 2000, 3 residents adjacent to the center came to the Board requesting that their properties be rezoned commercial and at that time the Board was split on whether or not to push those requests to the Planning Board. He said he would urge that this Board or future Boards reconsider the position if those members still feel the way they did at that time to rezone the properties to commercial.

Councilman Plummer said for the record that he was one of the Members supportive of making that area commercial so he did vote in support of that. He said he does not have the history that Mr. Lenhardt and Mrs. Davis has due to his not being on the Board at that time. He noted this is his 4th year and this his first term. He said he is very supportive of the company and glad they are paying taxes to the Town. He said he would support the expansion. He thanked Mr. Miller.

Councilman Marcelle noted he would like to echo the remarks of Councilman Plummer and added he would be happy to relook at anyone along the Route 85 corridor who wants to look at commercial zoning. He said it seems the prime location with the expansion of Route 85 going in and if it was brought up, he would support it. Deputy Supervisor Lenhardt said it would have to come from the community.

Deputy Supervisor Lenhardt and Councilman Davis thanked Mr. Miller.

The next item was an application to establish a Senior Citizen Residence District located on VanDyke Road, Delmar. Mr. Ruthman introduced himself and noted he and Ed Feinberg are 2 gentlemen who have acquitted rights to property of the Leonard farm on VanDyke Road, Delmar. He said it is a 91 acre parcel. He said they are involved in Town as owners of Adams Station apartments. They are here to ask for a Senior Citizen Residence District and ask that it be referred to the Planning Board. He said the submitted plans are not intended to reflect all the engineering but are required by the law. He said he thinks this will give the Board a sense of the idea that would be applied to the zone that is being requested. He said Mr. Dempf has developed all the application materials and is familiar with them.

Mr. Ruthman said there is a need for this type of housing. He said there are 28 percent of the population of Bethlehem under the age of 18 with 5 percent being from 18 to 24 years of age and there is 27 percent of the community are in the early maturing adult stage, with 25 percent being from 44 to 65 and the over 65 group is about 5,000 people. He said this is intended to address the needs of less than 5 percent of the over 65 age group. He said it is not a very significant proposal in terms of the needs of Bethlehem. He said he thinks the Town law is interesting and offers the opportunity for a lot of imaginative use of that special zone. He said one of the reasons they were here was to try and make a proposal to strike the imagination and refer this to the Planning Board.

Mr. Mark Dempf gave a brief overview of the project including a map showing the location of the proposed project. He said they believe this could be very senior friendly by the location. He said the site is about 90 some acres and they will use approximately 40 acres, which is relatively flat farmland off of VanDyke Road. He exhibited a concept drawing for the Board's information.

Mr. Dempf said they put many different things in this proposal and have included things to make it a senior friendly area. The design, according to Mr. Dempf, is a single story ranch style home. He said the site plan centers around streets off of the main thoroughfare with driveways off of these areas. He said there are pedestrian amenities proposed as well, including trails with gazebos and resting areas throughout the property.

Deputy Supervisor Lenhardt asked what the current zoning is of this property. Mr. Lipnicky, Town Planner, noted it is currently zoned AA Residential which is single-family residence. Councilman Davis said she believed this would require a water extension of the Water District. Mr. Lipnicky said that was correct. Councilman Davis noted currently the Town of Bethlehem is not able to do this. Mr. Lipnicky also confirmed that this was correct.

Deputy Supervisor Lenhardt said this proposal allows clustering in what is a single zoning district. Mr. Lipnicky said some people would view this that way.

Councilman Davis noted a senior residence district would be exempt from the current parkland set aside, which she is a real advocate of. Mr. Lipnicky said that was correct. She said she worked very hard to get that approved. Mr. Lipnicky said the senior district was established to encourage and required the development of low to moderate income senior housing and is part of an incentive to develop such housing. He said in the parkland law, they exempted any development that is built under this category because the intent was to partially keep the cost of senior housing as low as possible to meet the low to moderate income need. He made note of the fact that the ordinance was written in response to a HUD application. Mention was made that that development was Marie Rose Manor. Councilman Davis noted this is not like Marie Rose Manor. Mr. Lipnicky noted the senior district was written for apartment buildings, more or less, and although this is not prohibited it is more like a town-house type development. He said the district was not specifically designed for this type of development.

Councilman Plummer asked Mr. Ruthman when the market analysis was done and the figures were given earlier, the goal is to attract those that live now in the Town of Bethlehem. Mr. Ruthman said that was absolutely correct.

Councilman Davis said she brought up the Water District extension because that is something that Mr. Ruthman has been aware of. She asked if he was willing to gamble by having it go forward and invest considerable amounts of money or additional monies knowing that there may be a problem. Mr. Ruthman said he understands her comment but the Water District extension affects every area of the Town that is not in the District. He said they are already zoned and if they wanted to build single family homes, they

would have the same exact problem with the Water District. He said all they are talking about is a zoning change and it does not go anywhere for development. He said they do not have a problem with that.

Mr. Ruthman said Mrs. Davis also mentioned the park and recreational and he said they agree that it is very important. He said the Senior Citizen Residence District gives the Planning Board what he would call broad discretion to create what are called appropriate recreational amenities for these kinds of projects. He said what they offered was the idea of what they call the greenway which interconnects all the project residential areas with a walking path with gazebos and a community center and hiking trails through the stream line, the areas of forest and stream, 50 acres. He said that certainly is what they proposed in the materials submitted.

Mr. Ruthman said they are going at this with an open slate with the idea that since this has never been done this way before, they do not know what the Planning Board will feel when looking at this site for appropriate recreation. Mrs. Davis asked if, for example, the Planning Board were to determine that a swimming pool complex were to be an important part of this proposal, would they be willing to do that. Mr. Ruthman said absolutely, the only reason it was not included in the drafted proposal was that the pool at Adams Station tends to be used by younger people. He said they thought the mature community would probably look to other amenities. He said that is exactly the question that should be asked. Mr. Ruthman said they are looking for dialogue.

Mrs. Davis said everyone would have to agree that although the Town has an aging population, the aging population is younger. Mr. Ruthman agreed. She said they like recreational activities and need these activities. She said she thinks this is a very important part of any project like this, noting that was a personal opinion. Mr. Ruthman said he agrees and he thinks this is next to the Town Park, which is a wonderful location, as well as, being behind the high school, which has a winter swimming program.

Councilman Davis noted this has great density compared with many of the other developments in the community. She said clustering is one of the reasons that the density is what it is. She asked if he would be willing to pair that down if necessary. Mr. Ruthman said they are absolutely willing to look at everything but he said on density, the A zone that is there would allow about 2.3 or 2.4 units per acre on a perfectly flat table of land where you could use the whole parcel. He said there are actually a little under 50 acres of flat land and noted in the Senior Residence District there is a permitted density of 10 units per acre. In the developed portion, he believes they are 4 and a half or a little under 5. He said in the overall site, they have a lesser density than single family homes in the same district. He said that is a dialogue they are happy to have with the Planning Board.

Councilman Marcelle said he just wanted to understand the picture here and asked how many single family homes could be built on this parcel. Mr. Ruthman said between 80 and 120 homes. Mr. Marcelle said those single family homes would attract 2.4 children and a dog. He said what is being proposed is going to be exclusive so there are

no children. Mr. Ruthman said zero children.

Councilman Marcelle noted they do not have the whole thing planned out yet and what he understands is that they are going to take a look at the appropriate use. He further noted what they are asking is to go to the Planning Board to start this discussion process with respect to density, amenities and the whole universe of ideas and use the resource to deal with this. Mr. Ruthman said not even. Mr. Marcelle said further that if there is a meeting of the minds and it is economically feasible that they go forward and build this for a particular segment so seniors are not leaving the community. Mr. Ruthman said that was true.

Mr. Ruthman noted according to the Code, there is a 2 step process. He said you cannot submit a site plan until you have the correct zoning designated. He said the first step is to submit the application to the Town Board for the designation of the district. He said the Town Board may then refer the matter to the Planning Board for a recommendation as to whether or not that site should or should not be a Senior Citizen Residence District. He said when the recommendation comes back from the Planning Board, it may have conditions or recommendations attached to it regarding the district. He said all the information has been submitted as information and is not binding on the Town or the Planning Board or the process in any way. He said, therefore, the idea of ideas is only for the purpose of deciding whether or not a Senior Citizen Residence District would be appropriately placed in this spot.

Councilman Davis asked if this would require a public hearing. Mr. Lipnicky noted this was a zoning change that requires that the Town Board hold a public hearing. Mrs. Davis said absolutely, so this not something that can just be done. Mr. Ruthman said if the Planning Board refers it back with their recommendation.

Deputy Supervisor Lenhardt said he would entertain a motion to the Planning Board.

TOWN BOARD
TOWN OF BETHLEHEM

SEQR RESOLUTION

CLASSIFICATION OF ACTION AND LEAD AGENCY DESIGNATION

APPLICATION TO ESTABLISH A SENIOR CITIZENS RESIDENCE DISTRICT
VAN DYKE SPINNEY

WHEREAS, the Town Board of the Town of Bethlehem has received an application from Van Dyke Spinney, L.L.C. for establishment of a Senior Citizen Residence District

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(SCRD) in order to construct a 222-unit housing development for senior citizens; and,

WHEREAS, the development parcel consists of 91.1+/- acres of land located along Van Dyke Road and such land is currently zoned Residence AA District; and,

WHEREAS, Article VB of the Code of the Town of Bethlehem provides the Town Board with the authority to establish Senior Citizen Residence District's (SCRD's), and further provides that the Town Board may refer all applications for establishment of a Senior Citizen Residence District to 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 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 exceeds a number of these thresholds in that it would result in: (a) the granting of a zoning change at the request of an applicant, (b) construction of a nonagricultural use within an agricultural district and (c) possible construction of 50 or more residential units that will not be connected to an existing public water system; and,

WHEREAS, 6 NYCRR 617.6 establishes procedures for coordinated review of Type I actions; and,

WHEREAS, the Town Board and Town Planning Board have adopted a Memorandum of Understanding (MOU) between the respective Boards for coordinating SEQR review of projects located in Planned Development Districts, and for incorporating the requirements of SEQR with the requirements of the Town Zoning Code dealing with Planned Development Districts; and,

WHEREAS, the said MOU provides a reasonable model for coordination between the Town Board and Town Planning Board, and for integrating SEQR review with the Town's procedurally similar SCRCD regulations,

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that the application by Van Dyke Spinney, L.L.C. for establishment of a Senior Citizen Residence District

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constitutes an action that is subject to SEQR; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the preliminary classification of the action shall be designated as “Type 1”; 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 located in and within 500 feet of an established agricultural district, and therefore is subject to the provisions of the Agricultural 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 Memorandum of Understanding for Planned Development Districts approved by the Town Board on February 27, 1991; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that a federal agency, specifically the U.S. Army Corps of Engineers, may have jurisdiction in this matter in as much as federal regulatory wetlands may be located on the site and impacted by development; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the other involved agencies with respect to this action may include: (1) the Albany County Health Department; (2) the New York State Department of Environmental Conservation; (3) the Planning Board of the Town of Bethlehem; and (4) the Zoning Board of Appeals of the Town of Bethlehem; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that interested agencies with respect to this proposal may include: (1) the Albany County Planning Board (General Municipal Law Section 239-m review); (2) the U.S. Army Corps of Engineers; (3) the NYS Office of Parks, Recreation and Historic Preservation; and (4) the Town Departments of Public

Works, Building, and Highway; 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 other involved and interested agencies of the proposed action and to make referral of the application to the Albany County Planning Board; 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 a SEQR determination of significance, said recommendation to be provided consistent with the procedures as outlined in the Memorandum of Understanding between the Bethlehem Town Board and Planning Board for Planned Development Districts, and for a recommendation on the proposed rezoning pursuant to Chapter 128, Zoning, Article VB, Senior Citizen Residence District, of the Town Code..

On a motion by Mr. Marcelle , seconded by Mrs. Davis and a vote of 4 for,

0 against, _0 abstention, and 1 absent, this RESOLUTION was adopted on July 9, 2003 .

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The following item was to adopt a resolution regarding appointment of Democratic Election Inspectors.

The following resolution was presented for adoption by Mr. Plummer and seconded by Mrs. Davis:

RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Poll Clerks as recommended by the Democratic Committee for the term beginning July 15, 2003 through July 14, 2004 as per attached list.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

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

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

Noes: None.

Absent: Mrs. Fuller.

Town Clerk