

TOWN BOARD
June 14, 2006

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

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

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Supervisor Egan invited everyone to join in the pledge of allegiance. She welcomed everyone and noted it was flag day. She said public comments are taken in regard to any items on the agenda. She said Bob Salamone had come to see her regarding the skateboard park and provided lots of signatures.

Mr. Salamone said Donna Burger was also with him. Information was given regarding the possibility of purchasing a skateboard park from another area. The concern is for children skateboarding throughout Town and the possibility of a safe place for this activity. The skateboard park in Croton-on-the-Hudson is being dismantled and being offered for purchase at a reasonable price. Mr. Salamone and Ms. Burger asked the Town to consider staffing and maintaining a park if fund raising is done and purchase of the park executed. They asked if the Town could staff and maintain it

Ms. Burger noted this sport is becoming more recognized and this park would provide a safe place for the children. She said she thinks the Town should embrace this opportunity and act on it.

Supervisor Egan said any direct questions should be asked once the public comment period is over and they get to this item on the agenda.

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Additional public comment was made that this activity should take place at the Town Park. Resident asked if the senior services position is a new position or a replacement. Resident totally against the skate park due to costs. Question as to what the reason is that the skate park is being sold and location of the skate board park.

The motion was made by Mr. Gordon and seconded by Mr. Kotary to close the public comment period. The motion was passed by the following vote:

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

PUBLIC HEARING: 5:45 p.m. to consider creation of drainage district for Trinity Manor Subdivision, Phase 4, Sandy Lane and Sicilia Street, Selkirk.

Hearing Began: 5:45 p.m.

SUPERVISOR EGAN: The Supervisor asked for a motion to dispense with the reading of the notices.

The reading of the call of the hearing was waived with direction for them to be indented on the minutes of the meeting on motion made by Mr. Messina and seconded by Mr. Kotary and passed by the following vote:

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

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on June 14, 2006 at 5:45 PM. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider creation of a drainage district for the Trinity Manor Subdivision, Phase 4, Sandy Lane and Sicilia Street, Selkirk to maintain the stormwater management system. The maximum amount proposed to be expended for the improvement is not to exceed \$9,413.00 per year; no fee for hook-up will be required; and cost of the proposed district to the typical one or two family home will be \$285.

DESCRIPTION TRINITY MANOR DRAINAGE DISTRICT

Town of Bethlehem
County of Albany
State of New York

ALL that piece or parcel of land situate in the Town of Bethlehem, County of Albany and State of New York, lying northerly of Beaver Dam Road, easterly of the lands of the New York West Shore and Buffalo Railway Company, southerly of the Vloman Kill, westerly of the New York State Thruway, and being more particularly described as follows:

Beginning at a point on the northerly line of Beaver Dam Road at its intersection with the division line between lands now or formerly of Samaritan Shelters, Inc. (L. 2374 P. 621) on the east and lands now or formerly of Rosewood Home Builders, Inc. (L. 2773 P. 789) and also being Lot 6 Sandy Lane on the west as the same is shown on a map titled "Trinity Manor Subdivision, Subdivision Plat, Stylish Development", Town of Bethlehem, County of Albany, State of New York, dated March 17, 1993, last revised August 24, 1995, prepared by Ingalls Smart Associates in Engineering and Surveying and filed in the Office of the Albany County Clerk on October 13, 1995 in Drawer No. 172 as Map No. 10202, and running thence along said northerly line the following five (5) courses and distances:

- 1) Thence South 88° 46' 45" West for a distance of 109.59 feet to a point;
- 2) Thence South 01° 13' 15" East for a distance of 7.40 feet to a point;
- 3) Thence South 88° 46' 45" West for a distance of 100.00 feet to a point;
- 4) Thence North 01° 13' 15" West for a distance of 7.40 feet to a point;

and

5) Thence South 88° 46' 45" West for a distance of 95.04 feet to a point, said point also being on the division line between lands now or formerly of L. E. and L. F. Donley (L. 2579 P. 1143) and also being known as Lot 6 Trinity Place on the west and Lot 5 Sandy Lane on the east; thence along said division line and along the rear of Lots 6 thru 68 fronting on Trinity Place on the west, and the rear of Lots 5 thru 57 fronting on Sandy Lane on the east the following seven (7) courses and distances:

- 1) Thence North 01° 07' 54" West for a distance of 435.60 feet to a point;
- 2) Thence North 22° 16' 07" East for a distance of 72.44 feet to a point;
- 3) Thence North 21° 44' 52" East for a distance of 81.21 feet to a point;
- 4) Thence North 32° 23' 15" East for a distance of 210.17 feet to a point;
- 5) Thence North 36° 32' 34" East for a distance of 110.87 feet to a point;
- 6) Thence North 30° 09' 06" East for a distance of 462.83 feet to a point;

and

7) Thence North 50° 59' 46" East for a distance of 136.26 feet to a point, said point also being the intersection of the division line between lands now or formerly of W. C. and C. M. Hillman (L. 2722 P. 807) and also being Lot 68 Trinity Place on the north and Lot 57 Sandy Lane on the south with the westerly line of Sandy Lane; thence across Sandy Lane the following two (2) courses and distances:

- 1) Thence North 39° 31' 08" East for a distance of 27.02 feet to a point;

and

2) Thence North 61° 47' 43" East for a distance of 25.00 feet to a point, said point also being on the easterly line of Sandy Lane at its intersection with the

division line between lands now or formerly of M. R. Cutright (L. 2632 P. 137) and also being Lot 76 Trinity Place on the north and Lot 62 Sandy Lane on the south; thence continuing North 61° 47' 43" East and along said division line for a distance of 173.58 feet to a point, said point also being on the division line between lands now or formerly of D. M. and T. M. Lamson (L. 2648 P. 267) and also being Lot 82 Trinity Place on the north and Lot 62 Sandy Lane on the south; thence South 40° 18' 21" East along said division line for a distance of 169.03 feet to a point, said point also being on the division line between lands now or formerly of Stylish Development Corp. (L. 2773 P. 787) on the east and Lot 58 Sandy Lane on the west; thence South 18° 46' 20" West and along said division line and along the rear of Lots 58 thru 38 Sandy Lane for a distance of 717.59 feet to a point; said point also being the at the intersection of the northerly line of Sicilia Street, at its easterly limit, with the division line between lands now or formerly of Clyde L. Norton (L. 2312 P. 1121) on the east and Sicilia Street on the west; thence continuing South 18° 46' 20" West and along said easterly limit of Sicilia Street for a distance of 50.03 feet to a point, said point also being at the intersection of the southerly line of Sicilia Street with the division line between lands now or formerly of Clyde L. Norton (L. 2312 P. 1121) on the east, lands now or formerly of Samaritan Shelters, Inc. (L. 2374 P. 621) on the south and Sicilia Street on the north, thence North 69° 17' 55" West along said division line and along the southerly line of Sicilia Street for a distance of 180.00 feet to a point, said point also being on the division line between lands now or formerly of Samaritan Shelters, Inc. (L. 2374 P. 621) on the east and Lot 32 Sandy Lane on the west; thence along said division line and along the rear of Lots 32 thru 6 Sandy Lane on the west the following three (3) courses and distances:

- 1) Thence South 54° 07' 35" West for a distance of 87.52 feet to a point;
- 2) Thence South 19° 22' 55" West for a distance of 126.73 feet to a point;
- 3) Thence South 04° 08' 45" West for a distance of 477.05 feet to the point

and place of beginning, containing 12.33 acres of land, more or less.

The above described also being shown on a map titled "Plat of Survey, Trinity Manor Subdivision, Phase 4, Sandy Lane and Sicilia Street", Town of Bethlehem, County of Albany, State of New York, dated December 21, 2005 and prepared by Ingalls & Associates, LLP.

Subject to any and all easements, covenants and or restrictions of record that may affect the subject parcel.

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

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

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

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State of New York)
County of Albany)

CHRISTINE MC NAMARA of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 7th day of June 2006.

/s/ Christine McNamara

Sworn to before me this 7th day of June 2006.

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

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STATE OF NEW YORK)

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

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 7, 2006, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
12th day of June 2006.
/s/ Julie S. McNeil
Notary Public

NOTE: Notice of Public Hearing also published in the Times Union on June 2, 2006.

SUPERVISOR EGAN: Okay, at this time do we have anyone here to testify in regard to the creation of the drainage district for Trinity Manor subdivision? I would ask you to come forward. Going once, going twice, no. Do I have a motion to close the public hearing?

The motion was made by Mr. Gordon and seconded by Mr. Kotary to close the public hearing at 5:46 p.m. The motion was passed by the following vote:

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

Town Clerk

Supervisor Egan asked if the Board wished to take action on the previous public hearing.

The following resolutions were presented for adoption:

At a meeting of the Town Board of the Town of Bethlehem, Albany County, New York, held at 445 Delaware Avenue, Delmar, in the Town of Bethlehem, New York on June 14, 2006, the following resolution was offered by Mr. Messina, who moved its adoption, seconded by Mr. Kotary:

RESOLUTION DETERMINING THAT ACTION TO ORGANIZE THE TRINITY MANOR DRAINAGE DISTRICT AND ACQUIRE DRAINAGE IMPROVEMENTS WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

WHEREAS, the Town Board of the Town of Bethlehem, Albany County, New York (the "Town") has received a petition to establish a drainage district for the Trinity Manor subdivision located off Sandy Lane to be known as Trinity Manor Drainage District (the "District") and the petition also contemplates the acquisition of a new drainage system by dedication in the District, including (a) storm water collection system, (b) storm water treatment facilities known as CDS units, (c) acquisition of land or rights in land, all as more particularly described in the Drainage District Summary, Trinity Manor Subdivision, Phase IV, prepared by Ingalls & Associates, LLP. Collectively, these items constitute the action under consideration (hereafter the "Action").

WHEREAS, pursuant to Article 8 of the Environmental Conservation law, Chapter 43-B of the Consolidated Laws of New York, as amended ("SEQRA") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6

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

NYCRR Part 617, as amended (the "Regulations"), the Town Board desires to determine whether the Project may have a "significant effect on the environment" (as said quoted term is defined in the SEQRA and the Regulations) and therefore require the preparation of an environmental impact statement; and

WHEREAS, the Town Board is the only involved agency with respect to the Action; and

WHEREAS, to aid the Town Board in determining whether the Action may have a significant effect upon the environment, an environmental assessment form (the "EAF") has been presented to and reviewed by the Town Board, copies of which EAF are on file in the office of the Town Clerk; and

WHEREAS, the Town Board has examined the EAF in order to make a determination as to the potential environmental significance of the Action.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE MEMBERS OF THE TOWN BOARD AS FOLLOWS:

(1) The Action is subject to SEQRA.
(2) No federal agency is involved in the Action.
(3) No other state or local agencies are involved in the Action.
(4) The Action is properly classified as an unlisted action pursuant to 6 NYCRR Part 617.

(5) Based upon an examination of the EAF, the Town Board makes the following findings with respect to the Project:

(A) The Project consists of the establishment of a drainage district to serve the Trinity Manor subdivision, Phase IV and the acquisition of a new drainage system by dedication in the District, including (a) storm water collection system, (b) storm water treatment facilities known as CDS units, (c) acquisition of land or rights in land, all as more particularly described in the Drainage District Summary, Trinity Manor Subdivision, Phase IV, prepared by Ingalls & Associates, LLP.

(B) No potentially significant impacts on the environment are noted in the EAF, and none are known to the Town Board.

(C) Based upon the foregoing investigation of the potential environmental impacts of the Project, the Town Board determines that the proposed Action will not have a significant effect on the environment.

As a consequence of the foregoing, the Town Board has prepared a negative declaration with respect to the Project (a copy of which is attached to an incorporated by reference into this resolution).

(6) The Supervisor is delegated the authority to take any measures necessary to comply with the procedures under SEQRA with respect to this negative declaration.

(7) This resolution shall take effect immediately.

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

AYES: Ms. Egan, Mr. Gordon, Mr. Messina, Mr. Kotary

NAYS: None.

ABSENT: Mr. Plummer.

The resolution was thereupon declared duly adopted.

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In the Matter of

Creating TRINITY MANOR
DRAINAGE DISTRICT
Of the TOWN OF BETHLEHEM,
PURSUANT TO article 12-A of the
Town Law

RESOLUTION APPROVING
TRINITY MANOR DRAINAGE DISTRICT
ALBANY COUNTY, NEW YORK,
UNDER ARTICLE 12, TOWN LAW

WHEREAS, a petition dated the 28th day of March, 2006,
Has been duly presented to the Town Board of the Town of Bethlehem, County of Albany,
State of New York, with the necessary map and plan attached thereto according to law,

requesting that there be creation of the Trinity Manor Drainage District, as hereinafter described, to be established in the Town of Bethlehem and,

WHEREAS said Town Board duly adopted on the 24th day of May, 2006, an order reciting in general terms the filing of said petition, the boundaries of said drainage district, the improvements proposed, the maximum amount proposed to be expended for said drainage district, and specifying that the said Town Board shall meet at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, N. Y., on the 14th day of June, 2006, at 5:45 o'clock P.M., to consider said petition and hear all persons interested in the subject thereof concerning the same, and

WHEREAS, certified copies of said order were duly published and posted according to law, and the Town Board did, at the time and place specified in said order, duly meet and consider the matters of the creation of said drainage district, and heard all persons interested in the subject, who appeared at such time and place, concerning the same and,

WHEREAS, the evidence afforded at such time and place requires that the Town Board make the determinations hereinafter made:

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Bethlehem, County of Albany, and State of New York that it be and hereby is determined as follows:

1. The aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed drainage district are benefited thereby.
3. That all of the property and property owners benefited are included within the proposed drainage district.
4. It is in the public interest to establish the proposed drainage district as hereinafter described it, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the creation of the TRINITY MANOR DRAINAGE DISTRICT, as hereinafter described:

ALL that piece or parcel of land situate in the Town of Bethlehem, County of Albany and State of New York, lying northerly of Beaver Dam Road, easterly of the lands of the New York West Shore and Buffalo Railway Company, southerly of the Vloman Kill, westerly of the New York State Thruway, and being more particularly described as follows:

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- 8) Thence South 88° 46' 45" West for a distance of 100.00 feet to a point;
- 9) Thence North 01° 13' 15" West for a distance of 7.40 feet to a point;

and

10) Thence South 88° 46' 45" West for a distance of 95.04 feet to a point, said point also being on the division line between lands now or formerly of L. E. and L. F. Donley (L. 2579 P. 1143) and also being known as Lot 6 Trinity Place on the west and Lot 5 Sandy Lane on the east; thence along said division line and along the rear of Lots 6 thru 68 fronting on Trinity Place on the west, and the rear of Lots 5 thru 57 fronting on Sandy Lane on the east the following seven (7) courses and distances:

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13) Thence North 30° 09' 06" East for a distance of 462.83 feet to a point;
and

14) Thence North 50° 59' 46" East for a distance of 136.26 feet to a point, said point also being the intersection of the division line between lands now or formerly of W. C. and C. M. Hillman (L. 2722 P. 807) and also being Lot 68 Trinity Place on the north and Lot 57 Sandy Lane on the south with the westerly line of Sandy Lane; thence across Sandy Lane the following two (2) courses and distances:

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and place of beginning, containing 12.33 acres of land, more or less.

The above described also being shown on a map titled "Plat of Survey, Trinity Manor Subdivision, Phase 4, Sandy Lane and Sicilia Street", Town of Bethlehem, County of Albany, State of New York, dated December 21, 2005 and prepared by Ingalls & Associates, LLP.

And be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized and directed to file a certified copy of this resolution in duplicate in the Office of the State Department of Audit and Control at Albany, N.Y., together with an application in duplicate for permission to so create said drainage district in the manner and form prescribed by Section 194 of the Town Law of the State of New York within ten (10) days after the adoption of this resolution.

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

AYES: Ms. Egan, Mr. Gordon, Mr. Messina, Mr. Kotary.

NAYS: None.

ABSENT: Mr. Plummer

The next item on the agenda was to approve the Town Board minutes of April 26, 2006. The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the Town Board minutes of April 26, 2006 as presented.

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

Councilman Gordon said there seemed to be a new format and he was not sure it was in the Board's best interest.. Supervisor Egan said it is not a new format but discussion has been held with the Planning Board and Board of Appeals regarding the requirements that are needed and in the absence of a public hearing, there is no requirement for specific transcription of comments. She said it is a situation where these are getting longer and there is sufficient information with the record being kept according to the laws and statutes if anyone wishes to review any meeting. Mr. Gordon said he appreciates the concerns and the legalities but reserved judgment on whether this was the best way to proceed in the future.

The motion was passed by the following vote:

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

Supervisor Egan next went to the request from residents for the Board to consider a skateboard park. There was a meeting held and a good discussion was held regarding what the Town's concerns would be based on conversations held relating to golf courses and other things over the last several months. The Supervisor gave an outline of the information and presented the signatures regarding this proposal. She said the proposal is to raise funds to purchase the equipment and build the park with the final question being would the Town operate it. A conversation was held between the Supervisor and the Administrator or Deputy Administrator of Parks and Recreation and it is premature to make any decisions. She noted she had asked about the cost of operating the park.

Decision was made for gathering of further information, i.e. the cost of operation and upkeep, from an indoor skateboard park operator and a return to the Board with the information with answers to questions. The Supervisor said the other assessment is to find out how many residents are benefiting from the park.

Supervisor Egan said one rumor that is not correct is that the skate park is not coming to Town Hall. She said it would be difficult due to a longstanding resolution regarding the Town Hall property. She suggested a meeting with parks personnel, and the operator of the skate park in Albany to get answers to questions. Suggestion was also made to try and gather information from other communities.

The next item was to acknowledge receipt of the 2006 Senior Citizens Services report. Supervisor Egan said Director or Senior Citizens Services, Karen Pellettier, does a nice job putting this report together each year.

The following item was a request from Senior Citizens Services, Karen Pellettier, for approval of appointment of part-time Clerk-Typist. Supervisor Egan noted this would be for Alice Parker at the wage of \$10.03 per hour to begin on June 16th. She said these part time positions are in the budget.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the appointment of Alice Parker, Delmar, New York to the position of Clerk-Typist at a salary of \$10.03 per hour, effective June 16, 2006 as requested by Karen Pellettier, Director of Senior Citizens Services. The motion was passed by the following vote:

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

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

The motion was made by Mr. Kotary and seconded by Mr. Gordon to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department at the titles and salaries listed in the Memorandum dated June 14, 2006. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

Next was a presentation by IMAC of the report for the Parks and Recreation Department. Supervisor Egan said suggestions were made with regard to the field issue and use by leagues and fees or no fees. She said this needed to be explored more. Shared services was another issue to be addressed between Department of Public Works, Highway and Parks and Recreation Departments. The only question here would be accounting back and forth between the departments but comment was made that maybe this would not have to be done. Supervisor Egan noted she thought the issue was that monies come from different funds.

The Supervisor asked if there were any questions. The pavilions were discussed regarding usage with Administrator Lanahan saying they are booked all the time, noting the fee is \$40 for the small pavilions and the large pavilions start at \$75 and go to \$125 based upon number of people. User fees were discussed as well. Administrator Lanahan said she has no feel for the increase of fees and the revenues are conditioned on weather conditions and other items, noting the revenue fluctuates as a result of these items. Mention was made about evaluating the use of a facility and whether a program was available to all Town residents on an equal basis, that was a base line type service but if the program was using a facility on an exclusive basis where only limited people were invited to participate, it was more of a private type function. Appropriate fees may have to be set for these types of functions.

One proposal regarded looking to the future and the benefit of doing a recreation plan. This was one item in the IMAC report which it was felt would be a good thing to do. Administrator Lanahan noted her dream was for the plan to include not only her department but involvement of the community to include all parties that have recreation facilities.

Question was raised regarding the attendance records of the various programs and how the numbers were arrived at. Administrator Lanahan noted the numbers are generalized and the number of games and additional factors so it is combined. She noted they take into account rainouts and poor weather and/or field conditions. In regard to computer technology, the Administrator said they need to get started and get software and IT material that does activity registration and facility reservations, etc. And would help with the pool pass system and ID cards. She said it generates all kinds of reports that cannot be done at this time.

Question was raised if there will be a method for counting the number of users of the new spray park. Administrator Lanahan said staff tries to keep a clicker and count how many children use the facility. She said it is hard because the kids come in and out. She said it helps in the overall attendance figures.

It was brought to everyone's attention that Henry Hudson Park is mentioned with regard to the master plan that will be done as a result of the local waterfront revitalization plan. Mention was also made about the condition of the head wall noting this is a concern and an issue with regard to the responsibility. Closer access to the water was one possibility to be able to enjoy the water.

Administrator Lanahan noted the docks are in place and there was a very busy fishing season.

Supervisor Egan thanked everyone.

Town Engineer Deyoe next presented the Town's Stormwater Program information. He said the annual storm water report submitted to DEC was accepted at the last Board meeting. He presented information on the Phase 2 program of the Stormwater Management Program including the requirements, where we are and where we are heading in the future. He noted this came from the Clean Water act which is a phased implementation that was done for the storm water aspects of the legislation. He said the storm water issue is not a new thing, it has been around for a long time.

Mr. Deyoe noted the State is requiring the municipalities to develop their own storm water program and become, effectively, regulators of that program. He said this is an unfunded mandate passed on from the EPA through DEC and DEC has given a permit to the Town.

Engineer Deyoe continued to give the goals of the program in Phase 1 and now the Phase 2 part of the regulations. He said this involved maintenance programs and treatment to maintain and inspect the facilities. He said it is a 5 year permit cycle and the Town's first cycle ends in January 2008 and noted there has to be a fully functioning program by that date.

Engineer Deyoe explained that MS4 is a municipal separate storm sewer system. He said it is a separate sanitary system and it does not go to the sewer treatment plant. He said ideally it is just run off of properties that are in the system. He said the regulation MS4 is an urbanized area based on census data. He said the particular data they are working with now is the 2000 census, noting it is updated on a 10 year cycle and the boundaries of the MS4 change on the 10 year cycle. A map was exhibited showing the boundaries of the regulated MS4 area in Town.

Engineer Deyoe reviewed the program requirements and elements. Some items included in the expectations are public education, public involvement, illicit discharge detection and elimination, construction site runoff, post-construction runoff control, and establishing operating procedures and facilities that comply with the regulations without any additional sedimentation or pollutants into the system.

Engineer Deyoe noted training sessions have been attended and they have done training sessions with the Department of Public Works, Parks and Recreation Department and Highway Department. He noted with GIS, they have identified the drainage courses, noting there is fairly complex topography.

Engineer Deyoe feels the Town is pretty far along with establishment of a practice within the site plan and subdivision review that allows the Town to look at the erosion and sediment control measures; and proposed treatment facilities that developers are proposing either private or municipal. He said they also review the storm water prevention plans which are basically the basis for the design of the systems including operation and maintenance along with future costs associated with the systems.

Engineer Deyoe said the proposed zoning law changes address grading and erosion control through a permit. He said this gets the Town a good part of the way to where we need to be for this section of the regulations.

Engineer Deyoe noted the funding and structure to sustain that is something that needs to be addressed in a very detailed way for the future. He said they need to identify the fees or what way this can be sustained.

Mr. Deyoe said a review of Town facilities and how they function now must be looked at for satisfaction of the requirements. Additional training becomes a part of this whole program and he noted there are gaps and they need to supplement it through training. He said they need to develop design standards and

check lists that can be used both internally and externally to be sure of consistency looking at the new and existing facilities.

Engineer Deyoe said our residents can help and exhibited some items. He noted Gregg Sagendorph, Highway Superintendent, as well as, he would be available for any questions. He said the website will have a storm water page, noting also good overview references are DEC, EPA and CDRPC websites.

Supervisor Egan said the pamphlets were handed out at Household Hazardous Waste Day. She said there will be a lot of time spent reeducating the public to comply with the regulations in January 2008 and it is reengineering how we are thinking about doing things. She thanked Mr. Deyoe, Mr. Sagendorph and the engineering staff for the tremendous amount of time spent on this over the last couple months. She said being involved with the Intermunicipal County program resulted in attendance at a 4 ½ hour program on funding for this, indicating there are no clear answers. She noted this is a brand new program and they have no clue as to what it will cost.

Councilman Kotary asked about the map and its shading, indicating there were areas that did not require these practices in. Mr. Deyoe said that was correct. Mr. Kotary asked if this would still be done. Mr. Deyoe said part of them will be implemented, indicating public education is one of them. Mr. Kotary said on the discharge issue if the shaded area being phase 1 that discharging materials in certain areas is not appropriate. Mr. Deyoe said clearly with the illicit discharge program is that they will look at drainage areas that are not only within the area but also on the boundary of the EMS4. He said clearly water does not stop at some arbitrary line in space. He said it will go where it needs to go. He also noted the boundary of the are will change every 10 years with the census update.

Councilman Kotary said he is trying to visualize what is going on there and said it seems like when these drainages were originally created it was to get the water out of the street, driveway or parking lot and get it someplace else. He said water is going all over the place. Mr. Deyoe said in the ideal world it goes where it is supposed to go. If control of contaminants is the issue and keeping it from getting into the water supply, it would be nearly impossible to do. The focus here, Mr. Kotary thought, was to try and eliminate what might be going into the drainage systems. Mr. Deyoe said in some cases there may be a need for additional infrastructure which is to be determined. He said a good way to think about that is an example given today, where the beginning of a watershed is simply a catchment of water. The analogy given was that the beginning of the watershed is not on a property, it is here. He said they are talking about changing the way things are done and affecting a consciousness about the impact on a community and the environment. He said it is a social change as much as it is a program change.

In regard to the cost, it was mentioned that it is an unfunded mandate with no funds coming from the Federal or State governments. Mr. Deyoe said there are few opportunities to raise funds, the Albany County Intermunicipal Committee is funded through a grant and they provided brochures and sponsor training programs. He said some of the elements are being addressed through grants but there is no pot of gold.

Councilman Kotary said it is important for everyone to understand that the Town does not know how much this will cost because it is a program that has been placed upon the localities and they are faced with trying to figure out how to do it and pay for it. He asked that everyone be patient until this is figures out and realize where this is coming from.

Mr. Deyoe said another thing to consider with regard to this is we are not the only ones behind the curve ball here. He said creation of storm water utilities was discussed as a potential funding mechanism. He said this was part of the training they attended. He said even though there are 400 or 600 already created in the United States, there is no direct mechanism that allows the Town to create that in New York State. There has to be a search for opportunities to pay for these program elements that go beyond what is already done.

Supervisor Egan asked if there were any other questions. Councilman Messina said we do not know how big this cost thing is going to be, how this is going to evolve and that relates to some questions. He said the budget making session begins in July and August. He said even though this has some key things happening in 2008, this is likely going to be a strategy that a piece of which will be available for the upcoming budget session. Mr. Deyoe said they have been ramping this program up and hopes to have a stronger sense of some of the costs and resource needs as the budget is developed with projections of where the Town might end up. He said it will take some effort but they will do the best they can do without having a lot of experience.

Councilman Kotary asked if DEC or EPA have some sort of enforcement mechanism. Mr. Deyoe said as it stands now, DEC is the regulating agency so if a contractor is not meeting their obligations under their own permit for storm water, DEC is the regulating agency. He said it is somewhat to be determined as to how strict they are going to be with municipalities. He said generally they treat the municipalities with kid gloves and are a little more lenient with us. He said it has a potential and there was a whole discussion about concerned stream areas and some that are experiencing some affects of pollution and one in our Town is the Krumkill. He said there are some special regulations that will have to be enacted and more strict guidelines that will have to promulgate there. He said with that said, that is a spot given to our proximity to Albany that they may look to make sure we are doing what we say we are going to do.

Supervisor Egan thanked Town Engineer Deyoe.

Supervisor Egan said the next item was a report from CACC. Mr. John Smolinsky, Chairman, indicated a report has been given to the Town Board. He said in regard to updating, comments from the 4th meeting and said the report covers the first 3. He said a couple things to note in the quarterly report are the CACC is a very creative group of 11 people. He said they are still learning a lot about the issues. He said they are talking about issues that are beyond the mandate that has been given. He said they try to keep their eye on the ball and they have so far. He said notice can be taken that in the report there are several bullets outlining issues that have come up either from the members or from the public that relate to CACC work and they have blinders on with these 2 tasks but always keep these other things in mind as potential relationships.

Mr. Smolinsky said with respect to the Slingerlands trail issue, as they have been educating themselves and gathering resource information about the area and what potential trails and conveyances there might be, it is no surprise that they have become aware of projects like the VISTA, Slingerlands hamlet workshop which will happen some time in the fall and some willing landowners in the area. He said what strikes them is it has tremendous potential to really be a model of non-motorized vehicular conveyances and trails that will almost be designed and developed from scratch. He said DOT work begins this fall or is supposed to begin. He said there is a lot of potential for doing the right thing right from the get go and they are aware of that. He said he thinks they are also aware that things do not happen over night. He said things like VISTA are a pretty far out project before it is built out. He said the hamlet design is something they have no handle on when that will be done or the built out might happen.

Mr. Smolinsky said they have tried to keep a long term vision of what can happen in that area. He said he wanted the Board to also know that they are tuned into looking for opportunities for quick successes, things that are trail pieces or sections or conveyances that are inexpensive and can be accomplished with maybe not a lot of trouble.

Mr. Smolinsky said it is a pretty exciting topic. He said they have also recently become aware of a DOT grants enhancement program and they think it fits very perfectly with the mission of this task. He said they do not have a handle on how they are going to mesh the 2 together or how they might suggest changing

their work plan but they want to take a look at this grant opportunity that would occur in 2007.

Mr. Smolinsky said on the open space task, a subgroup of the committee presented a working draft of the funding report to the full committee on Monday. He said it was the first chance for the 11 members to discuss a working draft, 80 percent complete. He said they want some experts to take a look at that funding report and hope to have another draft for the July CACC meeting with delivery to the Town Board not long after that. He said he does not want to speak for the July review and noted they may want to take a longer look at it.

Mr. Smolinsky said one of the things that has come up in the open space funding discussion is it is obvious if the Town were to pursue most any kind of municipal funding, an open space plan not just funding or a framework of a plan is going to be something that goes hand-in-hand with seeking funding. He said even if it was as simple as asking someone to donate a dollar for an open space fund, he thought they would ask what was going to be done with it and why. He said in the long run an open space plan seems fairly inevitable if the Board were to pursue the funding options.

Supervisor Egan said she knows there are a bunch of CACC members present and she knows they have been working very diligently, noting the meetings have not been an hour and a half and certainly going through the comprehensive planning process, she knows discussions can come up that may not be directly on task. She said if something becomes very dominant in regard to some of the off task discussions, feel free to come to the Board at any point. She said she thinks the task that they have given CACC as has already happened, has started to create some showable, if you will, results. She said she thinks it is important that they walk before they run. She said she thinks that is some of the thinking that went into the original task given to CACC and they do not want CACC so scattered with the 50 things that she is sure could come up. She thinks in the 4 meetings they have met, a tremendous amount of work has gone into this and knows tremendous efforts have been done by everybody on the committee. She thanked Mr. Smolinsky and all the members that were in attendance and she will be sure to contact the ones that are not here. She thanked Mr. Smolinsky for the report, noting it is great, comprehensive and they are excited about the next one.

Mr. Smolinsky said he gives himself D- for time management, noting they have not done well. He did note Monday's meeting was more reasonable. He said not all the issues that come up that are outside of our task are difficult. He gave an example of as they have been assembling information about trail ideas in the Slingerlands area, the question came up as to why someone put together a list of trail resources in the whole Town. Immediately on the table, Mr. Smolinsky said, were 5 brochures of 5 preserves or trail systems but no where is there a place, that they know of, where all of that is pulled together. He said this is a pretty simple task that someone could do noting maybe it is a Town and non-profit partnership that puts something together. He said they are not all difficult issues.

Councilman Messina commented that he observed the CACC process noting there are a few people there making comments when the public comment time was available. He said his observation is that CACC is right on track as guided by the Town Board and it's enabling memorandum. He said the group works well in terms of their dynamics and communications and second, he thinks it is kind of packaged light being able to move quickly with an emerging priority or a new opportunity comes up. He commended George Leveille and his staff because he thinks an outstanding job has been done there in providing very high quality staff support, as well as, bringing new information that can help CACC carry out its mission. He thinks things are working very well and thanked everyone.

Supervisor Egan thanked Mr. Smolinsky.

The next item was consideration of creation of Comprehensive Plan Oversight Committee. Supervisor Egan noted this was talked about a couple

meetings ago. She said as set forth in the comprehensive plan adopted last August, one of the things it recommends is creating this oversight committee. She said she distributed an email from Councilman Messina to everyone in regard to some suggestions. She also noted she thought at the last meeting everyone agreed this was a good idea. She asked for input as to who should be on the committee and then have the committee together and come back with a plan as far as what the Board would like to committee to do and what the committee thinks its role would be.

Supervisor Egan asked for discussion on this. Councilman Kotary thanked Councilman Messina for his suggestions and for the ideas on this. He said it is in the plan and it is a good idea. He said there are so many committees going on right now that he is a little bit hesitant that there may be redundancy. He said he thinks this can be resolved in the members that would be put on this potential committee. He gave as an example, some members who are proposed – Supervisor, Board Members, Planning Board – are already communicating. He asked if with that composition what additional activities this committee would do that are not being done.

Councilman Messina said in terms of – although he is sensitive to that issue -- being committed to death because it can happen some times. He said he thought about that before suggesting this for the Board's consideration. He said when he looked back at the Executive Summary which is the crystallization of those things that there was consensus to do by a very diverse group of people interested in the comprehensive planning it seemed thought was put into the fact that there should be the CACC oversight committee. He said he does not think it has to be constructed in a way -- either through its membership or its function – that it will be burden anywhere and he thinks without it, there would be an absence of oversight. He said his view is with the things going on in economic development, planning, recreation, open space all related one way or another to the comp plan that just keeping an eye on all of those things together and maybe setting some priorities to help the Board out and reporting periodically is a good thing to do. He said also when you have agreed to do something and it is in the Executive Summary, to not have it done raises the question of why not. He frankly, believes that this could be probably more an internal body than an external body of folks. He said the consultant suggested a representation from the Planning Board, Board of Appeals, the Supervisor and some others but left it quite open. He said he does not think they need to make more of this than they need to and frankly there is so much extensive involvement of the community in the various planning and development initiative that on this one, he thinks it is more of an internal thing to just look at all the variables and things going on and assess that and report back because looking at the whole picture might be useful.

Councilman Kotary said he understands that and summarized that the purpose of this committee is to take regular assessments to make sure that they are on track with it as was talked about before of this living document and the ongoing plan. Councilman Messina agreed.

Mr. Kotary said with the members who were suggested as he already commented are working and doing a lot of work together, it creates more of a formal reporting mechanism to the Board. Mr. Messina agreed.

Councilman Messina said these suggestions were borne out and the recommendation of the consultant more than his own particular suggestion, noting this was open for discussion. Mr. Kotary said that clarifies for him and makes sense, as far as, what the scope would be. He said looking at it in that light, it does not seem redundant but makes sense.

Supervisor Egan said no they do not and she said all the departments, including Planning and Zoning, are here in Town hall and communicating with the staff on a very regular basis. She said in regard to looking at what some of the goals are and the priorities, 1, 2 and 3, do we have a formal mechanism to report back to the Board, there was not. She said she thought that was where Councilman Messina was going with it. She said maybe there just needs to be a review of it and

decide if it should be quarterly or semi-annually. She agrees that a small group of internal people who are dealing with this everyday are going to have a better handle on this really than anybody else. She said it may be coming up with a format on how to report back to the Board as to how those priorities are being addressed.

The Supervisor said her suggestion would be the same as outlined by Mr. Messina which is coming from the consultants anyway. She said the question is, is there another Board Member that would like to serve but the Director of Economic Development and Planning, Chair of the Planning Board and Chair of the Board of Appeals probably could come together and then with their staffs come up with some sort of reporting form that internally they could do and report out to the Board semi-annually rather than quarterly. Councilman Messina agreed. Mr. Leveille agreed.

Supervisor Egan said the question remains, do we want another Board Member on this committee. She said that they welcome everyone to do this. Councilman Gordon said in light of Councilman Plummer not being in attendance, maybe he would like to be on this committee. Councilman Messina said he is involved in the IMAC activity and that is fairly time consuming. He said he stays involved in the planning activities in other ways – by attending meetings and things. If another Board Member wants to be on this fine, he does not feel he needs to be on this one at all.

Supervisor Egan said there does seem to be a burning desire by anyone to step up on this, it will be left that Supervisor, Director of Economic Development and Planning, Chair of the Planning Board, Chair of the Board of Appeals and another Board Member as one may volunteer. The Board agreed. Councilman Kotary said he would be happy to volunteer to join it if the Board feels there should be an additional Board Member represent the Board. The Supervisor asked if they agreed to do a semi-annual report. The Board agreed.

Councilman Messina noted there is a real benefit to this because statutory bodies – the Planning Board, Board of Appeals – to link them back in to the whole process is a useful thing. Supervisor Egan agreed.

The motion was made by Mr. Messina and seconded by Mr. Kotary to create the Comprehensive Plan Implementation Committee along the lines as discussed and perhaps to further that out with the staff by a short memorandum from staff semi-annually. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

The next item was consideration of logistics and schedule of informal Town meetings in areas around Town. Supervisor Egan said this has been discussed at another Board meeting. She said this item she spoke with Councilman Plummer on and he has some concern about doing this. She said considering the hour and there are some other items not on the agenda that she knew needed addressing, she said she would rather have this discussion when Councilman Plummer was in attendance and then the Board could move on to what is left. Councilman Messina agreed.

The motion was made by Ms. Egan and seconded by Mr. Kotary to table the consideration of logistics and schedule of informal Town meetings in areas around the Town. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

Supervisor Egan said information for the Board included a request from

Scenic Hudson to send letters or emails in regard to 3 particular legislative actions – the bigger, better bottle bill, the community preservation act and the waterfront revitalization bill. She said there is some thought that any potential grant money that is available having to do with the Colonial Acres Golf Course is probably kind of folded into these initiatives. She said the thought was if the Board agreed, that a letter be sent in support of the initiatives.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the Supervisor sending a letter in support of the initiatives of Scenic Hudson. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

Supervisor Egan said for the Board's information a letter was received from the Mayor with regard to a meeting on Friday pertaining to the expansion of the Rapp Road Landfill. She said she met with the Mayor and several other municipal officials back in January in regard to the expansion of the landfill to provide some additional time until the City can come up with either solidifying the Coeymans landfill situation or addressing it otherwise. She said the issue being that within a short period of time we are going to be without landfill space.

Supervisor Egan noted we utilize the Rapp Road landfill so at the meeting there will be a request, set forth in the letter and she spoke with the Mayor, to have all of the current ANSWERS municipal representatives co-sign a letter requesting consideration of expansion of the landfill. She said inasmuch as there are no other alternatives at this point in time, she would think we would join with the Mayor. The Town Board concurred.

Supervisor Egan next said for everyone's information, the Communications Opportunity Promotion Enhancement act, COPE, was passed by the Assembly and is going to the Senate will affect the Town. It has to do with the collection and receipt of franchise fees. The Town receives about \$200,000 annually for this. She said in the event the Senate passes this, she was guessing there would be a phase out at least on those fees. She said this will be reduced revenue to the Town again.

The Supervisor said one other thing that was handed out was a request from Senator Breslin's office for a bill to rename the Cherry Avenue Extension to the Captain Timothy J. Mosier Memorial Highway. She said the Town does not have a whole lot to say because it is a State action through the Legislature but the Senator wanted the Town to be aware of it and the Town's consent on this. She said she believed it was Dave Austin's son who was very close to Captain Mosier who made the initial request on this. If everyone is comfortable with this, Supervisor Egan said she will let the Senator's office know. She said he also asked that she check with the family regarding this. The Town Board was supportive provided the family agreed.

The Supervisor said there are currently 3 names for Cherry Avenue, Elm Avenue, Route 85, Cherry Avenue Extension and now the Memorial Highway but maybe it will help solidify things.

Supervisor Egan said Maple Ridge Park playground is in and publicly thanked every one of the 50+ volunteers that were there. She said it was spearheaded by a couple community members along with Mrs. Lanahan and our Parks office but Saturday in the wind and the drizzle and the not-so-great June weather, there were over 50 people help with a picture opportunity.

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The Supervisor said the senior chorus ended their season and if anyone has a chance, Tuesdays in the last couple months they partnered with St. Thomas 5th grade and went on the road. She said they were at the Veteran's Administration Hospital and are excited and thankful that they were allowed to sing at Town Hall. She said hopefully they will start up in the fall again.

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Councilman Messina said small things count a lot and he thanked the Supervisor for the curved table. Councilman Kotary said he liked it too.

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Supervisor Egan asked if there were any public comments on non-agenda items. Mr. Brendon Mooney, 38 TenEyck in Selkirk said he wanted to clarify for the record that there are only several Mooney's in Town and he was the Brendon Mooney on TenEyck. He said there is another Brendon Mooney in Town. He said his son is Timothy Brendon who goes by Tim. He said he is the 57 year old and the only 57 year old.

Mr. Mooney said he and his wife moved to Selkirk about a year ago from Dover Drive in Delmar. He said they had taxes approaching close to \$8,000 combined. He said from his experience and from his review of history, 250 years ago our four fathers held a tea party for their official benefactors at the time. He said they're ruling governance who attempted to impose a hidden tax on the importation of tea into Boston. That act, according to Mr. Mooney, began a movement that ended with a change in governance not only for Boston but for the entire country.

Mr. Mooney said congratulations the Town is moving in that same direction. He said he is not at the meeting to talk about his individual tax assessment, that will run its course since he hired an attorney and will deal with that through the appropriate procedures. He said he is not a part of an organized movement. Like the people in Boston, he is upset as an individual not as a movement, however, my sense from the feedback from the media and other comments that I have received from people throughout the Town is that this may have in fact inspired significant interest as a movement because it affects not one individual but many individuals throughout the Town of Bethlehem.

But, Mr. Mooney said he was here to deliver 2 messages to the Town respectfully. He said watch my lips, no new taxes. He said people have told him this is not a tax, this is evaluation. He said this is a reassessment. He said with all due respect to the attorneys who are in the room, that is lawyer speak. He said to him it hits him in his pocketbook or his wallet and it amounts to hundreds of dollars extra per month. It is a tax, according to Mr. Mooney. He said it smells like a tax and it stinks to high heaven as a tax.

Mr. Mooney said he has heard Town officials say that this is not our fault, the State made them do it. He told the Board that the State may have a statute, the State may have mandated it but how it gets interpreted at the local level is up to local home rule. He said the Town did not have to choose to implement the assessment as you did in one felled swoop. He said they are dramatic increases that affected not only him but many people. He said the Board chose to implement it significantly over 1 year's time. He said the Board could have gradually introduced it to allow people's income to keep pace with the growth that was anticipated as represented by the tax increase. He said the Town chose to implement and he said the State of New York is not necessarily the bad guy in here although shame on them for not having taxed and that is another issue which will be decided on a gubernatorial level. This was a bad decision made at the local level, Mr. Mooney said, and as far as he was concerned and many of the voters of the Town are concerned, the people that will be held accountable for that are the people sitting before him. He said they support the implementation of this tax.

Mr. Mooney said the second message to be delivered respectfully is fix the mistake before it is too late. He said when he says it is too late, he means September when the affects of the assessment were going into affect. He said he

would suggest that the Town impose a moratorium of 5 years and allow residents time to have their incomes play catch-up with your tax increase. He said he challenges the Board tonight and its members now to sponsor a proposal and a study to implement how such a 5 year moratorium on property taxes and, perhaps, even school taxes might be introduced in the Town of Bethlehem for the sole purpose of allowing the income of members of this community to catch-up with the tax increase.

Mr. Mooney asked further that the Board pledge to put anything that smells like a tax and again, this smells like a tax to most people in this room as a proposition on the ballot and that it be introduced and managed and handled in the same way that a school budget is handled. This is done in the state of Massachusetts, Mr. Mooney said, and no reason why it cannot be done here with proper study and preparation. He said this is too important to leave up to, respectfully, Town officials who have in this case, disregarded the will of the community and imposed a significant tax increase on the people. He said the voters need to decide directly as they do with the school tax directly on how and if they wish their pocketbooks to be invaded.

Mr. Mooney said it got their attention because they have to decide whether to take the \$233. that have to be spent each month out of his wife's medication or should they take it out of a prescription drugs, take it out of food, or take it out of quality of life which they find significantly important to them. He said it certainly got their attention.

Mr. Mooney said he is hopeful though that the defeat of the Bethlehem school budget got the Board's attention – connect the dots. He thanked the Town for the opportunity to speak at the meeting and invited the citizens in attendance to meet outside. He distributed Lipton tea bags to the Town Board. Supervisor Egan thanked Mr. Mooney.

Ms. Linda Jasinski thanked Mr. Gordon for bringing up the minutes. She said she too noticed how they are being consolidated with just the Board discussed. She said in the accountability to the voter she likes to know which Board member brings up what question and what comments. She said she is thrilled that all the minutes to the meetings for years are out on the internet that she can look up. She said she attends the meetings and she does not get the cable tv station so she cannot review them there. She said she needs to review them on line. She said she likes to be able to check on who said what.

Ms. Jasinski also said she thinks the Town Board needs to keep the people informed of what is going on and make this available noting the website is a great way to do that. She said she is finding the Board is okay April 24th minutes, noting the freedom of information requires them to be available for 2 weeks. She said she knows they can go in and get them 2 weeks later. She said she would like to see the Town Board approve them to get them out on the internet or put them out in an unapproved way so they can see them in a more timely manner. She thanked the Board.

Mrs. Ann Rymski said when this information came out about the reassessment, one of the things she saw bantered around was this is fair market and also that the over-evaluation or over priced pricing of housing usually existing stock housing in the Town during the moratorium would not be factored in. She said she was surprised when she went in for the informal hearing and saw the dates that were included when indeed basically at the peak of the moratorium those were the housing prices that were figured in. She said she also has heard that the assessment is not supposed to reflect fair market and yet that is what is being put out in many of the newspapers and articles that it is supposed to represent fair market.

Mrs. Rymski said considering that she does not have that many years left with the State and the taxes are going to drive her and her husband out they do not

see how they can stay here, they decided that as part of my exploring how come I was hit with a California styled assessment and supposedly that's the price I can sell my house for, she did have a realtor come in and take a look at her home and certainly her house did not come anywhere near the assessed value. She said they did get it brought down somewhat but it still is a whole lot more than she would sign the bottom line for on a sale. She said she has a 50 year old base house. The base part of the house is 50 years old and includes the 8 foot high ceiling in the basement and most of the infrastructure is still the same. She said they have put on a 20 year addition but there have been no upgrades since then. She said there is no way that anyone is going to pay the price that the Town has said the house is worth and then throw probably anywhere from \$75,000 to \$100,000 into that home to put in the kind of things that people want in a home. She said if they are going to spend that kind of money, they will go into one of the new housing areas and purchase.

Mrs. Rymski said some of the things that came out in the comprehensive plan was the great little neighborhoods we have and not talking necessarily about new development but established neighborhoods. She said that is what she lives in -- is an older established neighborhood. She said if you the intent is to maintain those and keep those, the kind of assessments that have been thrown on the residents just are not going to do it. She said there is no one that is going to pay those kinds of prices unless they come from California or Long Island or Westchester. She said quite frankly if someone came from California and looked at my home and... they would try and get her down as cheap as possible and sign the papers in the morning and they would be down here to the building department looking for a demolition permit because California knows how expensive land is and they would love to have her lot. She said it is 1/3 of an acre with trees and grass and a nice view. She said she thinks what they are looking at is some of these homes are so priced out beyond what the average person would buy here locally that you are going to have out-of-towners come in and some of them will just tear them down.

Mrs. Rymski said there are no more starter homes in this community. She said this community was really built and developed by people who worked in this community, who worked in the State in mid-level positions. She said she was talking union positions, now what is the grade 18, 14, and a 23 in a PEF, CSEA's would be 11 and 13s. She said they cannot afford to come out here anymore. She said a person is hard pressed to live in this Town anymore if you are not making \$100,000. She said that brings up the question of how the Town is going to have people work for the Town or work for the school district that support systems or the first new year teachers that just come out of college -- they are burdened with so much debt that they really do not have the kind of income that most people would think. She asked how they are going to live in this Town.

Mrs. Rymski said they are going to be looking elsewhere. They are going to be looking further out with increased commuting costs and one of the reasons the Albany City School District closes so often on snow days is because the teachers live so far out that they cannot come to work. She said she also resents paying taxes either to schools or to the Town to their employees to have them spent some place else. She said once you have moved out those kinds of workers and the blue collar worker and the tradesmen, who are you going to have left for your fire department.

Mrs. Rymski said that is not going to happen tomorrow or next year but that's going to happen 10 years, 15 years from now you are going to be looking at paid departments because there will not be the people living in this Town at the prices you are saying the houses are worth to do the work. She said because people who buy \$400 and \$500,000 homes generally do not volunteer to go into a burning building. She said now you impose another tax in order to pay for these services and the fire fighters don't... they are paid they come from other areas and they may not have the commitment that our volunteer people do.

Mrs. Rymski said the Board has set in motion kicking out the older folks because they cannot stay, not putting in provisions... you have eliminate provisions

that when an older couple moves, a younger couple came in with their incomes not really that great, could buy that home, sweat equity and they fixed it up. And, she has seen what the Town did to a piece of property in her area that was really a tear down – she said she thinks the fire fighters were hoping someone would tear it down before it burned down – and that evaluation went up to almost triple. She said the man has gutted the house, he is redoing it. She said he could have easily for the price he paid for that land and house, tore it down and he would have had every right to do it but it is an older home, it was from the late 1800s. She said he does not have CO yet and his assessment is \$221,000. She said hopefully he got it down but if that is what you are doing to people who wish to come into this Town, who want to buy an older home and make something of it, you are going to price them right out. She said they are going to walk away and somebody from Long Island will come in and buy it and there will be a demo permit.

Mrs. Rymski said the Town Board has set into motion with the over assessments by using the moratorium where people paid far too much for existing housing stock which the Board will have to come to task for and reap the sad profit in years to come. She said you cannot get young people back in here once they have left. She said you are not going to have the older folks volunteers once they have left. She said people are going to be here who are used to just opening their pocketbooks because they have \$500,000 incomes and they will pay for anything but they will not want to be put into or be part of the community. She said it will be like many other communities around New York City. She said they just come in to sleep and go out to work and there's very little involvement. She said congratulations folks. Supervisor Egan thanked Mrs. Rymski.

Supervisor Egan asked if there was any further comment this evening. Mr. Robert Jasinski said he totally agreed with the lady. He said the problem that we have is for losing the youth. He said they graduate college, noting there is a report out that says the majority of the college graduates no longer stay in New York State. He said you are seeing the writing on the wall. He said you are not going to have your plumbers, not going to have your car mechanics because they are not going to live in this Town and if they come in. He said you are all going to pay the high price, including himself. He said what he says is the total truth.

Mr. Jasinski said now he had a couple other ones. He said he hoped they had about an hour, noting normally he is very fast on some of this stuff. Supervisor Egan reminded Mr. Jasinski there were other people behind him. Mr. Jasinski addressed old water pipes, noting the issue has not been addressed yet. He said Mr. Holmes knows it is a problem. He said the City of Albany had a valve that malfunctioned, broke 3 mains and flooded 3 areas of the City of Albany. He said it does not pertain to us but we have the same problem here. He said he is sure Mr. Holmes will verify that.

Mr. Jasinski next thanked Mr. Deyoe for his work, noting he does a good job indicating he likes Erik but he has some problems – storm water runoff. He said he lives on Bender Lane and he gets all the water off the side, indicating he feels like a goat climbing a mountain when he goes to his mailbox. He said he has had promises from Mr. Sagendorph and Mr. Deyoe, Mr. Secor and Mr. Holmes has been very good – he can't fault them – but promises are like in the air, they're vapors, they go no where. So, finally from Swift's development on Route 32 to the new pump station giving trouble already – Mr. Jasinski said there is a portable pump down there now so I guess the pump is out that the Town bought 2 of. He said he asked for sewers or at least an estimate, so there is 3,600 feet. He said they are supposed to redo the road – you are talking storm water drainage which that road needs, they come up with a very nice figure, each household approximately \$3,000 per year for 30 years. \$90,000 Mr. Jasinski said, he wonders if his home is worth that. He said there is a problem on Bender Lane. He said he would like to see something done. Nothing will be done, he said, next year it will be there, the sides of the hill will cave in. He said there is a potential suit, you got water runoff, freezing, you are going to get sued eventually, maybe it would be him and if he does he hopes Mr. Potter will resign from the Board and take the case and at least somebody will make some money.

Mr. Jasinski said you talk about waste, illegal waste discharge. He said whether you stand and shake or sit and squat you don't even have a portable toilet ordinance for the construction. You can go in a bucket and go out in the woods if the police don't see you, he said, but there's lots of poison ivy around.

Mr. Jasinski said these are the things, sit here, listen to all these things. He said you have a bunch of problems. You don't have the money, he noted, and you will exhaust the General Fund. He said you can see the hand writing on the wall. So, houses are up for sale, you go around and see lots of for sales but you will get people buying them. He said they will come in and won't do the back reference to see what goes on in the Town or anything. But, he noted, they will only last 2 or 3 years and as the young lady says, they are gone. They are not going to have any loyalty to the community or anything, he said. He asked that the Board give that some thought.

Mr. Jasinski next commented about Rapp Road. He said this is a pretty good one. He said regarding Coeymans, the Town Board has not thought of what happens when Rapp Road gets filled and Coeymans does open. He said let's say they finally get it through the lawyers and everything, what are we going to do with all the trucks that are going to run Route 144 and Route 9W. Supervisor Egan said she has been thinking about that. Mr. Jasinski said he had a big pile of sand and everyone can bury their head in it somewhere if we want to.

Mr. Jasinski said he probably missed a few things. He said he knows he is getting to be a character at the Town Board and he is getting tired. Supervisor Egan said he raised very good points and thanked him.

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Mr. George LaMora of Selkirk, said his home is in a flood plain, a sewer line that goes down the property on each side and has a sewage vent pipe across the street that gives off a noxious odor. He would like to see some pay what the Town has assessed him for the property. He said it is wetlands so you cannot build on it and he has challenged the assessment once and now it has come back with another price. He said part of the property is condemned for the easement and he thinks it is a shame. He said his wife has lived there all her life and he is new to the area about 25 years ago. He said they raised their boys here but neither one has any interest in staying in the area and noted one is an educator. He said once they hit retirement, they will be gone. He said they can tear it down or take it for taxes but it is a shame. He said with the improvement to the roadway, there is a new drainage line right in the middle of their yard. He said they have tolerated all of this but now there is an increase again. He said if the Town would pay him that much, he would be more than happy to stay there. The Supervisor thanked him.

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The Supervisor asked if there were any other public comments. Mr. Victor Rodriquez said he agreed with Ms. Jasinski, noting he is a firefighter. He said he is young and does not own property right now but does plan to. He said the way things are right now, he could not afford it in the Town because of the taxes and assessments. He asked when he does property if he will have to go out of town. He said that was what he wants to know. Supervisor Egan thanked him.

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Supervisor Egan asked if there was any other public comment this evening. Mr. Albert Penk of Clapper Road, Selkirk, said he is concerned because in the Town he seems to be a dying breed. He said he is a retired senior citizen that has lived here since 1950. He said his father built his own house and they built their house in 1969. He said the reassessment process that is being used or what they are saying fixed value on my home really hasn't changed. He said it has not been sold. He said the market value is what I bought it for and what my taxes should be based on. When he first took his house and bought it, he said they assessed my house on the value he put into the house – building it myself, I took all the bills from the costs and they assessed my value on that house. Now, what you are doing is his taxes have increased 100 percent on just the property tax in the last 10 years,

according to Mr. Penk. He said on top of that talking to the Board of Realty for the State of New York to the Finance Office at the Bethlehem Central School and the Ravena-Coeymans-Selkirk Central School, we have what we call an equalization rate on school tax. He said the children go to Ravena-Coeymans-Selkirk Central schools, last year if you lived in Coeymans you paid \$21 per thousand for school tax. Living in the Town of Bethlehem, Mr. Penk said, the equalization rate made him pay \$27 per thousand. So on every \$100,000 of assessment which the Board freely throw around, he said he pays \$600 more in school tax than if I lived in the Town of Coeymans.

Mr. Penk said he called the Supervisor on this and the Supervisor tells him that she is not interested in school tax and it doesn't come under her control. He said if he cannot rely on the Board to help us and if he can't rely on the Board for enforcing what should be a means of living within our Town I want to know where I can go.

Mr. Penk when he called equalization, they sent him something in the mail where it says they take a market value and they put it over your – what they call their whatever figure it is they grab out of the sky for their building – fixed value and they divide it out and come up with a percentage. He said no one seems to know what that percentage is and he would like to know the State lawmaker that put the reassessment process in because all it has done is put the burden of property taxes onto the people of New York State so that the local jurisdictions get more tax money out of property tax and yet the State does not have to give them any fund out of their funds because they are getting the money so heavily from this reassessment process.

Mr. Penk said if the reassessment process is an equalization factor where everybody pays fair taxes which is the excuse everybody wants to give so everybody pays their fair share, when I was working I made a viable salary like you folks. Whatever his tax was he paid gladly. Now, he is retired and his wife is retired and they are on fixed income and his taxes are escalating so fast – the Town just increased him another \$100,000 in evaluation. Now, he asked where does he go when he cannot pay his taxes. He has no idea other than leaving New York State. He said he had 2 uncles that had farms in this community, their farms are sold and gone. He asked who has them – lawyers, doctors, financial people with high money have bought the property for investment purposes and the property sits there. He said when he moved here with his father in 1950 from a place called Green Island which has very low taxes, what happened was the Town plowed my road. He said it is now 2006, noting what the Town does now with all the increase in taxes, the Town plows his road. He said that is all he gets out of all the increase in taxes that he is given.

Mr. Penk said he feels that all the people that are in the Ravena-Coeymans-Selkirk School District should have some way of a rate deduction in their property taxes because the services you keep adding on to the residents and the services that are added to the community are basically in the Bethlehem Central School District area of Town. He said they are paying for the sewers, paying for whatever else may come up and you throw it into the general fund or you get the money from one general place where this money is sitting there just ready to be used. He said such as cable television where you get \$105,000 a quarter from the cable company which is taxpayer money which is being thrown likely into a general fund. He said if the newspaper was right on reassessment because we are going to 100 percent reassessment which by the way – the State said no body is 100 percent reassessment and they will never be 100 percent reassessments – he understands from the newspaper you get \$5 a parcel and free money from the State to put in your coffers for spending money. Mr. Penk said if this is true, this is another tax on the taxpayers where it goes to a general fund and he would like that investigated and somehow respond to the citizens as to what that tax is.

Mr. Penk said he feels like he is coming up and talking to the Board again as he has in the past and if it isn't time for the Board to do something, I guess all senior citizens will disappear in your little Town of Bethlehem and you can have all your big developments like you are planning across the road from where he lives –

167 homes, apartments, senior citizen living which is the big thing today. He said sell your property, get out of your home you lived in in years so you can afford to live in senior citizen housing and then life will go on for all of us. So, hopefully, he said he didn't talk in vain for nothing and made the Board think about a few things. He thanked the Board for their time. Supervisor Egan thanked Mr. Penk.

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Supervisor Egan asked if there was any further public comment or comments from the Board. She said just before closing – noting to Mr. Mooney that she knows he does not want to hear this and it will fall on deaf ears and unfortunately, it is not legal mumbo-jumbo. She said the reassessment process is separate and apart from the taxation issue. She said the taxation issue is if additional taxes are raised, visa vie the schools or the Town, there is a way to address that. She said the reassessment in of itself is not a taxing event, it is a valuation event. She said it is up to the Town Board and the School Board and the county and the fire districts and the ambulance districts and the library and all those other taxing jurisdictions to be responsive to what your concerns are regarding holding levies tight so that the revaluation does not in and of itself create a taxable event. To address Mr. Penk in regard to fair market value and 100 percent value, Supervisor Egan said he was right. There will never be 100 percent valuation, she said, as soon as you buy a home in a growing appreciating community the value of that property immediately starts to increase. She said she would agree wholeheartedly with the State's assessment.

Supervisor Egan said she knows there have been many people who have come in to talk to her about the valuation of their home and certainly to the extent someone buys a home for a certain value, she thinks it is very logical to conclude that one would think that is what it is worth. She said she does not know many people that would buy something at a value that they thought was in excess of what the property was actually worth. In regard to the schools, unfortunately the Supervisor said, the answer is the same as it has been the last 5 times she spoke about it and that is the Town does not have jurisdiction over school budgets so equalizations between school districts, the budgets themselves, the Town has zero jurisdiction over that. She said to the extent that there can be cooperation with the school districts and the Town in regard to finding some opportunities for economic development or things like that, that has been going on. She said with that being said, she asked for a motion to adjourn.

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Mr. Robert Jasinski asked everyone in attendance as was stated, the school board vote is coming up. He said they have given them our agenda and invited everyone to get back out and give them the agenda all over again. He said if they cannot get it the first time, let's do it a second time and vote it down.

Mr. Albert Penk said he appreciated the Supervisor's comments, noting she is a lawyer, but he is not sure there should be a lawyer running our Town. He said that is beside the point, noting if he was a lawyer and a good lawyer, I think I would be in a practice where I was making more than what any Town Supervisor makes if it were not for my political career or for, what you might call, dollars for retirement.

Mr. Penk said two comments were made and one was formerly on television that the people of the Town of Bethlehem simply have to tighten their budgets. He said he has listened at this meeting and he does not see any tightening of the budgets on the way that the Town Board and the Supervisor run the Town. He said they were talking about a sewer district and you kick it around like a toy or water district as to how much it is going to cost. He said it does not benefit Ravena-Coeymans-Selkirk school district at all but you are going to increase our taxes to pay for it.

Mr. Penk said the other thing that was said according to the newspaper -- the woman elected to represent him which is Supervisor Theresa Egan does not see it that way. Reevaluation is not taxation she said reevaluation has to do with the value of one's home. The taxation part comes though the budget process. Really he

is trying to compare apples and oranges – the apples and oranges, according to Mr. Penk, are that you take and get your budget then you divide it into what you have for assessed valuation within the Town to come up with a tax break. So, he said every time you reassess our homes and you increase the value of our homes wherever you want to go which his the most fictitious way – noting he has a member down in his area that is being tax and doesn't even have the house and your assessing office does not know what to do about it. He said when you say reevaluation is not a taxation, his taxes have skyrocketed in the last 10 years. He said they only have skyrocketed because of my reevaluation or reassessment or whatever answer you want to put onto it. So, he said he does not quite agree with Supervisor Egan's statements but he is not a lawyer. He thanked the Board. Supervisor Egan thanked Mr. Penk.

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The motion was made by Mr. Messina and seconded by Mr. Gordon to adjourn the regular Town Board meeting at 7:54 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

Town Clerk