

# 2012 Transition Committee Report

## **Background & Committee Process**

Shortly after the November 8 election, Supervisor-Elect John Clarkson recruited 17 town residents to serve on a nonpartisan Transition Committee to help advise him in preparation for serving as Town Supervisor. The Committee's charge was to help evaluate and guide key policies and action items for the coming two years. The goal was to engage in a big picture review and consensus building process, rather than a detailed study. This approach was essential given the timeframe and was practical in light of the availability of a number of existing reports on town issues, as well as the extensive knowledge and experience of the Transition Committee members.

The Committee's work was structured around a series of nine topical meetings, each devoted to a specific subject area. Subject experts from the Committee itself, as well as town staff and other outside experts made presentations and shared background on each topic. Committee discussion then worked towards consensus on key issues. In some cases consensus was developed through a follow-up survey of members.

All Transition Committee meetings were open to the public, and meeting dates, agendas, background materials, and notes are posted on the town web site: <http://www.townofbethlehem.org/pages/AdvisoryComs/adv2012Transition.asp>

As a practical matter, the usual early meeting hour of 7:30am, agreed to so as to allow the Committee members to serve given their own work and other volunteer commitments, made it difficult for the public to attend. One meeting was held in the evening at the public library. The Committee's experience with this was discussed when they took up the topic of public engagement.

## **Transition Committee Members** (see Appendix A for backgrounds)

Co-Chairs: Sam Messina, Judi Kehoe

Laura Bierman, Pat Bulgaro, Kevin Crawford, Susan Hager, John Hudacs, Linda Jasinski, Jeff Kuhn, George Lenhardt, George Leveille, Rich Mendick, Pam Robbins, Peggy Sherman, John Smolinsky, Michael Tucker, Lois Wilson

## **Issues**

The Committee met 11 times between November 21 and January 31, including 9 meetings focused on the following issues:

- Town Budget and Financial Issues
- Ethics
- Economic Development
- Public Engagement
- Land Use, Planning and Open Space
- Governance Issues
- Senior Services
- Police and Public Safety
- Shared Services

## **Significant Findings and Recommendations**

### **Town Budget and Finances**

Findings - The town government must address its structural budget imbalance and consider improved budgeting and financial management practices. This will require a detailed review of all major operating budgets, particularly in the larger expenditure areas such as police, public works and highways. Appendix B provides an overview of the Bethlehem town budget and related financial issues.

#### Recommendations:

- Bethlehem should implement a multiyear financial planning process that projects revenues and expenditures for several years, so that annual budget decisions are made in the context of longer-term financial conditions.
- Bethlehem should develop and maintain a comprehensive capital investment and financing plan that meets the State Comptroller's guidelines.
- Bethlehem should adopt a formal policy to guide use of reserves and maintenance of fund balances

### **Ethics Policies**

Findings - Bethlehem's existing ethics code is outdated and does not meet the standards contained in the State Comptroller's model code of ethics. Bethlehem should also have an effective Board of Ethics, such as the example provided by Guilderland. Very few towns utilize county board of ethics.

#### Recommendations:

- Bethlehem should adopt an ethics code and policy substantially consistent with the Office of the State Comptroller's Model Code of Ethics, including an effective local Board of Ethics.
- The Ethics Committee should be able to render independent judgments, and be insulated by terms and maximum numbers of appointments of particular political parties.
- The Board of Ethics could be limited to advisory opinions, although it might also have adjudicative powers. Town staff should take the lead on investigative duties.
- The Town's Ethics policy should:
  - Prohibit town officers, managers or others from soliciting political contributions (either of money or service) from town employees, but this should not preclude unsolicited voluntary contributions.
  - Include restrictions on nepotism to avoid actual or apparent conflicts of interest resulting from close family relationships among employees or town officers, however these changes should include a phase-in period or otherwise have the effect of at least partially 'grandfathering' existing situations so as to avoid unfairly impacting long-term Town employees, or counter-productively losing good services. It should include procedural protections to mitigate apparent conflicts of interest (i.e., recusal from evaluation, promotion and overtime decisions, or the addition of oversight for these decisions).

- Consider requiring all town elected officials, some officers and employees in policymaking positions to file an annual financial disclosure form.
- Consider prohibiting those serving as officers or members in a political party committee from serving as town officers, in policy-making positions, or on Town Boards (e.g., planning, zoning board of appeals). There was also substantial support for eliminating or cutting back compensation for these boards.

*(Note: These recommendations have been provided to the newly formed Ethics Board.)*

### **Economic Development**

The Committee received a presentation on the 2020 Strategy, including both short and long-term elements. While there was broad agreement on the long-term goals, there were divided opinions on some of the immediate implementation steps.

Findings – The town’s current economic development arrangements need to be altered in order to respond to the competitive challenges in this area. The goal is to find a structure and resources to support more sustained efforts to foster economic development in appropriate areas, to strengthen employment and the tax base.

#### Recommendations:

- Build the capacity of the Bethlehem IDA (BIDA) to lead economic development.
- Overcome perceptions that the Town is not business friendly.
- Organize a town-based economic development partnership, sharing the benefits and burdens of development with other taxing jurisdictions.
- Continue to implement a business retention and attraction program.
- Enhance interaction and cooperative initiatives with the Bethlehem Chamber of Commerce, Albany County, the Center for Economic Growth, NYS Economic Development Corporation, and the Capital Region Economic Development Council
- Revitalize economic development communications.

### **Public Engagement**

This meeting featured guest Mark Kelly, a Delmar resident and businessman with many years experience in public relations, communications and marketing.

Findings: The town should develop a plan to encourage and facilitate citizen participation and meaningful engagement in town issues, using multiple strategies and mechanisms. This will help improve communications and increase the confidence of residents in the responsiveness of their town government. The town needs to focus on its communications and find ways to improve on current efforts.

#### Recommendations:

- More than one venue is needed for meaningful citizen engagement, including public forums as well as online options.
- Consider ways to make information available, easy to understand, and easy

to access in advance of decision making by the Town Board and other policy making committees.

- More resources may be needed for communication, which is a vitally important Town function.
- Web streaming and online access are key improvements (underway)
- Social media/networking such as Facebook, blogging, or other online dialogue mechanisms should be considered, although there are many drawbacks.
- Citizen engagement should be used to help make interim board member choice [*Note: This did take place through the League of Women Voters public forum, which interviewed candidates for the opening*].
- Citizens' Forums on issues facing the town should be considered as a supplement to Town Board meetings, possibly held in different locations around town.
- Town Board Meetings could be improved by:
  - In-depth presentations & discussions of key issues
  - 7pm might be a better starting time. [*Note: This change was instituted at the Town Board's first meeting of the year.*]
  - Improved format and information on action items
  - Opportunity for public comment at the time major agenda items are discussed (not just at the beginning of the Board meetings)

### **Land Use, Planning and Open Space**

The Committee was briefed by Committee member, Deputy Supervisor and Planning Board member John Smolinsky (Appendix C contains the presentation outline). The central finding was that it is a good time to review the Comprehensive Plan to ensure that its goals are being met, broadly shared, and that the public understands how the Plan and land use controls operate. It was generally agreed that people are concerned about growth in the southern part of town, and it might be a good idea to have a public forum or two on this issue explaining what the town can and cannot do to guide growth and manage transportation issues. Most agreed that economic development to broaden tax base is of prime importance. While many agreed that it is important to have a Town Open Space Program, (i.e. selection criteria, funding options, facilitation, stewardship options, etc.) in place, even if no funding source is identified, others did not. Similarly, some supported and some opposed public funding for open space preservation.

### **Recommendations:**

- The town needs to review the goals, recommendations and accomplishments of the 2005 Comprehensive Plan, to determine if the Plan continues to accomplish its objectives. This review could use some combination of the following approaches:
  - a) A Committee
  - b) Public Forums
  - c) Focus Groups

- It was noted that the CPOC committee and process has previously been utilized to evaluate the Comprehensive Plan.
- The Town should take proactive approaches for particular development plans in critical areas (e.g., as done for the New Scotland Road Hamlet Plan), as well as to address major emerging needs (example: affordable senior housing in an area in which seniors can walk to small stores, etc.).
- The Town should initiate a planning initiative to consider long-term traffic and circulation patterns in the general area bounded by Rt. 9W on the east, the Delmar By-Pass on the west, Glenmont Road on the north and Elm Ave. on the south. This would supplement traffic planning already underway by private developers and would result in policy consensus for long-term improvements to traffic and circulation in this growing area of the Town.

### **Town Governance**

The Committee heard presentations from member Susan Hager, who gave a summary of the 2020 Governance Reform Options and from guest expert, Bill Sharp (Attorney with NYS Dept. of State), who described the options for a ward system for town boards (election by districts within a town, rather than at large) under the provisions of NYS Town Law.

Findings: The town should further study the options for new models of town governance including the length of term for the supervisor and board members, a rationalized approach to civil service, appointed or elected town department heads, and the pros and cons for moving to a “ward” system for town board members.

Recommendation: The Committee supported the concept of a citizens committee to study these issues further, as well as holding public forums in various parts of Town to explore how the citizens feel about the subject. *(Note: An Advisory Committee on Governance has been approved by the Town Board.)*

### **Senior Services**

Presenters included:

- Joyce Becker, Director of Senior Services
- Jane R. Sanders, Outreach Supervisor
- Michael Burgess, Policy Consultant, Statewide Senior Action Council, Inc.; former director, State Office for Aging
- Judy Glassanos, Albany County Commissioner, Department for Aging
- Richard Iannello, Executive Director, Albany Guardian Society

The presenters provided an overview of their roles and important issues that pertain to the senior population in town. The point repeatedly raised was the goal of helping seniors live independently in their own home. The discussion that followed provided insight as to the group’s views regarding the suggestions for future steps using civic engagement to share ideas with family, friends and faith communities to develop strategies for action.

Findings: With the town's senior population projected to increase relative to the overall population, the town needs to look at how to maintain current services, find new ways to make the town senior friendly, and look at strategies to mitigate against state and federal budget cuts.

Recommendations:

- The town's Senior Services department should consider having a public meeting or meetings to discuss senior issues, and also to use a variety of outreach and communications media to ensure that seniors are aware of current assistance programs and services.
- Town officials and citizens are urged to seek an intergenerational approach to develop a livable community designed to meet the needs of residents from the youngest to the oldest. A "livable" community is one that addresses basic needs, including health & wellness, promotes social & civic engagement, and fosters independence.
- A review of the Comprehensive Plan should include a focus on senior housing issues, including intergenerational models and a projection of likely future need.

### **Police and Public Safety**

Jack Brennan, Director of the Bethlehem Emergency Management Office, reviewed emergency services. The District Board of Ambulance Commissioners is collecting statistics on quality of care and financial aspects to make recommendations to the Town Board. Chief Lou Corsi and Deputy Chief Tim Beebe provided data on police and public safety in town; much of these data require interpretation for relevancy. They discussed patrol zones and advised that some of the criteria for determining staffing levels and overtime is contractual. Crime is not a localized issue; there is a need to stay ahead of what is happening in neighboring communities.

Findings: The Bethlehem Police Department is full service, community oriented. The challenge is how to provide the same level of service with fewer resources. The Albany County Sheriff's Department and the State Police have advised Chief Corsi that their availability to the Town of Bethlehem is limited. However, some of the specialized areas where the Town works with the County and State agencies are:

- Use of laboratory for DNA analysis
- Serious or fatal auto accident reconstruction
- Major crime evidence collection
- Canine, aviation, and dive teams
- Statewide training

Recommendations: Since the Police Department is a significant portion of the town budget, there should be some work done to determine what is the appropriate level of service needed and what are the potential savings of reducing particular activities. Committee Members felt this could be addressed by looking at:

- Whether there is avoidable overlap by first responders
- Sharing services for 911 dispatch and SWAT with other agencies
- Is there an opportunity for citizen engagement on the subject?

## **Shared Services**

Presentations were made by George Leveille on the 2020 Shared Services and Financial Services reports, as well as by Judi Kehoe on the current and potential shared services between the town and the school district. Supervisor Clarkson described the potential for intermunicipal shared services and the likely areas where workgroup efforts were being organized (school-municipal, town-county sharing, and other specialized areas).

Findings: Shared services can be an important strategy for the town to use as it must reduce costs to conform to the tax cap and other anticipated lost revenue, while maintaining quality. The town should build on steps voluntarily undertaken by town departments and with the school district to: identify and pursue other opportunities that save money and improve effectiveness including those that might be shared with the county, schools, other taxing jurisdictions or regional entities.

Recommendations: The Town should aggressively pursue shared services opportunities. In addition to the near term opportunities being pursued with other taxing jurisdictions, the Town should evaluate using a shared services or grant consortium approach to seek state and/or federal grants for shared services/consolidation and economic development. This approach should be pursued in concert with our state and federal elected officials, who should be asked for their active support and assistance with these efforts.

### **Conclusion – *A message from Supervisor Clarkson***

The work of this Committee is another example of the benefits this Town receives from volunteer advisory groups. In the span of a few short weeks, this group studied a number of challenging issues, reviewed available reports, and talked with town and outside experts. They were able to reach consensus on a number of issues, and identified some promising directions for future study. Their work has enabled me to begin my term with a clearer focus on the approaches available to address our most challenging issues. I am deeply appreciative of their service.

Appendix A – Committee Members (list with brief bios)

Appendix B – Town Budget Brief presented to Committee

Appendix C – Planning Brief presented to Committee

Appendix D – Ward System of Town Government, & 2020 Governance Options (Exec Summary)

## Committee Members

**Sam Messina** (Co-Chair) – Town Supervisor (2010-11), Town Board (2006-2009)

**Judi Kehoe** (Co-Chair) – CBFO, Bethlehem CSD, Town Comptroller (1992-2008)

**Laura Bierman** – Bethlehem CSD Board of Education (2008- ), Executive Director of the NYS League of Women Voters

**Pat Bulgaro** – Director of the Budget under Governor Mario Cuomo. Also served as President and Executive Director of the Center for the Disabled and on the NYS Temporary Commission on Lobbying; currently serving on the Joint Commission on Public Ethics

**Kevin Crawford** – Executive Director, NYS Municipal Insurance Reciprocal, Counsel at NYS Association of Towns for more than 20 years

**Susan Hager** – Glenmont resident, President, United Way of New York State, Bethlehem 2020 member (2008-11)

**John Hudacs** – Aide to 4 Governors, former Commissioner, NYS Department of Labor, NYS Office of General Services, Bethlehem 2020 Committee

**Linda Jasinski** – Resident since 1965, Selkirk property owner, Route 9W Study Committee

**Jeff Kuhn** – Town Board member (2012), Attorney at Dewey & LeBouef

**George Lenhardt** – Appointed as interim Town Board Member for 2012, Bethlehem Planning Board Member (1992-1993), Bethlehem Town Board Member (1994-2005); Slingerlands Fire District Commissioner (1982-1997 & 2007-2010), Slingerlands Fire District Treasurer (2011- )

**George Leveille** – Former Director of Planning and Economic Development, Chair of Planning Board, and 2020 member and co-chair (2008-2010)

**Rich Mendick** – Albany County Legislator, 36th Legislative District. Member of the Institute of Management Accounting for over 25 years, Certified Management Accountant

**Pam Robbins** – Vice President for Operations, Policy Research Associates (Delmar), Bethlehem Youth Court Board of Directors, Bethlehem 2020 Committee (2008-2011), former member of the Bethlehem IDA (2005-2008); served as IDA Treasurer

**Peggy Sherman** – Deputy Commissioner, NYS Dept. of Taxation & Finance, Mohawk Hudson Land Conservancy

**John Smolinsky** – Deputy Town Supervisor (2010-2013), member of the Planning Board (2007-13), Chairman of the Citizens Advisory Committee on Conservation(CACC)(2005-6), member of Bethlehem Planning Advisory Committee (BPAC)(2004-5)

**Michael Tucker** – President, Center for Economic Growth, former Bethlehem IDA Chair, formerly President of the Harriman Research and Technology Development Corporation

**Lois Wilson** – Volunteer on senior issues for last 12 years. Worked on state finance, education aid, and education policy, 1965 - 1997. Glenmont Resident since 1984.

## Bethlehem Town Budget

### Major Trends

#### Structural Budget Gap

Although it is not formally estimated, Bethlehem is known to have a structural budget gap. While each year's budget has been balanced on a cash basis, this has been achieved through the planned use of fund balances, and the use of borrowing for routine annual expenses (e.g., borrowing for annual highway repaving asphalt costs which began in the 2010 budget).

Additionally, each year as the Supervisor's Tentative Budget is prepared, there has been a significant budget gap to close; for example, 2012's budget included \$1.4M in cost-cutting actions, and the 2011 budget included 800K in cuts, which followed significant mid-year cuts in 2010 to address a drop-off in revenues of \$771K.

#### Key Facts & Figures

- Bethlehem's Budget (2012 appropriations) – \$38.6M (+\$6.4M capital)
- Budget includes four funds (state law): General, Highway, Water, Sewer
- 2012 budget is flat – microscopic +4K, 0.01% increase over prior year
- Major Town-Controlled Revenue Sources include Property Taxes (\$9.6M), Metered Water (\$6.4M), and Sewer Charges (\$2.3M)
- Sales Taxes from County (\$9.9M); Mortgage Recording Tax (\$1.1M)
- Approximately \$20M in debt outstanding, \$2M in annual debt service payments; Town comfortably within debt limit (only 4.3% of limit used)
- Property tax levy increases moderate in recent years:
  - 1.27% in 2012
  - 1.6% in 2011
  - 2.1% in 2010
  - 7.3% in 2009 (sales tax decrease 7.8% that year)
  - 2.7% in 2008
- 243 FTE employees (2012 Budget, salary & fringes total \$23.3M – 60% of Budget)
- Only police-related employees represented by unions (officers, supervisors, dispatch)
- Cost of Living (COLA) Increases
  - 2012 Budget includes no COLA for anyone (police contracts to be negotiated)
  - 2011 1.0% COLA generally, 2.5% for police
  - 2010 1.0% COLA generally, 2.0% police
  - 2009 4.0% COLA generally, 0% police
  - 2008 3.0% COLA generally, 0% police
- Fund balances substantially eroded since 2005, when both General Fund and total balances exceeded 30% of annual expenditures

Appendix B

**2012 Budget**

Final 2012 Budget adopted in November – consensus included reduction of the structural gap, while keeping taxes and fees down and investing in infrastructure.

Challenges

- Continued economic and fiscal stress
- “2%” Property Tax Cap – but cap would have allowed a 4.11% increase in levy (using pension and growth exclusions)
- Pension contributions up \$1M in 2012 alone; over ten years:
  - 2002 – Pension costs 0.48% of budget
  - 2012 – Pension costs 7.77% of budget
- Rising Health Insurance Costs
- Rising fuel costs (up \$167K)

Actions

Cost Cutting (\$1.4M)

- Cut operating costs \$578K, largely reductions in overtime, equipment and contractual services
- Eliminated planned reassessment – saving \$125K (with additional out-year savings)
- Increased health insurance co-pays \$10 per visit, saving \$290K
- Eliminated 6 unfilled positions (2.5% of budgeted staff), saving \$440K

Other:

- Increased property taxes by only 1.27%
  - \$11.43 impact on \$300,000 home
  - +\$121K in budget, in comparison to \$245K increased water & sewer fees
  - Sales tax receipts expected to increase \$500K, mort recording txs \$25K
  - Far greater impact from other taxing jurisdictions (county, school, etc.)
- Excluded employee cost of living adjustment (COLA), but included limited merit increases, saving \$144K from full “step” increases usually paid
- Reduced use of Fund Balances by over 50% (from \$2M to below \$1M)
- Took first step to move away from borrowing for annual highway repaving
- Capital investment of \$6.4 million, reflecting commitment to infrastructure

**2012 Budget by Fund (& comparison with 2011)**

2012 Budget by Fund (\$ in millions)	Budgeted Expenditures	Property Taxes	Other Revenues	Use of Fund Balance	Debt/Capital Reserves	Grand Total
General Fund	18.2	2.1	16.1	0.112	0.406	18.6
Highway	6.5	4.1	2.2	0.248	0.949	7.5
Water	9.3	1.9	7.0	0.344	2.200	11.5
Sewer	4.5	1.5	2.7	0.263	1.530	5.3
<b>Grand Total 2012</b>	<b>38.6</b>	<b>9.6</b>	<b>28.0</b>	<b>0.968</b>	<b>5.085</b>	<b>43.7</b>
<b>2011 Grand Total</b>	<b>38.6</b>	<b>9.5</b>	<b>27.0</b>	<b>1.986</b>	<b>3.200</b>	<b>41.8</b>
<b>% Change</b>	<b>+0.01%</b>	<b>+1.3%</b>	<b>+3.3%</b>	<b>-51.2%</b>	<b>+58.9%</b>	<b>+4.5%</b>

## Challenges 2013 and Beyond

- **Pension Costs** – Will continue to grow; 2013 costs expected to increase 16-19%
- **Health Care Costs** – Continued growth of 5-8% annually expected (\$101K -\$163K)
- **Selkirk ‘Cogen’ PILOT** – Expiration of agreement creates a loss of \$1.5M to \$1.7M; although the tax cap law allows for an increase in property taxes to recover this loss (i.e., without counting against the cap), this magnitude (15-18% increase) is unlikely
- **Albany Water Contract** – Currently increasing by \$80K-\$100K per year, and an increase in the minimum ‘take or pay’ requirement every 5 years; next minimum take or pay increase occurs in 2014, costing \$450k
- **Capital Infrastructure** – Estimated investment of \$10M per year required to maintain infrastructure; total estimated replacement cost of \$1B
- **Hurricane Irene** – Over \$1M costs incurred to date; total will be \$4.5M-\$7M; FEMA will reimburse 87.5% of approved costs, but timing unknown
- **Sales Taxes and Mortgage Transfer Taxes** – 54% and 7%, respectively of General Fund revenue; revenue sources out of the Town’s control and volatile
- **Upcoming Labor Negotiations** – police/safety unions

## DISCUSSION – How to achieve a Sustainable Budget

### Assumptions

- Absent transformational changes, budgets will feature continued attrition, flat salaries, benefit cost containment, and potentially workforce actions
- Town will work to slow growth in salary & benefit costs, but this will not be sufficient
- Property tax cap limits increases & other revenues uncertain
- Economic development can help over the long term, but probably only partial solution

### Alternatives

- Reduce or eliminate services
- Continue to Raise Fees and/or taxes
- Reconfigure/Modernize town operations
- Share or Consolidate Services with other governments (County, School, Municipal)

### Key Improvement Opportunities (2020 Financial Management Report/State Comptroller’s Audits)

- Formally institute a multiyear budget planning process that projects revenue and expenses beyond a single budget year
- Develop and maintain a comprehensive capital investment and financing plan
- Adopt a Policy to guide use of reserves and maintenance of fund balances

## **Planning Presentation to Clarkson Transition Team**

### **Planning History: How we got to where we are**

- 1940's - 2005 - " Zoning is Planning"
- 1960's - Master Plan not adopted
- 1980 mid-90's - Community concerns re: planning and public participation
- 1994 LUMAC - Plan not adopted
- 2003 - Bethlehem Tomorrow initiated Community Forums
- 2004 - 2005 - Bethlehem Planning Advisory Committee (BPAC) prepares Comp Plan
- 2005 - Comp Plan was adopted
  - Zoning and Subdivision Regulations were adopted
- 2007 - Comp Plan Oversight Committee issued report
- 2008 and 2011? - Zoning Regulations revised

### **Comp Plan – Purpose: What major steps have we accomplished?**

- Recommendations Immediate, Short, Long term and On-going recommendations
- Oversight Committee - Recommendations  
(See Attachment 1)

### **Major Planning Initiatives**

- LWRP - Hudson River shoreline and corridor Plan
- Delaware Ave Study - design and traffic guidelines
- 9W Study - traffic, land use guidelines
- Paths 4 Bethlehem - pedestrian and bicycle connections
- Farmland Protection - ensure agricultural considerations
- Open Space/ Citizen's Advisory Committee on Conservation (CACC) – Public/Private partnerships - opportunities and funding  
(See Attachment 2)

### **Major Development Activities: Solutions and Potential Issues**

- Vista (NYS RT 85)
- Elsmere - Delaware Intersection
- Kendall Square (Elsmere/Feura Bush)
- Gables (Delaware Ave)
  
- Van Dyke Spinney (Van Dyke Road)
- Philipinkill Manor (Fisher Blvd)
  
- Wemple Corners (9W and Wemple)
- Soccerplex (Wemple)

### **2011 - We're not at a Planning Crossroads, but...**

- What are some burning issues?
  - Housing diversity - Should we examine our housing mix and set goals or do we let the market dictate the mix?

## Appendix C

- Economic. Development - Are there planning barriers to the kind of economic development we want to attract?
- Hamlet Design: should we be proactive (Slingerlands) or Reactive (Wemple Corners)
- Traffic - 9W; Feura Bush; Other???
- Fiscal Impact - Should we evaluate fiscal impact on municipal entities?
- Open Space Program - should we step up program design so we are prepared to leverage open space opportunities?
- Encouraging mixed use development;
- Attracting conservation subdivisions - Are the density incentives sufficient to attract compact development and preserve developable land?
- Attracting new commercial and industrial development - what can be done to strengthen working relationship w/ BIDA, businesses, and industry?
- What should we reconsider?
  - How we evaluate and confirm/redirect planning efforts and initiatives
  - What could we do better: Creating an image of Business friendly community; pursue the recommendation to prepare a "Citizen's Guide to Planning".
  - What new issues need to be addressed? Do the Economic conditions warrant changes to our Comp plan?
  - What perceptions should we clarify? Are some perceptions real? Do we practice Business friendliness; timeliness; professionalism?
  - Are more professional resources needed in the Department of Planning and Economic Development to advance in a timely manner in these areas?

### **What is the best process to achieve Improvements?**

- Comp Plan Revisions
  - Prepare a status report of progress re: Comp Plan recommendations and initiatives, goals, accomplishments and next steps
  - Public Forum - w/ status report as the discussion piece
  - Use public comments and focus groups to fine tune next steps
- Prioritize initiatives, set realistic goals considering budget, staffing and available time and volunteers.
- Redefine implementation or revise goals
  - Assign responsibilities to committees or staff or consultants
  - Clear task descriptions and deliverables that also encourage initiative and creativity
- Public Participation
  - Public participation may vary at different stages of development of different initiatives.

## Bethlehem Comprehensive Plan 2005

Within New York State, towns are granted the authority to prepare and adopt a comprehensive plan in accordance with New York State Town Law §272-a. A comprehensive plan is defined as “...the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town...”

Planning activities play a critical role in setting a course for the future of a community. As the most general of community planning activities, a comprehensive plan:

- >Formally considers the need for town-wide changes in development patterns on a basis that is community-driven and community-based;
- >Identifies and documents community assets, opportunities, and needs;
- > Establishes a vision for the future of the community that is shared across a variety of community perspectives and interests, such as neighborhoods, businesses, institutions, and environmental interests;
- > Outlines specific actions to achieve that shared vision; and
- > Produces a framework for community-wide collaboration on plan implementation.

The Bethlehem Comprehensive Plan, adopted in 2005, has been crafted with the intent of achieving **balance** – balance between urban, suburban, and rural perspectives; balance between the need and desire for economic growth, for tax base expansion and diversification, and for the stewardship of finite land and environmental resources; and balance between the short-term and long-term health, safety, and welfare of the community.

The Guiding Principles include: **Adaptability, Diversity, Environmental Sustainability, Fiscal Responsibility, Intermunicipal Cooperation and Community Partnerships, and Respect for Private Property.**

The goals, in no particular order of priority, are to:

- > Achieve a balanced tax base
  - > Create a business-friendly environment
  - > Encourage compact, mixed-use commercial and residential development/redevelopment > Ensure that there is a reliable supply of high-quality water
  - > Expand public, private or non-profit active and passive recreational resources and community services available in the town
  - > Improve mobility – the ability of people, regardless of age and status, to engage in desired activities at moderate cost to themselves and society - throughout the town
  - > Improve the development review process
  - > Maintain existing public water and sewer infrastructure in developed areas of the town. Plan for fiscally responsible capital improvements to expand such infrastructure in a manner that is consistent with this plan
  - > Manage and protect significant environmental systems
  - > Promote commercial and industrial growth in specifically designated locations
  - > Promote energy efficiency and conservation, and the use of renewable energy in the town
  - > Provide opportunities for the development of a variety of housing options in the town
  - > Recognize the town’s significant cultural resources, historic resources, and natural resources
  - > Utilize flexible land use regulations and creative land development techniques to retain the economic value of rural land
- Work with willing landowners to conserve quality open spaces throughout the town

## Plan Priorities in 2005

### Immediate Action:

Update the Town's zoning and subdivision regulations to reflect the recommendations set forth in this comprehensive plan; key recommendations include the following

**Priority Actions / Tier 1 Recommendations:** These are the primary recommendations of the comprehensive plan for which there is broad consensus and an accompanying near term implementation action item.

- > Conduct a Linkage Study for the Route 9W Corridor that includes a feasibility analysis of possible "northern alignment" option for the Selkirk Bypass
- > Create an Official Map
- > Develop a Local Waterfront Revitalization Plan (LWRP)
- > Actively coordinate development of the proposed Vista Technology Park in Slingerlands with planning and development of the proposed New Scotland Road Hamlet
- > Establish a Citizens Advisory Committee on Conservation (CACC)
- > Establish a Comprehensive Plan Oversight Committee
- > Update Planning Department and Building Department Information Systems
- > Develop a "Citizen's Guide to Town of Bethlehem Land Use and Development Regulations"
- > Identify locations for infill development and redevelopment activities and encourage the use of such locations:

**Mid-Term Actions / Tier II Recommendations:** (These recommendations relate to important community topics that have emerged through the planning process but for which more focused consideration and consensus building is required for future Town Board implementation; these recommendations are of a more long term nature.)

- > Consider development of hamlet master plans for specific hamlets
- > Consider adopting local right to farm and right to practice forestry laws and encourage participation in Agricultural Districts
- > Revive efforts to create a business improvement district demonstration project along Delaware Avenue
- > Conduct a Delaware Avenue Linkage Study
- > Consider reducing street width in new residential developments
- > Consider developing of a Town recreational trail system and identify potential funding mechanisms
- > Consider a Town-wide referendum to create funding for land acquisition and preservation of open space and parkland
- > Consider developing an inventory of farmland, open space, recreational uses and natural resources
- > Consider creating a farm and open space protection program including the purchase of development rights and the use of conservation easements
- > Conduct a Town-wide inventory of historic and cultural resources
- > Consider development of a community center to provide community, youth, and senior programs and activities

**Ongoing Actions / Tier III Recommendations:** (These are recommendations that relate to Town administration, programming and ordinary operations.)

- > Maintain and enhance pedestrian connections within and between neighborhoods, recreation facilities, and hamlet centers
- > Prepare for and comply with the new Phase II Stormwater Management Regulations
- > Promote the use of alternative, renewable energy sources for public and private buildings

## Appendix C - ATTACHMENT 1 - Planning Presentation to Clarkson Transition Team

- > Coordinate with fire and emergency services providers regarding long term growth needs and facilities planning
- > Encourage the use of Leadership in Energy and Environmental Design (LEED) standards for both new and redeveloped buildings in town
- > Assist developers in understanding and identifying available funding opportunities supportive of sustainable design and construction
- > Provide educational services related to septic system maintenance and the prevention of illicit discharges into the Town's storm drainage system
- > Initiate a "buy local" program and develop an agricultural economic strategy
- > Provide adequate bicycle facilities and establish signed system of routes throughout the Town
- > Coordinate with the Bethlehem Chamber to promote local business and employment
- > Establish a Park Master Plan coordinated with community growth projections
- > Coordinate with school districts, neighboring communities, and other community and regional organizations
- > Enhance entranceways and community gateways
- > Investigate the current condition of and improve as necessary, the technology infrastructure available in Bethlehem
- > Encourage continuing education for members of the Planning Board and Zoning Board of Appeals

### **Long-Term Action:**

- > Review this comprehensive plan within five to ten years

You can find the Full Comprehensive Plan at:

<http://www.townofbethlehem.org/images/pageImages/EcoDevAndPlan/Comprehensive%20Plan%20FGEIS%20082405%20Per%20Saratoga.pdf>

### **Bethlehem Comprehensive Plan Oversight Committee 2007**

Included as a Tier I recommendation of the comp plan was the establishment of a Comprehensive Plan Oversight Committee (CPOC), to "assist the Town Board and help guide the plan implementation effort." The Comprehensive Plan Oversight Committee (CPOC) was established by the Town Board at its meeting of April 25, 2007. The Committee consisted of a well-rounded group of elected officials, Town experts and knowledgeable citizens. CPOC was charged with preparing a status report on the comp plan implementation progress and with developing recommendations for consideration by the Town Board.

For the most part, the CPOC found substantial progress in most Comp Plan recommendations and reaffirmed them with few exceptions. One recommendation, slightly modified from the original, was for the Comp Plan Oversight Committee to meet semi-annually and report progress on an annual basis and in 2009 "begin considering the need for a formal comprehensive plan update. You can find the full CPOC report at: <http://www.townofbethlehem.org/images/pageImages/CPOC/CPOC%20Report%2010%2007%20web%20edition.pdf>

## **Local Waterfront Revitalization Plan**

The Local Waterfront Revitalization Plan (LWRP) emerged as a Tier I recommendation of the Town's Comprehensive Plan (Comp Plan) adopted in 2005. The Town was successful in applying for a grant from the New York State Department of State (DOS), the State agency that has planning jurisdiction over the State's coastal zones including the Hudson River. The purpose of the study is to develop recommendations and policy guidance related to future land use in the riverfront corridor.

To assist the Department of State and the Town in preparing the study, DOS requires that a Waterfront Advisory Committee (WAC) be organized to assist in the planning process.

Major components of the LWRP study will include the following:

- Inventory and Analysis of natural and man-made resources in the waterfront area
- Identification of issues, conflicts and opportunities in the study area
- Identification of existing roles and responsibilities of federal, state and local agencies in the study area
- Identification of management plan objectives in the study area
- Development of waterfront revitalization policies
- Description of proposed land and water uses necessary to implement the LWRP
- Identification of implementation techniques and methods that can be used to address identified issues
- Determination of Significance and Compliance with the State Environmental Quality review Act (SEQRA)
- Development of a Master Plan for Henry Hudson Park

**History and Status:** Started 2006; Final Draft delivered March, 2011; comments from DOS received Oct, 2011

## **Delaware Avenue Hamlet Enhancement Study**

**Background/Mission:** The Town's Comprehensive Plan recognizes that the Delaware Avenue Hamlet area, as well as the Town's other hamlets, helps to define a "sense of place" in the Town. One of the goals stated in the Comp Plan is to "encourage compact, mixed use commercial and residential development/redevelopment in identified neighborhood commercial centers and hamlet centers throughout the town. Appropriate scale, design, and character, attention to the pedestrian environment, and connections to adjacent neighborhoods are critical to the success of such centers".

The Town was successful in securing a grant through the Capital District Transportation Committee (CDTC) to select a consultant to assist in developing this study. River Street Planning & Development LLC, located in Troy, NY has been selected as the consultant.

### **Study Objectives:**

- Design guidelines/standards including building scale, massing, design and setbacks
- Streetscape guidelines including a typical street cross section
- Access Management
- Parking and circulation for vehicles and bicycles
- Transportation improvements

**History and Status:** Study Advisory Committee met Sept 2008; Recommendation to adopt guideline expected to Town Board in early 2012

## **Route 9W Study**

The Route 9W Linkage Study emerged as a Tier I recommendation of the Town's Comprehensive Plan (Comp Plan). The Town was successful in applying for a "Linkage" Study grant from the Capital District Transportation Committee (CDTC), the region's designated transportation planning organization. To assist CDTC and the Town in implementing the study, the Town Board has appointed a Citizen's Advisory Group (CAG) to assist in building consensus on study recommendations. The 9W CAG is an advisory body that provides advice and recommendations to the study leaders and consulting team.

The purpose of the study is to assess needs and develop preferred alternatives for both transportation improvements and land uses in the 9W corridor. A key element of the study will be a feasibility analysis of a possible "northern alignment" for the Selkirk Bypass

The purpose of the study is to assess needs and develop preferred alternatives for both transportation improvements and land uses in the 9W corridor. A key element of the study will be a feasibility analysis of a possible "northern alignment" for the Selkirk Bypass.

### **Major components of the study include:**

- Review of previous planning efforts in the corridor
- Development of an existing conditions profile for the corridor (land use and zoning, intersection and mainline performance, property access management, Selkirk Bypass alternatives, pedestrian and bicycle facilities, and visual environment)
- Development of a 20-year growth scenario and traffic forecast
- Establishment of a vision statement and planning principles for the corridor
- Conducting public workshops on issues identification and Selkirk Bypass alternatives
- Development of a draft plan for the corridor
- Obtaining public feedback on the draft through additional workshops
- Refinement and development of a final plan

**History and Status** - Committee first met March, 2006; Final Report 12/2008; draft zoning revisions that incorporate the guidelines presented to Town Board May, 2011; approval is pending 12, 2011.

## **PaTHs 4 Bethlehem - Pathways To Homes, Hamlets and Healthy Hearts**

**Mission:** Help implement recommendations as made by the 2005 Comprehensive Plan regarding pedestrian connectivity throughout the town. Mission also includes bicycle pathways and safety.

### **Committee Goals 2009:**

- 1) Identify and establish a priority list for future pathway investment
- 2) Identify available funding sources and grant opportunities
- 3) Maintain and enhance pedestrian connections to:
  - A. Parks, Recreation and Cultural Facilities
  - B. Create Safe Routes to Schools
  - C. Neighborhoods (within and between)
  - D. Hamlet Centers
  - E. Commercial Districts

## Appendix C - ATTACHMENT 2 - Planning Presentation to Clarkson Transition Team

**Long Term Goal 2010** - Establish a Bicycle and Pedestrian Program addressing the 3 E's, Engineering, Education, and Enforcement, for bicycle and pedestrian mobility – The Committee could work towards the development of this broader program to address bicycle and pedestrian mobility in the Town. (The 3 E's approach to bicycle and pedestrian mobility are recommended in the NYSDOT 2010 Strategic Highway Safety Plan, and the Governor's Traffic Safety Committee 2010 Highway Safety Strategic Plan.)

### Paths Accomplishments:

- > Complete Streets Resolution August 2009, adopted by Town Board
- > Evaluation Process for New Pathways Investments
- > Bicycle and Pedestrian Priority Network
- > Bicycle and Pedestrian Program addressing the 3Es - Engineering, Education, and Enforcement for bicycle and pedestrian mobility
- > Pedestrian/Bicyclist Safety Card - partnered w/ citizen's committee
- > Secured Grants for town bicycle racks
- > Partnered w/ BCSD, YMCA, and RPI on Ped/Bike efforts
- > Developed Sidewalk Maintenance Manual
- > Bike Route/marketing Pilot Projects - In Progress

History and Status - PATHS Advisory Committee started in March, 2009; established as a standing committee November 2010

## Agricultural and Farmland Study

**Background/Mission:** The Agriculture and Farmland Protection Plan emerged from the 2005 Comprehensive Plan's recommendation for the development of a Farm and Open Space Protection Plan. The Town was successful in applying for a grant from New York State Department of Agriculture and Markets (NYSDAM) in the amount of \$25,000 to fund the development of the Protection Plan. The purpose of the study is to work with individuals involved in the Towns agricultural industry to establish strategies that will result in the enhancement, management and continued viability of agriculture and farmland areas and lands in the Town of Bethlehem

### Major goals of the study will include:

- Document current farming operations and agricultural businesses to result in a status of agriculture and farming activities in Bethlehem.
- Identify opportunities/strategies to enhance, manage, and continue the viability of agriculture and farming in the Town.
- Analyze the following factors concerning any areas and lands proposed for participation:
  - Value to Bethlehem's agricultural economy
  - Value to Bethlehem's community character
  - Level of conversion pressure
  - Consequences of possible conversion to non-agriculture and farming activities

**History and status:** Committee meetings initiated June 2008; Final Report presented to Town Board, Nov 2009, several zoning amendments which implement recommendations are pending.

## **Open Space/ CACC**

**CACC** -The Citizens Advisory Committee on Conservation (CACC) emerged as a Tier I recommendation of the Town's Comprehensive Plan (Comp Plan). The Comp Plan directed the Town Board to appoint an advisory committee, which at the direction of the Town Board, explores conservation projects and opportunities with willing landowners. The CACC has been asked to assist in the development of an integrated pedestrian trail network in the Slingerlands area. It has also been asked to develop information about funding programs that can be used to assist in open space conservation. CACC was also asked to develop recommendations on Open Space Needs and Opportunities.

**Status and History:** CACC was formed in March 2006 and in 2011 it was noted that the committee's charge from the Town Board had been completed. The committee produced three major products:

**Open Space Protection Programs - Funding and Tools (2006)**

**Slingerlands Pedestrian Network - A Pedestrian Mobility Plan for the Slingerlands Hamlet (2006)**

**Recommendations on Open Space Needs and Opportunities (2009)**

**Open Space Program** - Based upon CACC's work and the efforts of Bethlehem Tomorrow the Town Supervisor presented a draft structure for an Open Space Program to the Town Board. With the Board's consent, Town staff and volunteers are preparing a more detailed proposal for an open Space Program and to continue a dialogue with interested landowners.

The Open Space Program (OSP) establishes the parameters for the Town to maintain a balance of residential development, commercial/industrial development, and conservation land. As the Town continues to grow and support development, the OSP will ensure the preservation of Bethlehem's character as a community that blends suburban and rural elements.

An effective OSP requires a combination of dedicated public and private funds. The OSP can be funded through a variety of means such as grants, donations, set-aside fee structures, or new revenue streams such as payment-in-lieu-of-tax agreements or general taxation. The Town is committed to supporting the OSP by establishing a dedicated account for the sole purpose of purchasing land or development rights and associated administrative costs. The Town understands that having a dedicated fund for open space is vital to the success of the OSP but there are many tools to assist in preserving open space that will also be a part of the OSP. For example, landowners may choose to make a charitable contribution of land for the purpose of conservation easements in exchange for both Federal and State income tax benefits. The Town is in the beginning phase of establishing the OSP and is considering all available tools for preserving open space.

## Appendix D

### THE WARD SYSTEM OF TOWN GOVERNMENT

New York's towns, all 932 of them, are the backbone of local government in our State. The town, for example, is the primary organizing element for elections and, in turn, political parties, which are built around the election district (towns in all counties except Monroe, Nassau and Suffolk establish and operate all election districts outside cities). Representative democracy is achieved in almost all of them through the system of electing town councilmen as at-large representatives. Towns of the first class (generally, towns with a population of 10,000 or more, or those towns with a smaller population that have chosen to become towns of the first class pursuant to sections 12 & 81 of the Town Law) usually elect a Town Supervisor and four town councilmen as the town legislative body, separate from other elective or appointive town offices such as clerk, justice and assessor.

Unlike cities in New York, which show a mix of both at-large and ward-elected councilmen, only a handful of towns elect councilmen by ward. At last count, only eleven towns in New York use the ward system.

The ward system of electing town councilmen is authorized by sections 81 and 85 of the Town Law. A town of the first class may, upon the vote of the town board or upon a duly qualified petition, submit a proposition to the voters for establishing the ward system. If the voters approve the proposition, the county board of elections must divide the town into four wards and fix their boundaries. "So far as possible the division shall be so made that the number of voters in each ward shall be approximately equal" (Town Law §85 [1]). The ward system is deemed established only upon the date the county board of elections duly files a map "showing in detail the location of each ward and the boundaries thereof" (Town Law §85 [1]). Note that the voters may also decide on a proposition at the same election, whether to increase the number of councilmen from four to six, which if approved, would require drawing six wards.

Any past failures of ward propositions to be approved by the voters may be because boundaries of the wards are not known at the time of the ballot, but instead are fixed by the board of elections if the proposition is successful. Apart from the constitutional requirement of "one person one vote" (see, *Reynolds v. Sims*, 377 U.S. 533, 84 S. Ct. 1362) codified in the statute by its demand that wards contain "approximately" the same number of voters, the voter has few assurances how wards will be drawn.

If the ward system is established, the terms of the sitting councilmen end on December 31 after the first biennial town election held at least 120 days after the ward system is established. And of course the terms of the councilmen elected by ward commence January 1 following such election.

Only a town of the first class is authorized to both establish the ward system and increase the number of councilmen from four to six, and such a town may submit both propositions at the same election (Op. Atty. Gen. [Inf.] 90-63; 1968 Op. Atty. Gen. [Inf.] 52; 13 Op. St. Compt. 223, 1957). May a town of the second class, which is not authorized to either increase the number of councilmen or establish the ward system, submit a proposition to the electorate to change its classification to first class at the same election it submits the other propositions? Under the authorizing sections of sections 81 and 85 the Town Law, the answer is that the electorate must first approve a change in classification to first class,

## Appendix D

with subsequent elections necessary to increase the number of councilmen and establish the ward system. The Attorney General has opined, however, that a town of the second class may, by enactment of a local law, increase its number of councilmen and establish the ward system (Op. Atty. Gen. [Inf.] 90-63). Under the Municipal Home Rule Law (MHRL) towns, cities, counties and villages are authorized to adopt local laws not inconsistent with the Constitution or any general law, in relation to, inter alia, “the powers, duties, qualifications, number, mode of selection and removal, terms of office, compensation, hours of work, protection, welfare and safety of its officers and employees” (MHRL, §10 [1] [ii] [a] [1], emphasis supplied). Such a local law would be itself subject to a mandatory referendum (MHRL, §23 [2] [b], [e], [g]).

The conclusion reached in the above-cited Attorney General’s Opinion is based upon the reasoning that such a local law is not inconsistent with any provision of the Town Law, but it has not been tested by litigation, nor is it likely to be. It’s fair to say that legal impediment isn’t the reason why more towns don’t have the ward system. If the voters want representation by ward they have the means to establish it. To date, they seem content with the prevailing mode of representation, the at-large system.

**Bethlehem 2020 Implementation Committee**

**21st Century Town Governance & Management Structure Options**

**Executive Summary**

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**Purpose**

This report evaluates opportunities for modernizing Town government, including consolidation of some Town departments, encouraging shared services, and changing some of the Town's elected offices to professional appointments. The options are presented with the goal of engaging the public in a dialogue on the right governance model or structure for our Town government.

**What Options Are Being Proposed?**

- Lengthen the term for Town Supervisor from two to four years.
- Move away from elective department heads, placing accountability for all Town operations with the elected Town Board and Supervisor and allowing consolidation of positions and departments. This would make the management and functions of Highway Superintendent, Tax Receiver and Town Clerk consistent with the majority of Town operations (such as Police, Public Works and Parks & Rec, which do not have elective heads).
  - ✚ These recommendations would require passage of a local law by the Town Board to authorize a public referendum by the voters in November
  - ✚ Neither the current elected four office holders, nor those to be elected this fall would have their terms affected by passage by the voters of these referenda, which would not take effect until 2014.
- Comprehensively review the current arrangements for department heads, including considering giving the Town Supervisor power to directly appoint or nominate some department heads and align appointive terms with that of the Supervisor where appropriate. Currently department heads reflect a mix of elected, appointed and civil service positions, and there appears to be little rationale for the differentiation (see chart below).

**Why Support These Options?**

- Overall, as a major and complex municipality, with a population of 33,000 (larger than most small cities), our Town would benefit from a governance system with stronger executive control and more streamlined and accountable management, without independently managed "silos." These changes can help Town leaders respond to today's fiscal challenges, rapidly changing environment and economic development opportunities.
  
- Previous Bethlehem Supervisors (from different political parties) have all agreed that a two-year electoral cycle simply isn't enough time for a leader to propose, develop consensus and implement solutions to difficult and complex issues. A longer term of office would also provide a more stable timeframe within which to develop partnerships with other taxing jurisdictions and be in a position to act more effectively on priorities like economic development.

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- Elected Tax Receivers, Clerks and Highway Superintendents are a vestige of history when towns in New York were almost exclusively rural, generally without a municipal workforce, a full-time supervisor, independent audits, or any of the other modern management tools of which Bethlehem already has the benefit.
- Voter approval of these options, which reflect the findings of the Lundine Commission on Local Government Efficiency, would create the opportunity for cost savings that could be achieved through consolidating the operations of currently separate though similar departments including Highway, Public Works, and the Offices of the Clerk, Tax Receiver and possibly others.
- Bethlehem has eliminated an elective office previously with good results, and now has an appointed assessor providing excellent service.
- By establishing Bethlehem as a leader in local government efficiency and restructuring, we could position our Town to capitalize on state government interest and grant opportunities.

### The Governance Report and Options are not.....

Meant as criticism of *any* elected or appointed official or their staff, or meant to suggest that these departments are functioning poorly. We believe however that more efficient and effective organizational structures are available to address the significant challenges that Bethlehem faces.

