

TOWN BOARD  
APRIL 13, 2005

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

PRESENT: Theresa Egan, Supervisor  
Daniel Plummer, Councilman  
George Lenhardt, Councilman  
Thomas Marcelle, Councilman  
Tim Gordon, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Egan welcomed everyone and invited them to join in the pledge of allegiance.

The Supervisor asked if anyone had any comment on any item on the agenda. There were no comments.

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The first item was to approve the Town Board minutes of March 9, 2005. The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the Town Board minutes of March 9, 2005 as submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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The next item was a request from Supervisor Egan for authorization to execute the agreement with Albany County Sheriff's Department for Advanced Life Support Program. The Supervisor noted Mr. Webster and Town Attorney Potter had each reviewed this agreement.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the Supervisor executing the agreement with the Albany County Sheriff's Department for the Advance Life Support Program.

Councilman Gordon commented from his own experience working with the emergency medical service in North Bethlehem that the County Paramedics do an excellent job and the response time is good. He said we are being well served by this agreement.

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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The following item was a request by Councilman Gordon to consider offset of some electricity cost with purchase of wind energy. Supervisor Egan noted information was provided to the Board Members. A presentation was done by Marion Triest, representative of Community Energy, who is marketing Wind Power in New York State. Mrs. Linda Burtis, Town resident and Ron Kamen of Community Energy were also in attendance. She gave background and information about purchasing wind power.

Supervisor Egan asked if there were any questions or comments. Councilman Lenhardt apologized because his comments were rather extensive. He

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

said he is very much in favor of reducing the Town's dependence on fossil fuel use and improving the environment. He said he works for the New York Power Authority and they are one of the entities within New York State that is charged, as part of Governor Pataki's renewable portfolio standard, to improve the use of these renewable fuels or renewable energy sources. He said when he looked at this, he was concerned with the increase in taxpayers monies being spent for this commodity. He asked the Marketing and Government Affairs Bureau in the Power Authority to give him some background material. He said currently it turns out that the New York State Comptroller has said it is illegal for a municipality to enter into an agreement like this one, citing a 1953 New York State Law which requires municipalities to use the least expensive source for a commodity. He said there are bills pending in the Legislature to take care of this. He said the Assembly has already passed legislation. He said there is a pending bill in the Senate. He said the question would be asked as to how come all these other towns have done it. He said the reason is most of them did not bother to ask. He said in Dutchess County the Town of Beacon happened to ask the Comptroller and that is what prompted this opinion to be stated. He said it is the department's opinion right now that these other municipalities are in violation of the law. However, Mr. Lenhardt said, he assumes the State Legislature will come up with a solution as they did with the recyclables a number of years ago to give them equal standing with other commodities. He said he feels when this is a legal purchase that our Town should require competitive bidding because we are being presented with Community Energy's proposal. He said a question to be asked is -- are we really deriving an environmental benefit by purchasing wind. He said in the case of the Power Authority, they are looking for sources in New York State. He said there are vendors that are producing wind in Texas and supplying energy for New York State. He said this should be a consideration, he thinks of a New York State supplier first helping the State economically.

Councilman Lenhardt said as a note, finally, when the day comes that the Town does enter into a purchase agreement like this, the taxpayers actually are going to be paying twice for wind energy through their property taxes and also there is a surcharge through Niagara Mohawk, in our case, for wind energy purchases.

Councilman Plummer asked if there is a surcharge as a result of what the Public Service Commission did with renewable source. Councilman Lenhardt said he did not know. Mrs. Triest said New York wind is sold out right now for the 48 megawatts of power. She said they are blending Pennsylvania winds to supply the demand for wind until more wind farms come on board. She said there is a push and regionally the pollution comes from resulting in less use of coal in the neighboring states by adding wind to our grid.

Councilman Marcelle said he certainly is not as versed in the field of energy but has a few questions that may seem relatively simplistic. He asked when the wind energy is purchased, if it is bought from Community Energy in particular. Mrs. Triest said you buy the green credits, tag certificates. She said what happens is the company purchases the wind credits from the farm that are annually kept in an oversight view, which keeps track of them. She said it is the Public Service Commission and a green "e" group (which is a non-profit organization) that helps make sure that everything produced from a wind farm is going into the grid. She said it is set up so that everybody purchases individual amounts of power and certificates are guaranteed for that amount of power. She said at the end of the year you receive a certificate for the amount of wind credits that are in the grid. She said as a marketer, you cannot double dip into the following year for what was already going into the grid on a yearly basis. She said they calculate exactly what is produced because wind is intermittent. She said they have a calculation of what is the amount of kilowatt hours that are actually produced annually per turbine. She said that is the estimated amount that is legitimately in the grid and purchased the credits sold as the purchaser.

Councilman Marcelle asked with respect to the pricing, when you enter into an agreement such as this, is it like a market pricing or is it locked in. Mrs. Triest said you are locked into the price for the year. She said the municipalities have an

aggregate price that went down as more municipalities joined. She also said it was group pricing with longer terms allowing for the contract and it also reduces the price as well.

Councilman Marcelle said they looked at some of the solar energy stuff for the Highway garage building that did not quite pan out, noting he thought there were a lot of reasons why the Board should genuinely promote alternative fuels. He said environmental is one but he does not even view that as the foremost. He said to him as he looks around, there is a huge dependence on foreign energy sources and when we do it becomes in the United States vital interest to protect those sources which means on occasion we have to send young men and women over to the middle east so that when governments over there are not stable, we have to stabilize it for a lot of reasons. He said he does have sometimes conceptual problems with spending taxpayer's money to subsidize an industry. Overall, in this particular project, he thinks the concept of subsidizing is not necessarily bad although he thinks it is premature on a number of levels to consider this proposal. He said one is that he agrees it is always better to have competitive bidding for a product and we may be required to do that. Mr. Marcelle said second and more interesting, the concern that Councilman Lenhardt raised concerning the legality of this. Certainly, he said, this would not be in the Town's best interest if we start paying or wind up going outside if we got sued by not going with the cheapest commodity in which point the Board would really be saddling the taxpayers with hurt. He said it seems to him while the proposal is very interesting, and the concept is one, which he agrees with, he just has some concerns going forward with this at this time until there is a more defined opinion from the Town Attorney or there is a higher degree of comfortable level.

Councilman Plummer said this is going to fall on the Town Attorney's shoulders for an opinion. He said as his view and position, he thinks that certainly this is an instance where the public sector can help to encourage the development of something that is going to benefit society in general. He said he is most inclined to be supportive ask it relates to the issue and the incentive to go to renewables. He said, however, he has a concern because he likes the aspect of the competitiveness and it is important to do this for the taxpayers. He said most importantly what Councilman Lenhardt just brought up he thinks is something that will have to be looked at. He said if it is illegal to do it, the Board cannot do this. Councilman Plummer asked that Town Attorney Potter to respond to that. Town Attorney Potter said he certainly will. Councilman Plummer asked Mr. Potter if he has had a chance to look at it. Town Attorney Potter said he has not had a chance to look at it to the level of detail to be able to respond. He said he needs to look into this further. Mrs. Triest said the basic premise behind the law, just for the Board's information, is that it is rightfully their's the competitiveness with how people who are representing the public are spending money. She said she thinks what happened with wind power is they are moving the technology forward quickly and the laws have not caught up to it. She said the ability to do what they can now to encourage this type of purchase is people are seeing the value to it and she cannot speak to the legal side of this but she does not believe that forty municipalities are feeling like they are under the threat of lawsuits right now because of this purchase. She said, in fact, Community Energy is very big and very supported by the public at large for spending the extra dollars to protect their interest for all the reasons discussed here. She said people are mainly concerned with our oil interests overseas and they see this as the right thing to do. She said their constituents are supporting it. She said she comes from Saratoga Springs and her city and town voted unanimously and they bought five years worth of power and they champion this and their citizens say go for it and they are willing to pay the extra dollar.

Councilman Plummer asked if the list they have are Community Energy customers only. Mrs. Triest said they are all of their customers. Mr. Plummer asked if they have competed with anyone to obtain that business. Mrs. Triest said they did not. Mr. Plummer asked if there are other firms doing the same thing. Mrs. Triest said there are none. Mr. Plummer asked if they had any competitors. Mrs. Triest said they did not in the sense of reaching out to the municipalities. She said she did not know if Green Mountain and Sterling Forest is doing any of this type of outreach. She also commented she has not heard from any other

municipalities, noting they started this two years ago. She said Community Energy offers one hundred percent wind from the Feder Farm, which is guaranteed, and New York homegrown wind. She said they sold out. She said it was a very positive result and people see the name and they understand the law is going to catch up and hopefully cover them legally. She said they have never had a threat of a lawsuit. Mr. Plummer asked if they were familiar with the legislation that was mentioned. Mrs. Triest said she was a little bit with the two bills. She said the bills are there, it is necessary and it needs to be in place. She said the Governor has a twenty-five percent goal for New York State. She said the laws need to catch up to this goal.

Councilman Plummer said he understands it has been approved by the Public Service Commission. Mrs. Triest said that was correct. Mr. Plummer said one of the arguments he has heard against it is that it is in fact subsidized by the business community. He said he does not know if that fact is the case but is there money or asked how the money generated. He asked how the money was going to be generated to pay for the development costs to produce the renewables to get to the 25 percent. Mrs. Triest said there are many pieces to the puzzle, noting it is very complicated. She said there is the production tax credit from the Federal level which helps wind farms with subsidized percentage for the power and that can expire at the end of 2006. She said there is a lag there and it is not a given for that to be reinstated every year. She said it should have been reinstated for 5 or 6 years. She said NYSERDA is purchasing the power from wind developers right now and putting that into the grid as part of the portfolio standard. She said there are voluntary and involuntary markets. She said the reality of it is that there is going to be a certain amount of power set aside for the voluntary market but they do not know how the legislation is going to be done. She said as citizens, we can create demand for this power, noting we have already done it.

Councilman Plummer said he just wondered if the residential, commercial, and industrial rate payers are going to be paying to get to that number. Mrs. Triest said there is going to be a rate that is appropriate. Mr. Plummer asked one more question regarding the towns and villages that are singled out with the percentages are they percentages of their entire demand. Mrs. Triest said it was for their entity, the municipality and what they use. Mr. Plummer said we are just talking about Town Hall. Mrs. Triest said that was correct, noting Saratoga Springs is all their city utility costs. Mr. Plummer asked if it was the same with the remaining entities and Mrs. Triest said it was.

Councilman Plummer thanked Mrs. Triest for her presentation and noted this is something to look at but he would have to reserve until he hears from Town Attorney Potter on the legal aspect of it. He said they need to take a look at the legislation and see if it is real or not for this session.

Councilman Gordon said certainly they will have to look at the legal aspects. He said energy is such a vital issue and the great thing about renewable energy is that it smashes this whole dynamic of jobs versus the environment. He said renewable energy is good for the economy and its good for ecology. He said it is creating jobs in New York State and it is reducing our dependence and the amount of money leaving this country for energy. He asked if the Town were to call the provider and advise them that they wanted to purchase fifty percent renewable or wind energy, how would the provider go about providing that. Mrs. Triest said the provider would include the amount on the monthly billing and it would be shown. She said Saratoga Springs the accounting people were wondering how to do this because of the various buildings but the Town here is talking about one building. She said it would be very easy and be inclusive of the bill.

Councilman Gordon asked if Community Energy would have any roll in this if the approach was made through the provider. Mrs. Triest said Community Energy would be supplying the power and it would go directly to the provider's bill. Councilman Gordon said the competitive dynamic of it, sounds like Community Energy is the only one doing this. Mrs. Triest said other programs may be offered from the provider on their monthly statement or bi-annual choices for customers. She said the other way it can be offered is half wind or half hydro at

a reduced cost. She said it can also be one hundred percent wind at a reduced price. These are choices through the green program, Mrs. Triest said. Mr. Gordon said it would be reflected on the bill in kilowatt hours. Mrs. Triest said on her bill it is all shown.

Councilman Gordon thanked Mrs. Triest for giving the presentation and this is something they are eager to pursue for discussion once the issue of the legislation is resolved. Mrs. Treist encouraged the Board to contact them on questions regarding the legislation because there are people who can answer the questions more eloquently than she could about how this is handled.

Supervisor Egan thanked Linda Burtis noting she came to her a couple months ago and asked if the Board would consider it. She said the bottom line is that the Board has shown an indication in the past in regard to its support of finding alternative renewable resources starting with the grant application that was done last year. She said it certainly is something that not only as a Board but also as individuals are very interested in. She said from a municipal side, they do have to balance it with prudence when it comes to spending taxpayers dollars and one thing they have endeavored to do over the last year and a half is that the value the taxpayers are getting surpasses actually what is being paid. She said they want to give them the best value possible. She said until the legality issue is settled she wanted to thank everyone for this presentation.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to table the request of Councilman Gordon for the possibility of offsetting some electricity cost with purchase of wind energy pending further research.

Councilman Marcelle asked Mr. Potter as he reviews these questions, in regard to another legal question whether we can purchase it directly by vote of the Board or does there have to be a request for proposal made. He said he thinks that is what Councilman Lenhardt raised as a collateral and is curious if there is a requirement to do so. Attorney Potter said that was a very good question and noted he will also look into this.

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.  
Abstain: None.

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Mrs. Burtis reminded everyone that Earth Day is April 22, 2005 and when this was first talked about, Earth Day is a very good celebration every year to be good stewards of the planet. She said that is what this is all about.

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The next item was to approve the appointment of a Member of Bethlehem Industrial Development Agency. Supervisor Egan said this is Pam Robbins and noted there have been some vacancies on the IDA. She said in order to have a quorum at the end of the month, a spot needed to be filled. She said after this, there still will be two vacancies.

The motion was made by Ms. Egan and seconded by Mr. Plummer to appoint Pamela Robbins, Slingerlands, New York to the position of Member, Bethlehem Industrial Development Agency. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.  
Abstain: None.

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The following item was a request from Comptroller, Judith Kehoe, for approval of appointment of Payroll Clerk. Supervisor Egan noted that Patricia Sykala is retiring the end of the month. She said after the interview process and it is a civil service position, Mrs. Kehoe is recommending Nancy Wooster.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of Nancy Wooster, Delmar, New York to the position of Payroll Clerk as requested by Comptroller, Judith Kehoe, at a salary of \$31,861, effective April 14, 2005. The motion was approved by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

Abstain: None.

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The next item was a request from Judith Kehoe, Comptroller, for approval of budget transfers. Supervisor Egan noted there were several and they have to do with the restructuring that has been done over the last couple of months in regard to the departments. She said it also has to do with the planning budget from the Department of Public Works to the Economic Development and Planning side and it reflects some additional personnel changes.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the budget modifications as requested by Comptroller Judith Kehoe and listed in the Memorandum dated April 5, 2005. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

Abstain: None.

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The next item was a request from Supervisor Egan for authorization to execute letter in support of Rural Preservation Partnership. The Supervisor said Supervisor Crosier of the Town of Berne requests that the Town of Bethlehem send in a letter in support of the Rural Preservation Partnership. She said information was provided that was sent by the Supervisor of Berne. She said this does not have a direct effect on Bethlehem but it is a collaboration of some of the hill Towns but it is something that will strengthen getting municipalities to work together in some cooperation and recognizing that there are grant opportunities that we can help one another.

Councilman Marcelle said he was not sure he understands exactly what the proposal is but this refers to grant programs that help the hill towns. He said this would not necessarily be available the Town of Bethlehem but if we join it would help the hill towns get these grants. He asked if this was the idea. Supervisor Egan said Mr. Crosier's thought process is to that the extent he can get support from surrounding communities, it would help in the grant applications. Mr. Marcelle inquired if it cost the Town any money. Supervisor Egan said it did not. Councilman Marcelle said in the spirit of neighborly love, he would approve of this.

Councilman Lenhardt mentioned that in almost every letter attached to the request, there is a statement from each municipality that there is no financial contribution from them so they are in favor of it. Supervisor Egan said she would be more than happy to make sure that that was contained in her letter also.

Councilman Gordon said he did not know if it was necessary to put that in the letters but it really jumped out to him that the other municipalities are in full support but this means no money. He said he thinks the Town can show support without stating it so boldly. He said we are of the same County and community.

Supervisor Egan said she would be more than happy to address a letter and pass it to the Board Members.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to approve the Supervisor sending a letter of support of the Rural Preservation Partnership. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

Abstain: None.

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The following request was from Acting Building Inspector, Mark Platel to revise and update the "CEDAR" (Code Enforcement Disaster Assistance Response) Program. Supervisor Egan noted this was something that the Town has been in support of for a few years now and it allows the Building Inspectors to respond to other communities in a mutual aid reciprocating type manner when there are local disasters. She said Mr. Platel and Mr. Rice went last Thursday and Friday down to historical Port Jervais to help with a flooding issue.

The following resolution was presented for adoption.

**TOWN OF BETHLEHEM, COUNTY OF ALBANY,  
STATE OF NEW YORK**

I, Theresa Egan, Supervisor of the Town of Bethlehem, County of Albany, State of New York, do hereby certify that at a regular meeting of the Town Board of the aforesaid Town, on the 13<sup>th</sup> Day of April 2005 at the Town Offices, 445 Delaware Avenue, Delmar, New York, the following resolution was adopted, every member present voting therefore, to wit:

Motion by Board Member Thomas Marcelle, seconded by Board Member George Lenhardt to adopt the following resolution:

WHEREAS, in the event of a disaster, many communities do not have enough sufficiently trained Code Enforcement Officials to inspect buildings affected by such disaster; and

WHEREAS, Codes Division, in partnership with the New York State Building Official Conference, has a program to render volunteer assistance to disaster stricken communities known as CEDAR (Code Enforcement Disaster Assistance Response); and

WHEREAS, the Town of Bethlehem supports the CEDAR program and supports the participating in the program be side enforcement officials employed by the Town who meet the qualifications of CEDAR; and

NOW THEREFORE BE IT RESOLVED, that the Code Enforcement Officer Mark Platel and Assistant Code Enforcement Officers Roger Griffiths, Gil Boucher, David Rice and George Chamberlain III are authorized to submit application for membership to the Code Enforcement Disaster Assistance Response program and to complete the necessary training; and

BE IT FURTHER RESOLVED that the Town of Bethlehem agrees to provide indemnification and insurance coverage for said Code Enforcement personnel while acting as part of the CEDAR Team for mutual aid purposes.

The resolution was adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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The next item was a request from Chief of Police, Louis Corsi, to accept resignation of Records Clerk, Brooke Rifenburg. Supervisor Egan noted this was done very sadly because she has added a great benefit to the Police Department but she is moving on to the NYS Attorney General's Office.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the acceptance of resignation from Brooke Rifenburg, Records Clerk, Police Department. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.  
Abstain: None.

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The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval of sale of vehicles at auction in Clifton Park, NY.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the sale of vehicles at auction at Northway Auto Exchange, Inc., Clifton Park, NY as listed in the letter to the Town Board dated March 31, 2005. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.  
Abstain: None

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Councilman Gordon asked Mr. Sagendorph in regard to this if there are any other alternatives for this sale. Mr. Sagendorph said we could advertise on our own but we have to go with the best offer and the highest price for each vehicle. He said an auction is a better alternative. Councilman Gordon asked how big a cut the company seeks. Mr. Sagendorph said he thinks they take \$95 on each vehicle no matter what the price is. Councilman Gordon said it was hardly worth the advertisement otherwise. Mr. Sagendorph agreed. Councilman Gordon thanked Mr. Sagendorph.

Supervisor Egan added that the publication costs to notice these bids would almost be the \$95 dollar cost. She asked if there were any other questions.

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The next item was a request from Director of Economic Development and Planning for adoption of resolution pertaining to SEQR and the Scope for Harbor at Beacon Pointe. Supervisor Egan said the information has been provided to the Board Members. She said there is a SEQR resolution recommending adoption of the DEIS Scope.

The following resolution was presented for adoption.

TOWN BOARD  
TOWN OF BETHLEHEM  
SEQR RESOLUTION  
ADOPTING DEIS SCOPE  
APPLICATION TO ESTABLISH A PLANNED COMMERCIAL DISTRICT  
PROPOSED PCD NO. 7  
**HARBOR AT BEACON POINTE**

WHEREAS, the Town Board of the Town of Bethlehem has received an application, Environmental Assessment Form and related materials from OG Real Estate Developers, LLC to amend the Town Zoning Code and Map by the establishment of a Planned Commercial District on 76.825 acres of land located along the Hudson River, east of the intersection of River Road (NYS Rt. 144) with Glenmont Road; and,  
WHEREAS, the stated purpose of said zoning amendment is to allow the subsequent construction of a 1.5 million square foot commercial development along the Hudson River, consisting of 1.0+ million square feet of office space, 80,000 square feet of retail and restaurant

space, a 30,000 square foot hotel, 260,000 square feet of residential space, and 40,000 square feet devoted to a theater, museum and indoor water park; and,

WHEREAS, the proposal would also include development of a harbor along the Hudson River and development of parking facilities for 5,400 vehicles; and,

WHEREAS, the Town Board by Resolution adopted August 13, 2003: (1) determined that the proposed action is subject to the State Environmental Quality Review Act (SEQR), (2) made a preliminary classification of the project as a Type I action, (3) identified other Involved Agencies including potential federal agency involvement, (4) required the preparation and submission of a full Environmental Assessment Form (EAF), and (5) indicated its desire to be Lead Agency for SEQR review of said action; and,

WHEREAS, the Town Board by letters dated August 18, 2003 and April 12, 2004 undertook coordinated review of the project by mailing notice, and copies of the EAF and Planned Commercial District application, to other involved agencies indicating that it intended to act as Lead Agency for SEQR review of the project unless objection was received from another Involved Agency within 30 days; and,

WHEREAS, the Town Board by Resolution adopted on June 9, 2004: (1) declared itself Lead Agency for SEQR review of the Harbor at Beacon Pointe, (2) classified the application as a Type 1 action and (3) issued a Positive Declaration requiring that a draft Environmental Impact Statement (DEIS) be prepared on the application; and,

WHEREAS, the Town Board pursuant to the SEQR Regulations and the "Memorandum of Understanding between the Town of Bethlehem Town Board and Planning Board for Planned Development Districts" (MOU), adopted by the Town Board on February 27, 1991, referred the application to the Planning Board for "Scoping" of the draft Environmental Impact Statement; and,

WHEREAS, the Planning Board pursuant to 6 NYCRR 617.8 and the MOU: (1) received and accepted a draft Scope on August 17, 2004; (2) filed appropriate notice and conducted a DEIS scoping session on September 21, 2004; (3) allowed for a 41 day public comment period on the draft Scope, which ran through September 27, 2004; (4) considered the comments received on the draft Scope; and (5) developed a final recommended Scope for the DEIS in consultation with its consultant engineer and the Town Planning Department; and,

WHEREAS, the Planning Board at its meeting of March 1, 2005 adopted a Resolution recommending that the Town Board adopt the final Scope developed by the Planning Board as the Final Scope for the Harbor at Beacon Point DEIS; and,

WHEREAS, the Town Board has independently reviewed and considered the content of the final Scope,

NOW, THEREFORE, BE IT RESOLVED,

that pursuant to the SEQR Regulations and the MOU between the Town Board and Planning Board, the Town Board hereby adopts the final Scope developed by the Planning Board and dated April 13, 2005 as the final Scope for preparation of the DEIS for the Harbor at Beacon Pointe; and,

BE IT FURTHER RESOLVED

that the Town Board hereby authorizes and directs the Department of Economic Development and Planning to file copies of the final Scope with all involved agencies, interested agencies and other parties as identified in said Scope.

On a motion by Mr. Marcelle, seconded by Mr. Gordon and a vote of 4 for, 0 against, 1 abstention and 0 absent, this RESOLUTION was adopted on April 13, 2004.

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Supervisor Egan noted Councilman Plummer will abstain from the motion. Councilman Plummer indicated this was correct. Councilman Marcelle

asked if this was for the east side of Route 144, River Road. Mr. Leveille said it was. Mr. Marcelle asked in addition if this has nothing to do with the housing project on the west side of Route 144. Supervisor Egan said that was correct. Mention was made that part of the EIS was the traffic considerations.

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

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the appointment of seasonal personnel as listed in the list dated April 13, 2005 at the titles and salaries listed. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Abstain: Mr. Lenhardt.  
Absent: None.

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The next item was a request from Comptroller, Judith Kehoe, for approval of transfer of funds between Capital Reserves and adoption of resolution to expend money for the South Albany Sewer System project. Supervisor Egan asked Comptroller Kehoe to explain the slight change. Mrs. Kehoe said there was a slight change in the resolution and public notice indicating she added in the third paragraph, and \$318,000 will be funded through a Federal grant leaving a balance of \$82,000 requiring funding by the Town. She said this was done to show the extent of money that the Town would be looking for. She said she rounded the figure up.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to approve the transfer of funds between Capital Reserve Funds for the South Albany Sewer Capital Project. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.  
Abstain: None.

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The following resolution was presented for adoption.

RESOLUTION NO. 13

**RESOLUTION AND PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 13th day of April 2005, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to fund the construction of a sanitary sewer connection as part of the South Albany Sewer system reconstruction, and

WHEREAS, it is estimated that the costs of said work will not exceed \$400,000, and \$318,000 will be funded through a federal grant, leaving a balance of \$82,000 requiring funding by the Town; and

WHEREAS, in recognition of these needs, funds for such purpose are in the Sewer Fund Capital Reserve Fund; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the construction of the sanitary sewer connection; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$82,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Sewer Fund Capital Reserve Fund the funds necessary up to \$82,000 in said reserve fund; and

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

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

The motion to adopt the resolution was made by Mr. Gordon, was seconded by Mr. Lenhardt and duly adopted by the following vote:

AYES: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

NOES: None.

ABSENT: None.

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The next item was to acknowledge receipt of Certificate of Conditional Approval of Final Plat for the Glenmont Woods Subdivision from the Planning Board for information purposes.

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The next item was a request from Town Engineer, Erik Deyoe, for release of bonding for PRD - Terramere. Supervisor Egan noted this was 2 items, one releasing bonding and reducing another bond and the acceptance of easement.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the release of bond and the reduction of bond to \$10,000. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

Abstain: None.

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The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the acceptance of easement for utility purposes from The Goldman Group, Madison, New Jersey as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

Abstain: None.

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The following item was a presentation by Director of Economic Development and Planning, George Leveille, on Development Planning Committee and review process. Supervisor Egan said information was provided to the Town Board Members, which has been kicked off this month. Mr. George Leveille said he promised to be short winded.

Mr. Leveille said the information was about the formation of a development planning committee. He said it is really a result of the comprehensive planning process and much of what was heard from the development community about the process of developing in the Town and ways that improvement can be done to the efficiency and productivity of that. He said they hope to enable prospective developers, property owners who have ideas and concepts for their property to meet early on with Town officials who are involved in development either at the construction or building right phase or later on through maintenance of infrastructure or provisions of other on-going services like public safety. He said they are creating a monthly meeting at a regular time where this group will be assembled and developers can contact, Terry Ritz, on the staff who will run this program to be on the agenda. He said they will come in with prospective plans and they will be able to brainstorm with the developers well in advance of their application to the Town for some building right. He said they think this is a tool at that many communities use and is very successful in helping to get questions answered before they are really asked, before they are at the permit stage and it can save an applicant dollars in terms of doing designs and having to go back and change things.

Mr. Leveille said this will have a formal structure and by letting the community know about this, they envision that on a monthly basis they will have a

couple applicants who have questions about prospective development. He said as the Supervisor noted in her Memorandum, things like consistency with the planning code, the comprehensive plan, other rules and regulations, fee structures for implementation of infrastructure, capacity issues and all those types of things that can be developed up front and can help a developer to properly scope their project before they apply to the Town. He said they think this will be a very important tool that will help to streamline the process. He said next month he will be back to the Board speaking about Town designated engineers, noting this is another way to assist the Town in processing development applications and doing it in a consistent and timely manner.

Supervisor Egan asked if there were any questions. Councilman Plummer said he thought this was great and it is about time. Councilman Gordon asked what time of day this meeting would take place. Mr. Leveille said he suspected a regular time. He said they will start at 10 a.m. and have a 2 hour block. He said if this is not convenient, they will work around a more generally convenient time. He said they want to make the meeting regular so that those on the committee know to attend and regularly attend and all the resources are there. He said his sense is that the professionals who represent the property owners, that is their normal business hours and be available to work with the committee. Mr. Gordon asked if it would be a shorter agenda and then everyone go on with their business. Mr. Leveille said that was correct and they will have the ability that if there is a month that there is a light agenda, they can postpone the meeting but at least it is scheduled on a regular basis. He said they will advertise through the web and the real estate community to let people know that this is available as a service.

Councilman Marcelle commented that he echoed Councilman Plummer's comments and said this is great, however, he said he is always a little skeptical that another government board or commissioner or entity can ever streamline anything. He said having said that, it is not this particular group, but kind of the successor that he worried about. He said his worrying is not for the foreseeable future but the future that we do not foresee. He said this is intended to help promote economic development and to help businesses through what has traditionally been the maze and red tape of the Bethlehem approval process. He said he applauded Mr. Leveille on that and he would support it. He said for the record he will have reservation about when people forget the original mission, this could be a source for trouble. Mr. Leveille said if it was any consolation, in all honesty, he used this in Albany for 18 years, very successfully and it appears to have survived my departure from the City of Albany.

Councilman Lenhardt said he sees this as an organizational, operational thing and anything to streamline the process and take that moniker of Bethlehem being non-business friendly is a benefit. Mr. Leveille said it is communication and it forces a lot of departments who during the course of a day are working in different directions to communicate about issues that are of common interest and at the end of the day everyone winds up doing a better job. He said he thinks it is not a board, it is everyone who is doing daily job and doing it at the same time.

Supervisor Egan added that is not a mandatory step, just so it is clear, for any developer. This is being offered as an amenity to allow developers to come in and bounce things off everyone at one time, according to Supervisor Egan. She said this was in opposition to having to go and talk to each department individually. She said this is to be a set day and time for anyone to come and discuss a project. She said she agreed with Councilman Marcelle, noting that the last thing they want to do is add another level of mandatory review to anything. She said in this particular case, it is being done as an offer of people coming in.

Supervisor Egan also asked Mr. Leveille to let the Board know that one of the things that they have started with the Planning Board was to talk to them about actually having a planning meeting with them. Mr. Leveille said the Planning Board meets twice a month and they thought that maybe one of every three or four sessions would be a planning session where they would sit and talk about planning initiatives under way in Town, whether it is the 9W linkage study or the river corridor analysis or they did some very soft visioning the other night about New

Scotland Road and the future of that area once the bypass is built. He said the Planning Board should really be party to that and they have been overly consumed with land use processing. He said they seem to be receptive to trying to integrate that into the process as well.

Supervisor Egan said finally the schedule in regard to the zoning and comp plan is on the web. Mr. Leveille said he thought the Board was provided with that. He said there was a question about appendices and noted they are being delivered to the Board tomorrow. He said they are available at Mail Boxes Etc., which is also selling the draft comprehensive plan. He said it is on the website and CD ROM disks can be made if folks would like that. He said the appendices are really the background information, the meeting notes, the survey results and the things that are underlying the plan itself. Mr. Leveille said the schedule has been sent to the Board and they are continuing on that schedule to meet the deadlines that they have established. He said he is getting a lot of phone calls about initial reviews of existing projects.

Supervisor Egan thanked Mr. Leveille.

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Supervisor Egan asked if there was anything else from the Board before she opened it up to public comment. There were none.

Supervisor Egan asked if there was any public comment this evening. Mrs. Marie Capone said for the people who help and support the fire department, the Slingerlands Fire Department was having a breakfast Sunday morning from 8 to 12, \$5. She said we should encourage our firemen. She thanked the Board.

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Mr. Robert Jasinski asked if anyone reads the funny papers anymore. He said one of his favorites is Beetle Bailey. He read from the comic strip – communism failed because it was against human nature – people want to be rewarded for their work – they want to own what they earn – you can call it selfish if you want but self is the center of the universe – even giving voluntarily to others is selfish in a way because you get a good feeling in return -- dictators take power promising to help people but soon are only helping themselves – there is a bit of the dictator even among elected officials who use their powers for their own interest -- maybe the best system is to keep turning our officials over before they turn on you – too long in power allows too many opportunities for corruption – people are more productive with fewer laws and restrictions – even good laws have flaws – and room should be left for exceptions because everyone is different with individual needs. He thanked the Board.

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Supervisor Egan asked if there were any other comments this evening. Mrs. Linda Jasinski said that there is not a perception that the Town of Bethlehem is not business friendly, they are not business friendly or at least they have not been. She said you can see every business that tries to come in here gets a big run around and even businesses that are established somewhere else that want to come in and open something in a building that has been sort of what they have been doing get a really hard time here. She said she hopes we can change that. She said she was up to Colonie yesterday and with a 30 percent tax base that is commercial they have a lot of money up there to do things like the Crossings that she was at. She said that is an absolutely beautiful place. She said it does not cost the taxpayers a lot themselves because the commercial base can pay for that. She said she hopes that we have enough land allocated in this comprehensive plan for commercial stuff. She said that is what wants to come in here.

Mrs. Jasinski said the other thing she would like to ask was about the shooting range in South Bethlehem and how that was coming along. Supervisor Egan said they just talked about that and the engineers are still in the process of trying to get it surveyed and draw up a description. She said they are still working on that because it involves access.

Mrs. Jasinski said in the interest of getting off foreign oil, she said she did not know how far up the hillside that land goes but it might be a place to put a wind turbine that the Town itself owns. She said she knows you probably have to do some design standards and make sure that it looks nice up there or whatever. Councilman Lenhardt said that was very simplistic. Mrs. Jasinski said it might be something that would be more cost effective for the Town. Supervisor Egan thanked Mrs. Jasinski.

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The Supervisor asked if there were any other comments. There were none.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 7:40 p.m. The motion was carried by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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Town Clerk